Tosefta Berachot

Translated into English with a commentary by

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www.toseftaonline.org

Vowelization of the Hebrew Text by Rabbi Levi Sudri

www.levisudri.com
Dedicated to my grandfather, Peter Tsypkin, who taught me how to build a bridge across the river and not along it.

Посвящено моему деду, Петру Цыпкину, кто научил меня как строить мост поперёк реки, а не вдоль.
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Introduction to the Tosefta

The Tosefta is a book of Jewish oral law, most probably written in the 3rd century CE. It is a compilation of short passages, called Beraitot (singular: Beraita), each of which states a particular law or point. There is a debate between modern scholars whether the Tosefta was written before or after the Mishna, as there is literary evidence pointing both ways. It is my opinion that the Tosefta was written after the Mishna as its name, Tosefta, implies. Tosefta is an Aramaic term, meaning the same as the Hebrew word, Tosefet, which simply means “addition”. As the name suggests it was compiled as an addition to the Mishna.

The Tosefta serves its purpose as an addition to the Mishna in a number of ways:

1. It adds laws that are not mentioned in the Mishna at all.

2. It clarifies some of the laws that are mentioned in the Mishna in a very concise manner by adding additional words to them.

3. It quotes additional or different Tannaim as the sources of the exact laws mentioned in the Mishna.

4. It quotes dissenting opinions from those listed in the Mishna.

5. It interprets obscure passages in the Mishna.

Throughout my commentary I have pointed out different passages in the Tosefta which imply it being written after the Mishna. Of course, this does not mean that all of the Tosefta has been written after the Mishna. There are individual Toseftot that have been formulated long before the 3rd century CE, just like there are individual Mishnayot that have been formulated way before the Mishna as a whole was written down. These passages were passed orally from generation to generation until they were written down into the book of the Tosefta. As I came across such passages I have pointed out their most probable date of compilation.

The Tosefta follows the same order of tractates (Masechtot) as the Mishna, although the number of chapters, as well as the location of individual Toseftot
within a chapter, differs from the Mishna. It should be noted that four Masechtot of the Mishna are omitted from the Tosefta: Avot, Kinnim, Middot and Tamid.

It is not known why particular laws have not been included in the Mishna and have only been included in the Tosefta. It is a common belief that the author of the Mishna, Rebbi Yehudah Hanassi (135 – 220 CE), felt that these laws were not as important as others and therefore did not include them into the Mishna. However there are multiple examples throughout the Tosefta that show that this belief is simply not true. The Tosefta often quotes such important laws that are not mentioned anywhere else that without them the Torah simply would not be able to be kept. I would like to point out one such example.

There is a law in the Torah of a ritual impurity (Tumah) called a Zav, for a man, and a Zavah, for a woman. See Vayikra 15:2-15. The impurity is associated with some kind of a flow of a liquid out of the human body which renders the person impure (Tameh). However the Torah itself does not explain what kind of flow this is. The Mishna dedicates a whole Masechta to the laws of a Zav and a Zavah, called Zavim. However, it also does not explain when this flow occurs. It assumes that this as a known fact. The only source which explains what kind of flow the Torah is talking about is the Tosefta. The Tosefta (Zavim Tosefta 2:2) states as follows:

And what is the difference between the flow [of a Zav] and a [regular] seminal emission? The flow [of a Zav] comes from dead flesh (i.e. non-erect penis), [where as] a [regular] seminal emission comes from live flesh (i.e. erect penis). The flow [of a Zav] is watery, like the white of a fertile egg [of a chicken] and a [regular] seminal emission is cohesive, like the white of a non-fertile egg [of a chicken]. A [regular] seminal emission is reddish and the woman may assign [the red stain on her garment, not upon her own menstruation, but rather upon] it (i.e. her husband’s semen that leaked out of her vagina after sex, which would not make her impure (Tmeah) as a Niddah).

Most importantly this Tosefta describes the cause of the flow of a Zav, which is a discharge from a non-erect penis, most probably due to a sexually
transmitted disease, gonorrhea. Since the discharge from the penis during gonorrhea is essentially pus, or a discharge that looks like pus, it is a lot less sticky than semen, and therefore the Tosefta accurately describes it being watery, as opposed to being cohesive like semen. The Tosefta’s last statement is referring to a common condition known as hematospermia, which is the presence of blood in the semen, which gives it a reddish color. Often this condition is benign although sometimes it is indicative of some kind of a problem. During gonorrhea there is generally no blood emitted from the penis together with the pus and therefore it can serve as another distinction between the two emissions.

It should be clear by now that without this Tosefta the laws of a Zav would remain completely obscure as there would be no clear definition of what kind of a flow causes the Tumah of a Zav. This proves that in no way Rebbi Yehudah Hanassi could have thought that this law is somehow not important enough to be included in the Mishna. Therefore the reason behind the exclusion of various critical laws (Halachot) from the Mishna remains a mystery.

Who wrote the Tosefta?

The author of the Tosefta is not clearly known. Rav Sherira Gaon writes in his famous letter (Iggeret Rav Sherira Gaon 34), around 976 CE, that he is sure that Rebbi Chiya (circa 180 – 230 CE), the student of Rebbi Yehudah Hanassi, wrote it. The only thing he is not sure about is whether he wrote it during the lifetime of Rebbi Yehudah Hanassi or after his death (in 220 CE), because the year of Rebbi Chiya’s death is not clear. This has been the traditional opinion ever since. However, modern scholarship has shown that it is also possible that Rebbi Oshiya (also known as Rebbi Hoshiya) may have written it, either by himself or together with Rebbi Chiya. See Michael Higger, “A Yerushalmi View of the Authorship of the Tosefta”, Proceedings of the American Academy for Jewish Research, Vol. 11 (1941), pp. 43-46. It should be noted that Rebbi Chiya himself is mentioned in the Tosefta (Beitza 1:4 and Negaim 8:7) implying that another person did the final editing. Rebbi Oshiya is not mentioned in the Tosefta and therefore it makes more sense that he would be the final editor. As I already mentioned, parts of the Tosefta were clearly compiled long time before Rebbi Chiya and Rebbi Oshiya as evident from the context. Talmud
Yerushalmi (Shabbat 8:1, Daf 54b) mentions a story in which Rebbi Abahu says that he learned an ancient Tosefta. Rebbi Abahu lived during the 3rd century and was a contemporary of Rebbi Chiya and Rebbi Oshiya, although younger than they were. It is hard to believe that he would call the Tosefta “ancient” if it was written during his friend’s lifetime. He must have been referring to something written much earlier than that.

The order of the tractates of the Tosefta

There are six orders (Sedarim) of the Tosefta, just like there are six orders of the Mishna. The six orders are:

1) Zerayim – Seeds
2) Moed – Holiday
3) Nashim – Women
4) Nezikin – Damages
5) Kadshim – Holy Objects
6) Taharot – Purities

The order of the Masechtot of the Tosefta generally follows the order of the Mishna, although there are some variations between different manuscripts and printed editions of the Tosefta. There is one exception to this, which is the Masechta Keilim. In the Mishna it is a single tractate, where as in the Tosefta it is split into three separate tractates, known as, Bava Kama, Bava Metzia and Bava Batra. These should not be confused with regular Masechtot, Bava Kama, Bava Metzia and Bava Batra in Seder (Order) Nezikin. To differentiate between them the three tractates of Masechta Keilim are usually called with the prefix “Keilim” (i.e. Keilim Bava Kama, etc...) where as the regular Bavot from Nezikin are called without a prefix (i.e. Bava Kama, etc...). Altogether there are 61 tractates in the Tosefta. The names of the Masechtot also vary between different manuscripts and editions. Even the name of Seder Nezikin is changed in the Erfurt Manuscript of the Tosefta to Seder Yeshuot (The Order of Salvations).
There are four Masechtot in the Mishna that do not have a corresponding Masechta in the Tosefta. This also points to the time of the Tosefta’s compilation being after the Mishna, hence some Masechtot have been omitted, although it is possible that they have existed and simply have been lost over time since the Tosefta was not as popular as the Mishna. The following tractates of the Mishna are completely omitted in the Tosefta:

a) From Seder Nezikin:
   1) Avot

b) From Seder Kadshim:
   2) Tamid
   3) Middot
   4) Kinnim

The following table shows all of the variations in the order and names of the tractates of the Tosefta known to me. If a particular Masechta is missing in a particular manuscript its name is omitted in the table for that manuscript. If a name of the tractate is different in a particular manuscript or edition then its used name is written first and the more commonly known name is written in parenthesis.
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Manuscripts of the Tosefta

There are 3 extant manuscripts of the Tosefta: Vienna Manuscript, Erfurt Manuscript, and London Manuscript. Besides the three manuscripts there are also small sections of the Tosefta that were found in the Cairo Geniza and the European Geniza and are known as the Geniza Fragments. Saul Lieberman, in his edition of the Tosefta of Seder Nezikin, considered one of these fragments a manuscript, known as the Schocken manuscript, although most scholars consider it a fragment since it is only a few pages long.

The Vienna Manuscript

The Vienna Manuscript is the only complete extant manuscript of the Tosefta. It was written approximately in the end of the 13th, beginning of the 14th centuries. It is written in square Sephardic script on parchment and contains 327 folios. Its catalog number is Hebrew Manuscript #20, Austrian National Library in Vienna (Cod. Hebrew 20, Österreichische Nationalbibliothek, Wien). The Vienna Manuscript is missing the following 10 small sections of the Tosefta due to missing folios.

1) Demai, middle of chapter 5 – chapter 8
2) Terumot, chapter 1 – middle of chapter 2
3) Nazir, middle of chapter 3 – middle of chapter 4
4) Sotah, middle of chapter 6 – middle of chapter 7
5) Bava Batra, middle of chapter 2 – middle of chapter 4
6) Sanhedrin, middle of chapter 8 – middle of chapter 9
7) Makkot, chapter 2
8) Ohalot, middle of chapter 4 – middle of chapter 5
9) Mikvaot, middle of chapter 3 – middle of chapter 6
10) Zavim, middle of chapter 1 – middle of chapter 3

At the end of the manuscript there is a short history of its travels. In the Jewish year 5100 (1340) it belonged to a man by the name of Rav Menachem Bar
Avraham. He sold it in the month of Tamuz of that year to Rav Daniel Bar Moshe Hakohen for 10 ½ gold coins. Then in the Jewish year 5307 (1547) it was purchased by Rav Yosef Bar Yehoshua Hakohen of Genoa, Italy for 40 gold coins. This Rav Yehoshua was a known historian who wrote a book Emek Habacha on the history of the Jewish people. Then in the year 5490 (1730) it was bought by some Rav Yakov. Finally, in 1843, the manuscript was in the possession of Rav Avraham Ginsburg who sold it to the Vienna Library for 200 florins.

The Erfurt Manuscript

The Erfurt Manuscript is the oldest extant manuscript of the Tosefta, although it is not complete. According to Saul Lieberman, in his introduction to his edition of the Tosefta, it was written sometime during the 12th century in Germany, by an Ashkenazi scribe. The Erfurt Manuscript contains the first four Sedarim (Zerayim, Moed, Nashim and Nezikin) of the Tosefta and the first four and a half chapters of Masechta Zevachim. After that the manuscript stops implying that it was never finished by the original scribe. It contains 226 folios, 222 of which is the Tosefta and the last 4 is some other material.

The history of the Erfurt manuscript is partially written on its last page and partially in the Memorial Book of the City of Erfurt. The gist of the receipt written on the last page of the manuscript is as follows. In the Jewish year 5020 (1260) it was owned by Rav Yakov Bar Simcha. This Rav Yakov owed some money to Rav Elazar Bar Yitzchak Halevi. A third of this manuscript, together with another book was given to a third party, Rav Yehudah Bar Shneur, to be held as collateral until Rav Yakov paid his debt to Rav Elazar. The story continues in the Memorial Book of the city of Erfurt, Germany. In the year 1362, the council of the city of Erfurt sold a bunch of Jewish manuscripts for 34 marks. Prior to that these manuscripts laid around for many years in the building of the city council in Erfurt. These manuscripts ended up in the council building during the Jewish pogrom in 1349 in Erfurt which followed the epidemic of Black Plague. In March 1349, 100 Jews were murdered by the populace and those Jews who survived were expelled from the city. The manuscripts were probably stolen by the mob during the massacre and then given over or sold to the city council. The manuscript contains blood stains on it, which suggests that one of its owners was murdered or at least very hurt most probably during the pogrom of 1349. In 1879, 16 of these manuscripts
were found in the Erfurt Evangelical Church Library and among them was the manuscript of the Tosefta, labeled N.11V.12. In 1879 this collection of manuscripts was transferred to the German National Library in Berlin, where they remain today. The name of the Tosefta manuscript remains the Erfurt Manuscript, based on the city where it was originally found. The manuscript is labeled in the Berlin National Library as Staatsbibliothek (Preussischer Kulturbesitz) Or. fol. 1220.

**The London Manuscript**

The London Manuscript is the most recent and the 2nd shortest manuscript of the Tosefta, as it contains only Seder Moed and Masechta Chulin on 73 folios. It is estimated to be written in the 15th century in Sephardic African writing style. The manuscript is kept in the British Museum, labeled London British Library Add. 27296.

**The Schocken Manuscript**

The Schocken Manuscript is not really a manuscript but rather a large fragment of the Tosefta. It contains only 4 folios with a small part of Seder Nezikin. The end of chapter 11 of Bava Kama through chapter 5 of Bava Metzia. The fragment itself is not complete, because the pages are ripped. The manuscript is kept in the Schocken Library of the Jewish Theological Seminary in Jerusalem and is labeled Manuscript 2041.

**The Geniza Fragments**

The Geniza Fragments of the Tosefta mostly originate either from the Cairo Geniza or from the European (mostly Italian) Geniza and are dispersed throughout various collections in many libraries around the world. Among them is the oldest extant fragment of the Tosefta dating from the 10th century, from the city of Norcia, Italy, which contains a part of Masechta Nedarim.

The London Manuscript. Shekalim, chapter 3.
Printed editions of the Tosefta

The first printed edition of the Tosefta was done by the famous printer, Daniel Bomberg, in Venice, in 1521. It was printed together with the Halachot of the Rif in a 3 volume edition. The text of the Tosefta is dispersed throughout the volumes. The editors of the Venice edition used at least two manuscripts, both of which contained many mistakes, as the editors themselves note in the end of Seder Zerayim. The editors wrote that despite many mistakes they did not change any of the text based on their own ideas, but rather kept exactly as it was in the manuscripts. Due to this strict adherence to the original manuscripts most scholars consider this edition authoritative enough to be used as one of the original references of the text together with the extant manuscripts.

Since then there have been only a few more editions of the Tosefta. Two of those editions are critical editions which contains variant readings from multiple manuscripts.

The first critical edition and the only such edition on the whole Tosefta was done by Rav Moshe Shmuel Zuckermandel, originally published in Trier, in 1882. The second edition was published in 1937, in Jerusalem. It was based on the Erfurt and the Vienna manuscripts. This edition still contained some mistakes in the text, since Zuckermandel did not write it directly from the manuscripts themselves but rather from their copies, some of which were made by him and some of which were made by others.

The second critical edition was done by Professor Saul Lieberman and published by JTS (Jewish Theological Seminary) in New York, in 1955, and then again with an additional volume in 1988. Lieberman used all of the available manuscripts and Geniza fragments and the Venice printed edition. It was proofread and compared to the facsimiles of the manuscripts multiple times, so it is very accurate. Unfortunately Lieberman did not publish the whole Tosefta. In 1955 only 3 Sedarim: Zerayim, Moed and Nashim, were published. And in 1988, already after his death, a 4th volume of a part of Seder Nezikin with Masechtot Bava Kama, Bava Metzia and Bava Batra was published. Lieberman wrote in the introduction that he decided not to pick the best version of the text by critical analysis and instead followed the Vienna manuscript exactly as it was, since he felt that it was the best available
manuscript. The variant readings from other manuscripts and the first edition are included in the notes below the main text.

The remaining editions of the text of the Tosefta are summarized in the list below. They are not really authoritative or particularly accurate as most of them are copied from the previous printed editions. In some cases the editors made changes to them based on the text that appears in Talmud Bavli or Yerushalmi, which made it really distorted since many times it only appears that the Talmud is quoting the Tosefta, when in reality it is quoting a different Beraita with similar content. It should be noted that this list is most probably not complete, because I have seen mentioned in other books that there have been other editions of the Tosefta mainly published in the back of various editions of Talmud Bavli. I was not able to obtain their full copies and verify them. Most of those editions have been based on the original edition of the Tosefta from Venice 1521 and not on other manuscripts, so they do not add anything to the editions already mentioned.

1) Tosefta. Venice 1552. Complete. This is the 2nd Venice edition by the press of Daniel Bomberg.


3) Tosefta Magen Avraham. Amsterdam 1732. Seder Nezikin only.

4) Tosefta Yam Yissachar. Metz 1769. Masechta Beitza only.

5) Hatosefta. Vilna 1799. Seder Zerayim only. Published with the commentary of the Gra (Vilna Gaon).

6) Tosefta Tosafot Bikkurim. Shklov 1809. Seder Moed only.

7) Tosefta in the back of Talmud Bavli, Vilna Romm edition. Vilna 1835. Complete. This is the most common edition of the Tosefta as it is reprinted with every current reprint of Talmud Bavli.

8) Tosefta Tanna Tosfaa. Vilna 1837. Seder Nashim only.


11) Tosefta Cheshek Shlomo. Presbourg 1889-1890. Sedarim Zerayim and Nashim only. The text was edited by Rav Shlomo Leib Friedlander, the author of the commentary on the Tosefta, Cheshek Shlomo.


13) Tosefta Higayon Aryeh. Vilna 1890 – Frankfurt Am Main 1901, 1912. Seder Zerayim and Masechtot Bava Kama and Chulin only. The text was edited by Rav Aryeh Schwartz, the author of the commentary on the Tosefta, Higayon Aryeh.

14) Tosefta Techelet Mordechai. Paks (Hungary) 1895-1901. Seder Moed only.

15) Tosefta Chazon Yechezkel. Vilna 1925 – Jerusalem 1975. Complete. It should be noted that the text of the Tosefta was edited by the editor of the printing press and not by Rav Yechezkel Abramsky who wrote the commentary Chazon Yechezkel, as mentioned in the introduction of the editor.

16) Tosefta Shleima. Tel Aviv 1938. Masechta Shabbat only. The Text is vowelized.

17) Mishna Vehatosefta. Haifa, 1939. Masechta Berachot only. The text was edited and vowelized by Yakov Meir Zelkind.


Commentaries on the Tosefta

The Tosefta has not been privileged to a large number of commentaries like the Mishna or Talmud Bavli. There are no dedicated commentaries on the
Tosefta from the Rishonim (Medieval Authorities), although many Rishonim quote the Tosefta on many occasions in their commentaries on the Mishna and Talmud Bavli. I have compiled a list of all of the dedicated commentaries on the Tosefta that are known to me, although it is possible that there are other commentaries on the Tosefta that I am not aware of.

1) Magen Avraham by Rav Avraham Aveli Halevi Gombiner from Kalisz, the author of the commentary Magen Avraham on the Shulchan Aruch. Amsterdam 1732 and in the back of the Vilna Talmud Bavli. Seder Nezikin only.

2) Yam Yissachar by Rav Yissachar Ben Carmoly. Metz 1769. Masechta Beitza only.

3) Chasdei David by Rav David Pardo. Covers the whole Tosefta. Sedarim Zerayim, Moed and Nashim were originally published in Livorno, in 1776. Seder Nezikin was published in Livorno, in 1790. Seder Kadshim was published in Jerusalem, in 1890. And finally in 1977, Seder Taharot was published by Wagshal Publishing together with the rest of commentary, set in a new typeset, in 10 volumes. And abridged version of this commentary is also printed in the back of the Vilna Talmud Bavli.

4) Toledot Yitzchak, by Rav Yitzchak Itzik Halevi Ben Shlomo Zalman of Lemgau (Lemgo in Lippe, North Rhine-Westphalia, Germany), written in Amsterdam and Groningen, Holland, in 1776-1800. The commentary covers the following Masechtot: Shabbat, Eruvin, Pesachim, Beitza, Rosh Hashanah, Yoma, Megillah, Shekalim, Yevamot, Ketubot, Kiddushin, Gittin, Nedarim, Nazir, Sotah, Bava Kama, Bava Metzia, Bava Batra, Avodah Zarah, Sanhedrin, Shavuot, Makkot, Ediot, Horayot, Zevachim, Menachot, Chulin, Keritut, and Mikvaot. The author was chief rabbi of Groningen until his death in 1801. His cousin, Yitzchak Ben Mordechai tried to have the work printed. He published a broad sheet with proofs from the manuscript in 1801, to propagate the work and attract subscribers, but without results. In 1809 the author’s pupil Rav Avraham Prins tried it again and reprinted the broad sheet at the end of his work, Likkutei Tzvi, Amsterdam, 1809, but again in vain. Currently the majority of the work remains in
manuscript kept in the University of Amsterdam Library, Bibliotheca Rosenthaliana, Manuscript #2. Chapter 3 of Yoma was published in Journal Yeshurun, Volume 9, pp. 76-91. The commentary on Masechta Megillah was published by Machon Ofek in 2001 with notes by Rabbi Avraham Shoshana.


7) Tosafot Bikkurim by Rav Menachem Nachum Ben Yehudah Leib from Tchais. Shklov 1809. Seder Moed only. On the title page of this edition it says that the author wrote a commentary on four Sedarim of the Tosefta: Moed, Nashim, Nezikin and Kadshim. However it seems that only the commentary on Moed was printed.

8) Tanna Tosfaa by Rav Shmuel Avigdor Bar Avraham Tosfaa from Karlin. Vilna 1837. Seder Nashim only. The commentary is divided into 3 parts: Minchat Bikkurim which is a detailed commentary based on the two Talmuds, Ittur Bikkurim which is a discussion of Halacha and Mitzpeh Shmuel, which is an index of where the same or similar Beraitot appear in the Talmuds. This separate edition was published on Seder Nashim only, however commentaries Minchat Bikkurim and Mitzpeh Shmuel were published in the back of the Vilna Talmud Bavli edition of the Tosefta on the whole Tosefta in 1861, as listed separately below.


10) Vehaya Beracha by Rav Tzvi Elimelech Shapiro of Dinov, the author of Benei Yissaschar. Przemysl 1875. Chapter 1 of Masechta Berachot only.


13) Hagahot Hagra by the Gra (Vilna Gaon) as was found in a manuscript by Rav Shmuel Avigdor Bar Avraham Tosfaa from Karlin. Vilna 1881. Printed in the back of the Vilna Talmud Bavli. Covers the whole Tosefta.

14) Ohr Haganuz. Notes with variant readings of the Tosefta. Printed in the back of the Vienna and Vilna Talmud Bavli Tosefta editions. According to the note printed on the title page these variations come from a Tosefta manuscript that was written in the Jewish year 4856 (1096).

15) Nuschaot Kitvei Yad. Notes with variant readings of the Tosefta. Printed in the back of the Vilna Talmud Bavli Tosefta edition. According to the note printed on the title page these variant readings come from manuscripts found in various libraries (Batei Eked Sefarim), however which specific libraries and which specific manuscripts is not specified.

16) Cheshek Shlomo by Rav Shlomo Leib Friedlander. Presbourg 1889-1890. Sedarim Zerayim and Nashim only.


19) Techelet Mordechai by Rav Mordechai Friedman (Ish Shalom). Paks (Hungary) 1895-1901. Seder Moed only.


24) Tosefta Mefureshet by Rav Asher Fritzker. Tel Aviv 1938. Published under the title Tosefta Shleima. Masechta Shabbat only.


Translations of the Tosefta

There are a few extant translations of the Tosefta, some complete, some partial, into English and into German. The following list is a summary of the published translations that I am aware of.


4) Die Tosefta Traktats Qiddusin übersetzt und erklärt, by Philipp Schlesinger. Wurzburg 1934. In German. Masechta Kiddushin only.


Books about the Tosefta

Besides commentaries and translations there have been written a few books that discuss the origin, history and style of the Tosefta. I have summarized the ones that I am aware of below.


Introduction to this edition of the Tosefta

I tried to write a translation and a commentary on the Tosefta which would be equally interesting and insightful to an experienced scholar or a novice student of Jewish classical Torah literature. I have tried to write it in a way that even a person who does not know any Hebrew and does not have any background in the study of the Oral Torah will still be able to navigate through the complicated maze of its logic and enjoy the journey while doing so. I hope I have succeeded.

I did not intend for this work to be a critical edition of the Tosefta that sites all possible text variations, since that has already been done by Zuckermandel and Lieberman. My goal was to create a single flowing authoritative text so that the reader can enjoy the book and not worry which reading is better or worse. Therefore instead of using the text of the Tosefta from a single manuscript with footnotes of other readings, like Zuckermandel and Lieberman have done before me, I have carefully edited the original Hebrew text of the Tosefta from all available manuscripts and have chosen the best possible readings that make most sense. If the text that I have chosen came either from the Vienna, Erfurt or London manuscripts I have not noted so in the commentary. However, if I have chosen the text from a Geniza fragment or from some other source then I have stated so in the notes and explained my reasoning behind it. Generally I have not used the text of the Tosefta from any of the printed editions since they are not very authoritative. However there are a few places where I had to use the text from the printed editions, because otherwise the text did not flow or make any sense. In such cases I have stated in the notes which words or phrases were taken from the printed editions and why. I did not change any readings based on logic, even if it has been suggested by other commentators. All of the readings have an original textual source.

The source for the text of all manuscripts that I have used for this edition of the Tosefta is the Bar Ilan University Jewish Studies Department Tosefta Repository located at http://www.biu.ac.il/JS/tannaim/. Whenever there is a doubt of what the manuscript reading should be I have consulted the scanned images of the Vienna and Erfurt manuscripts, as well as of the first printed
The division of each tractate into chapters and numbering of individual Toseftot follows the printed edition of the Tosefta in the back of Vilna Talmud Bavli. This division methodology slightly differs from the way the Tosefta is numbered in the manuscripts and in other printed editions. However, the reason that I chose to use it is because it is the mostly widely spread and readily available edition of the Tosefta and therefore most easily accessible by readers. Since all of the numbering systems of the Tosefta lack in precision and often do not make any sense I do not think that it really matters which system is used as long as it is consistent.

In the translation of the Tosefta there are parts of the text that written without brackets, parts in square brackets [ ] and parts in parenthesis ( ). The text without brackets is the translation of the original Hebrew text as it appears. The text in square brackets is extra text added by me in order to make the text flow better and make more sense to the reader. The parts in parenthesis are extra explanatory notes that are used to clarify or paraphrase the preceding statement of the translation.

Many Hebrew or Aramaic terms that are best understood in their original form have not been translated in the main text, although I have provided their common translations in parenthesis next to them.

The spelling of the Hebrew terms is the common transliteration and pronunciation that is used in Orthodox Jewish circles in the United States. In some cases I have used terms from the American Yeshivish speech as opposed to directly transliterating the Hebrew vowelization. One such example is the word Rebbi, meaning Rabbi.

I wrote Rebbi, not as a transliteration of the word רבי, but rather as it is spoken in Yeshivish English, which may not be familiar to people from outside of the Yeshiva circles in English speaking countries.

In an English speaking Yeshiva, students would never refer to their “rabbi” as Rabbi, but rather as Rebbi (pronounced Rehbee). But regular people who speak English would say Rabbi (pronounced Rabuy). The Hebrew word is pronounced Ruhbee, but its spelling in English is Rabbi, so people pronounce it
as Rabuy even though it should be pronounced as Ruhbee. The same goes for the rabbis of the Talmud. They are called Rav or Rebbi, but not Rabbi.

So I chose to write as religious Jews speak in English and not how regular people speak in English. Among religious English speaking Jews the regular English word “Rabbi” does not have a very good connotation, because it implies that the person is not pious or learned. So for example if religious Jews would be talking about a teacher in a Yeshiva they would call him Rebbi (Rehbee), but if they would be talking about some Rabbi who is not so important and no one thinks high of him then they would call him Rabbi (Rabuy).

In modern Hebrew books (Sefarim), like Iggrot Moshe, when referring to an important orthodox rabbi he is always referred to as רבי (Rebbi) or רב (Rav), but when referring to a reform or conservative rabbi his title is written as רבאי (Rabbi) to emphasize the English pronunciation as a way to portray the person not as a Talmid Chacham (sage), but rather as someone who simply works in a job whose title is Rabbi.

I have tried my best to apply modern research methods to the study of the Tosefta and other Talmudic literature in order to uncover its original meaning. I have explained the etymology of all foreign words that appear in the Tosefta. Words of Greek origin have been written in Greek and transliterated into English. I have dated some of the statements of the Tannaim (Rabbis of the Mishna and Tosefta) in order to put them in perspective. I have cited a lot of modern research as well as various ancient sources in order to back up my theories.

I have decided not to put a glossary and a bibliography in the back of the book, but rather to explain and cite all sources on the spot, since most readers never look in the back anyway and would rather know right away from where the material comes from and what it means.

The vowelization of the Hebrew text has been done by my good friend, Rabbi Levi Sudri who is an expert in Tanach and in Hebrew language.

As I receive feedback from readers, find mistakes or discover new explanations, periodically I will post on the Tosefta Online website (www.toseftaonline.org) updated files of this book in PDF format. Although an
index is provided in the back, it might be very useful to use the PDF files to search the book. Since the pictures in the printed edition of the book are black and white, the PDF files can also be used to look at the color pictures and to zoom into them for a better view. As I write upcoming volumes, the translation and commentary of each Tosefta will be posted on the blog (www.toseftaonline.org/blog), so make sure to check back often. All feedback can be written directly to me by email at support@toseftaonline.org.

Eliyahu Gurevich

March 22, 2010

Bet Shemesh, Israel
Introduction to Masechta Berachot

Masechta (tractate) Berachot discusses the laws of Jewish prayer. Tosefta Berachot is divided into 6 chapters in the Vienna manuscript and the printed editions and into 7 chapters in the Erfurt manuscript. Since I am following the numeration of the Vilna Talmud Bavli edition of the Tosefta, I will refer to the 6 chapters division.

As will be discussed further in the commentary various prayers and blessings have been enacted by the Rabbis and are not Torah obligations. There is one exception to that and that is the prayer of Shemah, which is the Jewish classic proclamation of allegiance to the One God - Hashem, which originates in the Torah and is required to be said by the Torah twice a day, in the morning and in the evening.

Chapters 1 and 2 of Tosefta Berachot discuss the laws of Shemah. Chapter 3 discusses the laws of the prayer of Shemoneh Esreh which was enacted by the Rabbis and is supposed to be prayed 3 times a day, in the morning, afternoon and evening. Chapters 4 and 5 discuss the laws of blessings (Berachot) on food as well as on smelling fragrances. And finally, chapter 6 discusses the laws of blessings on various commandments and natural phenomena.
The Order of Zerayim  סדר זרעיים
From when do we read Shema in the evenings? "From the time when people come [home] to eat their bread on Shabbat (Sabbath) nights," [these are] the words of Rabbi Meir. And the Chachamim (Sages) say from the time when the Kohanim (priests) are able to eat their Terumah (heave offering). A sign for this is the coming out of the stars. And even though there is no explicit proof for this matter, there is an indirect reference: "... and half of them were holding spears from the morning twilight until the coming out of the stars." (Nehemiah 4:15)

Notes:

1. This Tosefta clarifies the first statement in the Mishna Berachot 1:1 regarding the time of reading the evening Shema which the Mishna is not very clear on.

2. The Shema is a daily prayer which every male Jew is obligated to say by Torah law twice a day, once in the morning when people generally wake up and once in the evening when people generally go to sleep, at the beginning of the day. See Devarim 6:7 and 11:19. Jewish days begin in the evening with the sunset and end the following evening. The Shema consists of 3 paragraphs from the Torah: Shema Yisrael (Devarim 6:4-9), Vehaya Im Shamoa (Devarim 11: 13-21), and the
Parsha of Tzitzit (Bemidbar 15:37-41). The Tosefta is asking when the proper time of the day to say the evening Shema is.

3. There are 3 meals required to be eaten on Shabbat, one on Friday night and two during Shabbat day. See Talmud Bavli (Shabbat 117b). Rebbi Meir’s reply is referring to the time when the Friday night meal is eaten. Also see below Tosefta 5:1, note 2.

4. The Torah divides the Jewish people into 3 hereditary categories: Kohanim (singular: Kohen) – priests, Leviim (singular: Levi) – Levites, and Yisraelim (singular: Yisrael) – Israelites. See Shemot 28:1-4, Bemidbar 1:47-53, 3:5-13, and 8:5-26. The Kohanim were descendants of Aharon, Moshe’s brother who was the first High Priest (Kohen Gadol). Leviim were the whole tribe of Levi, who were descendant from our patriarch Yaakov’s son Levi, and Israelites were all other Jews regardless from which tribe they were from. It should be noted that all Kohanim are also Leviim since Aharon was from the tribe of Levi, but not all Leviim are Kohanim. Kohanim and Leviim were commanded throughout the Torah to work in the Bet Hamikdash (Temple) and therefore they did not receive any land during the division of land after the conquest of the Land of Israel by the prophet Yehoshua, as was originally commanded in the Torah. See Bemidbar 18:23-24. Since they did not receive any farming land it was the responsibility of all other Jews to provide them with produce, since society in those days was mainly agricultural, and therefore the Torah has commanded for the Israelites to provide various gifts to the Kohanim and Leviim, as will be explained in the next note.

5. The Terumah is the main gift that every Jew at the time of the Bet Hamikdash (The Temple) was obligated to give to a Kohen before he could eat his produce of grain, fruits or vegetables. See Bemidbar 18:8-12 and Devarim 18:4. It is called Terumah from the Hebrew word Ram which means “to lift” since it had to be separated from a larger quantity by lifting it out of the pile. Hence the English term “heave offering” since the word “heave” means to lift. The Terumah consisted generally of 1/50th of every type of produce that was gathered by that person, although it was possible to give 1/60th if the person felt stingy or 1/40th if he felt especially generous. See Mishna Terumot 4:3. This
was known as Terumah Gedolah – The Big Terumah. Besides it when a Levi received his First Tithe (Maaser Rishon) from a regular Israelite he then had to separate from it 1/10th of what he received and give that to a Kohen. That was called Terumat Maaser – the heave offering of the tithe. See Bemidbar 18:26. The Kohen was allowed to eat Terumah only when he was in the state of ritual purity (Tahor). If the Kohen became ritually impure (Tameh), either by touching an impure object or by becoming a Metzora (leperous), then he was not allowed to eat Terumah until he purified himself. Purification basically consisted of waiting a specific amount of days to pass since him becoming impure, depending on the impurity he acquired, and going to the Mikvah, a ritual pool. In order for the Kohen to become completely pure both things had to happen, the proper number of days had to pass and him dipping in the Mikvah. However the Kohen was allowed to dip in the Mikvah during the day of the last day of his purity count and he did not have to wait for the day to complete that coming evening before he could dip. Such a person who has dipped in the Mikvah but still had to wait for the evening, for the day to be over, is known as a Tevul Yom. The Sages are referring to the time of the evening when the day count was officially over and the Kohen, who was a Tevul Yom, finally became Tahor and was allowed to eat Terumah. For a description of the gifts to the Leviim see below Tosefta 6:18, note 3.

6. It has to be dark enough for 3 average stars to come out, which occurs roughly 18 minutes after sunset. See Talmud Bavli (Shabbat 35b).

7. It does not say explicitly anywhere in the Tanach that the time discussed occurs exactly when the stars came out. However the Sages always tried to find at least some kind of a reference, even an indirect one, somewhere in the Tanach for their laws, especially laws of Torah origin.

8. The subject in Nehemiah is the construction of the wall around Jerusalem after the return of the Jews from the 1st Exile. Nehemiah mentions that he placed people armed with weapons on the walls and they continued working on building the walls the whole day from morning until night time. Since night time here is described as the
Coming Out of the Stars, we can infer that that is the time when the previous day is completely over and the new day begins.

Tractate Berachot, Chapter 1

Tosefta 2¹

Rebbi Shimon says, “Sometimes a person may read it (i.e. The Shema) two times in one night, once before dawn and once after dawn. [And if that happens] it comes out that he fulfills his obligation for the day [reading]² and for the night [reading].”³

Notes:

1. Tosefta 2 is a separate statement about the evening Shema which is not paralleled in the Mishna.
2. For the morning reading of the oncoming day.
3. For the reading of the night that is over.

Tractate Berachot, Chapter 1

Tosefta 3¹

Rebbi² says, “There are four watches³ in a night. [There is a unit of time called] time period (Onah) which is 1/24ᵗʰ of an hour. And [there is another unit of time called] the time (Et) which is 1/24ᵗʰ of the time period (Onah). And [there is a third unit of time called] the moment (Regah) which is 1/24ᵗʰ of the time (Et).”⁴ Rebbi Natan says, “There are three watches in a night, as it is said ‘… the
beginning of the middle watch. 

(Shoftim 7:19) There is no [such thing as a] middle, but only when there is something before it and after it."

Notes:

1. Mishna Berachot 1:1 quotes Rebbi Eliezer who says that the end time of reading the evening Shema is the end of the first watch, and not the whole night. The Tosefta explains what the watches actually are.

2. Rebbi is Rebbi Yehudah Hanassi the author of the Mishna. He is usually quoted in the Talmudic literature as Rebbi without a name, as a title of endearment.

3. Watches are regular periods of work duty, usually used by the army guards and aboard ships. The night would be split into equal parts and each group of the guards would take turns watching the camp or the ship. The concept of watches has been used from the ancient times to refer to specific sections of the night and is mentioned in a few other places in the Tanach, besides the verse mentioned by this Tosefta. See Shemot 14:24 and Shmuel I 11:11. In the Biblical system of watches it is not completely clear at what point one watch ended and the next one began. It is possible that either each night was divided into equal parts, each of which constituted a watch, and therefore the watches would be longer during the winter when the nights are longer and shorter during the summer when the nights are shorter. Or that there were specific hours in the night when one watch ended and the next one began, so for example the 3rd watch would always begin at 12 am regardless how long or short the night was. It should be noted that the division of the night into 4 watches was a Greek and Roman practice, used primarily to change city guards that were on patrol. See William Smith, “Dictionary of Greek and Roman Antiquities”, London, 1853, p. 250, entry: Castra. In the Roman system the watches began and ended as follows. The 1st watch was from sunset until 9 pm, the 2nd watch was from 9 pm until 12 am, and was also known as the midnight watch. The 3rd watch was from 12 am until 3 am, and the 4th watch was from 3 am until sunrise. See William Smith, “A Dictionary of the
Bible: comprising its antiquities, biography, geography, and natural history”, S.S. Scranton and Co., 1868, p. 196, entry: Day. Therefore Rebbi must be mentioning the local practice as was done by the Romans, where as Rebbi Natan is mentioning the original Jewish practice as was done in Biblical times.

4. Since watches are standard time periods (i.e. units of time) into which the night is divided, Rebbi mentions other units of time used in Talmudic times for various purposes the details of which are not clear. It seems that these divisions of time were used in astronomical and astrological calculations as mentioned in an astronomical and astrological work called Beraita Deshmuel Hakatan by an unknown author (originally published in Frankfurt Am Main, 1863). For a discussion of this work see Gad Ben-Ami Sarfati, "An Introduction to Barayta de Mazzalot," Annual of Bar Ilan University 3, 1965, pp. 56-82 (Hebrew). The three mentioned units of time have no relationship to the discussion of Shema either in the Tosefta or the Mishna.

5. The subject in Shoftim is the story of Gideon when he is attacking the Midianite camp in the middle of the night. The attack takes place during the change of the guards of the Midianite camp. The middle watch refers to the second set of guards.

Tractate Berachot, Chapter 1

Tosefta 41

From when do we read the Shema in the morning? Acherim (others) say, “[from the time] when his friend will be four amot2 away from him and he recognizes him.” The mitzvah3 [to say it] is with sunrise in order to connect redemption (Geulah) to prayer (Tefillah),4 and it will come out that he will pray during the day.5 Rebbi Yehudah said, “One time I was walking behind Rebbi Akiva and Rebbi Elazar Ben Azaryah and the time came...
to read the Shema. I supposed they gave up on reading the Shema [right away] because they were busy with the needs of the community. I read [the Shema] and [then] learned [some Torah] and after that they began [reading the Shema], and the sun could already be seen above the mountain tops.”

Notes:

1. *Tosefta* 1:4 comments upon *Mishna Berachot* 1:2, which discusses reading the morning Shema. It quotes the opinion of Acherim which is not quoted in the Mishna. In addition it provides a reason for the statement in the Mishna which says that one should complete the Shema with sunrise. Rebbi Yehudah’s story is a further clarification of this statement which explains that it is not as stringent as it sounds and great Rabbis have ignored it because they were busy with other things.

2. Amah (plural: amot) is a unit of measurement, usually translated as “cubit”, used during the Talmudic times, which approximately equals to 1.5 – 2 feet (55 – 70 cm).

3. Mitzvah (literally: commandment) means the best possible way to fulfill the commandment, in this case reading the Shema.

4. The last paragraph of Shema as well as the blessing said after the Shema (Gaal Yisrael) concludes with mentioning how God took the Jews out of Egypt (i.e. the redemption from Egypt.). Prayer (Tefillah) is referring to the Amidah prayer (also known as the Shemoneh Esreh), which is said 3 times a day, in the morning, in the afternoon and at night. The recital of the Amidah in the morning and at night takes place immediately after the Shema, although in Talmudic times it was often said separately from the Shema. The Tosefta explains that the reason that it is best to say the Amidah right after the Shema is so that the subject of the redemption from Egypt is immediately followed by prayer in which a person requests something from God. Talmud Bavli
(Berachot 4b with Rashi’s commentary there) and Talmud Yerushalmi (Berachot 1:1, Daf 6a) give reasons for why one should mention Geulah immediately before Tefillah, from various expressions in Tehillim.

5. Talmud Bavli (Berachot 9b) explains why one should read the Shema immediately with sunrise based on an expression in Tehillim.

6. It is clear from this story that although it is best to say the Shema immediately at sunrise one is not required to do so, since the mentioned sages did not do it and preferred instead to be involved in community matters during this time.

Notes:

1. Mishna Berachot 1:3 learns out various rules about the Shema from the expressions in the Torah mentioned in the Shema, such as “…when you sit in your house and when you walk on the way”. The Tosefta offers alternative teachings that are learned out from the same statements.

2. This is the main source for the concept that a person who is involved in performance of a mitzvah is exempt from all other mitzvot.

3. The groom is exempt from reading the Shema because he cannot concentrate on it since his mind is preoccupied with sexual intercourse.

Tractate Berachot, Chapter 1

Tosefta

The grooms and all [others] who are involved in [other] Mitzvot (commandments) are exempt from reading [the] Shema as it is said, “…when you sit in your house”, (Devarim 6:7) [meaning] except for those who are involved in mitzvot, “and when you walk on the way”, (Devarim 6:7) [meaning] except for the grooms.
that he is going to have for the first time in his life. See Rashi (Berachot 11a) for a lengthy explanation why there is a need for an extra exegesis with regard to the groom.

Tractate Berachot, Chapter 1

Tosefta 1

It happened with Rebbi Yishmael and Rebbi Elazar Ben Azaryah that they were resting in the same place and Rebbi Yishmael was laying down and Rebbi Elazar Ben Azaryah was [standing up] straight. It came time to say Shema. Rebbi Yishmael stood up straight and Rebbi Elazar laid down. Said to him Rebbi Yishmael: “What is this Elazar?” He said [back] to him: “Yishmael, my brother! They say to a person, ‘Why is your beard all grown [so nice]?’ He said [back to them], ‘[it should be sent] against the destroyers’ (i.e. cut off by the scissors).2 [So too with us] I (Rebbi Elazar Ben Azaryah) who was straight, laid down, you that was laying down, stood up straight?” [So Rebbi Yishmael] said to him: “You laid down to fulfill the words of Bet Shamai, I stood up straight to fulfill the words of Bet Hillel. A different explanation, that the students should not see [that you did like Bet Shamai] and make your words [a] permanent [law].3

Notes:

1. Mishna Berachot 1:3 discusses an argument between Bet Hillel and Bet Shamai regarding the position in which to say Shema. Bet Hillel say...
that one can say Shema in any position that he wants and Bet Shamai say that one must lay down to say Shema in the evening and stand up to say Shema in the morning, in accordance with the literal meaning of the verse “when you lay down and when you rise up” (Devarim 6:7). The law always follows the opinion of Bet Hillel (there are 6 exceptions, but this is not one of them). Our Tosefta provides a story that exemplifies this argument.

2. Rebbi Elazar told Rebbi Yishmael over a parable in which a person was praised by other people for having a nice beard. However when the person heard that they praised his beard he proclaimed that he will have to cut it off so not to agree with what they say. So too it appeared to Rebbi Elazar that Rebbi Yishmael did exactly the opposite of what Rebbi Elazar did just in spite of him.

3. Rebbi Yishmael provided two answers to Rebbi Elazar why what he did was necessary and was not in spite. The first answer was that since the Halacha (law) follows Bet Hillel he merely followed the Halacha; whereas Rebbi Elazar followed Bet Shamai which is against the Halacha. However perhaps this answer was not fully satisfactory, because may be Rebbi Yishmael should have respected Rebbi Elazar’s opinion and said the Shema in the same fashion. So to refute that, he provided him with a second answer that it was important for him to show their students who may see them read the Shema that the Halacha is like Bet Hillel and not like Bet Shamai.

It is important to note that Rebbi Yishmael did not have to change his position according to Bet Hillel, because Bet Hillel say that one can say the Shema in any position. However, I believe that the reason that he proactively changed it was to show that he is not doing like Bet Shamai which is what might have been inferred by others if he would have remained laying down.
Why did they say one short [Beracha (blessing)]? In the place where they said to be long, one is not allowed to be short,² [and in the place where they said] to be short, one is not allowed to be long. [In the place where they said] to seal off [the Beracha],³ one is not allowed not to seal off, [in the place where they said] not to seal off [the Beracha], one is not allowed to seal off. [In the place where they said] to begin [the Beracha] with [the word] Baruch (Blessed),⁴ one is not allowed not to begin with Baruch, [in the place where they said] not to begin [the Beracha] with Baruch, one is not allowed to begin with Baruch. [In the place where they said] to bend down, one is not allowed not to bend down⁵, [and in the place where they said] not to bend down, one is not allowed to bend down.

Notes:

1. Mishna Berachot 1:4 discusses what kind of Berachot (blessings) are said before and after the Shema, both in the morning and in the evening. The Mishna mentions that in the evening after the Shema there are two Berachot, one long one and one short one. The Mishna ends off that a person is not allowed to change anything about these Berachot, not their order and not their text as it was coined by the Rabbis. This applies not just to the Berachot of Shema, but to all
Berachot in general. Our Tosefta expounds on the last statement of the Mishna.

2. In other words, one is not allowed to add any extra words or remove any words from the coined text.

3. A sealed off Beracha is the one that has some text and then ends of with the words Baruch Ata Hashem ... (Blessed Are You Hashem...). So one is not allowed to remove this line from where it is or to add it where it has not been coined.

4. Some Berachot begin with the words “Baruch Ata Hashem... ” (Blessed Are You Hashem...). Others begin with some other text.

5. Bending down is referring to the bending of the knees and bowing down while saying certain Berachot. The Rabbis have decreed that there are only 4 Berachot in the Tefillah (prayer) of Shemoneh Esreh where a person must bow down, two in the beginning and two at the end (See further Tosefta 11). Our Tosefta says that a person must bow down in these places, and is not allowed to bow down anywhere else. This is a very interesting comment with regard to shokeling (swaying) back and forth, like many Jews do today, which is somewhat like bowing. It would appear from this Tosefta that it is not allowed, because it has not been coined by the Rabbis. However see below Tosefta 3:7 where it implies that Rebbi Akiva shokeled a lot when he prayed Shemoneh Esreh alone.
These are the Berachot (blessings) which are [coined to be] short: One who blesses on fruit, and on mitzvot, the Beracha (blessing) of Zimun, and the last Beracha of Shema. These are the Berachot which are [coined to be] long: the Beracha of Fast Days, and the Beracha of Rosh Hashana, and the Beracha of Yom Kippur. From [the way] a person [says] his Berachot it is recognizable if he a fool or if he is a sage.

Notes:

1. This Tosefta continues on the subject of long and short Berachot and is not specifically commenting on a Mishna.

2. A short Beracha is a Beracha which has only one statement of “Baruch Ata Hashem” (Blessed are You Hashem) in it, either in the beginning or at the end.

3. The Beracha on Fruit is Baruch Ata Hashem Eloheinu Melech Haolam Borei Pri Haetz – Blessed are You Hashem, our God, King of the World, Who created the fruit of the tree.

4. All Berachot on mitzvot are one line long and begin as follows: Baruch Ata Hashem Eloheinu Melech Haolam Asher Kideshanu Bemitzvotav Vetzivanu … – Blessed are You Hashem, our God, King of the World, Who has sanctified us with His commandments and has commanded us …. They end with the mention of the particular commandment that is being done. So since there is only one Baruch Ata Hashem statement in the Beracha it is considered to be short.

5. The Beracha of Zimun is said before Birkat Hamazon (Grace After Meals) when a group of at least 3 people have eaten bread together.
See Mishna Berachot 7:1 and 7:3. The Zimun does not have in it a phrase of Baruch Ata Hashem at all and is therefore considered to be a short Beracha.

6. The last Beracha of Shema could either be referring to the morning blessing: Emet Veyatziv, which ends on Baruch Ata Hashem Gaal Yisrael – Blessed are You Hashem Who redeemed Israel, or to the evening blessing: Hashkivenu, which ends on Baruch Ata Hashem Shomer Amo Yisrael Laad – Blessed are You Hashem Who watches His nation Israel forever. Both of these Berachot do not begin with “Baruch Ata Hashem”, but only end with it, hence they are short, since they contain only one statement of Baruch Ata Hashem.

7. Long Berachot are those that have “Baruch Ata Hashem” both at the beginning and at the end of the Beracha, whereas short Berachot only have it either at the beginning or at the end, but not both. This is my explanation, based on the statement of Rabbi Yudan in Talmud Yerushalmi (Berachot, 1:5, Daf 11a). It is also mentioned in the commentary Chasdei David on Tosefta 11, based on a different source. However the Perush Mibaal Sefer Chareidim on Yerushalmi (Talmud Yerushalmi, Berachot 1:5, Elu Berachot Shemekatzrin etc..., Daf 10a) explains that a short Beracha is simply a Beracha whose default text written by the Rabbis is short, whereas a long Beracha is a Beracha to which a person either has added some of his own words or the Rabbis themselves have added extra words which are only said on special occasions. His explanation makes more sense in the context of the discussion in the Yerushalmi, but I am not sure if that was the original intent of the Tosefta or not.

8. On declared public Fast Days, usually declared for the lack of rain, a special Shemoneh Esreh that consisted of 24 blessings was recited during the Talmudic Times. See Mishna Taanit 2:2-4. Since each of the 6 additional blessings does not begin with Baruch Ata Hashem, but end with Baruch Ata Hashem they should be considered as 6 short Berachot. However it appears that our Tosefta considers these 6 additional blessings as one long Beracha.
9. During the Musaf Prayer of Rosh Hashana a special Shmoneh Esreh consisting of 9 Berachot is recited. The 3 additional blessings are known as Malchiot, Zichronot, and Shofrot. See Mishna Rosh Hashana 4:5. Each one of them does not begin with Baruch Ata Hashem, but rather ends with Baruch Ata Hashem. Again, it appears that our Tosefta considers these 3 blessings as one long Beracha.

10. On Yom Kippur there is an additional separate Shmoneh Esreh recited at the end of the day called Neilah. See Mishna Taanit 4:1. Again, it appears that our Tosefta considers this whole extra Shmoneh Esreh as one long Beracha.

11. One should remember that in the Talmudic times there were no written siddurim (prayer books) so all Berachot and various prayers had to be memorized. It was obviously very common for people to make mistakes. A person who memorized them correctly and understood when which Beracha had to be made was considered to be a wise person and a sage (a Talmid Chacham).

Notes:

1. The Tosefta continues expounding on the different types of Berachot listed in Tosefta 7. It is not connected to any specific Mishna.

2. See above Tosefta 7, Note 3.
3. See above Tosefta 8, Note 3.

4. See above Tosefta 8, Note 4.

5. See above Tosefta 8, Note 5. Although the text of the Zimun is broken up into multiple lines that are said responsively it is considered to be a Beracha because it has the line Baruch Shechalnu Mishelo – Blessed the One from Whom we have eaten. Even though that this line is repeated responsively it is not considered to be a sealed Beracha, because it does not end on a separate statement of Baruch Ata Hashem.

6. Birkat Hamazon is the Grace After Meals said after one has eaten bread. It consists of 4 Berachot. The last Beracha is called Al Yechasrenu and although it begins with the words Baruch Ata Hashem, it does not end with Baruch Ata Hashem, but rather with U Mikol Tuv Leolam Al Yechasrenu – And from everything which is good do not make us lack forever.

7. Rebbi Yossi Hagelili was called “Hagelili”, because he was from the area of Israel called the Galil (Galilee) which is a part of Northern Israel which surrounds the Lake Kinneret (Sea of Galilee). Usually his statements reflect the customs of the Jews who actually lived in the Galil during the Talmudic Era.

8. The fact that this Beracha was sealed off with Baruch Ata Hashem, since it began that way as well, it automatically became long, or perhaps he added some extra of his own words to it. See above Tosefta 8, Note 6. We do not have the actual text of how Rebbi Yossi Hagelili finished off his Birkat Hamazon.

Tractate Berachot, Chapter 1

Tosefta 10

These are the Berachot (blessings) which begin with [the phrase] Baruch [Ata Hashem] (Blessed are You Hashem). All Berachot begin with [the phrase] Baruch [Ata Hashem] except
for the Beracha (blessing) which is adjacent to Shema\(^2\) and a Beracha which is adjacent to another Beracha,\(^3\) in [both of] which [cases] we do not begin with [the phrase] Baruch [Ata Hashem].

Notes:

1. The Tosefta continues expounding on the different types of Berachot listed in Tosefta 7. It is not connected to any specific Mishna.

2. This refers to both Berachot before and after the Shema that are said either in the morning or in the evening. None of them begin with Baruch.

3. For example, the 2\(^{nd}\) and the 3\(^{rd}\) Berachot in Birkat Hamazon (Node Lecha and Rachem) do not begin with Baruch Ata Hashem, because they are adjacent to the first Beracha of Hazan Et Hakol and to each other. Usually when we say adjacent we mean the one that immediately follows another Beracha, however if it’s the first Beracha of the set of blessings it begins with Baruch, even though there are other Berachot following it. There are however exceptions to this rule, for example Tefilat Haderech, a Traveler's Prayer, which does not begin with Baruch Ata Hashem and is not adjacent to anything else. However it may not be a good example because Tefilat Haderech is not of Mishnaic origin and has only been introduced by Rav Chisda in Talmud Bavli at a later time. See Talmud Bavli (Berachot 29b).
for] one who bows down in every single Beracha [of Shmoneh Esreh], we teach him that he should not bow down [in them]. 3 We do not say [the Beracha] together with the one that says the Beracha [for you]. 4 Rebbi Yehudah would say together with the one that made the Beracha, Kadosh Kadosh Kadosh Hashem Tzevaot Melo Kol Haaretz Kevodo (Yeshayahu 6:3) (Holy, Holy, Holy, Hashem Tzevaot, the earth is full with His glory) and Baruch Kevod Hashem Mimkomo (Yechezkel 3:12) (Blessed be the glory of Hashem from His place). 5 All of these Rebbi Yehudah would say together with the one that made the Beracha.

Notes:

1. The Tosefta continues expounding on the different types of Berachot listed in Tosefta 1:7. It is not connected to any specific Mishna.

2. There are four places in which one bows down in Shmoneh Esreh: with the first words of the first Beracha “Baruch Ata Hashem” (Blessed are You Hashem), then again at the end of that Beracha when we say, “Baruch Ata Hashem Magen Avraham” (Blessed are You Hashem the Shield of Avraham), and then towards the end of Shmoneh Esreh when we say “Modim Anachnu Lach” (We thank You) and at the end of that Beracha, when we say “Baruch Ata Hashem Hatov Shimcha Ulecha Naeh Lehodot” (Blessed are You Hashem, how good is Your name and it is pleasant to praise You).

3. Since that goes against what the Rabbis have coined, as was mentioned in Tosefta 7, we teach the person only to bow in the four aforementioned places and nowhere else.
4. This is referring to a person, who is not saying the Beracha himself, but rather he is listening to someone else say it and he only answers Amen at the end. In this case he should not repeat the whole text of the Beracha along with the one who is saying it, but rather he should just answer Amen at the end.

5. Both of these lines Kadosh Kadosh Kadosh Hashem Tzevaot Melo Kol Haaretz Kevodo (Holy Holy Holy is Hashem Tzevaot, the whole Earth is full of His glory) and Baruch Kevod Hashem Mimkomo (Blessed be the glory of Hashem from His place) are lines found in the first Beracha of Shema in the morning. Apparently Rebbi Yehudah sometimes did not say it himself, but rather listened to someone else say it and just answered Amen in the end, however he still repeated these specific two lines out of the whole Beracha along with the person who said it. It is unclear why Rebbi Yehudah repeated specifically these two lines. My suggestion is that he viewed them as a special proclamation of belief and affirmation in God which gave them similar meaning to the word Amen, which is an abbreviation for El Melech Neeman (God is a Trustworthy King) (Talmud Bavli, Shabbat 119b and Sanhedrin 111a) and is another word for saying “I believe and agree with what has been just said”.

6. This statement is repeated for emphasis to teach us that these are the only two lines that Rebbi Yehudah would say together with the one making the Beracha, and nothing else, whether in the first Beracha of Shema or any other Beracha.

Tractate Berachot, Chapter 1

Tosefta 12

We mention the Exodus from Egypt at night. Said Rebbi Elazar Ben Azaryah, “Here I am like a seventy year old man and I have not merited to hear that one should mention Exodus from Egypt at night, until the exegesis (Derasha) of Ben Zoma.” “In order that you should remember the day
that you left Egypt, all the days of your life. (Devarim 16:3), the days of your life [means] days, all the days of your life [means] nights.” These are the words of Ben Zoma. And the Chachamim (Sages) say, “Days of your life [means] this world, all the days of your life [means] the days of the Mashiach (Messiah).” Ben Zoma said to the Chachamim, “And are we going to mention the Exodus from Egypt during the days of the Mashiach? Does not it say: “Therefore behold, the days are coming, the word of Hashem, and they will not say anymore, as lives Hashem, who has brought the Children of Israel from the land of Egypt. But rather, [they will say], as lives Hashem who has brought and who will bring the seed of the House of Israel from the Northern land and from all the lands to which I have pushed them there, and they will dwell in their land?” (Yirmiyahu 23:7-8)

They said to him, “It does not [mean] that the Exodus from Egypt will be uprooted from them, but rather that Egypt will be added to the [other] kingdoms. [Other] kingdoms will be the main [subject], and Egypt will be a secondary [subject]. Similarly [it says], your name will not be called anymore, Yakov, but rather Yisrael will be your name. (Bereishit, 35:10) [It does] not [mean] that [the name] Yakov was completely uprooted from him, but rather [the name] Yakov was added to
[the name] Yisrael. Yisrael was the main [name], and Yakov was the secondary [name].”

Notes:

1. The Tosefta expounds on the story mentioned in Mishna 5.

2. Exodus from Egypt is the subject of the Beracha after Shema, Gaal Yisrael, both in the evening and in the morning. However it is not necessary to emphasize that it should be mentioned in the morning since it explicitly says so in the Torah (Devarim 16:3), as mentioned in the verse quoted by Ben Zoma. However the evening mentioning of Exodus from Egypt is not explicitly stated in the Torah and therefore it needs a special statement from the Mishna and the Tosefta. This is my explanation, based on the Tosefta later on (Tosefta, Berachot 2:1) and as it is quoted in the context of this Mishna in Talmud Yerushalmi (Berachot 1:6, Daf 11b), that says, “We learned in a Beraita, one who reads Shema in the morning must mention Exodus from Egypt in Emet Veyatziv (the Beracha after Shema). Alternatively, Rashi (Berachot 12b, Mazkirin) explains that the argument between Ben Zoma and the Chachamim specifically refers to the 3rd paragraph of Shema (and not the Beracha after Shema), which discusses the mitzvah of Tzitzit, and since the mitzvah of Tzitzit applies only during the day and not at night, the paragraph should also be mentioned only during the day and not at night. There is a difficulty with Rashi’s explanation since the Chachamim later in the Mishna and the Tosefta imply that after the Mashiach comes we will change the text of whatever the subject of the discussion is and add to it the discussion of the Exodus from various lands, which according to Rashi would mean that the Biblical text of Shema will be amended with new text. This is plausible since the Talmud Bavli (Berachot 13b) explains that the 3rd paragraph of Shema is merely a rabbinical addition to the mitzvah of Shema, but the core mitzvah of Shema consists only of the first line, the first paragraph or both the first and second paragraphs, depending on which opinion you go like. For the discussion of these various opinions see below Tosefta 2:7, note 4. Still it is difficult to imagine how according to this explanation we will surpass the text taken directly
from the Torah and add to it a more primary text written anew. Also if the subject of the argument is the Shema itself then why would the Tosefta later on (Tosefta Berachot 2:1) need to mention that one has to say Exodus from Egypt in the Beracha after the Shema and why would the Yerushalmi quote it on this Mishna? Hence I prefer my explanation that the subject of the argument is not the Shema itself but rather the Beracha after it.

3. Talmud Bavli (Berachot 28a) relates a story of how when Rabban Gamliel was removed from his post of being the Nassi of the Sanhedrin, the Rabbis have appointed Rebbi Elazar Ben Azaryah despite his young age. Quickly, as if over night, Rebbi Elazar Ben Azaryah’s hair turned white from the stress, so he looked like a seventy year old man. (See Rambam’s commentary on the Mishna on Mishna Berachot 1:5 as he explains this story).

4. The Chachamim are of the opinion that after the Mashiach comes we will change the text of the Beracha after the Shema to discuss the Exodus from all of the different lands from which the Jews will return to Israel. However, we will still keep the mentioning of the Exodus from Egypt in the text of the Beracha, however it will not be the main subject of the Beracha, as the Tosefta goes on to explain. See above, Note 2 for Rashi’s alternative explanation.

5. Uprooted from them, meaning removed from the text of the Beracha.

6. This refers to the story in the Torah (Bereishit 32:25-33) when Yakov fought with the angel and won, after which the angel told him that his name will not be Yakov anymore, but rather Yisrael.

Tractate Berachot, Chapter 1

Tosefta 13

Similar to this [it says]: “Do not remember what happened in the past...” (Yeshayahu 43:18-19) “Do not remember what happened in the past:” this is [referring to] the burden
of the kingdoms [of Persia, Greece and Rome].

“... and do not think about what happened in the days of old:” this is [referring to] the burden of Egypt. “Behold, I am going to do something new, now it will spring forward. Don’t you know about it?”

This is [referring to] the war of Gog.

They (i.e. the Rabbis) have said a parable to what this is similar to. [This is similar] to a person who came upon a wolf and was saved from him. Then he was telling [everybody about] the incident with the wolf. Then he came upon a lion and was saved from him. He forgot the incident with the wolf and was telling [everybody about] the incident with the lion. Then he came upon a snake and was saved from it. He forgot the incidents of both of them (i.e. the wolf and the lion) and was telling [everybody about] the incident with the snake. So to the Jewish People, the recent troubles make them forget about previous [troubles].

Notes:

1. Since we ended off in the previous Tosefta with a Derasha (exegesis) of verses in which Yakov’s name has been changed from an old name to a new name, this Tosefta starts a discussion of various verses in the Tanach that all talk about something that existed and then has been changed to something new. This discussion is going to continue for the next four Toseftot until the end of the chapter. They are not related to any Mishna.
2. The burden means various troubles and calamities that have befallen on the Jewish People during the times when they were either exiled or the land of Israel has been occupied by the empires of the Persians, Greeks and Romans. One should keep in mind that at the time of the Tosefta the Roman occupation has been already going on for over 200 years, the Greek occupation took place 500 – 250 years earlier, and the Persian exile was over 650 years earlier.

3. The exile of Egypt took place over 1400 years prior to the writing of the Tosefta.

4. The war of Gog and Magog is a war that is supposed to take place in the messianic times. See Yechezkel, chapters 38-39, Zecharyah, chapters 12-14, and Daniel chapters 11-12. The Rabbis have always viewed it as something that is either happening right now or something that is about to happen immediately. They have always described it as the worst calamity to befall the Jewish People ever in their history. See Talmud Bavli (Sanhedrin 98b).
Similar to this [it says]: “Sarai, your wife, will not be called Sarai anymore, because her [new] name is Sarah.” (Bereishit 17:15) In the beginning, she was a princess over her nation, [but] now she became a princess for all of the nations of the world, as it is said: “...because her [new] name is Sarah.”

Similar to this [it says]: “And your name will not be called anymore Avram, but rather your name will be Avraham...” (Bereishit 17:5) In the beginning, you were a father to Aram and now you will be a father to all people of the world, as it is said: “...because I have made you a father of a multitude of nations”.(ibid.)

Notes:

1. The Tosefta continues on the same subject as the previous Tosefta.


3. This is referring to the nation of Aram from where Sarah was originally from, just like her husband Avraham.

4. A father meaning a leader to the people of Aram. Avraham and Sarah have converted many people in Aram to monotheism and those people have followed them into Israel. See Bereishit 12:5 and Rashi there.

5. Avraham is considered to be the founder of monotheism as a global religion, as opposed to a religion of individuals, hence he is credited to...
be the father of all of the people of the world and not just the nations that have descended from him physically.

Tractate Berachot, Chapter 1

Even though [the Tanach] goes back and calls Avraham, Avram [again], it is in his praise and not in his shame. To Yehoshua, Hoshea [again], it is in his praise and not in his shame. He is [the same] Avram before [God] spoke to him, he is the [the same] Avram after [God] spoke to him. He is [the same] Hoshea before he became great, he is [the same] Hoshea after he became great. Moshe, Moshe; Avraham, Avraham; Yakov, Yakov; Shmuel, Shmuel; [all of these double expressions] are expressions of love and encouragement. They are [the same people] before [God] spoke to them and they are [the same people] after [God] spoke to them. They are [the same people] before they became great, they are [the same people] after they became great.

Notes:

1. The Tosefta continues on the same subject as the previous Tosefta.

2. The Torah itself never calls Avraham, Avram again after his name was changed in Bereishit 17:5. However in Nehemiah 9:7, and in Divrei Hayamim 1 1:27 when it lists all of the generations it says Avram, he is [the same as] Avraham. The Rabbis have always treated the whole Tanach as one big divine compilation, hence it makes no difference that Nehemiah or Divrei Hayamim were written many hundreds of
years after the Torah and are different books. It is still considered to be a repetition, as if God has changed his mind and decided to call Avraham, Avram once more.

3. Yehoshua was renamed by Moshe in Bemidbar 13:16. However the Torah itself calls Yehoshua by his original name Hoshea in Devarim 32:44.

4. He remained the same great person after God spoke to him as he was before God spoke to him, and he was not taken over by arrogance.

5. Yehoshua became great and famous when God commanded Moshe to make him the next leader of the Jewish People after Moshe’s death.


9. Bereishit 46:2. God called Yakov in a dream to tell him to go to Egypt using a double expression of his name: Yakov, Yakov.

10. Shmuel I 3:10. God called little Shmuel when he was living in the Mishkan using a double expression of his name: Shmuel, Shmuel.

11. In the case of Avraham and Yakov it was encouragement to make them move quickly. Avraham had to immediately stop Yitzchak’s slaughter and Yakov had to get up and immediately move to Egypt. However by Moshe and Shmuel it was simply an expression of love and affinity that God wanted to show them, because it was the very first time that He ever spoke to them.
Similar to this [it says]: “His Booth was in Shalem and His Shelter was in Tzion.” (Tehillim 76:3) And what did the verse see to bring back to her (i.e. Jerusalem) [her] original name? Here it says: “Because this city has caused my anger and wrath, from the day that it was built until this day, it should be removed from my sight.” (Yirmiyahu 32:31) I would have thought it is in the heat even now? [However] this teaches us, “The mountain that God desired to dwell on.” (Tehillim 68:17) Here it is in delight and desire; this teaches us that [God] forgave her [self] destruction. From where [do we know] that the Shechina (God’s presence) will not return to it until it will be [just] a mountain [again as it was originally]? This teaches us, “His Booth was in Shalem and His Shelter was in Tzion.” We find that when it is complete it is called a mountain. But the Shechina will not return to it until it will become [just] a mountain, as it is said: “And Avraham called the name of that place ‘Hashem Yireh’ as it is commonly said today ‘on the mountain Hashem appears’.” (Bereishit 22:14) And it is said: “Remember Hashem the day [that] Jerusalem [was destroyed], [and take revenge on] the Edomites who said,
Raze it. Raze it down to its foundation.” (Tehillim 137:7) When [will the Shechina return to it]? When its foundations will be uprooted by those who say, “Raze it. Raze it down to its foundation.”

Notes:

1. The Tosefta continues on the same subject of changing names, as the previous Tosefta.

2. The original name of Jerusalem (Yerushalayim) was Shalem. See Bereishit 14:18. The Tosefta is asking why the verse in Tehillim referred to it as Shalem when that name was not in use anymore and instead it was called Yerushalayim.

3. May be it was referred to as Shalem, because God was angry at it?

4. And therefore it cannot be that the reason it was referred to as Shalem, because God hates it and wants to destroy it, since we have a different verse that says that God loves it.

5. In other words, what is our source to think that the Shechina (God’s Presence) will not return to Yerushalayim until Yerushalayim looks like a plain mountain and not a built up city.

6. This is a play on words. The name Shalem literally means complete. So the Tosefta is saying that, “When is Yerushalayim called Tzion, which is a name of the mountain on which it stands? Then, when it is complete and built up.”

7. Hashem Yireh literally means “Hashem will see”. The name Yerushalayim is a concatenation of the two names of the city, the original Shalem, and the new that Avraham gave it, Hashem Yireh.

8. The Shechina will only return to Yerushalayim in the end after it will be completely destroyed and become just a plain mountain. Only after that God’s Presence will return to it and it will be rebuilt as a city again. So we see that the reason it was called Shalem in Tehillim is not
to recall its original name and to teach something negative about it, but rather it was called Shalem to teach us that it will be complete only then when it goes through its stage of destruction.
One who reads Shema [in the morning], must mention the Exodus from Egypt in [the Beracha (blessing) after the Shema called,] Emet Veyatziv. Rebbi says, “He must [also] mention in it Kingship [of God].” Others say, “He must [also] mention in it the Plague of the Firstborn and the Splitting of the Sea.”

Notes:

1. The Tosefta states a new Halacha. It is not related to any Mishna.

2. The reason he has to mention the Exodus from Egypt again in the Beracha after Shema, even though he already mentioned it in the 3rd paragraph of the Shema itself is because we want him to begin praying Shemoneh Esreh right after the mentioning of the Exodus from Egypt as was already mentioned above in Tosefta Berachot 1:4.

3. Kingship refers to God’s Kingship over all of his creations. Chasdei David explains that the reason Rebbi requires the mentioning of God’s Kingship is because the main purpose of the Exodus from Egypt was for the Jews to accept God as their king, which is what they did at Mount Sinai when the received the Torah. This idea is mentioned explicitly in the Torah (Bemidbar 15:41) where God says that the reason he took the Jews out of Egypt was in order to become their God, which in the eyes of the Rabbis is equivalent of becoming their King.
4. The Plague of the Firstborn was the last of the 10 plagues with which God punished Egypt right before the Exodus. See Shemot 12:29.

5. The Splitting of the Sea refers to the event during the Exodus from Egypt when the Sea of Reeds has split to allow the Jews to cross it and run away from the onslaught of the Egyptian army. See Shemot 14:21.

6. Chasdei David explains that the reason Acherim hold that the Plague of the Firstborn and the Splitting of the Sea must be mentioned as well is because they were the two most important components of the redemption, because the redemption began with the Plague of the Firstborn and it ended with the Splitting of the Sea. It is obvious that Rabbi and Acherim are adding these additional requirements to the main requirement of mentioning the Redemption and are not arguing on it.

Tractate Berachot, Chapter 2

Tosefta 2

One who reads the Shema must have intent in his heart. Rabbi Achai says in the name of Rabbi Yehudah: “If he had intent in his heart in the first paragraph [of Shema], even though he did not have intent in his heart in the last (i.e. second) paragraph [of Shema], he fulfilled his obligation [of saying the Shema].”

Notes:

1. Mishna Berachot 2:1 states that if one was reading the section of the Shema in the Torah and he had intent to fulfill his daily obligation of saying the Shema while he read, he indeed has fulfilled his obligation. However if one did not have intent then he did not fulfill his obligation of saying the Shema. Our Tosefta generalizes this statement to any case and provides more details.
2. The Tosefta means that he must have intent to fulfill his daily obligation of saying the Shema. However, he still does not have to understand what he is saying. As long as he means to fulfill the mitzvah, even if he doesn’t understand the words, he still fulfills it.

3. Rebbi Achai clarifies that he must only have intent in the first paragraph of Shema, Veahavta, because he holds that the Torah obligation of saying the Shema is only the first paragraph (and of course the first sentence of Shema Yisrael itself). However, the second paragraph, Vehaya Im Shamoa, is merely a rabbinical requirement and therefore it does not require intent. From the fact that this statement is quoted separately in the name of Rebbi Achai we may infer that the Tanna Kama (the first anonymous voice) holds that both paragraphs of the Shema are a Biblical obligation. Everyone agrees however that the 3rd paragraph of Shema, Vayomer, is merely a rabbinical obligation, as we have mentioned previously. See above Tosefta 1:12, note 2.

Tractate Berachot, Chapter 2
Tosefta 3¹

One that reads the Shema backwards² does not fulfill his obligation [of saying the Shema]. And the same [applies] to Hallel³, to prayer [of Shemoneh Esreh],⁴ and to the Megillah [of Esther].⁵ ⁶

Notes:

1. The Tosefta expounds on the Halacha stated in Mishna Berachot 2:3.

2. Backwards means that he reads different sentences out of order. It does not mean that he reads actual words within each sentence out of order, because that would not make any sense at all and therefore have no meaning.

3. Hallel is a prayer of praises to God that is required to be said on Yom Tov (the holidays of Pesach, Shavuot, and Sukkot), the holiday of
Chanukah, and Rosh Chodesh (the first day of the New Month). This requirement is a rabbinical injunction. See Mishna Sukkah 4:8.

4. When ever in the Talmudic literature it refers to Tefillah (literally prayer), it means the prayer of Shmoneh Esreh, since it is the only prayer in which one makes requests from God, that a person is required to say by a Rabbinical injunction.

5. The Megillah refers to the Megillat Esther (the Book of Esther) which is publically read on the holiday of Purim. It is a rabbinical obligation to hear the reading of the Megillah on Purim. See Mishna Megillah 1:1.

6. See Talmud Bavli, Megillah 17a, where this law is learned out from various verses.

Tractate Berachot, Chapter 2
Tosefta 4¹

One who was reading the Shema and made a mistake, and skipped in it one verse², [he] should not begin to read that verse by itself,³ but rather should go back to that verse and complete [the Shema, from that point on] until the end. And the same [applies] to Hallel, to prayer [of Shemoneh Esreh], and to the Megillah [of Esther]. One who entered a Synagogue and found that [the congregation] has read half of it (i.e. the Shema) and [he] completed [the remaining half of the Shema] with them,⁵ [he] should not go back and read it (i.e. the Shema) from the beginning until that place, but rather [he] should begin from the beginning and complete it until the end. And the same [applies] to Hallel, to Tefillah (prayer) [of Shemoneh
Esreh], and to the Megillah [of Esther].

Notes:

1. The Tosefta expounds on the Halacha stated in Mishna Berachot 2:3.

2. Skipping a verse is an example of a mistake that he could make. The same would apply if he just skipped one word or read a word incorrectly.

3. Meaning to read the verse by itself when ever he remembered that he made a mistake, and then continue on from where ever he paused.

4. See notes 3, 4 and 5 on the previous Tosefta.

5. In other words, he began reading from the point of which the Congregation was holding when he entered.

6. In summary, the Tosefta’s point is that all mistakes that one makes in an obligatory reading should be reread in order from the beginning to the end. This goes in accordance with the ruling of the previous Tosefta that all obligatory readings must be read in order and cannot be read out of order.

Tractate Berachot, Chapter 2
Tosefta 5

One who reads the Shema and makes a mistake, and [he] does not know where he made the mistake, [he] should go back to the beginning of the [first] paragraph. If he made a mistake in the middle of a paragraph, he should go back to the beginning of [that] paragraph. If he made a mistake between the first [verse that mentions] writing and the second [verse that mentions] writing, he...
should go back to the first [verse that mentions] writing.⁴,⁵

Notes:

1. The Tosefta expounds on the Halacha stated in Mishna 3:2 and continues on the same subject as the previous Tosefta.

2. See Note 2 on the previous Tosefta.

3. The Tosefta does not say explicitly which paragraph, but it must mean the first paragraph, because otherwise this would a superfluous statement since it would mean exactly the same thing as the following statement. Also in some manuscripts and printed editions the word פִּרְק (Perek), “paragraph”, is omitted completely, and the word לְרָאָשָׁה (Lerosha), “to its beginning”, implying that he should go back to the beginning of the Shema.

4. The verse וּכְתַבְתָּם עַל מְזֻזוֹת בֵּיתֶךָ וּבִשְׁעָרֶיךָ - And you should write them on the doorposts of your house and on your gates (Devarim 6:9 and 11:20), repeats itself in both paragraphs of Shema. So if he made a mistake on this verse, but he is not sure which paragraph he was in, the first or the second, then he should go back to that verse in the first paragraph.

5. This Tosefta follows the ruling of Tosefta 2:3 that all obligatory readings must be read in the correct order; hence he must go back to the beginning of the paragraph and reread the whole paragraph.

Tractate Berachot, Chapter 2

Tosefta 6¹
for [the] prayer of [Shemoneh Esreh], so too they do not interrupt [their work] to read the Shema.”⁶ Rebbi Chananya Ben Akavya says, “Just like they interrupt [their work] to read the Shema, so too they interrupt [their work] for [the] prayer [of Shmoneh Esreh].”⁷ Rebbi Elazar Bar Tzadok said, “When Rabban Gamliel and his Bet Din⁸ were in Yavneh,⁹ they were involved in the needs of the community¹⁰ and they did not interrupt [their work] in order not to lose [concentration] from their hearts.”

Notes:

1. Mishna Berachot 2:4 discusses the necessity of paying attention to the words during the Shema and the prayer of Shmoneh Esreh. Our Tosefta expands on that discussion. Notice that this is not the same as intent discussed above in Tosefta 2:2. Tosefta 2:2 discussed the intent to perform a Mitzvah (commandment), where as our Tosefta discusses paying attention to the meaning of the words that he is saying.

2. When ever the Talmudic literature refers to writing of books it always refers to holy books of the Tanach, such as the Torah, the Neviim (Prophets) or Ketuvim (Writings).

3. Tefillin is a set of two leather boxes with straps that contain in them 4 paragraphs from the Torah which mention the Tefillin in them. The 4 paragraphs are: Kadesh Li Kol Bechor (Shemot 13:1-10), Vehaya Ki Yeviyecha (Shemot 13:11-17), Shema (Devarim 6:4-9), and Vehaya Im Shamoa (Devarim 11:13-22). Every Jewish male is obligated to put on Tefillin every day. One box gets tied onto his arm and the other box gets tied onto his head above the forehead in the space between the
eyes.

4. Mezuzah (plural: Mezuzot) is a scroll which contains the two paragraphs of Shema in it, which must be affixed to the doorpost of every door in a Jew’s house.
5. The reason for Tanna Kama’s opinion is because the reading of the Shema is a Torah obligation; whereas the prayer of Shemoneh Esreh is a rabbinical obligation for which the Rabbis did not require someone to interrupt their work which involves a mitzvah (commandment), such as writing of a Sefer Torah (Torah Scroll).

6. Rebbi holds that since they are involved in a mitzvah they do not have to interrupt their work of writing a Sefer Torah, which is also a mitzvah, in accordance with the dictum that says “One who is involved in a mitzvah is exempt from all other mitzvot.” See Talmud Bavli, Sukkah 25a.

7. Rebbi Chananya Ben Akavya’s reason is explained in Pnei Moshe on Talmud Yerushalmi (Berachot 1:2, Daf 8a, Atya) that since writers of holy books are considered to be as if they are learning Torah, they have to interrupt their work for all Torah and rabbinical mitzvot. See Perush Mibaal Sefer Chareidim (ibid., Rebbi Chaninah Ben Akavya) for an alternative explanation of Rebbi Chananya’s opinion.

8. Bet Din literally means court, but in this case it refers to the highest Jewish court, the Sanhedrin.
9. Yavneh is a city located near the coast of Central Israel. In 69 C.E., during the last siege of Jerusalem, prior to the destruction of the Second Bet Hamikdash (Temple) by the Romans, Rebbi Yochanan Ben Zakkai escaped from the besieged city and asked the Roman general Vespasian for permission to reestablish the Sanhedrin (Jewish Highest Court) in the city of Yavneh. Vespasian granted him permission and so the Sanhedrin has moved from Jerusalem to Yavneh. In 74 C.E. Rebbi Yochanan Ben Zakkai died, and Rabban Gamliel (known as, Raban Gamliel II) became the Nassi (president) of the Sanhedrin. The Sanhedrin remained in Yavneh until 86 C.E. when it moved to Tveria (Tiberias) located on the Lake Kinneret in the region of the Galil in Northern Israel. Then it returned to Yavneh in 96 C.E. where Rabban Gamliel remained the Nassi until his death in 104 C.E. It is unclear during which period of time in Yavneh the episode referred to in our Tosefta has occurred.

10. The needs of the community can be referring to anything that involves public needs, such as fixing the roads or distributing charity to the poor. It does not specifically refer to presiding over court cases. For a large list of public needs see Talmud Yerushalmi (Shekalim 1:1, Daf 2b). The Rabbis have always considered the needs of the community as a mitzvah on the level of a Torah mitzvah; hence they grouped it together with other mitzvot. See Mishna Shekalim 1:1. The statement of Rebbi Elazar Bar Tzadok seems to imply that Raban Gamliel and his court did not interrupt their work for any kind of mitzvah, thus agreeing with the opinion of Rebbi.

Tractate Berachot, Chapter 2

Tosefta 7

A carrier, even though that his burden is on his shoulder, he may read [the Shema]. But while he is unloading [the burden] and loading [the burden] he should not read, because he is not paying attention [to what he is saying]. Either way [i.e. whether he is...
carrying or loading, or unloading], he should not pray [the Shemoneh Esreh] until he [completely] unloads [and can stand in one place without holding his load]. \(^3\)\(^4\)

Notes:

1. The Tosefta continues its discussion of the subject of paying attention to the words during Shema and Shmoneh Esreh. It is not related to any Mishna.

2. Saying the Shema while the porter is walking and carrying a load does not put any extra strain on him, hence he may say it, since he is capable of paying attention.

3. Shmoneh Esreh requires a person to stand in one place and not move. Hence it will be very difficult for a porter to hold his load, not move and pay attention at the same time he cannot say Shmoneh Esreh until he completely unloads his load.

4. This Tosefta applies to all opinions that require one to pay attention during some portion of the Shema and Shmoneh Esreh. However it is not particular about which section of the Shema or Shmoneh Esreh requires one to pay attention to what he is saying. Talmud Bavli (Berachot 13a-13b, 16a) and Talmud Yerushalmi (Berachot 2:5 Daf 18b) bring other opinions that do not require paying attention to the words during Shema and Shmoneh Esreh. Talmud Bavli seems to have different opinions regarding which part of Shema requires paying attention. The Stam (the anonymous voice behind the discussion) of the Gemara (The Talmud) (Berachot 16a) says that only the first paragraph of Shema (Veahavta) requires a person’s attention, however earlier in Talmud Bavli (Berachot 13a-13b) there are many different opinions regarding that and the conclusion seems to be that only the first sentence of Shema (Shema Yisrael, Hashem Eloheinu, Hashem Echad) requires one to pay attention while saying it.
Workers [must] read [the Shema even while they are sitting] on top of a tree.2, 3 And they [can] pray [Shmoneh Esreh] on top of an olive tree or on top of a fig tree.4 But [if they are on top of] all other trees, they [must] go down to pray [Shmoneh Esreh].5 The owner of the house [must] go down regardless [what kind of tree he is on top of] and pray [Shmoneh Esreh].6 Workers [must] read the Shema and say a Beracha (blessing) before it and after it.7 [When] they eat their bread they [must] say the Beracha before it and after it.8 And they [must] pray three times [a day] Shmoneh Esreh,9 but they do not go in front of the pulpit [to lead the congregation].10

Notes:

1. Mishna Berachot 2:4 says that workers read the Shema on top of a tree but they have to go down to pray Shmoneh Esreh. Our Tosefta expounds on this statement of the Mishna.

2. If workers are sitting on top of a tree and it came time to say Shema, they must stay on the tree and say it there, because if they go down they would be wasting the money or time of the person who hired them, since he would either have to pay them for the time during which they say Shema or even if he does not pay them it would take them longer to finish the job. This is my explanation based on Rashi’s explanation of the discussion over this Tosefta in Talmud Bavli (Berachot 16a, Rashi: uomitpalelin, Tanan, Haumnin, Shebatlin). However, based on Talmud Yerushalmi’s explanation of this Tosefta (Berachot 2:5 Daf 18a) it can be inferred that the workers are merely
not required to come down from the tree due to too much trouble of climbing up and down the tree. However they may come down from the tree to say Shema if they want to. According to Talmud Yerushalmi the text of the translation would need to be amended to read: “Workers [may] read [the Shema]...” This would apply to further exchanges in the translation between words “must” and “may”.

3. The reason that it is ok to say the Shema on top of a tree is because the portion that requires one’s attention is relatively short, be it the first verse or the first paragraph. See note 2 above.

4. Both olive trees and fig trees are relatively low to the ground and have many branches with leaves on them, hence one would feel safe standing on it and therefore would be able to pay attention to what he is saying. This is Rashi’s explanation (see above note 2 for citations) and the one I tend to prefer. However Talmud Yerushalmi explains (see above note 2 for citations) that since these trees have many branches it would be too much trouble for the workers to go down and therefore the Rabbis did not require them to come down to say Shmoneh Esreih. For a discussion of which explanation is more preferable see Mareh Panim on Talmud Yerushalmi (Berachot 2:5, Daf 18a, Berosh Hazayit).

5. Rashi (Berachot 16a, Ma Sheinan) explains that the reason for this would be that Shemoneh Esreih, a prayer in which a person makes requests, requires more attention since one should know and pay attention to what he requests from God.

6. The owner of the house refers to the person who hired the workers. Again the meaning of this statement would vary depending on which interpretation mentioned above in note 2 you go like. If you go like Rashi in Talmud Bavli then the owner must go down since he is not wasting anyone’s time or money and he would pay better attention to what he is saying on the bottom. However, according to Talmud Yerushalmi the owner of the house merely may go down if he wants to, but he may stay in the tree. It should be noted that Talmud Yerushalmi itself has a different reading of this statement in the Tosefta. It adds the word “always”, implying that the owner must
always go down from the tree. So on this statement regarding the owner both Bavli and Yerushalmi agree that he must go down.

7. Since it is a rabbinical requirement to say the Berachot of Shema, the workers must say them and it is not considered a waste of the owner’s time or money.

8. The Beracha before eating bread is Baruch Ata Hashem Eloheinu Melech Haolam Hamotzi Lechem Min Haaretz – Blessed are You Hashem, our God, King of the world, Who brings forth bread from the earth. It is a rabbinical requirement to say a Beracha before food. See below Tosefta Berachot 4:1. The Beracha after eating bread is Birkat Hamazon (Grace After Meals) and it is a Torah obligation to say it, (see Devarim 8:10) although the Rabbis have specified the specific text for it.

9. Shmoneh Esreh is said three times a day in the morning (Shacharit), in the afternoon (Mincha) and in the evening (Maariv or Aravit). There is an argument in Talmud Bavli (Berachot 27b) whether Maariv prayer is a rabbinical requirement or merely an optional prayer that the Rabbis allowed one to say if he wants to. It is clear that the opinion of this Tosefta is that Maariv is an obligatory prayer; otherwise the workers would not be allowed to say it due to wasting the owner’s time or money. However it is possible to explain according to the explanation of Talmud Yerushalmi mentioned in note 2 that here the Tosefta is merely allowing the workers to pray the 3rd time but it is not required.

10. The Shliach Tzibur (the person who leads the congregation in prayer) is required to repeat the Shmoneh Esreh out loud after everyone reads it silently, for those who do not know how to pray. Besides that he is required to say the additional prayer of Kaddish. All of these extra prayers would cause the workers to stay away from their work for a longer period of time and would waste the owner’s time or money. This particular statement in the Tosefta is the reason why I prefer Rashi’s explanation in note 2. According to the Yerushalmi’s explanation that all of this is merely optional this particular law does not make any sense, since if not for a cause of loss to the owner, there should not be any other reason why the workers should not be
allowed to lead the prayers. However, the Yerushalmi does not quote this part of the Tosefta, which was necessary to skip if the Yerushalmi wanted to push forward its line of reasoning.

Tractate Berachot, Chapter 2

Tosefta 9

Best men and bridesmaids, and all [other] wedding attendees are exempt from [the] prayer [of Shmoneh Esreh] and from [putting on] Tefillin (Phylacteries), all seven days [of the wedding celebrations], but [they are] obligated in reading the Shema. Rebbi Shila says, “The groom is exempt [from saying the Shema, Shemoneh Esreh and putting on Tefillin], but the wedding attendees are obligated [in all of them].”

Notes:

1. Mishna Berachot 2:5 discusses the groom’s exemption from reading the Shema. Our Tosefta expands on that law.

2. שושבינין (Shoshbinin) is a term that refers to both best men and bridesmaids or the bride’s agent who was sent to be married on her behalf. They were usually men, but could be women (bride’s friends) as well. In Talmudic times people who were designated as best men and bridesmaids were obligated to bring gifts to the groom and the bride and were entitled to reciprocation in gifts from the groom and the bride. See Tosefta Ketubot 1:4 and Mishna Bava Batra 9:4.

3. This would apply to both men and women, since women are obligated in praying Shmoneh Esreh. See Mishna Berachot 3:3.

4. This would apply only to men, since women are exempt from Tefillin anyway since it is a positive commandment dependent on time. See Mishna Berachot 3:3.
5. Jewish wedding celebrations continue for seven days. The first day is on which the Chupah (canopy) ceremony takes place with a festive wedding meal following it, and then the following 6 days are known as the days of Sheva Berachot (Seven Blessings), since on each of those days there is a festive meal eaten together with the bride and the groom and special seven Berachot are recited at the end of the meal after the Birkat Hamazon (Grace After Meals). Our Tosefta is referring to all people who are attending these celebrations as long as they are physically present at the celebrations. Obviously, if a person only attended three days of the celebrations and then left, he would be exempt from the above mentioned mitzvot on those days, but he would be obligated in them once he left.

6. Rashi (Sukkah 25b, Peturin, Vechayavin) explains that the reason the wedding attendees are exempt from praying Shemoneh Esreh is because they are too busy with the wedding and cannot pay attention, but they are obligated in Shema because in Shema they only need to concentrate on the first verse and it is short enough that they can find time to sit down and concentrate. See above Tosefta 2:7, note 4. He further explains (Sukkah 25b, Umin Hatefillin) that the reason they are exempt from Tefillin is because at weddings there is a lot of drinking of alcohol and licentiousness both of which are not allowed when one wears Tefillin, hence the attendees are exempt from putting it on. It is a peculiar reason for the exemption from Tefillin, because Tefillin is a Torah commandment and therefore I would think that the Torah would not give an exemption to someone just because they want to get drunk even if it is at a wedding. It is possible to explain however that it was the Rabbis who gave an exemption from Tefillin to wedding attendees, since the Rabbis have the power to give exemptions from positive Torah commandments in a case when one can just sit and not do them (Shav Vealtaaseh). See Talmud Bavli Makkot 13b, Eruvin 100a, and Yuma 74b.

An alternative explanation would be that since all wedding attendees are involved in a mitzvah of making the bride and the groom rejoice at their wedding they would be exempt from all other Mitzvot, although this explanation is also problematic because then why are they obligated in saying the Shema? For a discussion whether this reason
applies to the opinion of the Tanna Kama in our Tosefta see Ritva (Sukkah 25b, Tannu Rabbanan).

7. Rashi (Sukkah 26a, Meshum Rebbi Shila) and Tosefot (Sukkah 26a, Chatan) explain that Rebbi Shila does not hold of the opinion that those involved in a mitzvah are exempt from all other mitzvot; hence he obligates all of the wedding attendees. However the groom is still exempt from the above mentioned commandments, because he cannot concentrate and pay attention at all, even for one sentence, since he is anticipating having sexual intercourse soon for the very first time in his life, as Mishna Berachot 2:5 explains.

Tractate Berachot, Chapter 2

They have buried the dead [person] and lined up in a row.2 The [outer] row that sees the inner [row] is exempt [from saying the Shema] and the [outer] row that does not see the inner [row] is obligated [to say the Shema].5,6 Rebbi Yehudah says, “If there is only one row there, then those who are standing there for the sake of honor [of the dead] are obligated [to say the Shema], and those who are standing there for the sake of the mourner are exempt [from saying the Shema].”7 [Later] they went down to eulogize [the dead person].8 The people that see the inner row are exempt [from saying the Shema], and some say, “those who are behind them [are exempt as well].”9 And those that do not see the inner row are obligated [to say the Shema].10 The one that says the

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They have buried the dead [person] and lined up in a row.2 The [outer] row that sees the inner [row] is exempt [from saying the Shema] and the [outer] row that does not see the inner [row] is obligated [to say the Shema].5,6 Rebbi Yehudah says, “If there is only one row there, then those who are standing there for the sake of honor [of the dead] are obligated [to say the Shema], and those who are standing there for the sake of the mourner are exempt [from saying the Shema].”7 [Later] they went down to eulogize [the dead person].8 The people that see the inner row are exempt [from saying the Shema], and some say, “those who are behind them [are exempt as well].”9 And those that do not see the inner row are obligated [to say the Shema].10 The one that says the

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eulogy and all of those who are involved in the eulogy stop [the eulogy] to read the Shema, but they do not stop [the eulogy] to pray [the Shmoneh Esreh].\textsuperscript{11} It happened [once] that the Rabbis stopped [the eulogy] for the reading of the Shema and [the] prayer [of Shmoneh Esreh].\textsuperscript{12}

Notes:

1. Mishnayot Berachot 2:6 and 2:7 and then Mishnayot Berachot 3:1 and 3:2 mention laws about mourners. Our Tosefta expands on that subject in relation to Shema and Shmoneh Esreh.

2. It was a custom in the Talmudic times to have all the people present at a funeral to line up in circles around the mourners. Each circle was called a row. The mourners went around the inner circle and everyone present would tell them expressions of consolation and comfort, such as, “May Hashem comfort you in the gate of the mourners of Tzion and Yerushalayim.” See Talmud Bavli, Sanhedrin 19a.

3. The mourners would be positioned in the center of the circles. The outer row formed the second circle around the mourners.

4. The inner row was facing the mourners.

5. This Tosefta follows the opinion that a person who is involved in performing a mitzvah is exempt from other mitzvot. It is obvious that the inner row is exempt from saying the Shema since they are the ones who are directly involved in the mitzvah of consoling the mourners (Menachem Avel), however the second row that can see the inner row but cannot see the mourners themselves directly is not so obvious, so the Tosefta teaches us that they are exempt as well for the same reason as the inner row.

The Talmud Yerushalmi (Berachot 3:1, Daf 22a and Pnei Moshe there) offers a completely different reason for these laws. Yerushalmi learns out from a verse in the Torah that a person who is involved in
comforting mourners is exempt from Shema. The Torah says (Devarim 16:3) “... all the days of your life”, meaning the days that you deal with the living and not with the dead. Then the Yerushalmi makes a Kal Vechomer (a derivation from minor to major) that goes as follows. If one is exempt from Shema, which is accepting the burden of Heaven upon oneself, then for sure one should be exempt from Shmoneh Esreh since it is merely prayer, and even from Tefillin which is just a reminder of the contents of the Shema. This explanation fits very well within our Tosefta however it is very difficult to understand since the verse of “... all the days of your life” is not talking about the Shema, but rather about remembering the Exodus from Egypt.

6. All outer rows that are beyond the second row are not considered to be involved directly in comforting the mourners; hence they are obligated in Shema.

7. Rebbi Yehudah clarifies an important point that the real purpose of the outer rows beyond the second row is not to comfort the mourners at all, but rather to give honor to the dead person. The more people show up at a funeral the more honor it is for the dead. Therefore Rebbi Yehudah says that if there are not a lot of people and there is only one row it would still depend for what purpose the person came to the funeral. If he came to just honor the dead then he is not directly involved in a mitzvah of comforting the mourners and therefore he would be obligated in saying the Shema, however if he came to comfort the mourners then he is exempt from saying the Shema.

8. There was a special place designated at the cemetery for saying the eulogy after the burial. See Talmud Bavli Bechorot 52b.

9. The quote of “some say ...” is not present in any of the Tosefta manuscripts that are extant, however this is the way it was printed in the first edition of the Tosefta. I have left the text as it was printed, because it is a lot clearer this way than the way it is written in the manuscripts.

10. The reason for this is the same as for the previous law regardless if you go like the first or the second explanation in note 5 above. At this point the eulogy has not begun yet, so the people present are still
continuing their mitzvah of comforting the mourners and that only applies to those in the front rows.

11. The eulogy is a matter of giving honor to the dead which does not count as a mitzvah to exempt someone from Shema, as was stated by Rabbi Yehudah in our Tosefta. Therefore once the eulogy has begun everything depends on which mitzvah is a Torah law and which is rabbinical. Shema, which is a Torah commandment, cannot be skipped and therefore the eulogy must be paused for it. However Shmoneh Esreh is a rabbinical obligation and the Rabbis made a specific exemption from it for those who are involved in honoring the dead.

12. Chasdei David explains that in this incident, the Rabbis who were present were not the ones eulogizing the dead person, hence they felt that since they are not involved directly in the eulogy they are not even present there to honor the dead and therefore they stopped the eulogy in order to say Shmoneh Esreh as well. I do not particularly like this explanation because it appears from it that the Rabbis interrupted the eulogy when it was not necessary and thus caused a dishonor to the dead person since everyone had to stop including those who eulogized. There is an alternative explanation, based on Talmud Yerushalmi (Berachot 3:2, Daf 24b) that in this particular incident the eulogy has extended into the second day and it was on the second day of eulogizing that the Rabbis paused it. This makes more sense since it was not disrespectful to the dead person to stop the eulogy on the second day since it went significantly over time anyway.

Tractate Berachot, Chapter 2

Tosefta 11

A man who had a seminal emission (Baal Keri) and is sick, if nine Kavs of water were poured on him, he may read [the Shema]. But he may not fulfill the obligation [of reading the Shema] for others until he dips himself in forty Seah [of water]. Rebbi Yehudah says, “Forty Seah no
Notes:

1. Mishnayot Berachot 3:4 and 3:5 discuss laws regarding how a Baal Keri should read the Shema. Our Tosefta expands on that subject.

2. A Baal Keri (literally: one who had an accident) (plural: Baalei Keraim) is a man who had a seminal emission either by accident or due to sexual intercourse. The Torah says (Vayikra 15:16) that a man who had a seminal emission is ritually impure (Tameh) for that day until the evening and he has to go the Mikvah (a ritual immersion pool) in order to purify himself. However the fact that he is Tameh does not prohibit him from reading the Shema by Torah law. After the return from the first Persian exile, roughly after 459 BCE, Ezra the Scribe and his Sanhedrin made a new rabbinical law that a man who became a Baal Keri cannot read anything from the Torah until he immerses himself in the Mikvah. This decree was made for various reasons. See Talmud Bavli (Berachot 22a) and Talmud Yerushalmi (Berachot 3:4, Daf 26b). Ezra was allowed to make such a decree even though learning Torah is a Torah obligation since this is a case of Shav Vealtaaseh. See above Tosefta 2:9, note 6.

3. Since he is sick it is too difficult for him to go to the Mikvah.

4. A Kav is a liquid measure, roughly equal to ½ gallon. So 9 kavs is 4.5 gallons (17 liters).

5. Even though by Torah law a person who is Tameh (for any reason) is required to dip himself in a Mikvah, for some rabbinical requirements the Rabbis were lenient and allowed him to pour over himself 9 Kavs of water, instead of dipping in the Mikvah. See Talmud Bavli (Berachot 22b).

6. Seah is a measure of volume, equal to 6 Kavs. That makes it roughly equal to 3 gallons. 40 seah is 120 gallons (454 liters). The minimum amount of water in the Mikvah is 40 seah, so whenever the Tosefta refers to dipping in 40 Seah of water it refers to dipping in a regular Mikvah.
7. The reason that he must dip in the Mikvah in order to read for someone else, is because when other people are involved he must be of the same status as other people. Meaning that since by others who are not sick if they would become a Baal Keri the Rabbis were not extra lenient and required dipping in the Mikvah, so the person who is reading for them must be like them and also dip in the Mikvah. Based on this we can infer that if a sick Baal Keri would be reading for another sick Baal Keri then he would not have to dip in the Mikvah and pouring 9 Kavs on him would suffice. This is my explanation based on Rashi (Berachot 22b, Aval Leacherim).

8. The simple interpretation of Rebbi Yehudah is that he holds that even a sick Baal Keri must dip in the Mikvah and 9 Kavs are not enough. However Talmud Bavli (Berachot 22b) explains that Rebbi Yehudah is lenient by a sick Baal Keri similar to the Tanna Kama, but slightly in a different way. He holds that these 40 Seah of water can even be drawn water, which is normally unfit for a Mikvah or it can be 40 Seah of water inside a tub and not inside a Mikvah. The reason that the Bavli learns like this is because the expression of “no matter what”, מכל מקום (Mikol Makom) (literally: from any place), is coming to include some special case and not just to generalize.

Notes:

Tractate Berachot, Chapter 2
Tosefta 12

במסכת ברכות פרכ ב

זבים זבות נדחיות ניזון נידה ילדות

הן יכולות לברוח בתרחה לשון

בדמשכה במשר בבלאות ובאגדות

בביעלי ברוים אשרוים בבלאות. רבי

נני אומר ש翱 ההוא בלאות

בריית ובבל בלאו ליאלו ביא אף

עפשה.
1. Mishna Berachot 3:6 states a law about various people who are tameh that they need to immerse themselves in a Mikvah in order to learn Torah. Our Tosefta expands on that subject.

2. A Zav (literally: one who had a flow) (plural: Zavim) is a man who had a seminal emission due to some kind of a disease that caused the penis to emit semen without an erection. See Tosefta Zavim 2:1. Usually a person became a Zav if he had Gonorrhea or Syphilis which caused such emissions. The Torah renders a Zav Tameh (ritually impure) with the special category of the Tumah (impurity) of a Zav, which in general is a lot more stringent than the Tumah of a Baal Keri. See Vayikra 15:2-15.

3. A Zavah (literally: a woman who had a flow) (plural: Zavot) is a woman who had an abnormal flow of blood out of her uterus at a time when she was not supposed to see blood. A normal period is supposed to last 7 days. However if she saw blood during the 11 days after the 7 days of her period (i.e. in between her normal periods) then she would become a Zavah. See Ramban, Hilchot Niddah 1:1-12. For an alternative explanation of a Zavah see Rambam, Hilchot Issurei Biyah, chapters 6-8. The Torah renders a Zavah ritually unclean (Tmeah) just like a man who is a Zav. See Vayikra 15:26-33.

4. A Niddah is a woman who had a flow of blood out of her uterus due to her regular period. The Torah renders a Niddah ritually unclean (Tmeah). See Vayikra 15:19-25.

5. A woman who gave birth is called a Yoledet and the Torah renders her ritually unclean (Tmeah). See Vayikra 12:2-8.

6. The Rabbis have never made a decree to forbid the Zav, Zavah, Niddah and Yoledet to handle and read Torah books, just like they forbade a Baal Keri. See above Tosefta 2:11, note 2.

7. Midrash refers to various rabbinical compilations on the Torah, such as Midrash Rabbah.

8. Laws - Halachot refers to explicit Torah laws that do not include any reasons or discussions.

10. Due to Ezra’s decree. See above Tosefta 2:11, note 2.

11. Rebbi Yossi is of the opinion that Ezra did not decree that a Baal Keri cannot learn laws that he has previously learned.

12. Arranging the Mishna refers to looking up various reasons for what the Mishna says.

13. It is interesting to note that our Tosefta implies that there were women in Talmudic times who studied all kinds of different parts of the Torah and even the Mishna, Halachot, and Midrash, since it specifically permits them to do so when they are ritually impure.

Tractate Berachot, Chapter 2
Tosefta 13

“...A man who had a seminal emission (Baal Keri) who does not have water to dip in may read the Shema, but he may not [read it loud enough so that he can] hear [himself talking] with his own ear, and does not say the Beracha (blessing) not before it and not after it.” [These are] the words of Rebbi Meir. And the Chachamim (Sages) say, ”He may read the Shema and he may [read it loud enough so that he can] hear [himself talking] with his own ear, and he says the Beracha [both] before it and after it.” Rebbi Meir said, “One time we were sitting in the Bet Midrash (Study Hall) in front of Rebbi Akiva and we were reading the Shema, but we were not saying it loud enough to be able to hear ourselves, because of one.
inquisitor who was standing by the door.”

They (i.e. Chachamim) said [back] to him, “The time of danger is not a proof.”

Notes:

1. The Tosefta continues its discussion of the laws of Baal Keri and Shema. It is not related to any Mishna.

2. See above Tosefta 2:11, note 2.

3. Ezra did not decree his prohibition of a Baal Keri not being allowed to learn Torah in an extreme case when there is no Mikvah around.

4. Rebbi Meir is of the opinion that when one reads the Shema he does not have to read it loud enough to hear the words. So in the case of a Baal Keri without water out of reverence for Ezra’s decree Rebbi Meir says that he should not say it out loud.

5. Since Berachot are only a rabbinical requirement in this case he should not say them again out of reverence for Ezra’s decree.

6. The Chachamim are of the opinion that although one fulfills his obligation of reading the Shema even if he cannot hear himself saying it, still it is better to say it out loud. See Mishna Berachot 2:3 and Talmud Bavli (Berachot 16b).

7. The Chachamim feel that since Ezra did not decree his enactment for a Baal Keri who does not have any water there is no reason to change anything from the normal recitation of the Shema.

8. This story must have taken place approximately between 123 CE and 132 CE, during Emperor Hadrian’s decrees against learning of the Torah and various other Jewish observances such as Shabbat, Circumcision, and Mikvah, that were in action starting approximately in the year 123 CE and that continued until Hadrian’s death in 138 CE. Rebbi Akiva was executed by Hadrian around 132 CE as a result of his support for the rebellion of Bar Kochba and continuing teaching Torah despite the issued decrees. The person who was standing at the door
was a Roman informer whose job was to make sure that the Jews were obeying Hadrian’s decrees. The punishment for such violations could result in imprisonment or death.

9. The Chachamim replied back to Rebbi Meir that the reason they were saying the Shema quietly was due to the inquisitor listening in and had nothing to do with the decree of Ezra for a Baal Keri.

Tractate Berachot, Chapter 2

Tosefta 14

One that was standing in the field naked or that was doing his work naked should cover himself with straw and with stubble or anything [else for that matter] and may read [the Shema]. Even though they (i.e. the Rabbis) said that it is not praiseworthy for a person to be sitting naked, because the Holy One Blessed Be He did not create man naked as it says, “I clothed him in a cloud and [made] mist his shroud.” (Iyov 38:9) “Clothed him in a cloud” that [refers to] the sack of the fetus, “and [made] mist his shroud” that [refers to] the placenta. [If] there was a wrap of cloth or of skin wrapped around his loins he may read [the Shema]. Either way he should not pray [Shmoneh Esreh] until he covers his heart.

Notes:

1. The Tosefta states a new law regarding the Shema. It is not connected to any Mishna.
2. Terms נַטְבַּן (Teven) and קַשּׁ (Kash) are synonyms both meaning straw and in general are used interchangeably. However since both of them are mentioned in the same sentence that implies that there is some difference between them. The nuance of the difference between them is that נַטְבַּן is literally straw that has been cut into small pieces by the threshing process. Straw was used as roughage for domestic animals. However קַשּׁ, stubble, is dried-up stalks left standing in the fields. Sometimes it is used by camels to supplement their regular meals, but mostly it is used as fuel for burning something. It cannot be used as food for regular domestic animals, because it is too hard. See The International Standard Bible Encyclopedia 1915 (entry Straw, Stubble).

3. The Holy One Blessed Be He is a common reference to God.

4. The subject of the discussion in Iyov is God’s rhetorical questioning of Iyov where he was during the creation of the world, as if to say what does he know about the way God runs the world and why things are the way they are? However this particular verse is referring to the creation of the sea and not the creation of the human being. Our Tosefta reinterprets the verse some what out of context to make a point as is commonly done when using the Drash (exegesis) method of explaining the Tanach.

5. Loins literally refer to the sides of the body between the lower ribs and pelvis, and the lower part of the back. However the term “loins” is sometimes used to refer to human genitals, which seems to be the more appropriate usage in our Tosefta. It is the bare minimum that is required to be covered on the human body when one is involved in the study of Torah or praying.

6. The Tosefta clarifies its previous statement that one should cover himself by saying how much should the person really cover in order to be able to say the Shema, explaining that as long as his private parts are covered it is sufficient and he does not need to cover anything else.

7. Either way, means that even if he has covered his private parts still he must cover the chest where the heart is in order to be able to pray Shmoneh Esreh. The reason is because when he prays Shmoneh Esreh
it is as if he is standing in front of the king and is pleading before him, which requires more appropriate dress. However Shema is a mere declaration of God’s unity and it is not a direct conversation with God; hence the person does not have to be dressed as much. See Rashi (Berachot 25a, Aval Letefillah). It is interesting to note that according to the Tosefta the dress required to stand in front of God and pray is merely a shirt and shorts, and not a suit and a tie as many people think.

Tractate Berachot, Chapter 2

Tosefta 15

A person should not put his head into his [own] lap and read the Shema [that way]. But if his underwear was belted on the inside [of his robe] it is permitted [to read the Shema with his head in his own lap].

Notes:

1. The Tosefta continues its discussion of the laws of Shema on a similar subject as the previous Tosefta. It is not connected to any Mishna.

2. This Tosefta is not talking about a person sitting naked, since that was already discussed in the previous Tosefta. Rather the case is that the person is wearing his regular clothes which in the times of the Tosefta consisted of a robe without underwear. So if a person sat down and put his head into his lap and his robe was not long enough, his private parts would get exposed. Hence the Tosefta says that it is improper to read the Shema with one’s private parts exposed even if he is technically dressed.

3. Underwear in the ancient times was not a common clothing item. Ancient underwear did not have any elastic on it, hence it had to have some kind of straps similar to a garter that would tie the underwear to his shirt or to a belt that he wore around his waist, in order for it not to fall off.
4. Since he was wearing underwear that covered his private parts no matter what position he was in he could read the Shema with his head in his lap.

5. The correct reading here is חיקו (Cheiko), “his lap”, and not קובר (Kubo) which is not technically a meaningful word in this context at all. However based on this erroneous reading Cheshek Shlomo on this Tosefta explained that the word חיקו means “his room” and the Tosefta is talking about a person who stuck his head out of his bed canopy while sleeping naked and read the Shema that way, which the Talmud Bavli (Sukkah 10b) says is not allowed unless the canopy is high off the ground. However it is obvious from the discussion in Talmud Bavli (ibid.) that this is not the case in our Tosefta, because then the Talmud should have quoted our Tosefta, but instead it quotes the case of a canopy in the name of Shmuel. The word קובר (Kuv) is not found anywhere in Talmudic literature at all and the word קב (Kav) which may mean “a hollowed out space”, usually in a piece of wood for a prosthetic leg, is never used to mean “a room”. Hence the correct word here is חיקו – his lap, and the meaning of the Tosefta is as I have explained it.

Tractate Berachot, Chapter 2

Tosefta 16¹

Two people that were sleeping [naked]² under one cover are not allowed to read the Shema.³ But rather [what they should do is as follows], this one should cover himself with his [own] cover and read [the Shema] and this one should cover himself with his [own] cover and read [the Shema]. But if his son or his daughter were little⁴ then it is allowed [to read the Shema if one is sleeping naked with them in the same
bed].

Notes:

1. The Tosefta continues on the previous subject. It is not related to any Mishna.

2. In the ancient times, since most people did not wear underwear, it was common for people to sleep naked, even if they were sleeping with someone else in the same bed. It is obvious that the Tosefta is talking about two people sleeping naked and not dressed, because otherwise there would be no question at all if they can read the Shema or not.

3. The reason they are not allowed to read the Shema is because it is inappropriate to study Torah or pray in the presence of someone else naked.

4. The age up to which they are considered little enough to sleep together with their naked parents is 9 years old for a boy and 3 years old for a girl. Above that age children are considered to be able to reach puberty, even in an extreme case, and therefore are not allowed to sleep with their parents naked. See Talmud Yerushalmi (Kiddushin 4:11, Daf 48a). It should be noted that although these ages are extremely young and reaching puberty at such an age is very uncommon, the Talmud picked the extreme youngest possible age at which children are capable of reaching puberty. It is possible that the Talmudic observations were based on children who suffer from a condition known as Precocious Puberty when a child’s body starts producing high amounts of hormones at a very young age triggering puberty. The youngest confirmed case in history of a girl giving birth was a girl by the name Lina Medina from Peru who gave birth at the age of 5 years old. See Edmundo Escomel, “La Plus Jeune Mère du Monde”, La Presse Medicale 47(38), May 13 1939, p. 744.
Shmoneh Esreh] a person must move away from the feces and urine of a small child who is capable of eating an olive size [piece of bread],² four Amot.³ We only move away from [the feces] of a person and of a dog⁴ when skins are placed inside it (i.e. dog feces) [for processing].⁵

Notes:

1. Since the previous Tosefta mentioned small children, this Tosefta states another law regarding the Shema that involves small children. It is not related to any Mishna.

2. While a child drinks his mother’s milk his feces and urine are of a mild nature and do not smell so much. However when a child begins to eat real food, such as bread his feces and urine become like feces and urine of an adult with a strong smell. The Tosefta mentions bread as an example of food since that was the most common thing that people ate, however this Halacha (law) would apply to any food besides breast milk.


4. The reason is because the feces of people and dogs have a really strong smell, as opposed to grazing animals whose feces do not have such a strong smell. This law obviously does not just apply to specifically people or dogs, but to any other animal whose feces have a strong smell. The Tosefta uses these examples because they were common. It is important to note that according to the accepted Halacha once human and dog feces have been forbidden to pray next to that applies to them even if they are completely dried up and do not smell anymore. See Rashi (Berachot 25a, Lo Keneged). However the Tosefta (Berachot 2:20) later on does not agree with that and says that dried up feces do not need to be diluted in order to pray next to them.
5. It was and in some places still is a common practice to use dog feces during the skin tanning process. The dog feces would either be pounded directly into the skin or it would be mixed with water and then the skin would be soaked in this solution. The process of rubbing dog dung into the skin is called “puering”. The reason that dog dung is a good material for this is because it contains pancreatic enzymes which were used in solution to attack the non-collagenous proteins in skins or hides. It helps color the skin and make it softer. For more details on this process see Marion Kite, Roy Thomson, “Conservation of leather and related materials”, Butterworth-Heinemann, 2006, pp. 68-69 and 84. Tosefta is teaching us that even if the dog feces are mixed with leather or in water solution they still had a foul smell and a person praying must move away from them.

Tractate Berachot, Chapter 2

Tosefta 18¹

[If] an [empty] vessel for excrements or a tub for urine is with him in the house,² he should move away [from it] four Amot³ and read [the Shema]. [If it is] in front of his bed he should put any amount of water into it and read [the Shema], but if he did not [put water in it], he may not read [the Shema].⁴ Rebbi Zakkai says, “If he put into it a Revit⁵ of water he [may] read [the Shema], and if not, he [may] not read the Shema.”⁶ Rabban Shimon Ben Gamliel says, “[If the vessel for excrement] is in front of the bed he [may] not read [the Shema], [but] if it is behind the bed he [may] read [the Shema].”⁷ Rebbi Shimon Ben Elazar says, “Even if the whole house is approximately ten Amot⁸ [long] and the vessel for excrement is put inside
it, he [may] not read [the Shema] until he takes it outside or puts it under the bed."\(^{9,10}\)

Notes:

1. The Tosefta continues on the subject of reading the Shema in the presence of excrement as was mentioned in the previous Tosefta. It is not related to any Mishna.

2. The vessels may be empty and not contain any urine or feces. Since they are designated for this purpose they must be neutralized with water as the Tosefta goes on to explain.


4. The Tanna Kama is not particular about the amount of water with which the feces or the urine should be diluted with. Since the vessel is empty, it is good enough to just put a tiny amount of water which will neutralize whatever smell the vessel itself may contain. This should not be confused with the skin tanning vat that contains a mixture of dog feces and water, which is considered to be like undiluted feces, since it contains a very large amount and its contents are allowed to sit around for a long time and brew, which produces an awful stench.

5. A Reviit is a liquid measure, which is equal to \(\frac{1}{3}\) Log, hence its name “Reviit” which means a quarter. It is equal in volume to 1 ½ eggs, which is approximately 3.5 fl. Oz. (0.1 liters).

6. Rebbi Zakka holds that even if the bucket is empty we must still treat it as if it contains urine or feces in it, hence he must pour enough water into it to neutralize the smell of the urine or feces. The minimum amount of water that is capable of doing so is a Reviit.

7. Rabban Shimon Ben Gamliel holds that we are not concerned with the neutralization of the vessel since it is empty, but the person should not be facing the vessels when he is saying the Shema. However if the vessel is behind him and he cannot see it, it is not considered disrespectful and he may read the Shema.
8. Even if the length of the house is 10 Amot which is much bigger than the minimum 4 Amot that a person is required to move away from urine or feces, still since it is all one house it is considered to be as if it is within 4 Amot away from him.

9. Putting it under the bed is similar to removing it from the house since the bed serves the purpose of a roof similar to the house itself. Hence the vessel is considered to be contained within the space under the bed. Houses in the Talmudic times usually consisted of one room and were very small; hence the Tosefta did not recommend taking the bucket out of the room, because most people only had one room.

10. Rebbi Shimon Ben Elazar agrees with Rabban Shimon Ben Gamliel that since the vessel is empty he does not need to neutralize it, however the issue is that since the house is considered to be like 4 Amot no matter where the vessel is placed within the space of the house it is always in front of him. So therefore he must take it out or put it under the bed.

Tractate Berachot, Chapter 2

Tosefta 19

A person should not go into dirty alleyways and read the Shema [there]. And not only that, but even if he already walked into [a dirty alleyway] while he was reading [the Shema], he should stop [reading it] until he completely exits from that area, and [only then] he [may continue] reading [the Shema]. A person should not stand and pray [Shmoneh Esreh] while he needs to relieve himself, as it is said, “Prepare to greet your God, Yisrael.” (Amos 4:12)

Notes:
1. The Tosefta continues on the same subject as the previous Tosefta. It is not related to any Mishna.

2. Alleyways are narrow streets which are surrounded by buildings on both sides. In the ancient times, before the invention of the sewer system, it was very common for people to dump their excretions out into the street, especially if it was a dark alleyway where it was dangerous to walk anyway. The main reason why people threw refuse onto the street was because if they lived on the 2nd floor of a house or higher they did not have any running water there and it was much easier to just dump it out of the window than walk downstairs and put it in the garbage dumpster. See Daniel Sperber, “The city in Roman Palestine”, Oxford University Press, 1998, pp. 10-11. When the Tosefta says “dirty” it refers to dumped excrement and not regular garbage.

3. The Tosefta implies that this applies only to Shmoneh Esreh and not to Shema, since Shema is not a direct conversation with God, but rather a proclamation of God's unity.

4. The verse implies that when one goes to talk to God he should prepare for it and therefore relieve himself beforehand.

Tractate Berachot, Chapter 2

Tosefta 20

[Person] should not spill water [with feces in it] in a place where he [wants to] pray [Shemoneh Esreh], but rather he should [spill it] four Amot away [from that place]. If [the feces have] dried up or reabsorbed (i.e. dissolved) then it is permitted [to pray Shemoneh Esreh next to them].

Notes:

1. The Tosefta continues on the previous subject. It is not related to any Mishna.
2. This Tosefta holds that one may not be within 4 Amot of feces when one prays even if the feces are diluted with water. This seems to go against the opinion of Rebbi Zakkai in Tosefta 2:18 above who holds that it is ok to say Shema when the feces were diluted with water. The reason for the Tanna Kama in our Tosefta is because even when feces are diluted with water it still has some bad smell to it. It is unreasonable to say that there is a difference between Shema and Shmoneh Esreh with regard to the presence of feces; hence we must explain that Rebbi Zakkai and our Tosefta argue.


4. However if the feces are dried up or reabsorbed (dissolved in the water) then they do not smell anymore and one can pray next to them.

Tractate Berachot, Chapter 2

Tosefta 21

[A person] who enters a bathhouse: In a place where people are standing dressed, it is [permitted] there [to] read [the Shema], and [say the] prayer [of Shemoneh Esreh], and one does not even need to mention [that] greetings [are allowed there]. One can put on his Tefillin (Phylacteries) [there] and one does not even need to mention that he does not [need to] take his Tefillin off [there]. [In] a place where [some] people are standing dressed and [some people are standing] naked, it is [permitted] there [to say] greetings, but it is not [permitted] there [to] read the Shema and [say the] prayer [of Shemoneh Esreh], and one [does] not [have to] take off his Tefillin [there], but one
may not put [his Tefillin] on [there] from the start. In a place where [all] people are standing naked, it is not [permitted to] greet there, and one does not even need to mention [that] reading [of the Shema], and prayer [of Shmoneh Esreh], and taking off his Tefillin [are all forbidden there], and one does not even need to mention that he may not put them on (i.e. Tefillin) [there as well].

Notes:

1. Our Tosefta goes back to the discussion of praying in front of naked people as a continuation from Tosefta 2:16. It is not related to any Mishna.

2. Bathhouses, known as the Balneae or Thermae in Latin, were common in cities in Israel during the Roman times. One can see their ruins today in many Israeli cities, such as Caesarea and Masada.

3. In the ancient times when Jews greeted each other they mentioned God’s name, for example, instead of simply saying “Hello” they would say “Blessed you are to God” or “May God bless you”. See Mishna Berachot 9:5. Since one is not allowed to say any of God’s names in front of naked people one would not be allowed to greet people using God’s name either. However in the area where everyone is dressed it is obvious that one is allowed to greet people using God’s name. The room where people entered and everyone was dressed was called the Atrium.

4. i.e. it is obvious

5. This law is the same as mentioned earlier in Tosefta 2:16 that one is not allowed to say the Shema or pray the Shmoneh Esreh in front of someone else who is naked.
6. The Tosefta means that in the mixed area where there are both dressed and naked people present, the person is allowed to walk through it with his Tefillin on, but he is not allowed to put it on there from the start if he was not already wearing it. During the Talmudic times many people wore Tefillin all day long and not just during the morning prayers as Jews do today. So it was very plausible for someone to walk into the bathhouse with his Tefillin on. The room where people got undressed was called Apodyterium, into which the person walked in from the Atrium.

7. A person is not allowed to walk with his Tefillin on into the area where everyone is naked, so naturally he would not be allowed to take it off there. However, the Tosefta is teaching us that even if he walked in there by mistake with his Tefillin on he is not allowed to take it off there, but rather he has to go back to the area which is mixed and take it off there.

8. Since he is not allowed to walk in there with his Tefillin at all it is obvious that he cannot put them on there. After the person got undressed in the Apodyterium he proceeded either to take a cold bath in the Frigidarium or a warm bath in the Tepidarium, which is the room to which the Tosefta is referring to where everyone is naked.

Tractate Berachot, Chapter 2

Tosefta 22¹

Hillel Hazaken² says, “Do not be afraid [being] naked, do not be afraid [being] dressed, do not be afraid [while] standing, do not be afraid [while] sitting, do not be afraid [when] laughing, do not be afraid [when] crying, as it is said, “There is...
time to cry and time to laugh.”

Notes:

1. The Tosefta ends off the chapter on an inspirational note that mentions naked people in it, as a continuation of the previous Tosefta.

2. Hillel Hazaken is Hillel the Elder, the founder of the school of Bet Hillel and one of the great leaders of the Jewish people during the Herodian era. He lived approximately from 110 BCE – 10 CE, spanning 120 years. See Sifrei, Devarim 137. Hillel was a very positive person always cheerful with people as known from many stories about him mentioned throughout the Talmudic literature. His statement in our Tosefta reflects his cheerful character and teaches that every period in a person’s life is something that can be dealt with.
Just like the Torah established a set time to read the Shema, so too the Sages established a set time for [the] prayer [of Shemoneh Esreh]. Why did they say [that] the morning prayer [of Shmoneh Esreh can be prayed only] until noon? Because the morning Tamid (daily offering) [sacrifice] could be brought [only] until noon. Rebbi Yehudah says, “[The morning prayer of Shmoneh Esreh can be prayed only] until [the end of the first] four hours [of the day].” And why did they say that the Mincha (afternoon) prayer [of Shemoneh Esreh can only be prayed] until the evening? Because the afternoon Tamid [sacrifice] could be brought [only] until the evening. Rebbi Yehudah says, “[The Mincha prayer of Shmoneh Esreh can be prayed only] until Plag Hamincha.” And when is Plag Hamincha? Eleven minus one quarter hours [of the day] (i.e. 10 ¾ hours). And why did they say that the evening prayer [of Shmoneh Esreh] does not have a set time? Because the limbs and fats [of the sacrifices] could be brought the whole night. And why did they say that the Mussaf prayer [of Shmoneh Esreh] does not have a set time? Because it is not a regular meal.
Esreh can be prayed] the whole day? Because the Mussaf (additional offering) sacrifice could be brought the whole day. Rebbi Yehudah says, “[The Mussaf prayer can be prayed] until [the end of the first] seven hours [of the day].”

Notes:

1. Mishna Berachot 4:1 states the times for different prayers of Shmoneh Esreh. Our Tosefta expands on that by providing reasons.

2. The Torah commanded to read the Shema twice a day, in the morning and in the evening. See above Tosefta 1:1, note 2.

3. The Sages have established that Shmoneh Esreh must be prayed 3 times a day, in the morning, in the afternoon, and in the evening, as our Tosefta is going to explain. Also see above Tosefta 2:8, note 9.

4. The morning prayer of Shmoneh Esreh can be prayed at any time starting at sunrise and continuing until noon. See above Tosefta 1:4.

5. The Tamid sacrifice (Korban Tamid) is a public sacrifice (bought on public funds) that was brought in the Bet Hamikdash (Temple) twice a day, in the morning, in the beginning of the day, and in the late afternoon, at the end of the day. It was the opening and closing sacrifice, meaning that no other sacrifice could be brought before the morning Tamid and no other sacrifice could be brought after the afternoon Tamid. See Bemidbar 28:2-8. The reason this sacrifice was called Tamid (literally: constant) is because it had to be constantly brought every single day without any exceptions. The morning and the afternoon Shmoneh Esreh were established as a remembrance of the morning and the afternoon Tamid, as the Tosefta is going to explain.

6. The reason for the Tanna Kama’s opinion is simply because the morning Tamid can be brought literally the whole morning, which is from sunrise until noon.
7. The hours which are used in Torah calculations are not the regular 60 minute hours that we know. Instead they are what called Shaot Zemaniot (time hours). The length of the hour is different every single day. The way the length of the hour is calculated is as follows. You take the number of minutes that exists in the day between the time of sunrise and the time of sunset and then divide it by 12. So during the winter when the day is short the length of the hour is shorter than 60 minutes, but during the summer when the day is long the length of the hour is greater than 60 minutes. The time hour is exactly 60 minutes long on the day of the vernal and autumn equinox, since the day is equal to the length of the night. Noon is the exact middle of the day. It is calculated the same way as Shaot Zemaniot, except that the total number of minutes in the day is divided by 2. It comes out that noon is the end of the 6th hour of the day.

Rebbi Yehudah’s opinion is explained in Talmud Yerushalmi (Berachot 4:1, Daf 29b). He learns that the Tamid sacrifice can only be brought until the end of 4 hours of the day out from a Hekesh (a comparison of two different verses in the Torah). It says in the Torah (Bemidbar 28:4) that the Tamid must be brought “in the morning”. And it also says in the Torah (Shemot 16:21) that the Jews had to collect the Man (manna) “… in the morning … and then the sun would get hot and it would melt.” The Torah implies that it is the end of the morning when the sun gets hot. Rebbi Yehudah learns that the sun gets hot in the 4th hour of the day; hence the Tamid could not have been brought after the 4th hour since it would not be considered morning any more.

It is apparent from this explanation of the Yerushalmi that Rebbi Yehudah did not actually know what the official practice was at the time of the Bet Hamikdash regarding the latest time of the morning Tamid and therefore he had to learn it out from verses in the Torah. Rebbi Yehudah is Rebbi Yehudah Bar Ilai who was one of the 5 main students of Rebbi Akiva. Most probably he was born after the destruction of the Temple, so he never witnessed what was actually done there. It is also plausible that such a case never came up, because Tamid was brought at the earliest time possible, at sunrise, hence no one actually witnessed the latest time when it could have been brought. However, Talmud Yerushalmi (Berachot 4:1, Daf 30a)
brings another explanation for Rebbi Yehudah’s view which is historical and not didactical. The story takes place during the Greek siege of Jerusalem (sometime 171 – 168 BCE) during the reign of Antiochus IV and the Maccabean Wars when one day there were no sheep available for the Tamid sacrifice and it took a long time to find them, so the Tamid was not brought until the 4th hour of the day. There are additional Midrashim (Vayikra Rabbah 12, Bemidbar Rabbah 10 and others. See Chida, Petach Einayim, Berachot 27a) that bring a story that in the 1st Bet Hamikdash, King Shlomo overslept one day and since he had the keys to the Bet Hamikdash the Tamid sacrifice was not brought until the end of the 4th hour of the day. It would appear from the historical explanations of Rebbi Yehudah’s opinion that he was not so much concerned with the absolute maximum allowed time for the bringing of the Tamid, but rather with the actual time when the Tamid was brought in practice; hence he said that Shacharit (morning prayer) could only be prayed until that time. Since the stories only tells us about when the Tamid was actually brought, but not when it could be brought theoretically it is possible that in reality it could be brought as late as noon. See the commentary of the Raavad on the Mishna (Ediot 6:1).

8. The Mincha prayer is the afternoon prayer. It is called Mincha because it was considered to be God’s favorite prayer since the person had to interrupt his work day in order to pray, just like the Mincha sacrifice was considered to be God’s favorite sacrifice since it consisted of flour and oil, being the cheapest possible sacrifice, and was mainly brought by poor people. This is my explanation that I heard from my teacher Rabbi Yitzchak Loebenstein. For other explanations of the name Mincha see Tosafot (Pesachim 107a, Samuch), Rambam’s commentary on the Mishna (Berachot 4:1), Ramban’s commentary on the Torah (Shemot 12:6), and Responsa of Rama Mipano 22.

9. Evening in this case refers to sunset. Mincha can only be prayed until sunset, since that was the latest time when the afternoon Tamid could be brought since no sacrifices were allowed to be brought after sunset.
10. Again the Tanna Kama simply holds that the afternoon Tamid could be brought literally the whole afternoon, which is from noon until sunset.

11. The reason for Rebbi Yehudah’s opinion that Mincha can be prayed until Plag Hamincha is very obscure. It is not explained in any of the Talmudic literature. Pnei Yehoshua (Berachot 26b, Begemara Mai Taima) takes a guess for the reasoning of Rebbi Yehudah. He explains that it is possible that Rebbi Yehudah means the literal time when the meat of the Tamid was physically sacrificed on the altar and not when all of the accompanying things like the wine libations (Nisuch Hayayin) that came along with the Tamid were sacrificed which was after the meat of the Tamid. Since the meat of the Tamid must have been brought before the afternoon incense (Ketoret), which was brought from the Plag Hamincha and onwards until sunset, then the end of the Tamid time was Plag Hamincha. However, the opinion of the Tanna Kama reflects the sacrifice of the additional stuff that was brought together with the Tamid, such as the wine libations, which could have been brought simultaneously with the Ketoret and could go on until sunset itself. According to Pnei Yehoshua it comes out that the Tanna Kama and Rebbi Yehudah are not really arguing about the time of the Tamid, but rather they are arguing if the libations that were offered together with the Tamid were considered to be a part of the Tamid or not.

An alternative explanation is provided by Tosafot (Berachot 26b, Ad Plag Hamincha). Tosafot says that really Rebbi Yehudah is not talking about the absolute latest time when the Tamid could be brought. But rather he is referring to the normal time when usually they would bring the Ketoret in the Bet Hamikdash after the Tamid, which was from Mincha Ketana (9 ½ hours into the day), until Plag Hamincha (10 ¾ hours into the day). See the next note. Obviously this explanation does not fit with what the printed Tosefta says, since the Tosefta explicitly says that Rebbi Yehudah is talking about the Tamid itself and not the Ketoret. However, Mareh Panim (Talmud Yerushalmi Berachot 4:1, Daf 30b, Lo Huksa) explains that it is possible that Tosafot had a different reading in our Tosefta than what is printed in the Tosefta published in the back of Talmud Bavli, and that the whole line in the words of Rebbi Yehudah “because the afternoon Tamid [sacrifice] was
brought [only] until Plug Hamincha” was not present in his version of the Tosefta. The Mareh Panim says that he himself had a manuscript of the Tosefta with that reading in it. I have looked into the different readings in the manuscripts and both the Vienna and the Erfurt manuscripts do not have this line, so most probably it is the correct reading. The original printed edition of the Tosefta and all following printed editions do have this line. Based on the difficulty of explaining Rebbi Yehudah and the readings in the available manuscripts I have edited the Hebrew text to match what is written in the manuscripts.

For a 3rd possible explanation of Rebbi Yehudah’s opinion see the commentary on Rash Sirillio’s commentary on the Talmud Yerushalmi, called Meir Netiv (Talmud Yerushalmi, Berachot 4:1, comment 7).

12. Plug Hamincha literally means ”half of Mincha”. The reason it is called that is because on a normal day, the afternoon Tamid was brought at the time known as Mincha Ketana (Small Mincha) which was 9 ½ hours into the day. That left 2 ½ hours until sunset which made the time of Mincha Ketana 2 ½ hours long. The middle of the Mincha Ketana time period occurred at 10 ¾ hours which is Plag Hamincha. So Plag Hamincha turns out to be the middle (or half) of the Mincha Ketana time period.

On Pesach eve the afternoon Tamid was brought much earlier, at 6 ½ hours into the day, because they needed a lot more time for everyone to bring their Pesach sacrifice which was brought after the Tamid. That time was known as Mincha Gedola (Big Mincha). For an explanation of why these times got the names Mincha Gedola and Mincha Ketana see Responsa of Rama Mipano 22.

13. In other words, why can Maariv (evening prayer) be said the whole night until sunrise?

14. The critical time of a sacrifice, which is the official time of when the sacrifice is considered to be brought is the moment when the blood from the sacrifice is sprinkled on to the altar. That could only take place during the day, between sunrise and sunset. However, due to the fact that there were hundreds and possibly thousands of sacrifices brought on any given day it took a long time to burn all of the meat on
the altar. Therefore the Torah permitted burning of the meat the whole night following the day of sacrificing. It is corresponding to this meat burning that the evening Shmoneh Esreh prayer was enacted.

15. Mussaf literally means “additional”. Mussaf is an additional prayer of Shmoneh Esreh to the regular Shmoneh Esreh that is said on Shabbat, Yom Tov (Torah Holidays which are Rosh Hashana, Yom Kippur, Sukkot, Shemini Atzeret, Pesach and Shavuot) and Rosh Chodesh (New Month). It is normally prayed in between Shacharit and Mincha, but can be prayed any time during the day as the Tosefta says.

16. The Torah commands to bring another public sacrifice in addition to the Tamid on the Shabbat, Yom Tov and Rosh Chodesh. The Mussaf sacrifice consisted of different animals depending on which occasion it was brought. See Bemidbar 28:9-29:39. Normally, the Mussaf sacrifice was brought right away after the morning Tamid, but theoretically it could have been brought any time during the day until the afternoon Tamid. And since the afternoon Tamid could have been brought until sunset, so Mussaf also could have been brought until sunset. One should pay attention to the fact that in the Bet Hamikdash multiple sacrifices were brought at the same time, so therefore it was possible to slaughter the Tamid and Mussaf at the exactly the same time, and as long as the blood of the Mussaf was sprinkled onto the altar one second before the blood of the Tamid, it was a valid sacrifice.

17. This section of the Tosefta about Mussaf is not in either the Vienna or the Erfurt manuscripts. It is only present in the printed editions of the Tosefta. However, I have decided to keep it, because otherwise the next piece of the Tosefta which discusses Mussaf does not fit into the context.

18. I have edited the text of the Tosefta to match the version quoted in Talmud Bavli (Berachot 27a), since this line does not appear in the Tosefta manuscripts anyway, as was mentioned in the previous note. It is also apparent from the reasoning of Rebbi Yehudah explained in the next note, that the line “because the Mussaf [sacrifice] was brought [only] until the end of the seventh hour [of the day]” should
not be present in the Tosefta, because it does not match Rebbi Yehudah’s reason as explained in Talmud Bavli.

19. The reason for Rebbi Yehudah’s opinion is again, because that is what was done in practice in the Bet Hamikdash, not what was the maximum allowed time. See Talmud Bavli, Pesachim 58a. On a regular weekday, the Mussaf sacrifice was begun to be brought at noon, which is 6 hours into the day, and it continued to be brought until the end of the 6th hour. At the beginning of the 7th hour the Bezichin were brought and that continued until the end of the 7th hour. The Bezichin is a spice which was placed on top of the Lechem Hapanim (The Showbread) which is what allowed the Kohanim to eat the Lechem Hapanim. Rebbi Yehudah holds that the Mussaf prayer can be prayed until the time of the end of the Bezichin procedure. Just like it was suggested by Tosafot (see note 11 above) that Rebbi Yehudah’s time for Mincha is really connected to the afternoon Ketoret which was brought immediately after the afternoon Tamid, so here also the time for praying Mussaf is connected to the Bezichin which was brought immediately after the Mussaf sacrifice. However, Rebbi Yehudah agrees to the Tanna Kama that theoretically one can bring Mussaf until sunset and therefore the Mussaf prayer can be also said until sunset. See Tosafot (Berachot 28a, Veshel Mussafin).

Tractate Berachot, Chapter 3
Tosefta 2

The evening prayer [of Shmoneh Esreh] does not have a set time. Rebbi Elazar Bar Yossi says, “[A person should pray the evening Shmoneh Esreh] with the closing of the gates [of the Bet Hamikdash (Temple)].” Rebbi Elazar Bar Yossi said, “My father [always] prayed [the evening Shmoneh Esreh] with the closing of the gates [of the Bet Hamikdash].” [A person] who prays the Mussaf prayer [of Shmoneh...
Esreh] either after the morning Tamid [sacrifice] has been brought or before the morning Tamid [sacrifice] has been brought, has fulfilled his obligation [of praying the morning Shmoneh Esreh on time.]

Notes:

1. The Tosefta continues with some clarifications about the time of Maariv and Shacharit prayers. It is not related to any Mishna.

2. In other words, a person can pray the evening Shmoneh Esreh the whole night from sunset until sunrise.

3. Rebbi Elazar Bar Yossi is arguing on the Tanna Kama and says that Maariv should be prayed right before sunset, when the gates of the Bet Hamikdash would be normally closed. The reason for his opinion is proposed by some commentators (Chasdei David and Cheshek Shlomo) that he really holds that the times for daily prayer were originally enacted by the Avot (patriarchs), Avraham, Yitzchak and Yakov and therefore they do not have to correspond to the times of the sacrifices as was explained in the previous Tosefta. See Talmud Bavli (Berachot 26b). However this explanation is puzzling to me since Rebbi Elazar Bar Yossi does tie the time of the evening Shmoneh Esreh to an event that took place in the Bet Hamikdash, namely the closing of its doors.

4. From Rebbi Elazar’s statement, that this was his father’s practice, we can assume that his father actually lived during the time of the Bet Hamikdash and prayed Maariv at the time when its gates would be closed. However this is problematic, since his father, Rebbi Yossi, is assumed to be Rebbi Yossi Ben Chalafta, one of the five main students of Rebbi Akiva, all of whom lived after the Bet Hamikdash was already destroyed. It is possible however, that Rebbi Elazar Bar Yossi is the son of Rebbi Yossi Hagelili who was a contemporary of Rebbi Akiva and lived during the time when the Bet Hamikdash still stood.
It should be noted that there are conflicting statements when Shmoneh Esreh was established. Talmud Bavli (Berachot 33a) says that the Anshei Knesset Hagedolah (Men of the Great Assembly) have established various prayers of Shmoneh Esreh and Berachot sometime at the beginning of the 2nd Temple period. However in a different place, Talmud Bavli (Berachot 28b) mentions that Shimon Hapakuli wrote the Shmoneh Esreh in Yavneh on the orders of Rabban Gamliel, already after the destruction of the 2nd Bet Hamikdash. The Talmud Bavli itself (Megillah 18a) resolves this difficulty by saying that originally the prayer of Shmoneh Esreh was established by the Anshei Knesset Hagedolah, but it fell into disuse and was reestablished for the second time by Rabban Gamliel in Yavneh. However, this resolution is problematic in itself, because if Shemoneh Esreh was in existence from the time of Anshei Knesset Hagedolah, then what did Shimon Hapakuli exactly write? It should have been already written and Rabban Gamliel had to merely pass a new edict stating that all people have to say it daily.

5. This statement is referring to the times of the Bet Hamikdash when the Tamid was still brought. Since the official time for the Mussaf prayer was established to be the whole day, as was stated in the previous Tosefta, it did not matter anymore that a person ended up praying it before the Tamid was physically brought in the Bet Hamikdash.

Tractate Berachot, Chapter 3

Tosefta 3

Rebbi Akiva says, “If a person is fluent with his prayer it is a good sign for him, and if he is not fluent with his prayer it is a bad sign for him.”

Notes:

1. Mishna Berachot 4:3 quotes Rebbi Akiva who says that if a person is fluent in his prayer he should pray the whole Shmoneh Esreh, but if he is not fluent, meaning that it is difficult to pray for him, because he...
does not remember the words so well, then he should pray only a part of the Shemoneh Esreh. Our Tosefta quotes a similar statement from Rebbi Akiva.

2. If a person is fluent in his prayer according to Rebbi Akiva he should pray the whole Shmoneh Esreh. God may answer everything that he is praying for therefore it is a good sign for that person. However, if the person is not fluent in his prayer, according to Rebbi Akiva he may pray only a part of the Shmoneh Esreh. Since a person would pray only a part of his intended prayer, it is plausible that he is not going to get to ask God for everything that he wanted to ask for and therefore God would not grant him his desire or need, which would be a bad sign for the person.

Tractate Berachot, Chapter 3

Tosefta 4

He used to say, “Whom ever people like, God likes him, and whomever people do not like, God does not like him. Who ever likes his own deeds it is a good sign for him. Who ever does not like his own deeds it is a bad sign for him.”

Notes:

1. The Tosefta continues with another statement from Rebbi Akiva. It is not related to any Mishna.

2. This statement is quoted in Mishna Avot 3:10 in the name of Rebbi Chaninah Ben Dosa.

3. If a person behaves himself and others like him then people say about him what a great person he is and God’s name gets sanctified through
that, but if a person does not behave himself then people will say bad things about him and God’s name may get desecrated.

4. If a person does not like his own deeds it implies that he is not in control of his own actions and that can lead him to doing all kinds of horrible things.

Tractate Berachot, Chapter 3

Tosefta 5¹

Ben Azzai says, “Anyone whose body was stricken [with some decease], because of his wisdom it is a good sign for him. [And] anyone whose wisdom was stricken [with some decease], because of his body it is a bad sign for him.” He used to say, “Anyone who lost his mind, because of his wisdom it is a good sign for him. And anyone who lost his wisdom because of his mind it is a bad sign for him.”²

Notes:

1. The Tosefta quotes another statement that sounded similar to Rebbi Akiva’s statement in the previous Tosefta. It is not connected to any Mishna.

2. It is possible that this particular statement was said by Ben Azzai in consolation to what happened to him and to his friend Ben Zoma as a result of their study of some esoteric material of the Torah. See Talmud Bavli, Chagigah 14b. Ben Azzai and Ben Zoma were two contemporaries of Rebbi Akiva, who together with him and Elisha Ben Avuyah entered the Pardes. The Pardes literally means “orchard”, but it is a reference to some esoteric subjects in the Torah. When they came out from the Pardes as a result of what they saw there, Ben Zoma lost his mind, Ben Azzai eventually died and Elisha Ben Avuyah

מטסה ברכות פרק ב

תוספתה ה

כניעעי אומר כל שלאקה בומו מפתי חכמה סימן יפה לו. כל שלאקה בתכמות מפתי חכמה יפה לו. הוא והמה אויר כל שמהתך דעות מפתי חכמה סימן יפה לו וכל שמהתם חכמה מפתי דעות סימן רע לו.

Notes:

1. The Tosefta quotes another statement that sounded similar to Rebbi Akiva’s statement in the previous Tosefta. It is not connected to any Mishna.

2. It is possible that this particular statement was said by Ben Azzai in consolation to what happened to him and to his friend Ben Zoma as a result of their study of some esoteric material of the Torah. See Talmud Bavli, Chagigah 14b. Ben Azzai and Ben Zoma were two contemporaries of Rebbi Akiva, who together with him and Elisha Ben Avuyah entered the Pardes. The Pardes literally means “orchard”, but it is a reference to some esoteric subjects in the Torah. When they came out from the Pardes as a result of what they saw there, Ben Zoma lost his mind, Ben Azzai eventually died and Elisha Ben Avuyah
became a heretic. Rebbi Akiva was the only one who remained unaffected. So as a consolation to what happened to Ben Azzai and Ben Zoma, Ben Azzai made this statement before he died, expressing that even though both he and Ben Zoma were horribly afflicted it was all worth it, because of what they have learned in the Pardes.

Tractate Berachot, Chapter 3
Tosefta 6

[A person] who prays [Shmoneh Esreh] must pay attention [to the meaning of the words]. Abba Shaul says, “There is a reference for [the need of attention in] prayer [in the Tanach], ‘Prepare their hearts, pay attention.’” (Tehillim 10:17)

Notes:

1. Mishna Berachot 4:4 says that if a person makes his prayer habitual then it stops being passionate. Our Tosefta clarifies that statement.

2. In order to fulfill one’s obligation of praying Shmoneh Esreh he must pay attention to the words. Our Tosefta does not specify if he must pay attention to all of the words of the Shmoneh Esreh or just to a specific section which leaves that subject open for discussion.

3. This verse in Tehillim is talking about a request from God, that God should pay attention to what people are saying and help them prepare their hearts. Since it is taken out of context it is only a reference for the law in our Tosefta and not a direct proof.

Tractate Berachot, Chapter 3
Tosefta 7

Rebbi Yehudah said, “When Rebbi Akiva would pray [Shmoneh Esreh] together with the congregation he
would finish faster than everyone else. When he would pray by himself a person would leave him on one side [of the room] and when he would come back he would find him on a different side [of the room], because of all of the bending of the knees and bowing that he would do.”

Notes:

1. The Tosefta mentions a story about the way Rebbi Akiva prayed Shmoneh Esreh. It is not related to any Mishna.

2. He would pray faster than everyone else so that the congregation would not have to wait for him out of respect to start the repetition of the Shmoneh Esreh.

3. The implication is that Rebbi Akiva would pray much longer when he was praying by himself. It is difficult to understand what is meant by him bowing a lot and by doing so moving around the room, since a person is not allowed to move around while praying Shmoneh Esreh and also is not allowed to bow beyond the four times that was decreed by the Rabbis, as was mentioned previously in Tosefta 1:7. See Tosafot (Berachot 31a, Umotzo) where the Ri suggests that when the Tosefta forbids extra bowing it only forbids it in the end of a Beracha (blessing), during the word Baruch Ata Hashem (Blessed are You Hashem) but in the middle of the Beracha it would be permitted. According to this reasoning Rebbi Akiva only bowed in the middle of the Berachot of Shemoneh Esreh and not at the end. I feel that the Ri’s explanation is very forced, but I do not have a better alternative.

Tractate Berachot, Chapter 3

Tosefta 8

I would have thought that a person can pray [Shemoneh Esreh] all day long. [However] it explains in Daniel,
“... and three times a day he prayed on his knees ...” (Daniel 6:11) I would have thought that [a person] can pray facing any direction he wants. [However] the verse teaches us, “… where in the attic he had windows facing Yerushalayim …” (ibid.) I would have thought that [Daniel] only began to pray after he was exiled. [However] the verse teaches us, “… just as he had always done.” (ibid.)

Notes:

1. The Tosefta states new laws about Shmoneh Esreh. It is not related to any Mishna.

2. The Rabbis have decreed that Shmoneh Esreh can be prayed 3 times a day. This Tosefta implies that a person may not pray it more than that if he wants to.

3. A person should pray facing the direction of Yerushalayim since that is where the Bet Hamikdash used to be.

4. Since in Shemoneh Esreh we request God to gather all of the Jews from around the world back to Israel I would have thought that if a person is already in Israel he does not have to say it. Therefore we see from Daniel that one should pray Shmoneh Esreh even if he is in Israel. The Rabbis have used these verses as a reference for their enactments however the verses themselves are not a direct source of the law, because they are not talking about specifically Shmoneh Esreh, but rather Daniel’s personal prayer. The same applies to verses in the following Tosefta.

Tractate Berachot, Chapter 3

Tosefta 91

I would have thought that [a person] should pray [Shmoneh Esreh] in a loud
voice. [However] it explains by Chana, “and Chana was talking in her heart...”\(^2\) (Shmuel I 1:13) I would have thought [a person] may pray all [three Shmoneh Esreh] in one shot. [However] it explains by David, “Evening, and morning, and afternoon...” (Tehillim 55:18) Evening that is the Maariv prayer, morning that is the Shacharit prayer, and afternoon that is the Mincha prayer.\(^3\) I would have thought that [first a person] should ask for his [personal] needs and then he [should] pray [the established text of Shmoneh Esreh] and go away [from standing in front of God]. [However] it explains by Shlomo, “...to hear the song and the prayer...” (Melachim I 8:28) Song that is the song,\(^4\) prayer that is the request. And so it says, “Sing before Hashem...” (Tehillim 33:1)\(^5\)

Notes:

1. The Tosefta continues the discussion in the previous Tosefta. It is not related to any Mishna.

2. Meaning the Shemoneh Esreh should be prayed silently and not out loud.

3. This refers to the 3 daily prayers of Shemoneh Esreh that all Jews have to pray: Shacharit in the morning, Mincha in the afternoon, and Maariv (also known as Aravit) in the evening.

4. Meaning the established words that are the same for everyone should be said first and only then a person may add a personal prayer with his own requests.
5. As was explained in note 4 on the previous Tosefta, all of these verses were used by the Rabbis to establish the correct way to pray Shmoneh Esreh, but they are not direct sources for these laws, because Shmoneh Esreh did not exist at the time of the 1st Bet Hamikdash and all of the mentioned verses talk about personal prayers.

Notes:

1. The Tosefta continues on the subject of personal supplications mentioned in the previous Tosefta. It is not related to any Mishna.

2. Meaning in between the last Beracha of Shema and the first Beracha of Shmoneh Esreh. The reason is because we want to mention Geulah (redemption from Egypt) next to Tefillah (prayer) without any interruption as was mentioned earlier in Tosefta 1:4.

3. At the end of Shmoneh Esreh a person may add personal supplications of any kind.

4. On Yom Kippur there is a standard confession which is added at the end of Shmoneh Esreh, which lists various sins that a person may have done through out the year, and it is longer than the Shmoneh Esreh itself. The Tosefta simply means to say that it is ok to add personal supplications at the end of Shmoneh Esreh no matter how long they are.
If a person was walking in a dangerous place or where there are robbers present and it came the time to pray Shmoneh Esreh he should pray a short prayer of Shmoneh Esreh instead of the regular Shmoneh Esreh.

What is a short prayer of Shmoneh Esreh? Rebbi Elazar says, “Do Your will in heaven above, and give pleasure to those that fear You on earth, and do what is good in Your eyes. Blessed the One that hears prayer.” Rebbi Yossi says, “Hear the voice of the prayer of your nation Israel and fulfill their requests quickly. Blessed the One that hears prayer.” Rebbi Elazar Bar Tzadok says, “Hear the voice of the cry of your nation Israel and fulfill their requests quickly. Blessed the One that hears prayer.” Others say, “Your nation Israel has many needs, but they are short minded. May it be your will Hashem our God that You may give to each one all of his needs and to each creature so that they should not lack. Blessed the One that hears prayer.” Rebbi Elazar Bar Tzadok says, “My father used to pray a short prayer on Shabbat nights: ‘And from your love Hashem our God that you love Your nation Israel, and from Your compassion, our King, that you had on the children of Your covenant, you have given us, Hashem our God, this great and holy Seventh day, with love.’” And over the cup of Kiddush...
he says, “Who has sanctified the day of Shabbat” and he does not seal off [the Beracha (blessing)].

Notes:

1. Mishna Berachot 4:4 states that a person who walks in a dangerous place says a short Shmoneh Esreh instead of the regular one and the Mishna quotes what the official text is. Our Tosefta expands on that by quoting other versions of this prayer.

2. The Tosefta wants to know what the official text is of the short Shmoneh Esreh that was officially coined by the Rabbis.

3. The version quoted in Talmud Bavli (Berachot 29b) actually quotes the text to be sealed off with a blessing:

בָּרוּךְ אַתָּה ה’ שומע תפלה

Blessed are You Hashem Who hears prayer.

It is possible that that is the intent in our text as well; just it skipped the words “You Hashem”. The same applies to all versions of this prayer that are quoted in our Tosefta. However since this point is up to debate I have left the text as it appears in the manuscripts.

4. Short minded here means that they cannot express their needs properly in prayer. See Rashi (Berachot 29b, Vedaatam Ketzara).

5. The reason probably was that he wanted to get home from the synagogue as early as possible so that he can begin the meal while his children were still awake.

6. There is a rabbinical commandment to say a benediction, called Kiddush, sanctifying Shabbat on Friday nights before the meal over a cup of wine. See Talmud Bavli (Berachot 33a). The regular Kiddush consists of two Berachot, one for the wine, and one for the Shabbat. The Beracha for Shabbat is a long Beracha, which begins with the phrase Baruch Ata Hashem (Blessed are You Hashem) and ends with it
as well. There was a custom in Talmudic times to say Kiddush in the synagogue after the Maariv prayer as well, besides the one at home, for the guests who were possibly staying at the synagogue. It is most probable that the Tosefta is referring to the Kiddush in the synagogue and not to the one at home, that it is not sealed off with the phrase Baruch Ata Hashem. The reason would be the same, to shorten the prayer service so that people can get home earlier to eat their meal. This is an explanation proposed by Chasdei David. However it is possible to explain that the Tosefta is referring to the regular Kiddush at home, and it still holds that the second Beracha of Kiddush is not a sealed Beracha.

7. Since the Tosefta says “he says” and not “he said” it implies that this is a different statement of the Tanna Kama about a person in general and not the continuation of the statement of Rebbi Elazar Bar Tzadok about the practice of his father.

Tractate Berachot, Chapter 3

Tosefta 12

[If one must chose to] honor the day or to honor the night, the honor of the day precedes the honor of the night. If he only has one cup [of wine, he should use it on the] Kiddush (sanctification) [of the night, since it precedes the honor of the day and the honor of the night. On] Shabbat nights and [on] Yom Tov nights: there is Kiddush on them over a cup [of wine], and there is also a mentioning of the day in Birchat Hamazon (Grace After Meals). [On] Shabbat [day], Rosh Chodesh (New Month), Chol Hamoed (the intermediate days of Sukkot and Pesach), and Yom Tov [day]: there is on them the mentioning
of the day in Birkat Hamazon⁵ but there is no Kiddush on them over the cup [of wine].⁶

Notes:

1. Since the previous Tosefta mentioned prayer on Shabbat, our Tosefta continues with new laws regarding prayer on various holidays. It is not related to any Mishna.

2. The Tosefta is talking about a person who has only enough food for one meal on Shabbat or Yom Tov. So he must make a choice which meal to eat with it, the one at night or the one during the day. The Tosefta says that he should save the food for the day meal. The same would apply to anything that he is lacking, for example dessert. If he has enough food for both meals, but only one dessert then he should save it for the day meal. The Rash Sirillio (Talmud Yerushalmi, Berachot 7:5, Daf 56a, Kavod Hayom) explains that the reason for this law is some how related to the remembrance of the Man (manna) that the miracle of the Man rotting was more recognizable during the Shabbat day since it did not rot on Shabbat day, as opposed to other days of the week, where as at night it never rotted anyway. I am not so sure how this relates to this particular law, but I was not able to find any other answer.

3. The Kiddush at night over a cup of wine is a rabbinical commandment where as the honor of the day is not a specific commandment, but rather just a commemoration as was explained in the previous note.

4. This refers to the special extra paragraphs, Retzee on Shabbat meals and Yaaleh Veyavo on Yom Tov meals, both of which get inserted in Birkat Hamazon.

5. On Chol Hamoed and on Rosh Chodesh the prayer of Yaaleh Veyavo gets inserted in Birkat Hamazon just like it does on Yom Tov.

6. Our Tosefta holds that there is no Kiddush made at all during the day meal on Shabbat and Yom Tov. No special Beracha of Mekadeshe Hashabbat (Who sanctifies Shabbat), or Mekadeshe Yisrael
Vehazmanim (Who sanctifies Israel and the times) on Yom Tov, and no Borei Pri Hagafen (Who created the fruit of the vine) over wine.

Tractate Berachot, Chapter 3

If he did not mention [God’s] power [to bring down] rain in [the Beracha (blessing) of] Techiyat Hametim (Resurrection of the Dead) and he did not ask for rain in Birkat Hashanim (The Blessing for the Year) he has to go back [to the beginning of Shmoneh Esreh]. If he did not say Havdalah in [the Beracha of] Chonen Hadaat (He Who Grants Wisdom) he can say it over the cup [of wine], but if he did not say it [over the cup of wine then] he has to go back to the beginning [of Shmoneh Esreh]. Rebbi Yossi says, “Even someone who did not mention the covenant in Birkat Haaretz (The Blessing for the Land of Israel) [of Birkat Hamazon (Grace After Meals)] has to go back [to the beginning of Birkat Hamazon].

Notes:

1. Mishna Berachot 5:2 states the laws of requesting rain and saying Havdalah in Shmoneh Esreh. Our Tosefta expands on that statement.

2. The 2nd Beracha of Shmoneh Esreh is called Techiyat Hametim (Resurrection of the Dead), because it mentions God’s power to resurrect the dead. During the rainy season in Israel, which is during the winter, between the holidays of Shemini Atzeret and Pesach, we say a statement in that Beracha “Mashiv Haruach Umorid Hagashem”, that God has the power to blow wind and bring down rain.
3. The 9th Beracha of Shmoneh Esreh is called Birkat Hashanim (The Blessing for the Year), since in it we ask God to give us a plentiful year. During the main rainy season between the 7th of the month of Cheshvan (in Israel) and Pesach we say a phrase in that Beracha “Veten Tal Umatar Livracha” - And give us dew and rain for a blessing.

4. The Tosefta implies that he must forget to say both of these phrases in order to go back all the way to the beginning of Shmoneh Esreh. However if he only forgot one of them he does not have to go back. The reason that he has to go back is because since he forgot a critical part of the prayer his whole prayer has been invalidated and he has to say it again.

5. Havdalah (literally: separation) is a blessing that is said in the end of Shabbat or Yom Tov. It talks about God separating between the holy and the mundane. It is a Torah obligation to verbally say Havdalah at the end of Shabbat. The Rabbis have decreed that Havdalah must be said over a cup of wine just like Kiddush (sanctification) on Shabbat. They have inserted a special section into Shmoneh Esreh called Havdalah that a person says at the end of Shabbat, on Saturday nights during Maariv (evening prayer), so that he can fulfill his Torah obligation of saying Havdalah right away and not wait until he makes the Havdalah over a cup of wine. See Talmud Bavli (Berachot 33a).

6. The 4th Beracha of Shmoneh Esreh is called Chonen Hadaat (He Who Grants Wisdom), because it discusses the fact that God has granted wisdom and understanding to man. On Saturday nights a special paragraph is inserted in the middle of this Beracha that discusses God separating between the holy and the mundane. That paragraph is called Havdalah.

7. Since saying it over a cup of wine will fulfill his Torah obligation to say Havdalah anyway.

8. The Tosefta is probably talking about a case where he does not have wine to make Havdalah over it. Even though the Havdalah over wine can be made until Tuesday (see Talmud Bavli (Pesachim 106a)) that only applies to the rabbinical obligation to say it over the cup of wine. However his Torah obligation to say Havdalah is only applicable at the
end of Shabbat, on Saturday night. So if for whatever reason he is not capable of making Havdalah over wine on Saturday night, he must say it in Shmoneh Esreh of that Maariv in order to fulfill his Torah obligation. Theoretically he can say the Havdalah as a separate blessing as well, but the Rabbis wanted to make sure that he will not forget to say it, so they obligated him to repeat Shmoneh Esreh.

9. Birkat Hamazon consists of 4 Berachot. The 2nd Beracha is called Birkat Haaretz (The Blessing for the Land of Israel), since in it we thank God for giving us the Land of Israel. In that Beracha there is a line where we thank God “Veal Britcha Shechatamta Bivsareinu” - for the covenant that You have sealed on our bodies (a reference to the circumcision).

10. The reason that he has to repeat Birkat Hamazon if he forgot to mention the covenant is because the land of Israel was given to the Jews as a result of the covenant of the circumcision, as it is mentioned in the Torah (Bereishit 17:8). So the covenant is a critical item to mention with regard to the Land of Israel.

Tractate Berachot, Chapter 3

Tosefta 14

Any [holiday] on which there is no Mussaf [prayer] for example, Chanukah and Purim, on Shacharit and Mincha he prays [the Shmoneh Esreh with] eighteen [Berachot (blessings)] and he says [the paragraph] about the occasion in [the Beracha of] Hodaah (Thanks). And if he did not say [the paragraph] about the occasion, he does not have to go back [to the beginning of Shmoneh Esreh]. And any [holiday] which has on it [the] Mussaf [prayer], for example Rosh Chodesh (New Month), and Chol Hamoed (the intermediate days of Sukkot and Pesach), on
Shacharit and Mincha he would pray [the prayer of Shmoneh Esreh with] eighteen [Berachot] and he says [the paragraph] about the holiness of the day in [the Beracha of] Avodah (Temple Service). Rebbi Eliezer says, “[he says the paragraph about the holiness of the day] in [the Beracha of] Hodaah, and if he did not say it then he has to go back [to the beginning of Shmoneh Esreh].” In [the] Mussaf [prayer] he prays [the Shmoneh Esreh consisting of] seven [Berachot] and he says [the paragraph about the] holiness of the day in the middle [Beracha]. [On] Shabbat that fell out on Rosh Chodesh or on Chol Hamoed, during Shacharit and during Mincha he prays [the Shmoneh Esreh prayer that consists of] seven [Berachot] and he says [the paragraph about the] occasion in [the Beracha of] Avodah. Rebbee Eliezer says, “[He says the paragraph about the holiness of the day] in [the Beracha of] Hodaah, and if he did not say it then he has to go back [to the beginning of Shmoneh Esreh].” In [the] Mussaf [prayer] he prays [the Shmoneh Esreh consisting of] seven [Berachot] and he says [the paragraph about the] holiness of the day in the middle [Beracha]. On Shabbat, on Yom Tov (Pesach, Shavuot and Sukkot), and on Yom Kippur he prays [the Shmoneh Esreh consisting of] seven [Berachot] and he says [the paragraph about the]
holiness of the day in the middle [Beracha]. Rabban Shimon Ben Gamliel and Rebbi Yishmael the son of Rebbi Yochanan Ben Beroka say, “Any time that he is supposed to say seven [Berachot in Shmoneh Esreh] he says [the paragraph about the] holiness of the day in the middle [Beracha].”

Notes:

1. The Tosefta continues on the subject of different paragraphs that are said for different occasions in Shmoneh Esreh. It is not related to any Mishna.

2. Only Torah holidays had the Mussaf sacrifice brought on them in the Bet Hamikdash. Rabbinical holidays did not have the Mussaf sacrifice brought on them since the Torah did not command to do so, therefore the prayer of Mussaf which corresponds to the sacrifice is also not said on rabbinical holidays, such as Chanukah and Purim.

3. Chanukah is a rabbinical holiday which commemorates the victory of the Jewish Army and over the Greeks in the war known as the Maccabean Revolt that took place during the reign of Antiochus IV in 166-160 BCE. Besides the victory the holiday specifically commemorates the rededication of the defiled Bet Hamikdash by lighting the Menorah (the 8 prong candelabra) on the 8 nights of Chanukah. Chanukah is celebrated on the 25th of the month of Kislev and continues for 8 days.

4. Purim is a rabbinical holiday that commemorates the salvation of the Jews from complete extermination in the Persian Empire during the reign of Xerxes I (Achashverosh) roughly in the years 485-465 BCE. It is celebrated for one day on the 14th day of the month of Adar.

5. That is the standard weekday Shmoneh Esreh. Originally it consisted of 18 Berachot, hence its name meaning “Eighteen”, but later on after the destruction of the Bet Hamikdash, in Yavneh, there was a 19th Beracha added to it, so our Shmoneh Esreh today has 19 Berachot. See
Talmud Bavli (Berachot 28b). Our Tosefta was compiled prior to that event; hence it refers to only 18 Berachot.

6. The paragraph referred to is called Al Hanissim (For the Miracles) which is said both on Chanukah and on Purim. There is a 2nd paragraph after it called Bimey (In the days of) which is different on each holiday, because it discusses the events that took place on that holiday.

7. The Beracha of Hodaah (Thanks) is the 18th Beracha in our Shmoneh Esreh. It discusses various things for which we thank God.

8. If he forgot to say the paragraph of Al Hanissim he does not have to repeat Shmoneh Esreh. The reason is because it is not considered to be a critical part of the prayer since its subject is merely a rabbinical holiday and the Rabbis did not require it in order to fulfill one’s rabbinical obligation of praying Shmoneh Esreh.

9. All Torah holidays that had the Mussaf sacrifice brought on them have the Mussaf prayer on them as well. For the complete list see above Tosefta 3:1, note 15.

10. It is interesting to note that our Tosefta in all manuscripts does not mention Maariv. It is possible the reason is because this specific Tosefta considers Maariv to be an optional prayer; hence it did not mention it. See Talmud Bavli (Berachot 27b) for the discussion is Maariv is optional or obligatory.

11. The paragraph about the holiness of the day is called Yaaleh Veyavo. It is the same for all Torah holidays, and the only thing that changes in it is the name of the holiday on which it is said.

12. Avodah (Temple Service) is the 17th Beracha of our Shmoneh Esreh in which we request God to bring back the Temple Service. The paragraph of Yaaleh Veyavo is inserted in the middle of that Beracha.

13. Since Yaaleh Veyavo discusses a Torah holiday it is a critical part of Shmoneh Esreh and he has to repeat if he forgot to say this paragraph.

14. All Mussaf Shmoneh Esreh prayers consist of 7 Berachot in which the 4th Beracha discusses the Mussaf sacrifice of that day. The only
exception to this is the Mussaf on Rosh Hashana which has 9 Berachot in it and will be discussed separately in the next Tosefta.

15. In the Mussaf prayer the paragraph of Yaaleh Veyavo is not said, but instead the 4th Beracha mentions the holiness of the day as well the Mussaf sacrifice.

16. On Shabbat Rosh Chodesh and Shabbat Chol Hamoed, the Shcharit and Mincha Shmoneh Esreh is the same as on regular Shabbat, but with Yaaleh Veyavo inserted in the Beracha of Avodah.

17. Rabbi Eliezer’s opinion is the same as on regular Shabbat. See above note 13.

18. Rabban Shimon Ben Gamliel is arguing on the Tanna Kama in the case of Shabbat on Rosh Chodesh and on Chol Hamoed, Shcharit and Mincha. The Tanna Kama said that in those prayers the text of the regular Shabbat remains the same and he inserts Yaaleh Veyavo in the Beracha of Avodah. But Rabban Shimon Ben Gamliel says that he does not insert Yaaleh Veyavo, but rather the main text of the 4th Beracha gets changed and the holiness of the day is mentioned in it just like on Yom Tov.

Tractate Berachot, Chapter 3

Tosefta 15

[On] Yom Tov of Rosh Hashana which falls out to be on Shabbat, Bet Shamai say, “He prays ten [Berachot (blessings) in the Mussaf Shmoneh Esreh]. And he says [the Beracha] for Shabbat by itself and [the Beracha] for Yom Tov by itself, and he says [the Beracha] for Shabbat first.” And Bet Hillel say, “He prays nine [Berachot in the Mussaf Shmoneh Esreh].” On any other Yom Tov that falls out to be on Shabbat, Bet Shamai say, “He...
[Berachot in the Mussaf Shmoneh Esreh]. And he says [the Beracha] for Shabbat by itself and [the Beracha] for Yom Tov by itself, and he says [the Beracha] for Shabbat first.” And Bet Hillel say, “He prays seven [Berachot in the Mussaf Shmoneh Esreh]. He begins with [the Beracha about] Shabbat and ends with [the Beracha about] Shabbat and he says [the paragraph about] the holiness of the day in the middle [of the middle Beracha].”

Rebbi Natan says, “He even seals [the middle Beracha with] Baruch [Ata Hashem] Mekadesh Hashabbat Veyisrael Vehazmanim (Blessed are You Hashem who sanctifies Shabbat, and Israel and the seasons).”

Notes:

1. The Tosefta continues with the subject of the previous Tosefta. It is not related to any Mishna.

2. Bet Hillel mention our practice of praying 9 Berachot in the Mussaf Shmoneh Esreh of Rosh Hashana, regardless if it fell out on Shabbat or not. The 4th Beracha is the one that mentions the holiness of the day, just like on regular Yom Tov.

3. On any other Yom Tov, besides Rosh Hashana, the Mussaf Shmoneh Esreh contains seven Berachot.

4. Bet Hillel just clarify their statement that even when Yom Tov falls out on Shabbat, the Shmoneh Esreh still consists of seven Berachot, just like on regular Yom Tov. The extra sentence, “He begins with [the Beracha about] Shabbat and ends with [the Beracha about] Shabbat and he says [the paragraph about] the holiness of the day in the middle [of the middle Beracha]” clarifies that Bet Hillel hold that he...
seals off the Beracha by saying only Baruch Ata Hashem Mekadesh Hashabbat (Blessed are You Hashem who sanctifies the Shabbat) and he does not mention Yom Tov in it.

5. Rebbi Natan argues on Bet Hillel regarding the ending of the Beracha and says that Yom Tov gets mentioned in it as well. Our practice follows Rebbi Natan, since when we seal off the Beracha we mention both Shabbat and Yom Tov.

Tractate Berachot, Chapter 3

A blind person and someone who cannot recognize the directions, [should] direct their hearts towards God, and [only then] pray, as it is said, “And they should pray to Hashem…” (Melachim I 8:44) Those that are standing outside of the Land of Israel [should] direct their hearts towards the Land of Israel, and [only then] pray, as it is said, “And those that pray to You by the way of their land…” (Melachim I 8:48) Those that are standing in the Land of Israel [should] direct their hearts towards Yerushalayim, and [only then] pray, as it is said, “And they will pray to Hashem by the way of the city that You have chosen…” (Melachim I 8:44) Those that are standing in Yerushalayim [should] direct their hearts towards Bet Hamikdash (Temple), as it is said, “…and they should pray towards this house.” (Divrei Hayamim II 6:32) Those that are standing inside the Bet Hamikdash
[should] direct their hearts towards the Holy of Holies⁵ and [only then] pray, as it is said, “... they will pray towards this place.” (Melachim I 8:30)

It comes out that [all of those] standing in the north will be facing the south, [all of those] standing in the south will be facing the north, [all of those] standing in the east will be facing the west, [and all of those] standing in the west will be facing the east. And it will come out that all of the Jewish people will be praying towards one place.⁷

Notes:

1. Mishna Berachot 4:5 states that a person should pray towards the Holy of Holies. The Tosefta expands on that law.

2. For example if someone is standing in the desert or in the middle of the ocean and cannot figure out which way is which.

3. They should imagine that they are physically facing God.

4. All of the verses quoted in this Tosefta are from the Prayer of King Shlomo that he said as he was opening the 1st Bet Hamikdash. In that prayer he instructed that people should face the Bet Hamikdash when they pray and that God should listen to every prayer that is said there. It might be of benefit to read that whole prayer in order to understand the significance of the verses quoted.

5. “Should direct their hearts” in this context means physically face the direction of.

6. The Holy of Holies (Kodesh Hakadashim) was a room located inside the Bet Hamikdash in which the Aron (Ark) was located. It was considered to be that God’s presence physically rests there and it was the holiest
place in the Bet Hamikdash into which no one was allowed to enter except for the Kohen Gadol (High Priest) on the holiday of Yom Kippur.

7. Meaning towards the same place. This sends a great message of unity between the Jewish people, something that each Jew when he prays should keep in mind.

Tractate Berachot, Chapter 3  
Tosefta 17

A person should not stand on top of a bed, and not on top of a chair, and not on top of a bench, and not on top of [any] high place and pray [Shmoneh Esreh], because there are no high places in front of God, \(^2\) as it is said, “From the depth I called out to You Hashem.” (Tehillim 130:1) \(^3\)

[However,] if he was an elderly person or sick then it is permitted [to pray Shmoneh Esreh on top of a high place].

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.

2. In other words, it does not bring a person any closer to God by standing on a high place, since God is everywhere anyway.

3. A person should not pray on top of a high place only if he is doing it in order to make a statement, but if he is simply doing it because it is more comfortable for him, like if he is elderly or sick then it is permitted.

Tractate Berachot, Chapter 3  
Tosefta 18

[If a person] was riding on top of a
donkey [and it came time to pray Shmoneh Esreh], if there is someone there who can hold his donkey, he should get down and [only then] pray [Shemoneh Esreh], and if not [then] he [should] sit in his place [on the donkey] and pray [Shmoneh Esreh that way]. Rebbi says, “Either way he should pray [Shmoneh Esreh while sitting] in his place [on top of the donkey], as long as he will be paying attention.”

Notes:

1. The Tosefta expands on the law stated in Mishna Berachot 4:5 regarding praying while riding on a donkey.

2. The Rabbis have established that a person should pray Shmoneh Esreh while standing in one place. So in this case, since the person is capable of standing he should do so since that was the original decree of the Rabbis.

3. Regardless if someone is there or not to hold his donkey he may remain sitting on the donkey and pray Shmoneh Esreh that way. The reason for Rebbi’s opinion is because the person will feel constantly worried about the road that something might happen to his donkey and he will not be able to pay attention. So as long as he can concentrate while sitting on the donkey it is better to stay sitting. See Talmud Bavli (Berachot 30a).

Tractate Berachot, Chapter 3

Tosefta 19

[If a person] woke up early to go on a journey, he [should] take the Shofar and blow it [at dawn], [or he should take] the Lulav and shake it [at
dawn], [or he should take] the Megillah⁵ and read it [at dawn], [or he should] pray [Shemoneh Esreh at dawn], and when it will come time to read the Shema, he should read it [then].⁶ [If] he woke up to [travel while] sitting in a coach or on a ship he should pray [Shemoneh Esreh first at dawn],⁷ and when it will come time to read the Shema he [should] read it [then]. Rebbi Shimon Ben Elazar says, “Either way, he [should] read the Shema [first] and [only then] pray [Shemoneh Esreh].”⁸

Notes:

1. The Tosefta expands on the law stated in Mishna Berachot 4:6 regarding praying Shemoneh Esreh while traveling.

2. The Tosefta is talking about a case when a person woke up before dawn while it is still night. He cannot say Shema until the time of Misheyakir (light enough to recognize a person standing 4 Amot (cubits) away), as was mentioned previously in Tosefta 1:4. However he can still perform other Mitzvot (commandments), which are normally performed after sunrise, immediately at dawn. The examples of such Mitzvot are given in our Tosefta.

3. It is a Mitzvah to blow the Shofar (ram’s horn) on Rosh Hashanah. See Bemidbar 29:1. Since Rosh Hashanah is a Yom Tov a person cannot travel on it however far he wants, but he can travel on it within certain limits from the city. (2000 Amot) Our Tosefta is probably referring to such a case.

4. On Sukkot there is a Mitzvah to take and shake the Lulav bundle, which is a bundle consisting of an Etrog (citron fruit), a Lulav (a date palm branch), 2 Aravot (willow branches), and 3 Hadasim (myrtle branches). See Vayikra 23:40.
5. On Purim it is a rabbinical Mitzvah to read the Megillah (The Book of Esther). See Talmud Bavli (Megillah 2b), where the Gemara learns it out from a verse in Esther.

6. He should say Shema after he prays Shemoneh Esreh, even though this way he will not connect Geulah to Tefillah (see above Tosefta 1:4). In this case it is better to pray that way than to pray on the road. This specifically applies to the Talmudic times when travel was especially dangerous.

7. Since he will be restricted to sitting while traveling on a coach or a ship, he should pray early, before the designated time, while he can stand, and not connect Geulah to Tefillah. This specific case has nothing to do with danger of travel since he will not be leaving the coach or the ship anyway while praying.

8. Rebbi Shimon Ben Elazar holds that it is better to connect Geulah to Tefillah and pray while sitting later in the coach than pray Shemoneh Esreh early and not connect Geulah to Tefillah. However Rebbi Shimon Ben Elazar agrees to the Tanna Kama in the first case that it is better to pray Shemoneh Esreh early than pray later on the road which may lead to a dangerous situation.

Tractate Berachot, Chapter 3

Tosefta 20

[If a person] was standing and praying [Shemoneh Esreh] in a main road or on a plaza he may move [out of the way] for a donkey, or a donkey driver [who is walking behind a donkey], or a potter [who is selling pots], and he does not stop [his prayer of Shemoneh Esreh]. They said [a story] about Rebbi Chaninah Ben Dosa that [one day] he was standing and praying [Shemoneh Esreh]. [Suddenly] he was bitten by an Arod (snake), but he did
not stop praying. [Later] his students went and found [the Arod] dead on top of [the opening to] his hole. They said, “Woe to the man who was bitten by an Arod, woe to an Arod who has bitten Ben Dosa.”

Notes:

1. The Tosefta continues on the previous subject of not standing still while praying Shemoneh Esreh. Mishna 1 of chapter 5 says that a person may not move while praying Shemoneh Esreh even if there is a snake crawling on his leg. Our Tosefta seems to argue on that statement.

2. סְרָטְרֵיָא (Srtya), sometimes also spelled סַטְרֵטְרֵיָא (Straya), is the Hebrew version of the Latin word Strata, which means a “main road”. Stratae (singular: Strata) were major roads inside a city, roughly 5 meters wide from which side streets, which were dead ends, lead off. See Daniel Sperber, “The city in Roman Palestine”, Oxford University Press, 1998, pp. 9, 103, 106. In fact, the English word “street” comes from the Latin word Strata. In the Roman world the Strata roads were paved, hence their name “Strata”, which literally means “paved” or “paving”. It comes from the Greek word στρώσις (Strosiz), which also means “paving”. Jastrow’s translation (Marcus Jastrow, Dictionary of the Targumim, Talmud Bavli, Yerushalmi and Midrashic Literature, 2nd Edition, 1926, p. 1025, entry סְרָטְרֵיָא) of this word meaning in this case a “camp” seems to be incorrect, at least in this context.
3. **פלטיא** (Platya) is the Hebrew version of the Greek word πλατεία (Platea) and the Latin word Platea, both of which mean “a wide open area or street”, like a square or a plaza. In fact, the English word “plaza” comes from the Latin word Platea. See Daniel Sperber, “The city in Roman Palestine”, Oxford University Press, 1998, pp. 9, 104.
4. The Tosefta is teaching us that even though he had to move to get out of the way and he was not standing still he does not have to stop praying and start all over again, but rather he may continue.

5. An Arod in our Tosefta is referring to some type of a lizard or a snake, but it is not clear which type. Talmud Yerushalmi (Berachot 5:1, Daf 38a) implies that it is poisonous. Talmud Bavli (Chulin 127a) implies that an Arod is a mythical creature which is born from a union of a snake and a turtle, which even the Talmud itself points out is physically impossible. If that is the case then most probably Rebbi Chaninah Ben Dosa was bit by a regular snake and later the story was exaggerated to say that it was an Arod to make it more impressive.

6. Talmud Bavli (Berachot 33a) brings a slightly different version of this story in which Rebbi Chaninah Ben Dosa let an Arod bite him on purpose so that the Arod would die. Rebbi Chaninah Ben Dosa said that it is not the bite of an Arod that kills a person, but rather the person’s sins, and since Rebbi Chaninah Ben Dosa did not commit any sins, God has killed the Arod instead for biting an innocent person.
We do not stand up to pray [Shmoneh Esreh directly after], a regular conversation, or after laughter or after idle actions or after frivolous behavior, but rather [only] after words of wisdom. And also a person should not leave his friend [directly] after a regular conversation, or after laughter, or after idle actions, or after frivolous behavior, but rather [only] after words of wisdom. Because that is what we find the early prophets did, that they finished their words with the words of praise and consolation.

Notes:

1. The Tosefta expands on the statement in Mishna Berachot 5:1 that a person should only pray after preparation for fear of heaven.

2. The Tosefta is referring to the endings of various books of the prophets. For example, Yishayahu ends on words of consolation about the Jews returning back to Israel from the exile. See Yishayahu chapter 66. Another example is Amos, who also ends his prophecy with words of consolation regarding the return of the exiles. See Amos 9:14-15. Usually the phrase “early prophets” refers to books of Yehoshua, Shoftim, Shmuel and Melachim, however in this case that is not the meaning since none of those books end on words of praise and consolation. It is also apparent from the discussion of this Tosefta in Talmud Yerushalmi (Berachot 5:1, Daf 36b), that the books of prophets referred to here are Yeshayahu and Amos.
Tosefta 22

If a person is writing God’s name, even if a non-Jewish king greets him, he should not answer him. [If he was writing five or six God’s names one after the other, then] he may answer a greeting after he finished one of them.

Notes:

1. The Tosefta states a law with the same phrase (even if a king greets him) as was used in Mishna Berachot 5:1.

2. It does not matter where he is writing it, whether it is in a Torah scroll or Tefillin (Phylacteries) parchment, or some other book. Writing of God’s name requires special concentration and one may not interrupt the writing of the name until it is completed.

3. The Tosefta specifically refers to a non-Jewish king who will not understand the importance of writing God’s name and may decide that a person is not answering him in spite, which can be punished by death.

4. Each name requires separate concentration; therefore interrupting in between the names is ok.

Tractate Berachot, Chapter 3

Tosefta 23

In a place where it is customary to say Birkat Aveilim (Blessing of the Mourners), [if the custom is to say] three [Berachot (blessings)], [then] they say three [Berachot]. [If the custom is to say] two [Berachot], [then] they say two [Berachot]. [If the custom is to say] one [Berachah], [then]
they say one [Beracha]. [In] a place where it is customary to say Birkat Aveilim (Blessing of the Mourners), [if the custom is to say] three [Berachot] including the first one [on the subject of] Techiyat Hametim (Resurrection of the Dead)³ and he seals it off [by saying Baruch Ata Hashem] Mechayeh Hametim (Blessed are You Hashem Who resurrects the dead). The second [Beracha is on the subject of] Tanchumei Aveilim (Consolation of the Mourners), and he seals it off [by saying Baruch Ata Hashem] Menachem Amo Veiro (Blessed are You Hashem who consoles His nation and His city). The third [Beracha is said on the subject of] Gemilut Chasadim (Deeds of Kindness), and he does not seal it off.⁴

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.

2. Birkat Aveilim was a custom that existed in Talmudic times in the Land of Israel. See Talmud Bavli (Ketubot 8b). It was similar to the present day custom of Sheva Berachot after a wedding. These Berachot were said each over a cup of wine that was drunk after Birkat Hamazon after a meal in the house of the mourners. See Rashi (Ketubot 8b, Echad Keneged Hazan). Or this Beracha was said over a cup of wine in the middle of the street right after the eulogy that took place at the funeral. See Ramban (Torat Haadam, Inyan Hahatchala, Veseder Minhagot, Vol. 2 p. 153 in the Mosad Harav Kook edition of Kitvei Haramban). The Ramban adds (ibid. p. 154) that according to our Tosefta the first Beracha of Menachem Aveilim (2nd on the list below) is obligatory. Talmud Bavli (ibid.) lists 4 different Berachot that were potentially said. They were as follows:
I. Blessed are You Hashem, our God, King of the world, the great God, who in the multitude of His greatness is awesome and strong. Who in the multitude of His fearfulness resurrects the dead. Who with his pronouncement does great things without a reckoning and wonders without count. Blessed are You Hashem, Who resurrects the dead.

II. Our brothers who are fatigued [and] depressed because of this mourning! Pay attention to explore this. This stands forever.
Such is the road (i.e. course of events) since the six days of creation. Many have drunk, many will drink. The party of the first is like the party of the last. Our brothers! May the Master of consolation comfort you. Blessed are You Hashem, Who comforts mourners.

III. Our brothers, doers of kindness, sons of doers of kindness, who uphold the covenant of Abraham, our father, as it is said, “Because I knew that he will command his children and his household after him.” (Bereishit 18:19) Our brothers! May the Master of the reward pay you your reward. Blessed are You Hashem, Who pays the reward.

IV. Master of the worlds! Redeem and save, rescue, salvage, your nation, Israel, from the pestilence, and from the sword, from the degradation, and from the blast [of wind damaging the crops], from the mildew [damaging the crops], and from all kinds of disasters that want [to come] and [actually] come into the world. Now we call [You], and You answer [us]. Blessed are You Hashem, Who stops the plague.

It is apparent from our Tosefta that although the content of the Berachot was similar, the text was not universal and that our Tosefta had a different version of the text of these Berachot than what is quoted in Talmud Bavli.

3. In other words, if the custom is specifically to say the 1\textsuperscript{st} of the 3 Berachot on the subject of resurrection of the dead then...

4. It seems that the first part of the Tosefta is talking about the custom to say the Berachot, but without a specific order or their subjects. However the second part of the Tosefta is talking about a different custom where there was a specific order to the Berachot and each Beracha had to be said on the subject mentioned. If you look at the Berachot quoted in note 2 you will notice that their order and subject roughly follow what is outlined in the Tosefta. The 1\textsuperscript{st} Beracha is about resurrection of the dead, the 2\textsuperscript{nd} one is about comforting the mourners, the 3\textsuperscript{rd} one is about deeds of kindness, and the 4\textsuperscript{th} one is a
plea to God to save us from troubles. Obviously our Tosefta does not include the 4th Beracha on the subject of troubles.

Tractate Berachot, Chapter 3

Tosefta 24

[The person] who completes [the reading of the Torah] at the cemetery does not seal off [with the Beracha (blessing) after reading of the Torah].

Notes:

1. The Tosefta continues with another custom relating to funerals. It is not related to any Mishna.

2. The Tosefta implies that there was a custom in Talmudic times to read the Torah at the cemetery. We do not know anything else about this custom since it is not mentioned anywhere else. I assume that this reading took place either after the funeral or later during the 7 days of Shivah (main mourning period) when it was customary to go back to the cemetery everyday and say eulogies for the deceased.

The Beracha before the Torah reading is:

ברוך אתה ה' אלהינו מלך העולם, אשת ברבר בברא联系我们.

Blessed are You Hashem , our God, King of the World, Who has chosen us from all of the nations and has given us His Torah. Blessed are You Hashem, Who gives the Torah.

The Beracha after the Torah Reading is:

ברוך אתה ה' אלהינו מלך העולם אמר זמן לא תורדו ברוך אתה ה' נומי חיות.

Blessed are You Hashem , our God, King of the World, Who has given us the true Torah and planted into us eternal life. Blessed are You Hashem, Who gives the Torah.
The Tosefta says that the Beracha after the Torah reading that is normally said in the Synagogue during a public Torah reading is not said. It is also possible that the Tosefta means that this Beracha is said, but is not sealed with the phrase Baruch Ata Hashem Noten Hatorah. Either way, the Tosefta implies that the Beracha before reading of the Torah is said even at the cemetery.

Tractate Berachot, Chapter 3

Tosefta 25

Eighteen Berachot (blessings) that the Sages have established [for the prayer of Shemoneh Esreh have been established] corresponding to eighteen mentionings [of God’s name] that are in [the chapter of Tehillim that begins with] “Ascribe to God, children of princes...” (Tehillim 29) And [a person] should include [the Beracha against] the heretics into [the Beracha] for the Rabbinical Jews, and [the Beracha] for the converts into [the Beracha] for the elders, and [the Beracha] for [King] David into [the Beracha] for [the rebuilding of] Jerusalem. But if he said each one of them separately he has fulfilled his obligation [of praying Shemoneh Esreh].

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.

2. The 4 letter name of Hashem appears 18 times in this chapter of Tehillim. Each one of them is mentioned with a specific reference, for example the 1st reference is to children of princes (Ascribe to God children of princes...), the 2nd reference is to honor and strength...
(Ascribe to God honor and strength...), etc... The Sages have made each Beracha in Shemoneh Esreih correspond to each reference of Hashem’s name in the psalm. So for example, the first Beracha talks about Avot – the patriarchs of the Jewish people, who are referred to in the psalm as the princes. The 2nd Beracha of Shemoneh Esreih talks about God’s strength which is referred to in the psalm by honor and strength, etc... I have included below a table with all of the references in the psalm corresponding to each Beracha. As you will see they do not correspond to the whole subject of each Beracha exactly, which is why the Tosefta continues on to say that certain subjects are grouped together into a single Beracha.

<table>
<thead>
<tr>
<th>#</th>
<th>Subject of Beracha</th>
<th>Reference in the psalm</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Avot – our fathers Avraham, Yitzchak and Yakov.</td>
<td>Children of princes بنين אלים</td>
</tr>
<tr>
<td>2</td>
<td>Gevurot – God’s strength and power.</td>
<td>[God’s] honor and strength כבוד עז</td>
</tr>
<tr>
<td>3</td>
<td>Kedushat Hashem – The holiness of God’s name.</td>
<td>Honor of His name כבוד שם</td>
</tr>
<tr>
<td>4</td>
<td>Bina – Knowledge and understanding that God gave to man, which is man’s main splendor of holiness since that is what makes man different from animals.</td>
<td>Splendor of holiness הדרת קדוש</td>
</tr>
<tr>
<td>5</td>
<td>Teshuva – Repentance, which is returning back to God, similar to waters that return in the waves of the sea.</td>
<td>God’s voice is upon the waters קול ה’, על התמים</td>
</tr>
<tr>
<td>6</td>
<td>Selicha – Forgiveness, which is also similar to many waters due</td>
<td>Many waters</td>
</tr>
</tbody>
</table>
| 1. to us constantly repeating our sins. | מיס רבם

2. Geulah – Redemption. It is mentioned by the redemption from Egypt that God took us out with a strong hand. For examples, see Shemot 6:1, 13:9, Devarim 5:14. | God’s voice is in strength

3. Refuah – Healing of the sick. This can be viewed as God’s splendor since many times people make miraculous recovery from an illness. | God’s voice is in splendor

4. Birkat Hashanim – Prosperity of the crops of the year. Cedar trees remind us of all things that grow. | God’s voice breaks the cedar trees

5. Kibutz Galuyot – Ingathering of the Exiles. God has to break various countries in order to gather the Jewish exiles back to Israel. | And God breaks

6. Din – Judgment. The words of the wise sages who judge the people are like flames of fire. See Mishna Avot 2:10. | God’s voice hews with flames of fire

7. Tzadikim – Righteous people. Righteous people are like the desert, they often look empty and go unnoticed. | God’s voice convulses the desert

8. Binyan Yerushalayim – Rebuilding of Jerusalem. The Kadesh desert | Kadesh desert
<table>
<thead>
<tr>
<th>Beracha</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kadesh</td>
<td>The name of the desert Kadesh, means “holy”.</td>
</tr>
<tr>
<td>Malchut Bet David</td>
<td>Kingdom of the House of David. King David is credited with building the 1st Bet Hamikdash (Temple) since it was his desire. God’s sanctuary is a reference to the Bet Hamikdash.</td>
</tr>
<tr>
<td>Kabalat Tefillah</td>
<td>Reception of our prayers. Just like God heard Noah’s prayer to stop the flood, so too he should hear ours.</td>
</tr>
<tr>
<td>Avodah</td>
<td>Worship. We worship God who is our King.</td>
</tr>
<tr>
<td>Hodaah</td>
<td>Thanksgiving. We thank God for giving strength to his nation to go on and survive.</td>
</tr>
<tr>
<td>Shalom</td>
<td>Peace.</td>
</tr>
</tbody>
</table>

3. The Tosefta implies that originally the text of the 12th Beracha about righteous people, who are obviously the Rabbinic Jews (Pirushim - Pharisees) also included the text against the heretics, which was a lose term for various break-off sects such as early Christians. Eventually, Rabban Gamliel asked Shmuel Hakatan to write a separate Beracha against the heretics, because the heretics were growing very powerful and many of them became informers against the Jews to the Romans. See Talmud Bavli (Berachot 29a). So the 12th Beracha was divided into
two, one about the heretics and one about the Pirushim. Since then the weekday Shemoneh Esreh consisted of 19 Berachot.

4. The Beracha for the elders and converts is also the 12th Beracha which combines them together with the Pirushim. The Tosefta implies that the text of Shemoneh Esreh in its times was somewhat different and the content of the Berachot was not like it is today. Unfortunately we do not have this alternative text so I cannot say exactly what it looked like.

5. In our Shemoneh Esreh we have two separate Berachot, one for the rebuilding of Jerusalem (#13 on the chart above, and #14 in the modern day Shemoneh Esreh), and the other for reestablishing David’s kingdom (#14 on the chart above, and #15 in the modern day Shemoneh Esreh). It makes sense that in the time of the Tosefta there was only one Beracha which combined these two subjects, since the Tosefta mentioned previously that there was a separate Beracha about converts. We do not have the text of that Beracha anymore.

6. The Tosefta implies that the critical part of Shemoneh Esreh is that there should be exactly 18 Berachot, but which one of them has which specific subject is not established so clearly since the references to each subject in Tehillim are somewhat vague. Therefore even if some of these subjects are combined into a single Beracha or separated into multiple Berachot, since they are similar enough one fulfills his obligation of praying the Shemoneh Esreh either way.

Notes:

Tractate Berachot, Chapter 3
Tosefta 26

We answer Amen after a Jew who makes a Beracha (blessing) and we do not answer Amen after a Samaritan who makes a Beracha unless he (i.e. we) hears the whole Beracha.

Notes:
1. The Tosefta ends the chapter with a general law about Berachot. It is not related to any Mishna in nearby chapters although the Mishna discusses this law much later in Mishna Berachot 8:8.

2. If a person hears someone else say a Beracha of any kind he should answer Amen. Amen is an abbreviation of the words נאמן מלך אל, which means “God is a trustworthy King”, and is another word for saying “I believe and agree with what has been just said”. See Talmud Bavli (Shabbat 119b) and (Sanhedrin 111a).

3. A person can answer Amen after a Jew’s Beracha even if he did not hear the whole Beracha, but only heard the ending, since we are sure that a Jew made a Beracha to God (Hashem) and not someone else.

4. A Kuti is a general reference to a group of people who were not originally Jews, but rather they came from other nations, settled in the Land of Israel at the end of the 1st Bet Hamikdash when Sancheriv (Sennacherib) resettled various nations in different lands between 701 – 681 BCE, and they converted to Judaism. However, despite their conversion they kept a lot of their old practices including some idol worship. See Melachim II 17:24-41. The Kutim have remained separate from the Jews for hundreds of years until the Talmudic times and kept their original practices. Kutim are also known as Shomronim (Samaritans) since originally they mainly have lived in the area of Shomron (Samaria) in central Israel. See Melachim II 17:24. There is still a small group of Shomronim who live in Israel today. The reason they were called Kutim, because they came from a city in Southern Iraq named Kutha, as mentioned in Melachim II 17:24.
5. When a Kuti makes a Beracha we are not sure if he is going to make it to God only or to God and some idol in addition to God. Therefore the person listening has to make sure that he heard the whole Beracha and verified that he made it to God only and only then say Amen. In particular the Kutim make the center of their worship the Mount Gerizim, located in central Israel, in the Shomron, which they consider holy. So theoretically it is possible that they can make their Beracha to the mountain and not to God. It is unclear if the Kutim sometimes worship the actual mountain or some idol located on that mountain. Talmud Bavli (Chulin 6a) mentions a story in which Kutim were seen worshiping a statue of a dove that was located on Mount Gerizim. Tosefta (Avodah Zarah 3:5) implies that Kutim view Mount Gerizim as some sort of a deity to which they dedicate things. It seems though that the extent of which the Samaritans worshiped idols was relatively small, since the Tosefta (Avodah Zarah 2:3) says that one can rent a house to a Kuti and not worry about the fact that he may bring idols into it. Whether Samaritans historically actually worshipped idols in practice or were only perceived as such by the Jews is a debated topic with most evidence pointing to the fact that it was a perception of the Jews and not a reality. For a discussion of this subject see James Alan
A person should not taste anything until he makes a Beracha (blessing) [on it], as it is said, “To Hashem is the Earth and its fullness...” (Tehillim 24:1) [A person] who receives pleasure from this world without a Beracha makes inappropriate use of sacred property, until all of the Mitzvot (commandments) [that must be done over this object] will permit it to him.

A person should use his face, his hands and his feet only for the honor of his Creator, as it is said, “Every creation of Hashem is for His sake.” (Mishlei 16:4)

Notes:

1. Mishna Berachot 6:1 goes directly to the laws of saying Berachot before food. This Tosefta gives an introduction to those laws and explains why a person needs to make Berachot all together.

2. Any kind of pleasure, meaning if he eats something, or he smells something nice, or he buys a new fancy object.

3. Since the world was created by God technically everything in this world belongs to God which makes it sacred property. A person must do something in order to acquire that property from God.

4. And what should a person do to the object in order to acquire it from God? He should perform the Mitzvot that the Torah has commanded.
him to do over this object. For example, if a person takes a new fruit from the tree in the Land of Israel before he can eat it he must remove all of the different tithes from it (Terumah (heave-offering), Maaser (tithe), etc...). If a person earns some money he must give some of it to charity. If a person eats something he must make a Beracha over the food first. The Tosefta does not mean that all of these things are obligated by the Torah. Rather it is just an Asmachta (reference) from a verse in the Tanach for rabbinical commandments such as Berachot.

I have chosen to explain this particular line based on the commentary on Talmud Yerushalmi (Berachot 6:1, Daf 41b) called Shushan Betzalel by Rabbi Betzalel Har Shusan. There are other explanations which are discussed in the commentaries, but in my opinion the one I have mentioned fits the text of the Tosefta best.

5. No matter what a person does in his life he should do it for the sake of God. If he constantly keeps that in mind he will always do good deeds, since it is difficult to do something for God’s sake knowing that it is bad.

Tractate Berachot, Chapter 4

Tosefta 2

The Beracha (blessing) that is made on date honey, apple cider and vinegar made from autumn grapes is the same as the Beracha made on fish brine.

Notes:

1. Mishna Berachot 6:3 says that the Beracha for vinegar is Shehakol. Our Tosefta mentions other types of food that are similar to vinegar that get the same Beracha.

2. In Talmudic times date honey was a common intoxicating drink. It is essentially syrup squeezed from dates that fermented.
3. Literally “apple wine”. This refers to the alcoholic drink that is commonly known in English as apple cider. It is essentially fermented apple juice.

4. The word סתוווניות (Sitvaniot) comes from the Hebrew word סתיו (Stav) which means “autumn” or “fall”. It refers to the grapes that ripened in the autumn as opposed to the end of the summer. In ancient times (i.e. before modern agriculture), grapes were normally gathered from the vineyards in the end of the summer in July - August which roughly corresponds to the Hebrew month of Av. Hence the holiday of Tu’beAv (15th of Av) on which the Jewish girls dressed in white dresses went out to dance in the vineyards to find husbands was conducted in the heat of the grape harvest season. See Mishna Taanit 4:8. However there were inferior types of grapes that did not ripen until September - October period. Since these grapes were inferior they were generally used to make vinegar instead of wine. There is a variant reading of this word in the Vienna manuscript that says ספוגוניות (Sifvaniot). That word comes from the word סוף (Sof) meaning “end”. It refers to the grapes that were the last grapes of the harvest and did not fully ripen at all. Since they never fully ripened they were of inferior quality and could only be used for vinegar and not wine. See Rashi (Berachot 28a, Vechometz Sefoniot).

5. Brine generally means water saturated with salt often used for pickling. However Murais in Talmudic literature generally refers to a specific type of brine made from a mixture of water, fish oil and sometimes wine. See Talmud Bavli (Avodah Zarah 34b). It does not mean pure fish oil or fish fat like some commentators imply.

6. For an overview of the different types of Berachot see Mishna Berachot 6:1 and 6:3. The Beracha for fish brine is Shehakol:

בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעָולם, שֶׁהַכֹּל נִהְיָה בִּדְבָרוֹ.

Blessed are You Hashem, our God, King of the World, upon Whose word everything was created.

This Beracha is made on everything which does not grow from the ground. Even though the 3 liquids mentioned in our Tosefta are all
products of different fruits, since they are merely juice and do not contain any fruit pieces in them the Beracha for them is Shehakol. See Talmud Bavli (Berachot 38a). The Tosefta goes like the opinion of Rebbi Yehoshua in Talmud Bavli (ibid.) that the Beracha on fruit juice is Shehakol, which is what the Halacha (law) is. The only drink that received a separate Beracha is wine. The Beracha on wine is Hagafen:

ברוך אתה ה' אלוהינו מלך העולמים בורא פרי חופה.

Blessed are You Hashem, our God, King of the world, Who created the fruit of the vine.

Tractate Berachot, Chapter 4

Tosefta 3

The Beracha (blessing) for undiluted wine\(^2\) is Borei Pri Haetz (Who created the fruit of the tree)\(^3\) and it (i.e. undiluted wine) can be used to wash hands.\(^4\) [If] he added water into it, [then] the Beracha on it [becomes] Borei Pri Hagafen (Who created the fruit of the vine)\(^5\) and it (i.e. diluted wine) cannot be used to wash hands.\(^6\) [These are] the words of Rebbi Eliezer. And the Chachamim (Sages) say, “Whether this one (i.e. undiluted wine) or that one (i.e. diluted wine), the Beracha on it is Borei Pri Hagafen and it cannot be used to wash hands.”\(^7\)

Notes:

1. Mishna Berachot 6:1 says that the Beracha for wine is Borei Pri Hagafen. Our Tosefta expands on that law.

2. In Talmudic times it was customary to drink only diluted wine. In other words, wine that had water added to it. The reason for that was
probably due to Greek influence whose practice was to only drink diluted wine, and which was adopted by the Romans as well. The Greeks believed that only barbarians drank unmixed or undiluted wine and that the Spartan king Cleomenes I was once driven insane after drinking wine this way. See J. Robinson (ed.), “The Oxford Companion to Wine”, 3rd Edition, Oxford University Press, 2006, pp. 326-329. The earliest Jewish reference to the preference for diluted wine that we know of is in the Megillat Chashmonaim II 15:39 (The Book of Maccabees II 15:39), which was written in Greek by a Jew from Alexandria in Egypt sometime around 100 BCE, and was included into the Septuagint. It says,

καθάπερ γὰρ ὁ ὕιον κατὰ μόνας πίνειν, ὡσαύτως δὲ καὶ ὕδωρ πάλιν πολέμιον· ὅν δὲ τρόπον ὁ ὕιος ὑδατί συγκερασθεὶς ἡδύς καὶ ἐπιτερπὴ τὴν χάριν ἀποτελεῖ…

For just as it is harmful to drink wine alone or, again, to drink water alone, while wine mixed with water produces a delightful taste...


It is obvious that due to Greek influence Jews in the Second Temple era, after the Greek conquest, preferred diluted wine, and believed, just like the Greeks did, that undiluted wine may be harmful to one’s health. It should be noted that in the time of the First Bet Hamikdash (Temple) the Jewish practice was the opposite and undiluted wine was preferred to diluted wine, which was considered to be ruined by the addition of water. See Yeshayahu 1:22, where the prophet says, סבאך מהו בם, “… your wine diluted with water” in reference to the degradation of the people of Jerusalem due to sin. See The International Standard Bible Encyclopedia of 1915, Wine, 3:1 Mixed Wine.

I reject the interpretation of the commentators who explain that the reason that wine was diluted with water in Talmudic times was because some how their wine was stronger than wines today or wines in the Middle Ages. See Rashi (Berachot 50b, Ein Mevarchin) and
Rambam (Perush Hamishnayot, Berachot 7:5). This is impossible, because wine’s alcohol content cannot go up above 14% under natural fermentation due to the fact that the yeast contained in the grape skin runs out and the fermentation simply stops. See Miriam Feinberg Vamosh, “Food at the Time of the Bible. From Adam's Apple to the Last Supper”, Palphot, 2007, p. 34. So even in Talmudic times wines were not stronger than 14% wine today. For a proof from Talmud Yerushalmi against Rashi’s and Rambam’s interpretation see note 7 below. It would also appear from Talmud Bavli (Berachot 51a) and the Rambam’s interpretation of it (Mishna Torah, Hilchot Berachot 7:15) that in the 3rd century CE in the Land of Israel the feelings towards undiluted wine were not as strong as they were during the generations before, when Greek influence was stronger, because Rebbi Yochanan (he is Rebbi Yochanan Ben Nafcha, who died approximately in 279 CE and lived in Israel in Tveria) said that when a person makes a Beracha on wine after Birkat Hamazon (Grace After Meals) he should not pour diluted wine directly into the cup, but rather he should pour undiluted wine into the cup and only dilute it with water after half of Birkat Hamazon has been said over it. This implies that undiluted wine was already considered inferior, but since the custom to dilute it was prevalent for such a long time he still wanted to dilute it, just after the Birkat Hamazon was already partially said over better undiluted wine. However, in Babylon the custom of diluting wine significantly has remained even in to the 4th century CE. See Talmud Bavli (Shabbat 76b-77a), where Rav Nachman and Rava (Amoraim of the 4th century) say that one should dilute wine, 1 part wine to 3 parts water. Also, see Tosafot (Shabbat 77a, Deamar) about various wine diluting practices.

3. According to the opinion of Rebbi Eliezer, undiluted wine should be considered as grape juice, which in turn is considered to be like the fruit itself; hence the Beracha on it would be Haetz, which is what is said over grapes themselves.

ברוך אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא פְּרִי הָעֵץ.

Blessed are You Hashem, our God, King of the world, Who created the fruit of the tree.
It should be noted that Rebbi Eliezer holds that the Beracha on fruit juices is Haetz and not Shehakol as was said in the previous Tosefta. See Talmud Bavli (Berachot 38a).

4. Since Rebbi Eliezer does not consider it proper wine, it is considered to be like juice and juice is considered to be like water, hence he says that it can be used to wash hands to clean them just like one would use water and it is not considered to be a waste of food. See Rashba (Berachot 50b, Tannu Rabbanan) and Talmud Yerushalmi (Berachot 6:1, Daf 42a).

5. Hagafen is the Beracha made on wine. See above Tosefta 4:2, note 6. Rebbi Eliezer considers it to be proper wine only after it was diluted with water.

6. The reason is because it would be a waste of wine to use it to wash hands, as was explained in note 4.

7. Talmud Bavli (Berachot 50b) explains that the Chachamim agree that the preferred wine is diluted wine, as was the practice in Talmudic times. However, they hold that undiluted wine is used for a variety of drinks, such as Kuraiti, a drink made from a mixture of wine and date honey, the Beracha of which is Hagafen; hence the Beracha on the undiluted wine is Hagafen as well. Apparently the alcohol content of this drink was as much as the undiluted wine or even more, since date honey itself may have high alcohol content if it has fermented. Talmud Yerushalmi (Berachot 7:5, Daf 55b) adds that Chachamim only require to add a minimum amount of water, even a drop, to consider wine diluted. From here we can bring a proof to our explanation for the reason of diluted wine, in note 2, that it was a purely cultural phenomenon to dilute wine and had nothing to do with the actual strength of the wine, since adding one drop of water would not make any difference to the wine’s strength.
Tractate Berachot, Chapter 4

Tosefta 4¹

[If] they brought² in front of him [different] types of desserts,³ the Beracha (blessing) that he makes on them is Borei Minei Kisnin (Who created different types of nibblings).

Notes:

1. Mishna Berachot 6:1 mentions the opinion of Rebbi Yehudah who holds that a person must say a specific Beracha on every type of food and not the more generic Berachot that we are accustomed to making. This Tosefta goes like Rebbi Yehudah’s opinion and mentions a specific Beracha on dessert not mentioned in the Mishna. However it is probable that the Tosefta holds of this opinion as the main opinion of the Tanna Kama and not a minority opinion of Rebbi Yehudah. See note 8 on the next Tosefta.

2. The way people generally ate in Talmudic times was that each person had his own little table located low to the ground in front of which the person reclined on a sofa. A waiter, mainly a slave, would bring food and put it out on the little table in front of the person. For a picture of how this appeared in reality see below Tosefta 5:5, note 9. This was so common that even the poorest people could afford a slave that served them food, usually a child or a woman. See Talmud Bavli (Kiddushin 8b) which says that a slave woman in the 3rd century CE could be purchased for a few bronze Prutot (small coins), which is roughly the same price as a loaf of bread. Hence the Tosefta speaks in terms of someone else bringing the food to the person when he is eating, and not him eating himself. For slave prices see Kenneth W. Harl, “Coinage in the Roman economy, 300 B.C. to A.D. 700”, JHU Press, 1996, page 286 and footnote 61 on page 462. Also see William Linn Westermann, “The slave systems of Greek and Roman antiquity”, Philadelphia, 1955, p. 36. For general prices in Talmudic times see Daniel Sperber, “Roman Palestine 200-400 Money and Prices”, Bar-Ilan University Press, 1991, pp. 101-111.
3. The Hebrew word תרגימה (Targima) is an adaptation of a Greek word τράγημα (Tragima) which means “that which comes after the meal”, namely dessert. The term itself is not specific to any particular type of food; however it was very common to eat small portions of parched wheat or filled pastry as can be seen from the text of the Beracha itself. See the next note.

4. בָּרוּךְ אַתָּה ה’ אֲלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא מִינֵי כיסנין.

Blessed are You Hashem, our God, King of the world, Who created different types of nibblings.

כיסנין (Kisanin) is an Aramaic word that comes from the rootכסס (Kesas) meaning “to bite”. Kisanin usually refers to parched wheat that was roasted in honey and spices, which people would chew, similar to the way we chew chewing gum nowadays. See Rashi and Meiri (Berachot 41b, Pat Haba Bekisnin). An alternative explanation is that the word כיסנין comes from the wordכיס (Kis), meaning “pocket”, and is referring to a dry pastry filled with nuts and sugar, what we would call in English a biscuit. See Aruch Hashalem, entryכסן.

Tractate Berachot, Chapter 4
Tosefta 5

On seeds² he says [the Beracha (blessing)] בורֵא מִינֵי זַרְעִים (Who created different types of seeds),³ and on herbs⁴ he says [the Beracha] בורֵא מִינֵי דְשָׁאִים (Who created different types of herbs),⁵ and on vegetables⁶ he says [the Beracha] בורֵא פְּרִי הָאֲדָמָה (Who created the fruit of the ground).⁷ Rebbi Yehudah says “[on vegetables he makes the Beracha] ברוך מַצְמִיחַ הָאֲדָמָה בִּדְבָרוֹ.⁸ Rebbi Meir says, “even [if] he saw bread and he said
‘Blessed be the One Who created this bread, how nice this bread is,’ that is its Beracha. Even [if] he saw figs and he said ‘Blessed be the One Who created these figs, how nice they are,’ that is their Beracha.’

Rebbi Yossi says, “Anyone who changes [the official text] of Berachot from what the Rabbis have coined, does not fulfill his obligation [of saying the Beracha].”

Rebbi Yehudah says, “Any [type of food] that has been changed from its original form (like bread which used to be wheat or wine which used to be grapes), [if] he changed its Beracha [to the Beracha of the food in its original form], he has fulfilled his obligation [of saying the Beracha].”

Notes:

1. The Tosefta expands on Mishna Berachot 6:1 by listing additional Berachot that are not mentioned in the Mishna.

2. Seeds refer to foods which are not fruits and the seeds of which are eaten, like wheat kernels and beans. It would also apply to actual seeds that people eat directly, such as pumpkin seeds, sunflower seeds, etc…

3. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךָ הָעוֹלָם בּוֹרֵא מִינֵי זְרָעִים.

Blessed are You Hashem, our God, King of the world, Who created different types of seeds.

4. Herbs refer to foods which are generally used as spices, but can be eaten in its grass form, such as mint, or parsley, which was commonly eaten to freshen one’s breath.

5. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךָ הָעוֹלָם בּוֹרֵא מִינֵי דְּשָׁאִים.

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Blessed are You Hashem, our God, King of the world, Who created different types of herbs.

The word דשאים (Deshaim) literally means “grasses”, but is used in this context to refer to herbs.

6. Vegetables refer to any eatable plant that does not grow on a tree. Generally, spices and herbs would also be included into the vegetables category, however our Tosefta mentions separate Berachot for them since they can be classified as a separate category.

7. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא מִינֵי פְּרִי הָאֲדָמָה.
Blessed are You Hashem, our God, King of the world, Who created the fruit of the ground.

8. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם מַצְמִיחַ הָאֲדָמָה בִּדְבָרוֹ.
Blessed are You Hashem, Our God, King of the world, upon Whose word the ground produces growths.

Rebbi Yehudah holds that the official text of the Beracha on vegetables is different than what the Tanna Kama has said. From the wording of our Tosefta it is implied that the first three Berachot mentioned are the opinion of the Tanna Kama as well and not just of Rebbi Yehudah who holds that a person should make separate Berachot on various categories of foods. However, Mishna Berachot 6:1 quotes Rebbi Yehudah who says there that the Beracha for vegetables is Borei Minei Deshai and the Beracha for spices and herbs is not mentioned at all. It seems that our Tosefta argues on the Mishna in terms of what Rebbi Yehudah’s opinion exactly was regarding the Beracha on vegetables. The Tosefta holds that the main opinion of the Tanna Kama is to make different Berachot on various categories of foods, and that it is not just a minority opinion of Rebbi Yehudah as the Mishna says.

9. Rebbi Meir holds that a person does not have to say the official text of Berachot as was established by the Rabbis, but rather he can say his own version of the Beracha. As long as what he says blesses God and mentions the type of food on which he says the Beracha it is a valid
blessing. The reason that Rebbi Meir uses for his examples bread and figs is because the Berachot for them are clearly defined. The Beracha for bread is Hamotzi Lechem Min Haaretz (see below Tosefta 4:6, note 5) and the Beracha for figs is Borei Pri Haetz (see above Tosefta 4:3, note 3). It is not like some type of a vegetable or beans for which the person may not be sure if he should make Borei Pri Haadama or Borei Minei Zerayim or Borei Minei Deshaim. Perhaps one may think that since it is not clear which Beracha should be made on those foods, a person can say his own version of the Beracha as well. So Rebbi Meir points out that a person may say his own version of the Beracha even on a food whose Beracha is very clear. It should be pointed out that according to Rebbi Meir the Beracha can be said in any language and not just in Hebrew. See Talmud Bavli (Berachot 40b).

10. Rebbi Yossi clearly argues on Rebbi Meir and he holds that for Berachot the person may say only the official text of the Beracha in Hebrew and nothing else. It would seem that Rebbi Yossi holds that a person cannot say the Berachot in any other language except for Hebrew since that is the official text of the Beracha.

11. The proper Beracha for bread is Hamotzi Lechem Min Haaretz. The proper Beracha for raw wheat is Borei Pri Haadama or according to our Tosefta is Borei Minei Zerayim. The proper Beracha for wine is Borei Pri Hagafen. The proper Beracha for grapes is Borei Pri Haetz. Rebbi Yehudah is talking about a case where a person made Borei Minei Zerayim or Borei Pri Haadama on bread or Borei Pri Haetz on wine.

12. There is an alternative reading that is mentioned by the Gra (Vilna Gaon) which says “he has NOT fulfilled his obligation”. The Gra changed the reading in the Tosefta based on the version quoted in Talmud Yerushalmi (Berachot 6:2, Daf 46a). However all of the manuscripts of the Tosefta have the version that says, “he has fulfilled his obligation”. I have left the text to read as it is in the Tosefta manuscripts. According to either reading Rebbi Yehudah comes to agree with Rebbi Yossi that one must say the Beracha only using the officially established text. However Rebbi Yehudah clarifies that even if he made the more generic Beracha for the raw fruit and not the
correct one for the made product such as bread or wine, he still fulfills his obligation since he said the official text of the Beracha. According to the reading of the Yerushalmi, Rebbi Yehudah clarifies that the Beracha must be said exactly as the Rabbis have coined it and if he makes a more generic Beracha he has not fulfilled his obligation since the Beracha that he made was not the exact Beracha that the Rabbis have coined for bread or for wine. The explanation of Rebbi Yehudah’s opinion makes sense according to either reading.

Tractate Berachot, Chapter 4

Tosefta 6

[A person] that chews [raw] wheat kernels, says a Beracha (blessing) on them Borei Minei Zerayim (Who created different types of seeds). If he [ground them into flour and] baked them [into bread] and [then] cooked them (i.e. the bread) [in water], as long as the pieces [of bread] remain intact, he says the Beracha on them Hamotzi Lechem Min Haaretz (Who brings forth bread from the earth) and he says [after eating these pieces] the Three Berachot (i.e. Birkat Hamazon (Grace After Meals)). [If] the pieces [of bread] do not remain intact he makes the Beracha on them Borei Minei Mezonot (Who created different types of foods) and he makes the Beracha after [eating] them is One out of Three (i.e. Al Hamichya (For the Sustenance)).

Notes:

1. The Tosefta continues on the subject mentioned in the previous Tosefta.
2. This is a restatement of what has been said by the Tanna Kama in the previous Tosefta that on seeds a person makes Borei Minei Zerayim. See above Tosefta 4:5, note 3.

3. I have explained the Tosefta according to the way it is explained in Talmud Bavli (Berachot 37a) with Rashi’s commentary (ibid.).

4. Talmud Yerushalmi (Berachot 6:1, Daf 44b) explains that the pieces must remain to be at least the size of an olive (Kezait).

5. בָּרוּךְ אַתָּה ה’ אֲלֹהֵינוּ מֶלֶךְ הָעוֹלָם לֶחֶם مִן הָאָרֶץ.

Blessed are You Hashem, our God, King of the world, Who brings forth bread from the earth.

This is the official Beracha made on bread made from any of the five grains, wheat, barley, rye, oats and spelt. See next Tosefta note 4 for the reason why these five grains have been singled out over other types of grain.

6. After eating bread a person must say Birkat Hamazon. It is called Three Berachot, because when it was originally written in consisted only out of the first three Berachot: Hazan Et Hakol (Who nourishes everything), Al Haaretz Veal Hamazon (For the land and for the food), and Bone Yerushalayim (Who builds Jerusalem). According to Talmud Bavli (Berachot 48b) the first three Berachot were enacted by the early prophets, Moshe, Yehoshua and King David. The 4th Beracha, Hatov Vehameitiv, was added later approximately in the year 138 CE in honor of the final burial of the dead from the destruction of the city of Beitar during the Bar Kochba rebellion in 136 CE. See Talmud Bavli (Berachot 48b). You may wonder how I know that this occurred in 138 CE. See Midrash Eichah Rabbah 2:4 that says that the dead from Beitar were buried by a new emperor after Hadrian. This refers to Antoninus Pius who came to power in 138 CE and allowed the Jews to bury the dead of Beitar on the 15th of Av after a petition by the delegation of Rabbis, with Rebbi Yehudah Ben Shamua in charge, who came to Rome in 138 CE. See Talmud Bavli (Taanit 18a).

7. בָּרוּךְ אַתָּה ה’ אֲלֹהֵינוּ מֶלֶךְ הָעוֹלָם בּוֹרֵא מִינֵי מְזוֹנוֹת.
Blessed are You Hashem, our God, King of the world, Who created different types of foods.

This is the official Beracha made on baked and cooked products (but not bread) from grains, such as wheat, barley, rye, oats, spelt, rice and according to some opinions, millet. Since the bread has been cooked in water and fell apart into tiny pieces it is not considered bread any more, but rather a general grain product.

8. Beracha Achat Meein Shalosh is a Beracha that is made after one of 3 things:

   a. Grain products, but not bread, made from the five grains (wheat, barley, rye, oats, and spelt) only. See the next Tosefta, note 4 for a reason why the five grains are singled out from other grains.

   b. 5 fruits for which the Land of Israel is blessed (grapes, figs, pomegranates, olives, and dates). See Devarim 8:8.

   c. Wine.

The main text of the Beracha remains the same except the name of the food for which it is said changes. There are 3 possible names of food that can be said in it; hence it is the Beracha One out of Three. For grain products we say Al Hamichya Veal Hakalkala (For food and for sustenance), for any of the 5 fruit we say Al Haetz Veal Pri Haetz (For the tree and for the fruit of the tree), and for wine we say Al Hagafen Veal Pri Hagafen (For the vine and for the fruit of the vine).

Tractate Berachot, Chapter 4

Tosefta 7

[A person] that chews [raw] rice [kernels], says a Beracha (blessing) on them Borei Minei Zerayim (Who created different types of seeds).² [If] he [ground them into flour and] baked them [into rice bread] and
[then] cooked them (i.e. the rice bread) [in water], even though the pieces of the rice bread remain intact, he says the Beracha on them, Borei Minei Mezonot (Who created different types of foods), and he does not say any Beracha after them at all. This is the general rule: any food that gets the beginning Beracha Hamotzi Lechem Min Haaretz (Who brings forth bread from the earth), gets the Three Berachot (i.e. Birkat Hamazon (Grace After Meals)) after it.

Notes:

1. The Tosefta continues on the same subject as the previous Tosefta. It is not related to any Mishna.

2. See above Tosefta 4:5, note 3. The reason that he says on raw rice Borei Minei Zerayim is exactly the same as the reason he says the same Beracha on raw wheat mentioned in the previous Tosefta. Both, wheat and rice, grow on stalks in a similar fashion. To get the kernels out of the stalks they need to be threshed. According to the Tosefta, any food that requires shaking the seeds out of a stalk gets the Beracha, Borei Minei Zerayim.

There are two different text versions in the Tosefta regarding this Beracha. The Vienna manuscript says that the Beracha is Borei Pri Haadama (Who created the fruit of the ground). The Erfurt manuscript says that the Beracha is Borei Minei Zerayim. I have decided to use the text from the Erfurt manuscript, because it is consistent with the text of the previous Tosefta. It would be a contradiction for the Tosefta to say that the Beracha on raw wheat is Borei Minei Zerayim and the Beracha on raw rice is Borei Pri Haadama, since both of them are essentially seeds and grow in the same fashion.
3. I have explained the Tosefta according to the way it is explained in Talmud Bavli and Rashi (Berachot 37a).

4. Contrary to the case of cooked wheat in the previous Tosefta, rice does not get the Beracha of Hamotzi Lechem Min Haaretz even if the pieces remained intact larger than the size of a Kezait (olive). The reason is because rice is not one of the five grains as was mentioned in the previous Tosefta, note 5. The five grains, wheat, barley, rye, oats, and spelt have been singled out over other grains for special Berachot, because they are listed in the Torah as part of the seven species for which the Land of Israel is blessed. The Torah (Devarim 8:8) lists wheat and barley together with the 5 fruit mentioned in the previous Tosefta, note 8. Spelt and rye are considered to be a type of wheat, and oats are considered to be a type of barley; hence they are all included into the category of the 7 species. However other grains, such as rice and millet are considered to be separate grains and since the Torah did not single them out as something that the Land of Israel is blessed for, they have not received the special Berachot of Hamotzi Lechem Min Haaretz, Birkat Hamazon, or Al Hamichya (For the Sustenance). This is my explanation of why the five grains received special Berachot based on the Beraita mentioned in Talmud Bavli (Menachot 70a and Pesachim 35a) that categorizes them as subspecies of wheat and barley.

It should be noted that further in this chapter, Tosefta 11 specifically says that spelt is not one of the 7 species, which means that the Tosefta does not include it as a subcategory of wheat. According to that Tosefta it can be asked why should a person say Birkat Hamazon after spelt bread or Al Hamichya after spelt cookies if it is not one of the 7 species? This can be resolved using a different explanation of why the five grains are singled out from others. Talmud Yerushalmi (Chala 1:1, Daf 2a) mentions the opinion of Rebbi Shmuel Bar Nachman who says that the five grains are singled out, because they are listed in the verse (Yeshayahu 28:25) as something commonly planted by farmers in Israel in the time of the 1st Bet Hamikdash (Temple). Perhaps the Tosefta holds like this opinion is that the five grains received special Berachot because they are singled out by the verse in Yeshayahu and not because they are a part of the 7 species.
Another question that can be raised here is that further in this chapter, in Tosefta 13, as well as in Talmud Bavli (Berachot 37a), it says that rice and millet are not grains at all. According to that it may seem rather puzzling why a person would make the Beracha, Borei Minei Mezonot on rice bread. If rice is not a grain at all the Beracha should be Borei Pri Haadama. This can be resolved that the Tosefta does not mean that they are not grains at all, but rather they are not grains like the five grains which can become Chametz (leavened bread) and be forbidden on Pesach. Talmud Bavli (Berachot 37a) seems to imply that that is the meaning of the word דגן (Dagan) (grain). There are minority opinions of various Tannaim that the category of Dagan includes various species that used to be piled up into a pile when stored, however the generally accepted opinion is that of the Chachamim that Dagan only includes the five grains and nothing else. See Mishna Nedarim 7:2 and Talmud Bavli (Nedarim 55a-55b). It is clear that the Talmudic literature does not use the word “grain” in scientific terms like we use it today, to mean grasses cultivated for the edible components of their fruit seeds, but rather it is limited to specific definitions as I have described.

5. As explained in the previous note, the Berachot of Al Hamichya (One out of Three) and Birkat Hamazon only apply to the five grains, so they cannot be said over rice. What is interesting is that the Tosefta says that rice bread does not get any Beracha after it at all, not even the generic Beracha of Borei Nefashot (Who created many souls) which is said after any food that is not included in the category of the seven species, as mentioned in the Mishna Berachot 6:8, Tosefta Berachot 4:14, and further expanded in Talmud Bavli (Berachot 37a). Due to this problem, some commentators want to change the text in our Tosefta to say that after rice bread he makes the Beracha One out of Three (Al Hamichya), as the version of the text mentioned in Talmud Bavli (Berachot 37a). However all of the manuscripts of the Tosefta have the version of the text that no Beracha is made at all after cooked rice bread, so our text seems to be the correct version. The Rif (Berachot 37b, Daf 26a in the Rif pages) explains that when the Tosefta says that he does not make any Beracha after it at all, we make Borei Nefashot. This means that the Rif also did not change the text of the Tosefta, and
he learned that it means what it says literally, just that it is not the Halacha (law). There are various opinions quoted in Talmud Bavli (Berachot 44b) that hold that there are some types of food that do not get any Berachot after them at all. It seems that the reasoning is that the Rabbis simply did not require Berachot for them because they were not considered to be important foods. That seems to be the opinion of this Tosefta as well.

Tractate Berachot, Chapter 4

What is the order of a meal? Guests come in and sit down on top of benches and on top of soft seats until all [guests] come in. [After] all [guests] came in, and they (i.e. the servants) have given them [water to wash] hands, every one of them washes one hand. [When] they (i.e. the servants) poured them a cup [of wine], each one [of the guests] makes a Beracha [blessing] for the wine himself. [When] they (i.e. the servants) brought them appetizers each one [of the guests] makes a Beracha [blessing] for the appetizers himself. [After the guests] have gotten up [from their temporary seats, moved to the main eating hall] and reclined [on sofas], they [i.e. the servants] gave them [water to wash their] hands [again]. Even though he already washed one hand, [still] he [has to] wash both of his hands [again]. [After] they (i.e. the servants) poured them a cup [of wine again], even though he already made a Beracha on it...
the first [cup of wine], he makes [another] Beracha on the second [cup of wine]. 9 [After] they (i.e. the servants) brought in front of them [more] appetizers, even though he [already] made a Beracha on the first [set of appetizers], he makes a [new] Beracha on the second [set of appetizers], but [this time] one [person] makes a Beracha for all of them. 10 [A person] who comes [late] after three appetizers [have been served] does not have permission to enter [the dining hall]. 11 Rebbi Shimon Ben Gamliel says, “There was a great custom in Yerushalayim (Jerusalem). 12 They (i.e. house owners) would hang a towel above the door. While the towel is hanging guests can come in. [After] the towel has been removed guests are not permitted to come in [anymore]. 13 And there was another custom in Yerushalayim. They (i.e. house owners) would give over [the responsibility for] a meal to a butcher (i.e. a caterer). If something went wrong during the meal they would punish the butcher [monetarily]. Everything according to the honor of the owner (i.e. the host) and everything according to the honor of the guests.”

Notes:

1. Mishna Berachot 6:5 talks about Berachot over wine and appetizers that come during different times of the meal. Mishna Berachot 6:6 mentions that people make a Beracha on wine that comes before they
have reclined for the main meal, each person for himself. This Tosefta describes what the procedure of the meal was when these different foods were served.

2. From the description of the Tosefta it is apparent that in Talmudic times there was a very strict etiquette regarding how large meals were eaten. The Tosefta is talking about a relatively wealthy person hosting many people for a meal, since he would have multiple rooms in which to eat. Although this procedure probably applied even to poor people when they hosted guests, just on a smaller scale. Most people, even poor ones, could afford servants. See above Tosefta 4:4, note 2.

3. קתודרא is a Greek word χαθέδρα (Cathedra) which in Greek means “a soft seat which can be spread out”. The meaning of this word has changed slightly in Latin and Cathedra in Latin means “a chair with handles and a back”. The Talmudic literature seems to use this word interchangeably sometimes referring to a soft seat that can be spread out and sometimes to a chair with handles and a back. I have chosen to translate it based on the Greek original meaning.

4. The guests did not sit down to eat the meal itself until all of them have come. Until then they sat in a waiting hall or a living room and were served wine and hors d’oeuvres, or small appetizers.

5. They washed the hand with which they would hold their cup of wine.

6. Since the guests were still gathering and were not really sitting together it was inappropriate for one person to say the Beracha for everyone else, therefore each person said it to himself.

7. The way people generally ate in Talmudic times was that each person had his own little table located low to the ground in front of which the person reclined on a carpet or on a sofa. A waiter, mainly a slave, would bring food and put it out on the little table in front of the person. See above Tosefta 4:4, note 2.

Professor Daniel Sperber (Daniel Sperber, “A Commentary on Derech Eretz Zuta”, Bar-Ilan University Press, 1990, 6:3, p.67-68.) points out that the reason the Tosefta uses the expression “have gotten up” is
because the couches on which they reclined during the meal were always elevated above the level of the tables on which the food was placed. See William Smith, “Dictionary of Greek and Roman Antiquities”, London 1890, p.393-395, entry: cena; p.886, entry: triclinium. For a picture of how this appeared in reality see below Tosefta 5:5, note 9.

8. It seems that this was the main washing for the meal similar to the way we wash hands nowadays before eating bread. The Tosefta implies that they did not eat bread right away, but they washed right away and that was supposed to apply to the whole meal. It is not clear from the Tosefta if they said a Beracha, Al Netilat Yadayim (Who has commanded us to wash hands) at this point or not. Talmud Bavli (Berachot 43a) implies that this was not a special washing for bread, but rather a general washing before the meal. The reason they had to wash both hands was because now they would be using both of their hands to eat their food. It should be pointed out that in Talmudic times they did not eat with forks and knives, but rather with bare hands.

Later on in the Tosefta (Berachot 5:26-27) and in the Mishna (Berachot 8:1) there is an argument between Bet Shammai and Bet Hillel regarding what should be done first in the meal, drinking of the wine or washing of the hands. If they are talking about the same washing and drinking as our Tosefta then it would appear that our Tosefta goes like the opinion of Bet Shammai, who say that first you should wash and then you should drink the wine, which is strange, since we always follow Bet Hillel and the Tanna Kama usually states the laws according to Bet Hillel. It is not clear if the Halacha in this particular case follows Bet Hillel or Bet Shammai. For a discussion regarding this see Mareh Hapanim on Talmud Yerushalmi (Berachot 8:2, Daf 58a, Atya). The implication from our Tosefta may be that the Halacha indeed follows Bet Shammai in this particular case. It is interesting to note that the Talmud Yerushalmi (Berachot 6:6, Daf 48b) quotes our Tosefta with the text in the reversed order that first they drink the wine and only then they wash hands. The version of the Yerushalmi clearly does this to conform to the opinion of Bet Hillel and not of Bet Shammai. For a discussion about the Halachic implications of these different text
versions see Mareh Hapanim on Talmud Yerushalmi (Berachot 6:6, Daf 48b, Heviyu).

9. Since this was a new meal started from the beginning in a different room all of the Berachot on the food had to be said once again, since they changed their location. See Tosafot (Berachot 43a, Ba).

10. Since all of the guests are now sitting and eating together it was more proper for one person to say a Beracha over the wine or the appetizers for everybody and let everyone answer Amen. The reason is because we have a principal called Berav Am Hadrat Melech (The King (i.e. God) is glorified among the multitude of people). It gives greater honor to God when many people do a Mitzvah (commandment) together as one. See Talmud Bavli (Berachot 53a).

11. The appetizers being referred to here are the appetizers served during the main meal while everyone is already reclining on the sofas, and not the appetizers that have been served in the waiting hall while the guests have been gathering. The reason that a person was not allowed to enter anymore seems to be because it was inappropriate and rude.

12. The reason that this statement is made in the past tense is because during the time of Rabban Shimon Ben Gamliel (this is Rabban Shimon Ben Gamliel II who lived during the 2nd century CE), Jerusalem was completely destroyed and laid in ruins. He is referring to the days when Jerusalem still stood before the destruction of 2nd Bet Hamikdash (Temple) in 70 CE.

13. The towel hung to indicate that the 3rd appetizer has not been served yet. Once the 3rd appetizer has been served, the towel was removed and the guests knew that it was too late to come in.

14. Obviously the more important the host and his guests were the bigger was the damage and the embarrassment that the caterer has caused; therefore he would have to pay the host accordingly. The fact that this is referred to as a specific custom of Jerusalem implies that it was uncommon in those days for people to get their meals catered by someone else.
Tractate Berachot, Chapter 4

Tosefta 9\(^1\)

[This] law [has been taught in the laws] of a meal.\(^2\) [A person] who goes out [of the dining room] to relieve himself,\(^3\) [when he goes back to the table] he washes one hand.\(^4\) [A person who goes out of the dining room] to speak to his friend, and makes a [long] interruption [by talking for a long time, when he goes back to the table he] washes both of his hands.\(^5\) Where does he wash them?\(^6\) He comes [back to the table], sits down in his place, and washes [his hands]. And he returns the pitcher [with which he washed his hands to the waiter who shows it] to the [other] guests [who are sitting together with him in the dining room].\(^7\)

Notes:

1. The Tosefta continues with another law regarding washing hands during a meal. It is not related to any Mishna. There are various versions of the text of this Tosefta which cause all kinds of unclear explanations. I have edited the text based on the way it appears in the Vienna and Erfurt manuscripts, and I have explained this Tosefta based on Rashi’s explanation in Talmud Bavli (Yoma 30a).

2. It is unclear why the Tosefta has to give this short introduction that this law was taught among other laws of the meal. Perhaps this law was added by Rebbi Chiya when he was compiling the Tosefta and it was not taught earlier as a separate Beraita, so he felt the need to add this introduction to give it more legitimacy. This is my suggestion. The reason I am making this suggestion is because when the Talmud Bavli (Yoma 30a) quotes this Tosefta it quotes it with a title Tannu
Rabbanan (Our Rabbis have taught) and not Tanya (we learned in a Beraita). Tannu Rabbanan is an introduction which is reserved for Beraitot that were specifically taught by Rebbi Chiya and Rebbi Hoshiya and not anyone else and were considered to be more preferred teachings. See Iggeret Rav Sherira Gaon 40.

3. Literally “to anoint his feet”. It is an expression that refers to urination, because when men urinated, drops of urine would fall on their feet, so it was like they anointed their feet with a liquid.

4. He had to wash the hand that was used to hold his private parts when he relieved himself to make it clean.

5. A long time refers to a period of time longer than 1 hour. See Rashi (Yoma 30a, Notel). Since such a long period of time has passed it is considered that the meal was completely interrupted and now has to be restarted from scratch. Since the meal has to be restarted from scratch he has to wash both of his hands as he would normally at the beginning of the meal, as was mentioned in the previous Tosefta.

6. Should he wash his hands outside the dining room where he urinated or where he was talking or should he wash them at the table where he was eating?

7. The reason that he washes at the table and shows the cup to all the guests is because otherwise the guests might suspect him that he did not wash his hands. See Talmud Bavli (Yoma 30a).

Tractate Berachot, Chapter 4

They (i.e. the students) have asked Ben Zoma, “What is the reason that when they (i.e. the servants) bring them (i.e. the guests) wine in the middle of the meal each person makes a Beracha (blessing) [over the wine] by himself?” He said to them, “Because the throat is not empty.”
[If] they (i.e. the servants) brought in front of him rice and wine, he should make a Beracha on the rice and [with it] exempt the wine [from a Beracha].\(^4\) [If the servants brought in front of him] a radish and an unripe date,\(^5\) he makes the Beracha on the radish and [with it] exempts the unripe date [from a Beracha].\(^6\) [If the servants brought in front of him] a salty [dish]\(^7\) and a slice [of bread] he makes the Beracha on the salty [dish] and [with it] exempts the slice [of bread from a Beracha].\(^8\) Rebbi Chaninah Ben Gamliel says, “Bread that comes before the main meal and bread that comes with the salty dish after the main meal, require a Beracha before them and after them.”\(^9\) Rabban Shimon Ben Gamliel says, “Slices [of bread] are a big sign for the guests. As long as the guests see slices [of bread on the table] they know that something else will come after them (i.e. the slices of bread). [However once the guests see] a complete loaf [of bread], fish and legumes [on the table] they know that nothing else will come after that in the meal.”\(^10\)

Notes:

1. Mishna Berachot 6:6 mentions that if wine was brought during a meal then a person makes a Beracha on that wine by himself. This Tosefta explains the reason for that law. Further, Mishna Berachot 6:7 talks about eating main and secondary dishes together and making a Beracha only on the main dish. Our Tosefta expands on that law.
2. As opposed to one person making a Beracha over the wine for everybody, since that would be preferable in terms of glorifying God. See above, Tosefta 4:8, note 10.

3. Since they are eating and have food in their mouth it would be dangerous for them to answer Amen, because they might choke. This is the explanation given by the Rambam in the commentary on the Mishna (Berachot Mishna 6:6). However Rashi (Berachot 43a, Hoil) says a different reason that since the people are busy eating they will not pay attention to the Beracha made by someone else; hence they should make a Beracha themselves.

4. Since the rice is considered to be a main dish and the wine is only brought out at this point to help him swallow the rice, he makes the Beracha only on the rice and not on the wine, because the wine is considered to be secondary to the rice.

5. נובלת (Novelet) can refer to either an unripe date (Talmud Yerushalmi Maaser Sheni 1:2, Daf 3a) or to dates ruined by either wind or excessive heat (Talmud Bavli Berachot 40b).

6. A radish was considered to be a very fancy vegetable during the Talmudic times; however an unripe or ruined date was obviously something not so great. Hence it did not deserve the Beracha of its own when eaten with a radish. It should be pointed out from here that a secondary dish is not necessarily something that is eaten only because of the primary dish. In this case he does not eat the date to somehow improve or dampen the taste of the radish, and yet it still does not get a Beracha of its own.

7. This can refer to any type of a salty dish, for example salty fish, salty meat, or even very salty olives. The point is that it was so salty that the person had to eat something else with it to dampen its taste.

8. Since the whole point of the slice of bread was to dampen the saltiness of the salty dish it did not get a Beracha of its own, since it was secondary to the salty dish and was only eaten to improve its taste.
9. Rebbi Chaninah Ben Gamliel comes to explain the previous statement that bread with a salty dish does not require a Beracha of its own. He clarifies that that only applies if the bread was only eaten to dampen the saltiness of the salty dish. However if he ate bread in the beginning of the meal and that was the main item over which the meal was established then obviously the bread requires a Beracha to be said over it and Birkat Hamazon (Grace After Meals) to be said at the end of the meal. The same thing would apply to bread that was served together with the salty dish at the end of the meal, when the purpose of the bread was not to dampen the saltiness of the dish, but rather it was the main part of his meal. In that case also the bread would require a Beracha of its own. It should be pointed out that Rebbi Chaninah Ben Gamliel is not necessarily talking about both of those things (bread in the beginning and bread at the end) being served in the same meal, because once bread has been served you do not need to make a Beracha on it again during the same meal. Instead he refers to it as either or, meaning that regardless when the bread was served during the meal, as long as it is considered to be the main part of the meal it requires a Beracha.

10. It was the custom in those days to remove the sliced bread and crumbs from the table before Birkat Hamazon. However they kept on the table a complete loaf of bread, fish and legumes and did not remove them for the Birkat Hamazon so that the people could see the food over which they are thanking God in Birkat Hamazon. The reason for removing the sliced bread is because they wanted to keep the table neat and crumbs and cut up bread would make it looks messy. All of this was part of the meal etiquette.

Our Tosefta implies that they brought a new complete loaf of bread to the table before Birkat Hamazon, since it is something that the guests have noticed. There are some commentators, such as the Gra (Vilna Gaon) and Cheshek Shlomo, who want to remove the word “loaf” from our Tosefta, despite the fact that it appears in all of the Tosefta manuscripts. However I don’t think that their reasoning is correct. See Talmud Bavli (Sanhedrin 92a) where Rebbi Elazar teaches that bread crumbs (פתיתים) should not be left on the table, but a complete loaf of bread (פת) should be left on the table, based on verses in the
Tanach. It would appear from our Tosefta and the exact wording in the Gemara (ibid.) (פתתים vs. פת) that the explanation of Rebbi Elazar’s statements is that a person should leave (or possibly even bring if it was already taken away) a full load of bread on the table, but should not leave crumbs and cut pieces of bread. However Rashi (Sanhedrin 92a, Deika) for some reason explains it in the opposite fashion, that a full loaf of bread should not be brought to the table, but crumbs and cut pieces should be left, which is somewhat contradictory to our Tosefta. The Gra and others want to remove the word “loaf” from our Tosefta so that it would not contradict the Gemara, based on Rashi’s explanation. It is my opinion that there is no contradiction and the correct explanation of the Gemara in Sanhedrin is as I explained it and not like Rashi. But even if we go like Rashi’s explanation it is still not a reason to remove the word “loaf” from our Tosefta, since Rabban Shimon Ben Gamliel in our Tosefta can simply argue on Rebbi Elazar in the Gemara.

Tractate Berachot, Chapter 4

We make a Beracha (blessing) on the better grain.2 How [does this work?] [If a person has] a whole [loaf of] fine white bread and a whole [loaf of] home-made bread, he makes the Beracha on the whole [loaf of] fine white bread.4 [If a person has] a slice of fine white bread and a whole [loaf of] home-made bread, he makes the Beracha on the whole [loaf of] home-made bread.5 [If a person has] wheat bread and barley bread, he makes the Beracha on the wheat bread.6 [If a person has] a slice of wheat bread and a whole [loaf of] barley bread, he makes the Beracha on the slice of wheat bread.7 [If a person has] barley
bread and spelt bread, he makes the Beracha on the barley bread. But is not spelt better than barley? But rather [the reason that he makes the Beracha on the barley bread is] that barley is one of the seven species [for which the Land of Israel is blessed] and spelt is not one of the seven species [for which the Land of Israel is blessed]. This is the general rule: Anything that is from the seven species [for which the Land of Israel is blessed] and is a type of grain, Rabban Gamliel says, “he says after [eating] it Three Berachot (i.e. Birkat Hamazon (Grace After Meals))”, and Chachamim (Sages) say, “[he makes after eating it] Beracha One out of the Three (i.e. Al Hamichya (For the Sustenance)).”

Notes:

1. Mishna Berachot 6:4 quotes the opinion of Rebbi Yehudah who says that if a person has many different foods in front of him he should make the first Beracha on the one made from the seven species for which the Land of Israel is blessed. Our Tosefta expands on that statement. The last statement of this Tosefta is a clarification of the argument between Rabban Gamliel and the Chachamim in Mishna Berachot 6:8.

2. i.e. If a person has a choice of bread or cookies in front of him he should make the Beracha on the one that is made from better quality grain.

3. The word גלוסקין (Gluskin) is the plural form of the word גלוסקא (Gluska), sometimes written as גלוסקא (Kluska). It seems to be derived from the Greek word κολλίκιος (kollikios) which is a name for
a specific type of bread although it is unclear what kind of bread exactly. In our context it refers to bread made from white refined flour. Home-made bread refers to bread made from the regular flour that people ground at home, which was primarily whole meal flour which has a brownish color, because it is made from whole grain. It was hand milled on a grinding stone usually by the woman of the house. Small pieces of the grinding stone would get into the flour giving the bread a coarse taste. The stones remained in the flour even after sifting. Both the grinding and sifting were not very thorough due to the lack of time, because it took a house wife approximately 3 hours every day to produce enough flour to feed a 5-6 people household. See Miriam Feinberg Vamosh, “Food at the Time of the Bible. From Adam's Apple to the Last Supper”, Palphot, 2007, pp. 26-27. However, white refined flour was ground to a much further extent thus removing the bran and the germ parts of the grain giving it a bright white color. This flour was sifted much more thoroughly and probably contained a lot less stone pieces. Since the process of making the white fine bread was a lot more complicated it was mainly done in bakeries and not in people’s homes.

4. The reason is because it was considered to be better quality bread.

5. A whole loaf is considered to be better than a cut off piece.

6. Wheat is considered to be a higher quality type of grain than barley, hence the bread made from it is also considered to be better quality.

7. This statement may seem to be in contradiction with the previous statement regarding a full loaf of home-made bread being more preferable to a slice of white fine bread. If we follow the same logic then a whole loaf of barley bread should be better than a slice of wheat bread, because even though it is of better quality flour still the fact that it is a complete uncut loaf takes precedence. However the reasoning for giving preference to wheat over barley is slightly different. It is not only because wheat is better than barley quality wise, but rather because in the list of the seven species for which the Land of Israel is blessed wheat precedes barley. See Devarim 8:8. And
since the Torah gave it precedence then we always give precedence to wheat over barley regardless if the piece of bread is whole or cut.

8. Since spelt is really a type of wheat it is better quality than barley.


10. Chachamim hold that Birkat Hamazon is only said after eating bread. But if he ate a grain product made from one of the seven species (i.e. wheat or barley) which was not bread, such as cookies, cake or cereal then the Beracha that he should make after eating it is Al Hamichya and not Birkat Hamazon. However, Rabban Gamliel holds that Birkat Hamazon is made on anything made from the seven species regardless of what it is, as will be explained in the next two Toseftot. The source for their argument is a technicality in the verses in the Torah. See Talmud Bavli (Berachot 44a). Rabban Gamliel holds that Al Hamichya is only said over bread made from things that are not from the five grains such as rice and millet as will be explained below in Tosefta 4:13.

Tractate Berachot, Chapter 4

Tosefta 12

It happened [once] that Rabban Gamliel and the Elders were reclining [and eating] in Yericho (Jericho). They (i.e. the servants) brought in front of them dates, and they ate them. Rebbi Akiva jumped up and said after [eating them] the Beracha One out of the Three (i.e. Al Haetz (For the Tree)). Rabban Gamliel said to him, “Akiva! What is with you? You are sticking your head into the argument.” He said [back] to him, “Rebbi (My master)! You have taught us ‘to lean after the majority’ (Shemot 23:2). Even though that you
say like this and your friends say like
this, the law is like the words of the
majority.”

Notes:

1. The Tosefta continues on the subject of the argument between Rabban Gamliel and the Chachamim mentioned in the previous Tosefta.

2. “Elders” refers to a group of important Rabbis.

3. “Reclining” always refers to eating since in Talmudic times they ate while reclining on sofas. See above Tosefta 4:4, note 2.

4. Yericho is a city on the Eastern border of central Israel on the Jordan River. It was known for its palm trees and dates throughout the Biblical and Talmudic times. See Devarim 34:3; Shoftim 1:16 and 3:13, and Tosefta Bikkurim 1:8.

5. The generic word for dates is תמרים (Tmarim, singular: Tamar). כותבות (Kotvet) is plural of the word כותבת (Kotevet) which refers to a date when it has reached a certain minimum size. See Tosefta Bikkurim 1:8. It was already unclear in the times of Talmud Bavli what the exact size of a date should be for it to be called Kotevet. See Talmud Bavli (Yoma 79b).

6. It is unclear from the version of the text of our Tosefta if Rebbi Akiva said the Beracha for everybody or just for himself, but that does not matter so much for the purpose of our discussion. See Talmud Bavli (Berachot 37a) which has some extra words added to the text of this Tosefta which implies that Rebbi Akiva made the Beracha for everyone. The main point is that he made the Beracha One out of the Three (i.e. Al Haetz) which is what the Chachamim proscribe in the previous Tosefta for the fruit of the seven species and not Birkat Hamazon (Grace After Meals) which is the opinion of Rabban Gamliel.

7. Rabban Gamliel obviously got offended that Rebbi Akiva did not follow his opinion and rebuked him for it.
8. The verse is used here out of context as a play on words, since its original meaning is talking about not perverting justice even if the majority tries to do so. Instead it is used here to refer to the fact that when there is an argument between Rabbis, the Halacha (law) follows the majority opinion.

9. Rebbi Akiva responded that he did not do it out of disrespect but rather he followed exactly what Rabban Gamliel has taught him, which is to follow the ruling of the majority of Sages.

Tractate Berachot, Chapter 4

Tosefta 13

Rebbi Yehudah says in the name of Rabban Gamliel, 2 “Anything [made] from the seven species [for which the Land of Israel is blessed] and is not a type of grain or [it is made from] grain which has not been made into bread, Rabban Gamliel says, ‘[After eating it] he makes the Three Berachot (i.e. Birkat Hamazon (Grace After Meals)) and the Chachamim (Sages) say, ‘[After eating it] he makes the Beracha One out of the Three (i.e. Al Hamichya (For the Sustenance) or Al Haetz (For the Tree) or Al Hagafen (For the Vine))’. And anything which is not from the seven species [for which the Land of Israel is blessed] and is not a type of grain, Rabban Gamliel says, ‘[After eating it] he makes Beracha One out of the Three’ and Chachamim say, ‘He does not make any Beracha [at all].’

Notes:
1. The Tosefta continues on the subject of the argument between Rabban Gamliel and the Chachamim.

2. It is a little strange that Rebbi Yehudah would say a statement in the name of Rabban Gamliel that includes the words “Rabban Gamliel says” and also the opinion of the Chachamim. However this is the way it is written in all of the manuscripts, so I have kept the text the way it is.

3. This refers to the five fruits from the seven species, which are grapes, figs, pomegranates, olives, and dates. See Devarim 8:8.

4. This would be anything made from the 5 grains, wheat, barley, oats, rye, and spelt, that is not bread, such as cookies, cake and cereal.

5. Rabban Gamliel holds that Birkat Hamazon is made on anything made from the seven species regardless of what it is. It is important to note here that the three grains (spelt, rye and oats) which are not explicitly listed in the list of the seven species in the Torah are included into the list of the five grains for which Rabban Gamliel requires Birkat Hamazon, despite the fact that earlier Tosefta 4:11 said that spelt is not one of the seven species. See above Tosefta 4:7, note 4 for various sources of the laws of the five grains. Tosefta 4:11 probably goes like the opinion of the Chachamim that spelt is not one of the seven species and still it got a special Beracha due to the verse in Yeshayahu (28:25). However Rabban Gamliel holds that it is one of the seven species and is a subcategory of wheat together with rye, and oats which are a subcategory of barley. The reason that Rabban Gamliel must hold that they are a part of the seven species because the only reason he requires Birkat Hamazon said after eating them is because according to his opinion the verse in the Torah that mentions Birkat Hamazon (Devarim 8:10) references the verse in the Torah that lists the seven species (Devarim 8:8) and it has nothing to do with the verse in Yeshayahu. See Talmud Bavli (Berachot 44a).

6. As was explained earlier in Tosefta 4:7, note 4 the Chachamim hold that only bread made from the five grains requires Birkat Hamazon. All other foods made from the seven species or the five grains require Beracha One out of the Three. If it is a grain product then the Beracha
said is Al Hamichya, if it is a fruit then the Beracha is Al Haetz and if it is wine then the Beracha is Al Hagafen.

7. It is not very clear to which foods this statement refers to. In the printed editions of the Tosefta it says “for example, bread made out of rice and out of millet”, however this line is not present in any of the Tosefta manuscripts so I have taken it out. The reason the printed editions included this line is because it is present in the quote of our Tosefta in Talmud Bavli (Berachot 37b). So based on the version in Talmud Bavli it is possible that Rabban Gamliel only refers to bread (and nothing else) made out of something that is not a part of the seven species, like rice or millet. However he would agree to the Chachamim that for other foods, like meat and water there is no Beracha said after eating it at all. Or perhaps he holds that the Beracha after eating those foods is Borei Nefashot (Who Created Souls) like was mentioned earlier in Tosefta 4:7, note 5.

If we restrict the opinion of Rabban Gamliel to say Beracha One out of the Three only on bread not made from the five grains then we have a difficulty understanding why he would hold that this Beracha is called One out of the Three, since only Al Hamichya would be made over the bread, but Al Haetz and Al Hagafen would never be made since the five fruit and wine would always require Birkat Hamazon. Hence there are no three versions of the Beracha, but only one. I would like to suggest that perhaps Rabban Gamliel holds that Al Haetz is made after eating any regular fruit such as an apple or an orange. However the difficulty regarding the Beracha of Al Hagafen remains, because it does not make any sense to say over anything else besides something made from grapes which are from the seven species and therefore will always require Birkat Hamazon. I have not been able to resolve this question.

8. The Chachamim mean that he does not make any Beracha at all after eating it, not even Borei Nefashot. See above Tosefta 4:7, note 5.

Tractate Berachot, Chapter 4

Tosefta 141
It happened [once] with Rebbi Tarfon, that he was sitting in the shade of a dovecote, on Shabbat, in the afternoon. They (i.e. the servants) brought in front of him a bucket of cold [water to drink]. Rebbi Tarfon said to his students, “[A person] who drinks water to quench his thirst, what Beracha does he say [before drinking the water]?” They said to him, “Teach us our master.” He said to them, “Borei Nefashot Vechesronan (Who Created Souls and Made Them Lack).” [Then] he said to them, “I will ask [you another question].” They said to him, “Teach us our master.” He said to them, “It says [in the Torah], ‘And they sat down to eat bread, and they lifted up their eyes, and they saw a caravan of Ishmaelites coming from Gilead, and their camels are carrying gum, balsam and resin, transporting them to Egypt.’ (Bereishit 37:25) Is not it the way of the Arabs to [usually] carry bad smelling skins and tar? But rather [what happened was that God] placed that righteous man (i.e. Yosef) among favorable things. Is not this a Kal Vechomer (a derivation from minor to major)? Just like at the time when [God] is angry [at] the righteous [people, He still] has mercy on them, then at the time [of God’s] mercy, how much more so.”

Notes:
1. Mishna Berachot 6:8 quotes the opinion of Rebbi Tarfon that the Beracha for drinking water is Borei Nefashot. Our Tosefta expands on that statement.

2. A dovecote, also known as a columbarium (from the Latin word Columba which means “dove” or “pigeon”), is a building for housing pigeons and doves. In ancient Israel dovecotes were built underground. Dovecotes from the times of the Mishna and earlier can still be seen in Israel in Bet Guvrin, in central Israel, inside underground caves.

3. Literally, “during the time of the Mincha prayer”, which means in the afternoon. Rebbi Tarfon was sitting in the dovecote, hiding from the excessive heat of the day, because since it was under the ground it was cool there.

4. Even if they knew the answer they did not answer him out of respect. Instead they asked him to teach them what it should be.
Blessed are You Hashem, our God, King of the world, Who created many souls and made them lack [things]. For everything that You have created to keep alive the souls of all of the living, be blessed, the One that keeps the worlds alive.

Rebbi Tarfon’s opinion is that this Beracha is made before drinking water, instead of the Beracha of Shehakol Nihyeh Bidvaro (Upon Whose word everything was created) which is the opinion of the Tanna Kama in Mishna Berachot 6:8. He probably agrees to the Chachamim that after drinking water no Beracha is said at all. Obviously his opinion is not like our custom that we say the Beracha of Borei Nefashot after drinking water and before it we say Shehakol.

This verse appears in the story of Yosef, after he has been thrown into the pit by his brothers and they are debating if they should kill him or not. When the caravan goes by them they decide not kill him, but rather sell him as a slave to the merchants in the caravan instead. The verse mentions that the caravan was transporting good smelling items like gum, balsam and resin all of which are derivatives of plants, a seemingly unnecessary piece of information. Rebbi Tarfon is trying to emphasize why the Torah is telling us what the caravan was carrying.

In Talmudic times Ishmael was always associated with the Arabs and Edom was always associated with Rome. It does not mean that these ancient nations were literally their ancestors, but rather it is a loose association.

Tar smells bad all the time, whether it is being burned or not. It is kind of strange why Rebbi Tarfon says that normally Arabs transport bad smelling things. My guess is that in the times of the Mishna Arab caravans generally transported bad smelling items; hence Rebbi Tarfon was puzzled based on his personal experience. However, the verse clearly says that the caravan was coming from the city of Gilead, which was known in the ancient world for its production of balsam, (see Yirmiyahu 8:22 and 46:11) so it would make sense that the
merchants would be transporting balsam. Perhaps Rebbi Tarfon is pointing out that since the verse mentions specifically these three good smelling items, it implies that they were not carrying bad smelling items like skins and tar, and since that would be a common item for them to normally carry it needs to be explained why it was so.

9. Rebbi Tarfon explains that it was divine providence that Yosef was sold to a caravan that was carrying good smelling and not bad smelling items, to kind of let him know that God has not forsaken him.

10. Rebbi Tarfon sends the following message by his explanation. God was angry at Yosef for telling bad things about his brothers to their father, Yakov. See Bereishit 37:2. And still God showed Yosef mercy when he was sold into slavery by making sure that the caravan smelled good. So how much more mercy would God show to a righteous person when God is actually pleased with his actions.

Tractate Berachot, Chapter 4
Tosefta 15^1

“Similar to this [it says], ‘They (i.e. Mishael and Elzafan) came forth and carried them (i.e. Nadav and Avihu) in their tunics outside of the camp...’ (Vayikra 10:5)^2 Is not this a Kal Vechomer (a derivation from minor to major)? Just like at the time when [God] is angry [at] the righteous [people, He still] has mercy on them, then at the time [of God’s] mercy, how much more so.^3 Similar to this [it says] ‘... the lion had not eaten the corpse and did not maul the donkey.’ (Melachim I 13:28)^4 Is not this a Kal Vechomer (a derivation from minor to major)? Just like at the time when [God] is angry [at] the righteous [people, He still] has mercy on them,
then at the time [of God’s] mercy, how much more so.”

Notes:

1. The Tosefta continues with Rebbi Tarfon’s speech to his students.

2. This verse appears in the story of the priests, Nadav and Avihu, sons of Aharon, who have brought an unauthorized fire onto the altar and were killed by God for it. The way they were killed is that a fire came down from heaven and burned their bodies inside, but did not burn their clothes. Rebbi Tarfon emphasizes that even though their bodies were burned, their clothes did not get burned.

3. Even though God was angry at Nadav and Avihu for bringing an unauthorized fire, however he still honored them in their death by keeping their bodies covered. Thus God showed mercy to them despite his anger. So how much more mercy would God show to a righteous person when God is actually pleased with his actions.

4. This verse appears in the story of an old prophet (either a false prophet or a real prophet who made a mistake) who came to visit another prophet (identified as the Man of God) and convinced him to break God’s commandment to him not to return by the same road which he used to come to that place and not to eat in that area. When the Man of God followed the old prophet he was killed by a lion for disobeying God’s commandment. However the lion did not eat his body or the donkey on which he was riding. Rebbi Tarfon emphasizes that even though the lion normally would have eaten the corpse (since lions only kill in order to eat), in this case he did not, since he did not kill him out of hunger, but rather due to God’s command.

5. Even though God was angry at the Man of God for not following the instructions that God told him, however he still honored him in his death by not letting the lion eat his body. Thus God showed mercy to him despite his anger. So how much more mercy would God show to a righteous person when God is actually pleased with his actions.
[Then] he (i.e. Rebbi Tarfon) said to them (i.e. his students), “I will ask [you another question].” They said to him, “Teach us our master.” He said to them, “Why did [the tribe of] Yehudah merit the kingship [of Israel]?”

They said to him, “Because [Yehudah] admitted [that he impregnated] Tamar.”

It happened [once] with four elders, that they were sitting in the gatehouse of Rebbi Yehoshua. [They were] Elazar Ben Matya, Chaninah Ben Chachinai, Shimon Ben Azzai, and Shimon Hateimani. And they were involved [in discussing] what Rebbi Tarfon taught to them, “Why did [the tribe of] Yehudah merit the kingship of Israel?” “Because [Yehudah] admitted [that he impregnated] Tamar.” They have added [another source to that explanation] on their own. “[It says in the book of Iyov], ‘… that which the wise related from their fathers and did not withhold. To them alone the earth was given…’ (Iyov 15:18-19)”

He (i.e. Rebbi Tarfon) said to them (i.e. to the four elders), “Do they give reward for a transgression? But rather what is [the real] reason why [the tribe of] Yehudah merited the kingship of Israel?” [The four elders said back to Rebbi Tarfon,] “Because he (i.e. Yehudah) saved his brother (i.e. Yosef) from death, as it is said,
'Yehudah said to his brothers, “What benefit [will we have] if we kill our brother?”’ (Bereishit 37:26) and it is written, ‘Let us go and sell him to the Ishmaelites...’ (ibid. 37:27)" He (i.e. Rebbi Tarfon) said [back] to them (i.e. the four elders), “It is enough that [the act of] saving [him] should [serve] as forgiveness for the [act of] selling [him to the Ishmaelites]. But rather what is [the real] reason why [the tribe of] Yehudah merited the kingship of Israel?” [The four elders said back to Rebbi Tarfon,] “Because of [Yehudah’s] humility, as it is said, ‘And now your servant (i.e. Yehudah) will become a slave to my master (i.e. Yosef) instead of the boy (i.e. Binyamin).’ (Bereishit 44:33) Also [the only reason that] Shaul merited the kingship [of Israel] was due to [his] humility, as it is said, ‘... may be my father will turn his attention away from the donkeys and will start to worry about us.’ (Shmuel I 9:5) [Since Shaul said “us” and not “me”] he considered his servant as [important as] himself, but Shmuel did not do so, but rather [he said], ‘Your father stopped worrying about the donkeys and is worried about you, saying “What will happen to my son?”’ (Shmuel I 10:2) And when he (i.e. Shaul) runs away from [accepting his newly appointed role of] leadership what does it say? ‘And they have asked God, “Is the man even here?”'
and God said, “Here he is hiding by the vessels.”” (Shmuel I 10:22) He (i.e. Rebbi Tarfon) said [back] to them (i.e. the four elders), “Is not he (i.e. Yehudah) a cosigner? And in the end [it is the responsibility] of a cosigner to fulfill his pledge. But rather what is [the real] reason why [the tribe of] Yehudah merited the kingship of Israel?” They said to him, “Teach us our master.” He said to them, “[The reason the tribe of Yehudah merited the kingship of Israel is] because they sanctified God’s name on the sea. When [all of] the tribes came and stood by the sea, this one said, ‘I will go down [into the water first]’ and this one said, ‘I will go down [into the water first]’. The tribe of Yehudah jumped up and went in first and sanctified God’s name [by doing so]. And regarding that moment it says [in Tehillim], ‘Save me God, because the water is up to my soul.’ (Tehillim 69:2) And it also says, ‘When Yisrael was going out of Egypt, the children of Yakov from the nation of a foreign tongue, Yehudah was His sanctifier…’ (Tehillim 114:1-2) Since Yehudah sanctified God’s name on the sea, therefore ‘...Yisrael his subjects.’”

Notes:

1. The Tosefta continues with the conversation between Rebbi Tarfon and his students.
2. King David whose descendants are considered to be the lawful kings of Israel was from the tribe of Yehudah. Thus Yehudah is the tribe that eventually merited to be kings over Israel. Rebbi Tarfon is asking what did Yehudah himself (i.e. son of Yakov) or the tribe of Yehudah did to deserve such an honor.

3. For the story of Yehudah and Tamar see Bereishit 38. When the people saw that Tamar was pregnant and they knew that she was Yehudah’s daughter-in-law and was commanded by Yehudah to stay single after the death of her second husband, they told Yehudah about it and he commanded to execute her by burning. However, when Tamar brought forth Yehudah’s staff and said that she was impregnated by the man to whom this staff belongs Yehudah admitted that it was his and that he is the father of Tamar’s babies. So since Yehudah in the end was willing to embarrass himself and admit that he is the one who impregnated Tamar, Rebbi Tarfon’s students answered that for that he deserved that his tribe eventually will become the kings of Israel.

4. A gatehouse is a small house which is built next to the gate that surrounds the property so that the guards who guard the gate can sit and sleep there throughout the day and night. Rebbi Yehoshua is Rebbi Yehoshua Ben Chananya who lived in the city of Pekiin, which is where most probably this story took place, located in northern Israel north of the modern city of Maalot-Tarshicha, and today it is a Druze village called Bukeya. See Talmud Bavli (Sanhedrin 32b) and (Chagigah 3a). Rebbi Yehoshua was a poor person and his house was covered in black soot, because he was a blacksmith and burned a lot of charcoal. See Talmud Bavli (Berachot 28a) and Talmud Yerushalmi (Berachot 4:1, Daf 33a), where it says that Rebbi Yehoshua was making needles. So it is doubtful that he had a large property, but obviously he could afford a gate house. Also, there is a possibility that this story took place in Yavneh and not in Pekiin, because it seems Rebbi Yehoshua had a house there as well at some point in time. See Talmud Yerushalmi (Berachot 4:1, Daf 33a).

5. It seems that these were not the same students as the ones who gave the original answer that Yehudah admitted that he impregnated
Tamar. It seems that that answer was given by Rebbi Tarfon’s other students at a different time when they were sitting in the dovecote on Shabbat, as was mentioned earlier in Tosefta 4:14 and then Rebbi Tarfon repeated that answer as something that his students earlier said to him to the four elders. Then the four elders tried to bring a proof to that answer from the verse in Iyov.

6. It is apparent from the verse in Iyov that the earth was given to the wise people as a reward for not withholding information. So similar Yehudah got kingship of Israel as a reward for not withholding the information that he impregnated Tamar.

7. Rebbi Tarfon replied that Yehudah could not have possibly received reward for the whole incident with Tamar, because when he slept with her he thought she was a prostitute, which was a clear transgression of the normative law.

8. When the brothers wanted to kill Yosef, Yehudah was the one who suggested not to kill him and instead sell him into slavery. So perhaps for that he should have been rewarded?

9. Rebbi Tarfon replied that the fact that Yehudah suggested to sell him into slavery was a horrible act and whatever reward he deserved for saving his life was canceled by the fact that he suggested to sell him.

10. Yehudah promised Yakov to bring back Binyamin from Egypt no matter what. So when Yosef, who by then was the viceroy of Egypt, demanded to keep Binyamin with him, Yehudah stepped up and offered himself to be arrested instead of Binyamin.

11. The four elders decided to bring a proof to their answer before Rebbi Tarfon got a chance to rebut it.

12. The prophet Shmuel was told by God to appoint Shaul as the first king of Israel. Shmuel found Shaul while Shaul and his servant for looking for Shaul’s father’s lost donkeys. The four elders want to emphasize Shaul’s humility by saying that even Shmuel who was the prophet did not say that Shaul’s father was worried about the servant, however Shaul himself did. When Shmuel finally came to anoint Shaul to be
king, Shaul was hiding among some objects that were lying around, because he felt he was not worthy to be anointed to become king. So if Shaul merited to be king due to his humility it is very possible that Yehudah merited kings of Israel to descend from him also due to his humility.

13. Rebbi Tarfon replied that the reason that Yehudah had to offer himself to Yosef to be arrested and become his slave had nothing to do with his humility, but rather because he promised Yakov that he would bring Binyamin back home no matter what. So he made a deal and he was responsible for that deal, therefore he had to live up to his promise and offer himself to be arrested.

14. The four elders finally have given up on trying to answer Rebbi Tarfon’s question and decided to ask him for his answer.

15. This story took place during the Exodus from Egypt after the Jews have left Egypt and came upon the Sea of Reeds while being chased by Pharaoh’s chariots. See Shemot 14.

16. The Jews began to complain to Moshe that they will be thrown into the sea by Pharaoh’s army. So God told Moshe to tell the Jews to start moving and then He will split the sea. See Shemot 14:15. Thus the verse implies that God has told them that before the sea will split someone has to go into the water. So Rebbi Tarfon expands on that and says that instead of bickering who should go in first the tribe of Yehudah jumped in first. They sanctified God’s name because they followed His commandment to go into the water.

17. This verse is clearly taken out of context because in that chapter of Tehillim King David is pleading to God for his own problems and it has nothing to do with the Exodus from Egypt. However as was explained previously (see Tosefta 2:14, note 4) this was a common way of doing exegesis in Talmudic times.

18. The word “his” in the original meaning of the verse refers to God and not to Yehudah, meaning that Yisrael were God’s subjects. However Rebbi Tarfon reinterpreted that to refer to Yehudah, that since he
sanctified God’s name he merited that Israel should become his (i.e. Yehudah’s) subjects and Yehudah will be their king.

Tractate Berachot, Chapter 4

Tosefta 17

[If people got up from the place where they were eating and] left [the room, in order] to bring in the bride [into the dining room] and they left there (i.e. in the room where they were eating) an old person or even a sick person, they do not need to say the Beracha (blessing) after [the food, in order that they can leave the room]. And when they come back they do not need to say the Beracha before [the food that they are going to eat now]. [However, if] they did not leave there (i.e. in the room where they were eating) even an old person or a sick person they need to say the Beracha after [the food that they ate up to this point, so that they can leave the room]. And when they come back they need to make [a new] Beracha before [the food that they are going to eat now].

Notes:

1. The Tosefta states a new law regarding a meal. It is not related to any Mishna.

2. We are talking about a case where there is a banquet where a whole bunch of people are eating together. And for some reason they need to all leave the banquet together in order to do something, but they intend to come back and continue eating somewhat soon, probably in
less than 1 hour. Talmud Bavli (Pesachim 101b) discusses what does the word **עקרו** (Akru, literally: they have uprooted themselves) imply as far as them leaving. Do they have to leave the room or do they have to leave the building? The simple meaning is that they left the room, which is what I commented in the main text.

3. The Tosefta uses bringing in the bride as an example of a banquet that takes place at a wedding. After the Chupah ceremony the bride and the groom go to have Yichud (seclusion) in a closed room by themselves where they stay together for a little while, sometimes up to an hour. After they come out of that room they are welcomed by all the guests into the dining room for the wedding meal. The guests usually start eating right after the Chupah is over while the bride and the groom are still sitting in the Yichud room. So when the bride and the groom come out of the Yichud room all of the guests leave the dining room to welcome them to the meal.

4. The Tosefta uses an old person or a sick person as examples of people who it is difficult for them to get up from their eating place and go somewhere else, so they decide to stay where they were and continue eating.

5. Since they left someone from their group in the dining room it is not considered that they have completely interrupted their meal, and so they do not need to say the Beracha after the food, because they intend to come back soon and eat again.

6. Since it was not considered a complete interruption of the meal, when they come back they continue eating the same meal and they do not need to make new Berachot over the food.

7. Since they did not leave anyone in the dining room, even though they intend to come back soon and continue eating, it is still considered to be a complete interruption of the meal and therefore they must say the Beracha after the food before they leave since the meal is considered to be over at this point. And when they come back they must say new Beracha before the food, because it is considered to be a new meal started from scratch.
Tractate Berachot, Chapter 4

Tosefta 18

The owner of the house who was reclining and eating, [if suddenly] his friend called him [outside] to talk to him [right outside of his house], [and the person in the house came out of the house, he] does not need to make a Beracha (blessing) after [the food, so that he can leave the house]. And when he comes back [into the house to continue eating] he does not need to say the Beracha before [the food that he is going to eat now]. [However, if] he made a [big] interruption (i.e. his friend called him to go far away from his house) he needs to make the Beracha after [the food that he ate up to this point, before he can leave], and when he comes back [to continue eating] he needs to make a [new] Beracha before [the food that he is going to eat now].

Notes:

1. The Tosefta continues on the subject discussed in the previous Tosefta. It is not related to any Mishna.

2. The term “owner of the house” is used often in Talmudic literature to refer to a private individual who is sitting inside his own house.

3. It is not clear from the wording of the Tosefta what the exact difference between the first case and the second case is. I have explained our Tosefta according to Tosafot (Chulin 86b, Asur) that the first case is that the conversation took place right outside of the house.
and the person did not go far away from the house and the second case is that the friend called him to go far away from the house, however in both cases the person went outside of his house. But if he stayed inside his house then for sure he would not need to make the new Berachot. However according to the Kesef Mishna’s explanation of the Rambam (Hilchot Berachot 4:3) the first case of our Tosefta is talking about a friend who walked inside his house and they were talking in a different room in the house from the one in which he was eating, in which case he does not need to make the Berachot again, but the second case is talking about where he walked out to the doorstep of the house in which case he needs to make the Berachot again. There is a third explanation of our Tosefta by the Cheshek Shlomo. He says that the first case is talking about when the friend showed up suddenly and the conversation was not planned, but the second case is talking about when the conversation was prescheduled and the person eating knew that his friend is going to show up to talk to him, in which case he needs to make the new Berachot. Cheshek Shlomo claims that his explanation is based on Tosafot (Pesachim 101b, Keshehen), however Tosafot does not say anything like that, and I am not sure that this explanation makes sense in the Tosefta, because why should it matter if the conversation was planned or not, as long as he did not leave and interrupt the meal significantly he should not need to make new Berachot.

Tractate Berachot, Chapter 4

Tosefta 19

Workers that are picking figs, or cutting dates, or harvesting olives, even though they keep interrupting [their work] and eating [the fruit that they are picking] over and over again, they do not need to say a Beracha after [eating the fruit each time] and when they go back [to eat the fruit again] they do not need to make a [new] Beracha before [eating the
fruit].5 [However, if] they made a [big] interruption (i.e. they walked away from the tree to do something) [then] they need to make a Beracha after [eating the fruit, before they walk away] and when they come back [to the tree to keep on working and meanwhile eat the fruit again] they need to make a Beracha before [they start eating the fruit again].6

Notes:

1. The Tosefta continues with the same subject as the previous Tosefta. It is not related to any Mishna.

2. The word עדר (Oder) means “to pluck” or “to pick”. Figs grow all over the fig tree, each fruit on a separate little branch; hence they need to be picked individually.
3. Dates grow all together as a cluster on a separate branch on the palm tree, so instead of picking each individual date they cut down that whole branch and then pick off the dates while the branch is already on the ground.
4. The word מָסֵק (Mosek) (derived from the word נָסֵק (Nasek) which means “to ascend”) is a special word that means specifically harvesting olives and nothing else. The reason that there is a separate word for harvesting olives is because in Biblical times they were not individually picked from the tree, but rather the tree was beaten with a stick (i.e. the stick had to be lifted up high; hence “ascend”) until all
of the olives fell down. See Devarim 24:20, Yeshayahu 17:6 and 24:13. However by the times of the Mishna the tree was simply shaken until all of the olives fell down. See Miriam Feinberg Vamosh, “Food at the Time of the Bible. From Adam’s Apple to the Last Supper”, Palphot, 2007, pp. 37-38. The reason that olives were not individually picked was because they grow all over the olive tree and they are small, which would make it extremely difficult to pick all of the olives from the tree. Since olive trees are relatively short and small it is easy to reach the top of the tree with a long stick or simply shake the tree.

It is a little strange that olives are mentioned here, because olives are not edible straight from the tree, because they are extremely bitter, even when they fully ripen. They need to be soaked in a lye or salt solution before they can be eaten. However, it seems that in Talmudic
times poor people ate raw olives despite their bitterness. See Mishna Maaserot 3:3.

5. The worker who is picking the fruit may eat a fruit every few minutes. Since he is doing it while working, the work that he does in between eating each fruit is not considered to be an interruption and therefore no new Berachot are required.

6. However if a large interruption is made where the worker walked away from the tree and stopped working to do something completely different it is considered a significant interruption and therefore new Berachot are required. This goes along the same lines as what we learned in the previous two Toseftot.
"A person should not eat on Shabbat eve (i.e. Friday) from the afternoon and on in order that he will desire [to eat food] when Shabbat starts."² [These are] the words of Rebbi Yehudah. [However,] Rebbi Yossi says, "A person can continue eating [on Friday afternoon] until it gets dark."³ 

"[If a person was eating on Friday afternoon⁴ and Shabbat started then he must] interrupt [his meal] because of Shabbat (i.e. in order to make Kiddush (sanctification) and start the Shabbat meal from scratch)."⁵ [These are] the words of Rebbi Yehudah.⁶ [However,] Rebbi Yossi says, "[If a person was eating on Friday afternoon then he] does not [have to] interrupt [his meal because of Shabbat]."⁶,⁷

Notes:

1. Mishna Berachot 8:1 talks about the Beracha (blessing) of Kiddush on Shabbat night. Our Tosefta starts with some laws about the oncoming of Shabbat as an introduction. For an explanation of what Kiddush is see above Tosefta 3:11, note 6.

2. In other words that he will be hungry enough to want to eat the food during the Friday night Shabbat meal. There are 3 meals required to be eaten on Shabbat, one on Friday night and two during Shabbat day.
See Talmud Bavli (Shabbat 117b). It is not clear from the Talmudic literature if the obligation to eat these 3 meals is a Torah obligation or a Rabbinical enactment. This issue is disputed by the Acharonim (Later Authorities after the 15th century). See Levush (Levush Hachur, Hilchot Shabbat 291:1) who holds that it is a Torah obligation and Responsa of the Maharil (Sheelot Uteshuvot Maharil 94, Uma Shenistapakta) who holds that it is a Rabbinical enactment.

3. Rebbi Yossi says that he can continue eating until Shabbat already began and it is the time to make Kiddush and eat the Friday night meal. Rebbi Yossi’s reasoning is simple. He does not require for a person to reduce his enjoyment on Friday day in order to increase his enjoyment of the Friday night meal on Shabbat, but rather he may eat as much he wants on Friday and just eat the minimum required (i.e. a piece of bread the size of a Kezait (an olive)) during the Shabbat meal.

4. Rebbi Yehudah forbids in his first statement to begin a meal on Friday afternoon. However, here we are talking about a case where he started eating on Friday morning and then he continued eating the whole afternoon through until Shabbat began. This is allowed even according to Rebbi Yehudah.

5. The simple meaning of what Rebbi Yehudah holds is that since the obligation to make Kiddush begins as soon as it gets dark on Friday night a person cannot continue eating without making Kiddush. So he must pause his meal, say Kiddush, and then he may continue eating and whatever he eats will count as his Shabbat meal. He does not have to say Birkat Hamazon (Grace After Meals) and completely restart the Shabbat meal from scratch, but rather he must pause for Kiddush. This is my explanation based on the language in Talmud Yerushalmi (Pesachim 10:1, Daf 68b) and also based on the wording of the Tosefta, since the word מפסיקין (Mafsikin) means “we pause” and not “we completely stop”, in which case the Tosefta should have used the word מעקרין (Meakrin) – “we uproot”. The Meiri (Pesachim 102b, Benei Chabura) says a similar explanation that Rebbi Yehudah holds that he should say Kiddush first and only then say Birkat Hamazon for the Friday afternoon meal, and after that start the Shabbat meal from scratch. However, other Rishonim (medieval commentators) that
comment on Rebbi Yehudah’s opinion, explain that Rebbi Yehudah requires completely stopping the Friday meal, saying Birkat Hamazon, then saying Kiddush and then starting the Shabbat meal from scratch. See the Meiri (Pesachim 100a, Venashuv Letoref), who seems to contradict himself there from his other explanation (ibid.), the Ran (Pesachim 102a, Kos Rishon), and the Raza quoted in the Ritva (Pesachim 99b, May Irya). According to this explanation, the reason that the Tosefta uses the word מפסיקין and not the word מעקרין is because one is not required to uproot the table itself (i.e. to clear the table and set it from scratch with a table cloth and utensils specially for the Shabbat meal). See Ritva (ibid.). It is possible that the Rishonim chose this explanation over the one I proposed because otherwise according to Rebbi Yehudah how does one fulfill the obligation of having a Shabbat meal on Friday night if what he is really doing is continuing the meal from the previous day just with an interruption for Kiddush. In my defense however I can say that after making Kiddush he can eat another Kezait of bread and have in mind that he is eating for the Shabbat meal which should be sufficient to fulfill his obligation of the Shabbat meal. It is also plausible that the Rif would agree with my explanation in Rebbi Yehudah and not with the other Rishonim, since he explains the opinion of Shmuel in a similar way. See Tosafot Rid (Pesachim 100a, Mahadura Tinyana, Ela Pores Mapa) for the discussion of the Rif’s opinion.

6. Rebbi Yossi holds that he does not have to interrupt his Friday afternoon meal in order to say Kiddush, because since he is continuing his meal from the previous day the obligation of Kiddush does not start until he will finish that meal.

7. The second argument between Rebbi Yossi and Rebbi Yehudah regarding pausing the Friday afternoon meal is not present in either the Vienna or the Erfurt Tosefta manuscripts. However it is present in the quote of our Tosefta in Talmud Bavli (Pesachim 100a) and Talmud Yerushalmi (Pesachim 10:1, Daf 68b). I have decided to keep it here because otherwise the story in the next Tosefta does not make any sense.
It happened [once] that Rabban Shimon Ben Gamliel, Rebbi Yehudah and Rebbi Yossi were reclining [and eating] in Akko\(^2\) [on Friday afternoon],\(^3\) and the day was over (i.e. it became dark and Shabbat began). Rabban Shimon Ben Gamliel said to Rebbi Yossi, “Let us stop [eating because of] Shabbat.”\(^4\) He said [back] to him, “Everyday you prefer my words in front of Yehudah, [and] now you prefer the words of Yehudah in front of me. ‘Do you also want to kidnap the queen with me in the house?’ (Esther 7:8)”\(^5\) He said [back] to him, “If so, let us not stop [eating because of Shabbat, because] may be [if our students will see us stopping] the Halacha (law) will be established for generations [like Rebbi Yehudah].”\(^6\) They (i.e. their students) [later] said that they (i.e. Rabban Shimon Ben Gamliel, Rebbi Yehudah and Rebbi Yossi) did not move from there until they have established the Halacha like Rebbi Yossi.\(^7\)

Notes:

1. The Tosefta continues with a story regarding the second argument between Rebbi Yehudah and Rebbi Yossi mentioned in the previous Tosefta.

2. Akko is a port city in Northern Israel on the coast of the Mediterranean Sea.
3. Since Rebbi Yehudah was there it must be that they began their meal on Friday morning and continued eating the whole day. See the previous Tosefta, note 4.

4. In accordance with the opinion of Rebbi Yehudah that when Shabbat starts a person must pause his meal in order to say Kiddush. See Note 5 on the previous Tosefta.

5. The verse in Esther was said by King Achashverosh in anger when he saw that Haman jumped on Esther’s bed and started pleading with her for his life. Rebbi Yossi said it here to imply that Rabban Shimon Ben Gamliel is embarrassing him by saying in front of him that they should follow Rebbi Yehudah’s view.

6. Rabban Gamliel agreed that the Halacha should be like Rebbi Yossi and therefore he agreed to follow his view, but not because of Rebbi Yossi’s embarrassment, but rather because the students may see them doing like Rebbi Yehudah and concluding from that that the Halacha follows Rebbi Yehudah and not Rebbi Yossi. Originally Rabban Shimon Ben Gamliel wanted to do like Rebbi Yehudah in this particular case, before Rebbi Yossi’s remark. Since Rebbi Yehudah’s view is more stringent Rabban Shimon Ben Gamliel did not mind following him and he did not think that it would somehow offend Rebbi Yossi, since Rebbi Yossi does not require continuing the Friday meal into Shabbat, he merely says that one may if he wants to. So he figured that for the sake of the honor of Rebbi Yehudah, Rebbi Yossi would not mind in this particular case following his opinion.

7. Apparently Rebbi Yehudah started to argue back that the Halacha should be like him and not like Rebbi Yossi. So they kept on arguing until Rebbi Yehudah finally gave up and agreed that the Halacha should be like Rebbi Yossi and not like him.

Tractate Berachot, Chapter 5
Tosefta 3

“[If] guests have been reclining [and eating] by the owner of the house (i.e. outdoors) the householder says: Amen. Amen, the owner of the house has blessed them.”
a private person) and the day was over (i.e. Friday was over and Shabbat began), as soon as it gets dark they interrupt [their meal, say Bir"kat Hamazon (Grace After Meals) and go] to the Bet Midrash (Study Hall) [to pray].

[After that] they come back [from the Bet Midrash to the house], they (i.e. the servants) pour for them a cup [of wine and] they say over it Kiddush (Sanctification) of the day (i.e. Friday night Kiddush)." [These are] the words of Rebbi Yehudah. Rebbi Yossi says, "He continues eating [his Friday afternoon meal] from when it gets dark [and on]."

Notes:

1. The Tosefta continues from the previous Tosefta with the discussion of the argument between Rebbi Yossi and Rebbi Yehudah.

2. In this Tosefta the word עקרו (Akru) (literally: uprooted) is used to signify that they have completely stopped their Friday afternoon meal and said Bir"kat Hamazon, before they went to the Bet Midrash. It is not clear why the Tosefta says Bet Midrash (Study Hall) instead of Bet Knesset (Synagogue), since it seems that they went to pray the evening prayer of Maariv there and not simply to just study Torah, but it does not really matter since people prayed in the Bet Midrash as much as they prayed in the Bet Knesset.

3. Once they come back to the house from praying Maariv in the Bet Midrash the first thing that they need to do before they can continue eating is to make Kiddush.

4. I have modified the text of the Tosefta to read מְשֶׁטֶּחֶשׁ (Mishetechshach) (from when it gets dark) according to the reading quoted by the Meiri (Pesachim 102b, Benei Chabura) and by the Raavad (Tamim Deim, Hasagot Reish Arvei Pesachim), and not like the
reading in the Vienna and Erfurt manuscripts which says יד השתחך (until it gets dark), since that seems to be the correct reading and is confirmed by Saul Lieberman in his commentary on the Tosefta, Tosefet Harishonim.

5. On the surface it appears that this Tosefta does not add anything to the argument between Rebbi Yehudah and Rebbi Yossi that we do not already know from the previous two Toseftot. However it seems that this Tosefta clarifies when the person should make Kiddush, which was not said explicitly in the previous Toseftot. It was only my notes that added that in. Rebbi Yehudah says that even though he does not have to make Kiddush as soon as Shabbat begins, because he may go to pray instead, he still must make Kiddush before he eats his Shabbat meal and he cannot eat anything on Shabbat without making Kiddush first. The reason that Rebbi Yehudah says in this case that people needed to say Birkat Hamazon before making Kiddush is because they were leaving to go to the Bet Midrash, which is a complete interruption of the meal. However if they were not going anywhere, then Rebbi Yehudah simply requires them to pause their meal, say Kiddush and then they can continue eating and say Birkat Hamazon in the end, as was explained previously in Tosefta 5:1, note 5. Rebbi Yossi however says that he does not have to make Kiddush in order to finish his Friday Afternoon meal, he can simply continue eating from the moment that it gets dark and until whenever he wants to finish it, and only after that he needs to make Kiddush and eat the Shabbat meal.

Tractate Berachot, Chapter 5

Tosefta 4 ¹

[When a person says Birkat Hamazon (Grace After Meals) on Friday night after interrupting the Friday afternoon meal,] they (i.e. the servants) pour for him the first cup [of wine] over which he says Birkat Hamazon² [for the Friday afternoon meal], and mentions in [that] Birkat Hamazon [the
paragraph] for Shabbat (i.e. Retzei Vehachlitzeinu (May it please You and give us rest)).

On the second [cup of wine] he says Kiddush of the day (i.e. Friday night Kiddush).

Notes:

1. The Tosefta continues on the subject mentioned in the previous Tosefta. It clarifies that the person first says Birkat Hamazon and only then he says Kiddush. It is not related to any Mishna.

2. It was customary in Talmudic times to say every Birkat Hamazon over a cup of wine and make a Beracha (blessing) over the wine (Hagafen) after Birkat Hamazon has been completed. See Mishna Berachot 8:8.

3. Even though the meal over which he is saying Birkat Hamazon really belongs to Friday afternoon and not to Shabbat, since he is saying Birkat Hamazon on Shabbat, he mentions Shabbat in it. This Tosefta holds that we go after the time during which Birkat Hamazon is said and not after the time to which it really belongs to.

4. The reason that he says Kiddush on a separate cup of wine and not on the same cup of wine as Birkat Hamazon is because we do not want to do two separate Mitzvot (commandments) in a bundle out of respect for each mitzvah. See Talmud Bavli (Pesachim 102b).

5. It is clear that this Tosefta goes like the opinion of Rebbi Yossi and does not go like the opinion of Rebbi Yehudah who holds that you cannot eat or drink anything on Shabbat until Kiddush is made. Hence Rebbi Yehudah would require him to say Kiddush first and only then say Birkat Hamazon over a cup of wine and drink the wine from that cup. Or he could say Birkat Hamazon without a cup of wine and then make Kiddush, as was mentioned in the previous Tosefta. But he would not be able to drink the wine from Birkat Hamazon before he makes Kiddush. The version of the Tosefta quoted in Talmud Bavli (Pesachim 102a) mentions their argument regarding which cup should be drunk first explicitly. For a detailed explanation of their argument see above, Tosefta 5:1, note 5.
What is the order of [the beds in the room used for] reclining [during eating]? At the time when there are [only] two beds, the [most] senior [person] reclines on top of the first [bed] and the second one to him [in seniority reclines] below him (i.e. his head is at the first person’s feet). And at the time when there are three beds, the [most] senior [person] reclines on top of the middle [bed], the second one to him [in seniority reclines] above him, [and] the third one to him [in seniority] reclines below him. [If there are more than three people, then] they get ordered in this way (i.e. in groups of three) and on.

Notes:

1. The Tosefta states a new rule regarding the etiquette of the meal. It is not related to any Mishna.

2. See above Tosefta 4:4, note 2. Since each person reclined while eating on a separate sofa the beds were ordered in a particular fashion, similarly to the way in our time at large banquet people are seated in a particular order at a long table.

3. Meaning that there are only two people eating together.

4. Meaning a person who deserves more respect due to his social status, his age or his knowledge of Torah.
5. Literally, “at the head of”, since a person would lean on his side and recline on the top of the bed which was tilted upwards or had pillows on it so it would be more comfortable for him to recline.

6. The reason that the most senior person reclines on the bed above is so that when he wants to talk to the person next to him he does not have to turn his head around. It is unclear why the beds could not be placed facing each other so that neither one of them had to turn his head.

7. Meaning there are three people eating together, each one on his own bed.

8. The reason they were ordered this way is that it would more convenient for the most senior person to talk to the other two. The senior person can talk to the other two either straight on or by turning his head. It was more respectful for the person in the middle to turn his head towards the second person than to the third person, hence the second one was placed above him and the third below him. See Talmud Bavli (Berachot 46b).

9. If there were more than three people then they would get ordered in groups of three with the most senior person of that group in the middle and the other two above and below. Obviously if the number of people was not divisible by three the remaining one or two people would be seated in a separate group of just one or two.

Professor Daniel Sperber (Daniel Sperber, A Commentary on Derech Eretz Zuta, Bar-Ilan University Press, 1990, 6:3, p.67.) points out that this formation of sitting at meals prescribed by the Rabbis is the same as of the Greeks and the Romans. Even the terminology used here in the Tosefta is a direct translation of the Latin words that describe the classical symposium, which was a gathering where men drank, partied, conversed and debated, a key socio-political institution of Greek and Roman cultures. The beds for reclining are a translation of the Latin word “lectus” which means a couch. The terms “above” and “below” correspond to the Latin “supra” and “infra”, which describe the relative position of two persons reclining next to one another. The three beds, or couches, correspond to the “lectus medius” (middle
couch), “lectus summus” (uppermost couch) and the “lectus imus” (lowest couch). The couches were arranged as follows:

Lectus Imus

Lectus Medius

1

Lectus Summus

2

For more information about the classical symposium see William Smith, Dictionary of Greek and Roman Antiquities, London, 1890, p.1082-1084, s.v. symposium.

Classical Symposium. Fresco from the Tomb of the Diver. 475 BC. Paestum National Museum, Italy. Notice the men are reclining on couches with small tables in front of them.

Tractate Berachot, Chapter 5

Tosefta 61

What is the order [in which people] wash [their] hands [before starting the meal]? [If there were] less than five [people] they begin [washing their hands] from the [most] senior [person].3 [If there were] five or more [people] they begin [washing their hands] from the [most] junior
Notes:

1. The Tosefta states a new rule regarding the etiquette of the meal. It is not related to any Mishna. It should be noted that I have chosen the text of the Tosefta according to the way it appears in both the Vienna and the Erfurt manuscripts, and not the way it appears in the printed editions. This version seems to be more correct as can be seen from the way it is quoted in Talmud Yerushalmi (Berachot 8:2, Daf 59a). The version in the printed edition is written in a way that it conforms to the Beraita quoted in Talmud Bavli (Berachot 46b), but I am convinced that the Beraita quoted by the Bavli is not this Tosefta, but rather a different Beraita.

2. The Tosefta is talking about the washing of the hands before the meal (known as Mayim Rishonim) and not after the meal (known as Mayim Acharonim). This is apparent from Talmud Yerushalmi (Berachot 8:2, Daf 59a). See there the commentary of Baal Sefer Chareidim (ibid., Veim Hayu) who is correct in his assertion that the Tosefta is talking about Mayim Rishonim. The commentary of Pnei Moshe (ibid., Matnita) there explains that the Tosefta is talking about Mayim Acharonim which is not correct as apparent from the Yerushalmi’s quote. The reason that the Pnei Moshe got confused is because he assumed that the Yerushalmi is quoting the same Beraita as the Bavli, which it does not. It is also apparent from the fact that the next Tosefta continues with the rules of the etiquette during a meal and discusses the pouring of the wine in the middle of the meal. Since the Tosefta is written in order it must be that our Tosefta is talking about the beginning of the meal and not about the end.

3. When a few people were eating together one person would make the Beracha of Hamotzi Lechem Min Haaretz (Who brings forth bread from the earth) on bread for everybody after all of them have finished washing. Since the wait for four people to wash is not very long the most senior person gets to wash first. For types of seniority see above, Tosefta 5:5, note 4.
4. However if there are five or more people then the wait for the Beracha is long enough that it is disrespectful to the most senior person who now has to sit around idle until he eats the bread. So in this situation they began washing from the most junior person instead. The reason they started in the reverse order is so not to disrespect other people who are more senior than others by selecting some of them before others. For example, let us say that there were 6 people in the order of seniority Reuven, Shimon, Levi, Yehudah, Yissachar and Zevulun. If they would start washing from the middle senior person, in the following order, Yehudah, Yissachar, Zevulun, and then Reuven, Shimon and Levi, it would be disrespectful to Levi who was the more senior than the first three, because he got the long wait. So due to this problem they washed in the reverse order, so that this way no one got priority. It is similar to the way people get listed in credits for some event or show in alphabetical order, so not to give priority to anyone.

It is apparent from this Tosefta that even though they were served by servants, everyone was served the same bowl of water and the same cup which had to be passed around, since technically the servants could have brought each person an individual bowl and cup to wash, so that all of them could wash simultaneously.

Tractate Berachot, Chapter 5

What is the order [in which the servants] pour the cup [of wine to the people eating]? In the middle of the meal, they (i.e. the servants) begin [pouring the wine] with the [most] senior [person]. After the meal, they (i.e. the servants) begin [pouring the wine] with the [person] who will lead [everyone] in the Birkat Hamazon (Grace After Meals). If [the person who was going to lead everyone in Birkat Hamazon] wanted to give...
honor to his Rebbi (teacher) or to someone who is greater than him [and have the servants pour his cup of wine first], he is allowed to do so.\textsuperscript{5}

Notes:

1. The Tosefta continues with the discussion of the meal etiquette. Since the previous Tosefta discussed washing of hands in the beginning of the meal, our Tosefta continues with the wine that is served in the middle and at the end of the meal.

2. It was customary in Talmudic times to serve wine in the middle of the meal. Each participant was poured his own cup of wine and everyone drank the cups together. At the end of the meal each participant was poured another cup of wine which was drunk by everyone at the end of Birkat Hamazon.

3. The wine is poured to people in the order of seniority regardless of how many participants there are. The reason they get poured the wine in order of seniority is out of respect to the more senior people. For types of seniority see above Tosefta 5:5, note 4.

4. One person leads everyone in saying a special blessing before Birkat Hamazon called the Zimun. See Mishna Berachot 7:1 and 7:3 and below Tosefta 5:19, note 2. After that he says the endings of each blessing of Birkat Hamazon out loud and everyone answers Amen. After all of them have finished saying Birkat Hamazon the leader says the Beracha over the wine out loud for everybody and they all drink the wine that was poured for them at the end of the meal, right before Birkat Hamazon. We still have this custom nowadays where everyone drinks the wine after Birkat Hamazon during the Pesach Seder.

After the leader was poured his wine, the rest of the people get their wine poured in order of seniority as in the middle of the meal. The leader is specially honored in this case that he was chosen to lead everyone in Birkat Hamazon, so he is also honored by having his cup of wine poured first. The criterion for choosing the leader is complicated.
Talmud Bavli (Berachot 47a) says that the most senior person should be chosen to be the leader; however the most senior person can give up his honor to someone less senior than him if he wants to. See Talmud Bavli (Berachot 43a and 46b). Also if there are guests present the host can choose one of the guests to lead everyone in Birkat Hamazon regardless of his greatness. See in Talmud Bavli (Berachot 46b), the story of Rebbi, Rav and Rebbi Chiya, in which Rebbi chose Rav to lead the Birkat Hamazon since he was the guest, even though Rebbi Chiya was more senior than him.

5. The leader is allowed to forfeit his honor and have a more senior person or his teacher poured their cup first. However he is not allowed to forfeit his honor of being the leader in Birkat Hamazon and give that to someone else. See Talmud Bavli (Berachot 55a). Two reasons are given for this. Either it is, because in Birkat Hamazon the leader said a special blessing for the host and in this case he refused to do so. See Rashi (ibid. Veavarcha). Or it is because it appears arrogant of him to decline an opportunity to cause everyone else to bless God in the blessing of Zimun. See Meiri (ibid., Mi Shemezamnim).

Tractate Berachot, Chapter 5

Tossefta 8

Two [people who are eating together] have to wait for each other [to continue eating from their] dish (i.e. one of them cannot eat from the dish while the other one has paused from eating for some reason). [However] three [people who are eating together] do not have to wait [for one person who paused to continue eating from his dish]. [The person] who says the Beracha (blessing) [in the beginning of the meal over the bread for everyone], gets to take [the bread into his hand] first. If he (i.e.
the person who said the Beracha over the bread for everyone) wants to give the honor [of taking the first piece of bread into the hand] to his Rebbi (teacher) or to someone who is more senior than him, he is allowed to do so.\(^5\)

Notes:

1. The Tosefta continues with the discussion of the meal etiquette. It is not related to any Mishna.

2. I have explained this Tosefta based on the way the Rambam (Hilchot Berachot 7:6) seems to understand it. See the commentary of Rabeinu Manoach on the Rambam (ibid. Frankel edition, Shnaim). The etiquette required that when two people were eating together they must keep eating at the same time out of respect for each other. If one of them had to stop eating for whatever reason, for example if he started talking to someone else, or he had to leave the table to go to the bathroom, the second person had to sit and wait for him to resume eating before he could continue eating himself.

3. However if there are three or more people they do not have to wait for one person who has paused eating for whatever reason. Since they are the majority it is not considered proper for many people to wait for one person. It is unclear if two people paused eating simultaneously, if the third person had to wait for them to resume or not. It is possible to say that two people would not pause for the same reason as three people; hence we treat each of them as an individual against the majority and the third person does not have to wait for them. On the other hand, it would also make sense for him to wait for them out of respect. There is simply not enough information in the Tosefta to figure it out.

4. This is a new case and is not related to the previous statement in the Tosefta. A person who makes the Beracha on the bread for everyone, makes it on a whole loaf. Then he cuts the loaf into pieces, and puts each piece of bread on the table of each person who is eating with
him in the dining room. See Rambam (Hilchot Berachot 7:5). We have
to remember that each person had a separate table so the person who
made the Beracha had to somehow walk around or may be have one
of the servants walk around and place a piece of bread on the table in
front of each person. Then each person took the piece of bread into
his hand and waited for the person that made the Beracha to eat his
piece first. Our Tosefta tells us that after all of the pieces have been
passed around and placed on all of the individual tables, the one that
made the Beracha gets to be the first one to pick up his piece and hold
it in his hand, before eating it. It is his right since he is the one that
made the Beracha.

5. However, he is allowed to forfeit his right to take the first piece and
honor someone else instead. It should be pointed out that the Tosefta
is only talking about taking the piece of bread into his hand. However
the person who made the Beracha must be the first one to eat his
piece of bread. He is not allowed to let someone else eat a piece of
bread before him, because none of the people present are allowed to
eat anything until the person who made the Beracha over the bread
takes a bite of his piece of bread. See Talmud Bavli (Berachot 47a) and
Talmud Yerushalmi (Berachot 6:1, Daf 44a). The reason for this is
unclear. Talmud Yerushalmi (ibid.) says that this does not apply to
drinks or if each person had a whole load of bread in front of them. In
both of these cases they can eat their bread or drink before the
person that made the Beracha for everyone ate or drank. This implies
that this was a matter of pure etiquette and had nothing to do with
interruptions between him saying the Beracha and tasting the food
over which he made it.

Tractate Berachot, Chapter 5

תוסFTA ט

A person should not take a bite from a
piece [of bread] and then put it back
into the [common] dish [with bread],
because of danger.²

Notes:
1. The Tosefta continues with the discussion of the meal etiquette. It is not related to any Mishna.

2. It is not clear what danger the Tosefta is referring to. One possible explanation is that other people will be disgusted by the site of a bitten piece of bread and will stop eating because of it, thus staying hungry and causing themselves some harm. However it is not really clear what kind of harm would it cause to them if they simply stay hungry. It is possible that the Tosefta is referring to a farfetched case where someone might be starving already and since he would be disgusted by the site of a bitten piece of bread, he would not eat at this meal and he would simply die from starvation. Talmud Bavli (Tamid 27b) actually quotes a similar story where a student refused to drink from a cup that his Rebbi (teacher) drank from and died from thirst. Another possible explanation is that the reason that it is dangerous to eat a bitten piece of bread is because of spreading germs and decease. However it is not clear if the Sages at the time of the Tosefta (i.e. 3rd century CE) were aware of such things such as spread of germs. It is however plausible, because the earliest reference that we know of about spread of germs is in the book “On Agriculture” by Marcus Terentius Varro, published in 36 BCE, where there is a warning about living in the proximity of swamps: “... and because there are bred certain minute creatures which cannot be seen by the eyes, which float in the air and enter the body through the mouth and nose and there cause serious diseases.” (Marcus Terentius Varro, On Agriculture 1,xii, Loeb edition) However it would seem that the Sages were not aware of this, because the next Tosefta states that drinking from a cup from which another person drank is disgusting to some people, but it does not say that it is dangerous. If the reason for the danger here would be due to the spread of germs then it should be equally dangerous to drink from someone else’s cup. It should be noted that in Masechta Derech Eretz Rabbah (9:2-3) the statements of this and the next Toseftot are quoted, but the reasons are reversed. There it says that people will be disgusted by the bitten piece of bread, but drinking from someone else’s cup is dangerous.
A person should not drink from a cup and then give it to his friend [to drink from], because people’s sensitivities are not the same.²

Notes:

1. The Tosefta continues with the discussion of the meal etiquette. It is not related to any Mishna.

2. Our Tosefta states that some people may be disgusted by the fact that someone already drank out of the cup and therefore it will be rude to give them to drink from the same cup. However, in Derech Eretz Rabbah (9:2-3) the statements of the previous and this Toseftot are quoted, but the reasons are reversed. There it says that it is dangerous for someone to drink out of a cup that someone else already drank from. It is possible that the reason for the danger is that someone who is already dying from thirst will refuse to drink from such a cup and will actually die from thirst. Talmud Bavli (Tamid 27b) actually quotes such a story where a student refused to drink from a cup that his Rebbi drank from and died from thirst. Another possibility is that it is dangerous, because it spreads germs; however it is not clear if the Sages in Talmudic times were aware of germs at all. See note 2 on the previous Tosefta.
him permission [to eat together with them, because they can already say Zimun without him].³

Notes:

1. Mishna Berachot 7:1 says that if three people eat together they must say Zimun before Birkat Hamazon. The Mishna adds that if there are two people eating and they are being served by a waiter, if the waiter eats a Kezait (size of an olive) of bread he thus joins them and now they can say Zimun. Our Tosefta expands on that law. However see below Tosefta 5:19, note 3 that clarifies that this Tosefta does not necessarily agree with the Mishna that the 3rd person must eat a Kezait of bread in order to join. It merely states that since it is better to say Zimun with three people who ate a Kezait of bread than just with two people, the waiter can join them without asking for their permission, although according to the Tosefta he would not be required to eat a Kezait in order to join them.

2. For the description of Zimun see Mishna Berachot 7:1 and 7:3, and below Tosefta 5:19, note 2. Since the servant enables the other two people to do the mitzvah (commandment) of Zimun he does not have to ask them for permission to join them in their meal. It should be noted that the same law would apply if there are nine people eating together, since adding a 10th person would enable them to say the word Eloheinu (our God) in the Zimun (See Mishna Berachot 7:3), which they were not able to say otherwise.

3. Since three people who are eating together can already say Zimun, the servant joining them does not provide them any benefit, thus he must ask them for permission before he can join them.

Tractate Berachot, Chapter 5  
Tosefta 12¹  

If they (i.e. the people eating) were brought [by the servants] a sweet relish² together with [other] food, he...
makes the Beracha (blessing) on the [other] food and exempts the sweet relish [from the requirement of saying a Beracha over it].

Notes:

1. Mishna Berachot 6:7 states a rule that whenever a person has a main food and a side dish that is eaten together with the main food he makes the Beracha on the main food and that automatically exempts the side dish from making a Beracha on it. It is unclear why this Tosefta is listed here and not earlier right after Tosefta 4:10 where this law was already discussed. Perhaps it is listed here, because the Tosefta is discussing things that happen in the middle of a meal.

2. The word מותר (Metika) refers to some food that is sweet from the word מתוק (Matok), meaning “sweet”. It can refer to a relish, dressing or seasoning (see Talmud Bavli, Avodah Zarah 66a), as well as a sweet drink (see Talmud Bavli, Yoma 76b). In our Tosefta it is obviously referring to something like a relish or a dressing that is not eaten by itself, but rather together with another food.

Tractate Berachot, Chapter 5

Tosefta 131

Rebbi Muna says in the name of Rebbi Yehudah, “Stuffed pastry [that was served] after the [main] meal, [but before Birkat Hamazon (Grace After Meals),] requires a Beracha (blessing) before it and after it.”

Notes:

1. The Tosefta states another law regarding the subject of foods brought in the middle of a meal. It is not related to any Mishna.

2. Pat Haba Bekisnin is a dried pastry stuffed with nuts and spices that was commonly served in Talmudic times as dessert at the end of a
meal. For the detailed description of this product and other explanations of what it can be see above Tosefta 4:4, note 4.

3. Since it is not considered to be a part of the meal, it requires a Beracha before it (i.e. Borei Minei Mezonot (Who created various kinds of foods)) and a Beracha after it (i.e. Al Hamichya (For the food)). It should be noted that it is the opinion of this Tosefta that Pat Haba Bekisnin requires a Beracha after it. However in Talmud Bavli (Berachot 41b) the prevalent opinion seems to be that no Beracha is required to be said after it at all. See above Tosefta 4:7, note 5. Talmud Yerushalmi (Berachot 6:5, Daf 47b-48a) quotes both opinions.

Notes:

1. The Tosefta states a new law regarding washing of hands before and after the meal. It is not related to any Mishna. I have explained this Tosefta according to the way it is explained in Talmud Yerushalmi (Berachot 8:2, Daf 58b).
The reason for washing hands before the meal is not clearly explained anywhere. There seem to be different opinions why a person has to wash his hands before the meal. See Talmud Yerushalmi (Berachot 8:2, Daf 58b). It seems that there two prevalent reasons for this. One reason to wash hands before a meal is simply because we want the person to eat with clean hands. However another reason is due to ritual impurity (Tumah). In order to understand it I have to give an explanation of how ritual impurity works. These rules are dispersed throughout the Mishna in Seder Taharot, so I will summarize them here without citing sources for each statement.

There are different levels of ritual impurity. A human dead body is considered to be the highest level of impurity, called in Hebrew, Avi Avot Hatumah (literally: the father of all fathers of impurity). An object or a person that touches the dead body becomes ritually impure (Tameh) on one level below that, called Av Hatumah (literally: the father of impurity). Something that touches Av Hatumah becomes Tameh on one level below that, called Rishon Letumah (primary level of impurity). And something that touches Rishon Letumah becomes Sheni Letumah (secondary level of impurity). Ordinary objects that do not have any special holiness to them (called Chulin) cannot become Tameh on a lower level than Sheni Letumah. Also, by Torah law an object can never become Tameh on the same level or a level above it as the object that touched it. It always becomes Tameh on one level below the level of the object that touched it. This means that any object that is Sheni Letumah cannot make something else Tameh at all, since there is no lower level of impurity than Sheni Letumah by Chulin. Besides Chulin there are various holy objects that have more levels of Tumah below the level of Sheni. For example, Terumah (heave-offering - a fruit or vegetable tithe given by a regular Jew (Yisrael) to a Cohen (a Priest)) has another level of Tumah called Shlishi Letumah (third level of impurity). Thus if an object that is Sheni touches Terumah, the Terumah will become Tameh on a level of Shlishi Letumah. Below that however, even Terumah does not become Tameh. Sacrifices have two additional levels beyond Terumah, known as Revii Letumah (4th level of impurity) and Chamishi Letumah (5th level of impurity). The way they become Tameh is in the same fashion.
as anything else. However the Rabbis made two special decrees regarding Tumah that were Rabbinical in nature since by Torah law Tumah does not behave itself in such a fashion. The first decree that they made was that a person’s hands as long as they are not washed with water are always Tameh on the level of Sheni Letumah by default, even if the person did not touch anything that was Tameh. The second decree that they made was that if something that was Sheni Letumah touches a liquid, the liquid will become impure on the level of Rishon Letumah (i.e. one level up).

In addition to all of this in Talmudic times there was a special group of people called Chaverim (literally “friends”, singular “Chaver”) who were extra stringent and scrupulous about keeping Mitzvot (commandments). Most of them made sure that all food that they ate was completely ritually pure (Tahor) even if it was Chulin and was not required to be Tahor by the Jewish law. Talmudic Sages and Torah scholars generally were Chaverim, although not exclusively. See Talmud Bavli (Bechorot 30b) that even Talmidei Chachamim (Torah Scholars) had to accept upon themselves to become Chaverim in front of three people, implying that some of them did not do so. For more details about who the Chaverim were see Mishna Demai 2:3, Tosefta Demai chapter 2, and Talmud Bavli (Bechorot 30b). Now that you understand how basic Tumah works and how serious people were about keeping it I can explain the reason for washing hands before a meal.

During a meal it was customary for people to dip various foods into liquid relishes and various dips. Since Chaverim required that all of their food remained Tahor, they had to wash their hands before eating, because otherwise their hands which by default were Sheni Letumah would make all of the liquids Rishon Letumah, and then the liquids would in turn touch the rest of the food and make it Sheni Letumah, thus making everything Tameh. Thus in order for this not happen all of the people had to wash their hands before the meal, so that their hands would be Tahorot and nothing would become Tameh.

It seems from our Tosefta that it is of the opinion that the reason for washing hands before a meal is due to Tumah and not due to physical
cleanliness. Therefore since technically everyone was not required to wash their hands, because food that was Chulin was allowed to become Tameh, the Tosefta says that it is optional. In other words, if a person was a Chaver and wanted everything to remain Tahor then he would wash his hands and if he was not a Chaver and he did not care if his food was Tameh then he would not wash his hands.

3. Talmud Bavli (Eruvin 17b) says that the reason for Mayim Acharonim being obligatory is because of the danger of the Salt of Sodom, that it may remain on the hands and damage the person’s eyes. In Israel, the area around the Dead Sea, otherwise known as Sodom (based on the location of the Biblical city, Sodom) was the chief source of salt both in Biblical and in Talmudic times. Salt can be scooped up from the bottom of the Dead Sea or chiseled off the mountains around the Dead Sea many of which are comprised of salt. The salt that comes from the Dead Sea is different from regular table salt that we are used to in a way that it is mostly comprised from chloride and bromide of magnesium and calcium, as opposed to regular table salt or sea salt which is mostly sodium chloride. See International Standard Bible Encyclopedia (entry Dead Sea). Magnesium chloride gives the Dead Sea salt an especially bitter taste. It is also a severe eye irritant. It is not really clear if magnesium chloride is any more dangerous to the eyes than sodium chloride. My suspicion is that people felt in ancient times that since the Dead Sea salt was much more bitter than regular salt it was also much more dangerous to the eyes, than regular salt; however I was not able to find any information to substantiate that.

It should be noted that the Rabbis recommended to eat salt at the end of the meal to prevent bad smell from a person’s mouth and throat pain (אסכרא (Askara) – croup or angina). See Talmud Bavli (Berachot 40a). This means that people specifically ate salt right before they said Birkat Hamazon (Grace After Meals) and since the most common salt around was Salt of Sodom it was bound to remain on their hands if they did not wash them and eventually would end up in their eyes.

It should be noted that they did not wash hands in order to clean them from the grease and dirt from touching the food during the meal,
because for that purpose they used perfumed oil and not water, as will be explained below in Tosefta 5:30, note 3.

4. The text quoted in Talmud Yerushalmi (Berachot 8:2, Daf 58b) does not say the words “if he wants”, implying that it is obligatory by Mayim Rishonim to wash the hands twice, but not by Mayim Acharonim. The reason is because since the purpose of washing Mayim Rishonim is due to Tumah of the hands, he has to pour the water once on the hands to purify the hands themselves, and then pour the water on the hands the second time in order to wash off the first water which became Tameh after it touched the Tameh hands. However by Mayim Acharonim he does not have to do so, because the reason to wash then is to wash off the Salt of Sodom and not to purify the hands. Besides that his hands are considered to be Tahorot at the end of the meal anyway since he already washed and thus purified them before the beginning of the meal. However, according to the version of the text in the Tosefta manuscripts, as quoted here, this explanation does not fit, because the Tosefta says exactly the opposite, that by Mayim Rishonim he may wash twice if he wants to, although he does not have to, but by Mayim Acharonim he is not allowed to wash twice even if he wants to. Due to this problem the Gra (Vilna Gaon) modified the text of the Tosefta here so it matches the text quoted in the Yerushalmi. However, I believe that this is unnecessary and the text of the Tosefta should be explained in a different fashion than the Yerushalmi explains it.

Chazon Yechezkel explains our Tosefta as follows. Our Tosefta is talking about the interruption between the washing of the hands and the thing that comes next, mainly the meal itself (by Mayim Rishonim) or Birkat Hamazon (by Mayim Acharonim). By Mayim Rishonim, if he wants he may wash his hands in two pours since it is ok that there will be a longer interruption between the washing of the hands and the meal itself. However, by Mayim Acharonim the person is required to say Birkat Hamazon immediately after washing without any interruption at all. See Talmud Bavli (Berachot 42b). Hence the extra pour on the hands will serve as an extra interruption and thus it is not allowed.
I do not like the explanation of the Chazon Yechezkel simply because washing in one pour or in two pours is still washing and cannot be considered an interruption. When Talmud Bavli (Berachot 42b) says that he must say Birchat Hamazon immediately after washing Mayim Acharonim without an interruption it is referring to an interruption by eating something or by talking and not by simply taking a little longer to wash. See Rashi (ibid. Lenetilat Yadayim). Also, Talmud Yerushalmi (Berachot 1:1, Daf 6a) implies that this statement is referring to Mayim Rishonim and not to Mayim Acharonim at all, as Rashi explained it to be.

I would like to propose a different explanation of our Tosefta. We have to remember that the cup that he is using to pour water on his hands is the same size in both cases. It must hold a minimum amount of water, which is a Reviit (see above Tosefta 2:18, note 5). See Mishna Yadayim 2:1. The Halacha seems to follows Rebbi Meir there as can be seen from the Rambam (Hilchot Berachot 6:10). It is possible that the Rambam ruled like Rebbi Meir there, because our Tosefta agrees with him, based on my explanation. If he pours the whole thing at once then he is pouring a Reviit on his hands in one shot. However if he pours it in two shots then he is pouring half a Reviit each time. The reason that by Mayim Rishonim he may wash in two pours if he wants to is because the reason that he is washing then is due to Tumah and therefore it makes sense for him to pour the water from the cup in two shots to wash off the Tameh water, although that is not required since he must dry his hands anyway before he starts eating thus removing all of the water. See Talmud Bavli (Sotah 4b). However by Mayim Acharonim he is not allowed to pour the water in two shots, because if he does so he may not pour an adequate amount of water each time enough to wash off the Salt of Sodom, since half a Reviit may not be enough to melt the salt that is on his hand. Therefore he must pour out the whole Reviit in one shot so that for sure the whole hand will get covered with water and all of the salt will get washed off.

Tractate Berachot, Chapter 5

Tosefta 15
Everyone is obligated in [saying] Birkat Hamazon (Grace After Meals), Kohanim (Priests), Leviim (Levites), and Yisraelim (Israelites, regular Jews), converts [to Judaism], freed [non-Jewish] slaves, Chalalim (Kohanim who have lost their priestly status), Natinim, Mamzerim (bastards), [a person] castrated by [a deliberate act of another] person, [a person who was] born castrated, [a person] with [one or both] testicles crushed, and [a person] with a cutoff member. All of them are obligated [in saying Birkat Hamazon] and they can absolve others (i.e. say it for others) of their obligation [of saying Birkat Hamazon]. A Tumtum (a person of unknown sex), and a hermaphrodite are obligated [in saying Birkat Hamazon], but they cannot absolve others (i.e. say it for others) of their obligation [of saying Birkat Hamazon].

Notes:

1. The Tosefta continues with a list of people who are obligated in Birkat Hamazon. It is not related to any Mishna.

2. Birkat Hamazon is a Torah obligation, as it is said, “And you should eat, and be satisfied, and bless Hashem, your God, for the good land that He gave you.” (Devarim 8:10) It is not a commandment that is related to time (i.e. said only at specific times), which means that everyone is obligated in saying it, including women and slaves, as is mentioned in the Mishna Berachot 3:3. Our Tosefta does not list women and slaves, because later on in Tosefta 5:18 it says that women and slaves are...
exempt from Birkat Hamazon and it seems to argue on the Mishna. I will discuss this in more details later on in Tosefta 5:18.

The list of people in this Tosefta is somewhat strange. Since the Torah addresses all Jews when it says the commandment of Birkat Hamazon, we would assume that all Jews are obligated in it, and there is really no reason to assume that someone would not be obligated. It is possible however, that since the Torah says, “... for the good land that He gave you” people who did not receive a portion in the land when the land was divided and who do not inherit land in the Land of Israel from their fathers such as Kohanim, Leviim, converts, freed slaves, Natinim and Chalalim we might think that they also do not have to say Birkat Hamazon, so the Tosefta teaches us that they do. However it is still unclear why the Tosefta lists the other people since all of them did get a portion in the land. Also, see Talmud Bavli (Arachin 4a) regarding another potential reason why Kohanim are mentioned in our Tosefta.

Due to this problem the Meiri (Bet Habechira, Berachot 20b, Betosefta Raiti) writes that this Tosefta “contains things that cannot be explained.” He adds that in his opinion this Tosefta should not be relied upon for setting the Halacha (the law) “for most subjects that it discusses.” I would like to try to reply to the Meiri’s concern by pointing out that it seems to be the style of the Tosefta to list all of these people together even though they do not seem to have any relationship to the subject discussed. The Tosefta does this in 2 other places when discussing other positive commandments (blowing of the Shofar on Rosh Hashanah and reading the Megillah on Purim) in which everyone is obligated. See Tosefta Rosh Hashanah 2:4 and Tosefta Megillah 2:4.

3. Kohanim (singular: Kohen) are Jewish priests. All men who are direct descendants of Aharon, Moshe’s brother, are inherently Kohanim. Kohanim were the priests who served in the Bet Hamikdash (Temple) and they are entitled to various gifts, such as Terumah, parts of sacrifices, first sheared wool and others. See Bemidbar 18:1-20.

4. Leviim (singular: Levi) are all men who are direct descendants from the tribe of Levi. Even though Kohanim are also direct descendants from the tribe of Levi, they are excluded from the title of Leviim since they
have their own separate category. Leviim were singled out by the Torah as caretakers of the Bet Hamikdash and they are entitled to receive Maaser Rishon (First Tithe). See Bemidbar 3:5-9 and Bemidbar 18:21-32.

5. Yisraelim (singular: Yisrael) are regular Jewish men who are not descendant from the tribe of Levi.

6. Gerim (singular: Ger) are people who have formally converted to Judaism in a Jewish court, by accepting upon themselves to keep the Torah, circumcising themselves (if it is a man), and dipping in the Mikvah (ritual pool) for the sake of conversion. See Talmud Bavli (Keritut 9a).

7. There are two types of slaves that the Torah discusses, Jewish slaves and Non-Jewish slaves. Jewish slaves are considered to be of the exact same status as regular Jews as far as the fulfillment of commandments goes, so they are not the ones that the Tosefta is talking about. Non-Jewish slaves are essentially in the same category as women with regard to their obligations in commandments and will be discussed in detail later on in this chapter in Tosefta 18. However Non-Jewish slaves that have been freed generally acquire the same status as that of a Ger (a convert) and therefore they are listed here separately. See Talmud Bavli (Yevamot 47b-48a and 77b).

8. A Chalal (literally: desecrated) is a boy born from a union between a Kohen and a woman whom the Kohen is not allowed to marry, such as a divorcee or a prostitute. See Talmud Bavli (Yevamot 69a). Also see note 10 below. A boy who is a Chalal is not allowed to serve as a priest in the Bet Hamikdash.

9. Natinim (singular: Natin) were descendants of the converts from the town of Givon, Gibeonites, who have converted to Judaism during the time of Yehoshua (about 1150 BCE) due to fear of being exterminated during the conquest of the land of Canaan. See the book of Yehoshua, chapter 9 and Talmud Bavli (Yevamot 79a). The reason they were called Natinim, because the verse in Yehoshua (Yehoshua 9:27) says that Yehoshua “gave them over” to be wood cutters and water carriers. The name Natin comes from the word נתן (Natan) meaning
“gave”. Gibeonites came to Yehoshua under false pretences that they were from a far away land and not from the land of Canaan, asking that Yehoshua make a treaty with them. Yehoshua made a treaty with them, swearing to them that they would not be exterminated like the other nations during the conquest. However, when he found out that they lied to him and that really they were inhabitants of the land of Canaan whom he was supposed to kill out, he got upset, but decided to keep them alive and make them wood cutters and water carriers for the Israelites. Later, King David appointed them to be wood cutters and water carriers specifically for the Bet Hamikdash as well as to be its general caretakers besides the Leviim, which apparently has raised them in status somewhat. See Ezra 8:20. Apparently they have converted to Judaism since they were allowed to remain among Jews, but remained as a separate group and were treated as second rate citizens even into Talmudic times, over a thousand years later after the event. They were not allowed to marry regular Jews, but could only marry converts, freed slaves, and Mamzerim. See Talmud Bavli (Yevamot 79a) and Mishna Kiddushin 4:1. However they were still considered to be full fledged Jews as far as their obligations in commandments were concerned.

10. Mamzerim (singular: Mamzer) are children produced from a union of a couple who are not capable to marry each other due to the fact that their marriage is invalid, such as a man and another man’s wife or a sister and a brother or a son and a mother. See Mishna Kiddushin 3:12. The word Mamzer is commonly translated as a “bastard” however it has a wider connotation than the word “bastard” is used in common English, since it also applies to children from incestuous marriages and not just adulterous marriages. The key difference between a Mamzer and a Chalal is that a Mamzer is a child who comes from a union in which marriage is not only forbidden, but also invalid, where as a Chalal is a child who comes from a union in which marriage is forbidden, but nevertheless valid if it was done anyway.

11. A man who is castrated is not allowed to marry a regular Jewish woman, but can marry a convert or a freed slave woman. See Devarim 23:2 and Mishna Yevamot 8:2. As far as castration goes there is really no difference with regard to marriage if the person was actively
castrated, born castrated, became castrated due to some disease, had one of his testicles damaged or had his member cutoff. However there are some nuances with regard to various laws that differentiate between them. For some examples, see Mishna Yevamot 8:4-6. Since regarding other laws these people are treated differently our Tosefta lists them separately.

12. חמה סריס (Seris Chamah) literally means “a person castrated by the sun”. This is an expression used to refer to someone who was not actively castrated, but rather was born incapable of reproduction. It does not mean that he is physically castrated. See Talmud Bavli (Yevamot 79b-80a). The reason he is called “castrated by the sun” is because, we say that the sun never shun on him as a real man. See Talmud Yerushalmi (Yevamot 8:5, Daf 50a).

13. People can say Berachot for others who have the same type of obligation as them or better. For example, if one person is obligated in the commandment for which the Beracha is being said by Torah law and the other one is also obligated in it by Torah law then either one of them can say it for the other. However if one of them was only obligated in that commandment by the Rabbis and the other one was obligated by the Torah then the one obligated by the Rabbis cannot say it for the person who is obligated by the Torah since his obligation is of a lower level. But vice-versa it would be ok since the obligation of the one from the Torah is of a higher level than the one who is only obligated from the Rabbis. In our Tosefta, since all of the men mentioned are obligated by the Torah to say Birkat Hamazon they can say it for others.

14. A Tumtum is a person who is born with his sex organs not revealed, but rather has them covered over with skin. Since his sexual identity is unknown he is treated as a doubt of a man or of a woman.

15. A hermaphrodite is a person who has both sexual organs of a man and of a woman present. Androgynous is a compound Greek word ἀνδρόγυνος, which means “man and woman”, from the words ἀνήρ (Aner), meaning “man”, and γυνή (Gyne) meaning “woman”. I have seen mentioned on the internet that this word was made up by the
Rabbis in Talmudic times who did not want to use the other Greek word, namely hermaphrodite, since it was the name of a Greek pagan god, Hermaphroditus (Ἑρμάφροδιτός), son of Hermes and Aphrodite, who was fused with a nymph, Salmacis, resulting in one individual possessing physical traits of both sexes, after whom the term was named. This allegation is completely not true, since Plato uses this word in his work Symposium (189E), written a few hundred years earlier than any of the Rabbinic works.

A hermaphrodite is also treated in Jewish law as an individual whose sexual identity is in doubt.

16. The reason they are obligated is because since they are individuals whose sex is in doubt, they may be potentially a man, and therefore be obligated just like a regular man is.

17. Since women are not obligated in Birkat Hamazon as will be stated later on in Tosefta 5:18, an individual whose sex is in doubt may potentially be a woman and therefore not be obligated in Birkat Hamazon; hence not being able to say it for another person who is obligated.

Tractate Berachot, Chapter 5

A hermaphrodite can absolve his own kind (i.e. say it for another hermaphrodite) of his obligation [of saying Birkat Hamazon (Grace After Meals)], but he cannot absolve [another person] who is not his own kind (i.e. a man, a woman or a Tumtum (a person of unknown sex)).

A Tumtum cannot absolve neither his own kind (i.e. say it for another Tumtum) of his obligation [of saying Birkat Hamazon], nor [another person] who is not his own kind (i.e. a man, a
woman or a hermaphrodite).³

Notes:

1. The Tosefta continues with the discussion of the law discussed in the previous Tosefta. It is not related to any Mishna.

2. From our Tosefta it appears that it considers a hermaphrodite a separate creature, and not a doubt man, doubt woman, since if it would have been a doubt he could not absolve another hermaphrodite, because theoretically it is possible that the first hermaphrodite is really a man and the second hermaphrodite is really a woman. See Talmud Bavli (Yevamot 83a-83b). On the other hand it is possible to explain that even if the Tosefta holds that a hermaphrodite is a doubt it would still allow him to absolve other hermaphrodites of their obligation of saying Birkat Hamazon, because since both hermaphrodites have organs of both sexes present their status of doubt is not any different from each other. Meaning that it is not that they are any different from each other, but we are simply not sure if they would be considered men or women. For a discussion on this matter see Lechem Mishneh (Rambam, Hilchot Nachalot 5:1).

It should be noted that there are various levels of intersexuality found in humans and some cases are more clear cut than others. The terms used by the Talmudic literature such as that “a hermaphrodite is a separate creature” may make more sense in some cases where the sex is truly unidentifiable through genetic testing and may make less sense in other cases where the person is closer to one particular sex but has certain deformities. There are cases of people who have been classified as hermaphrodites, but later on gave birth to healthy children, which would make them much closer to a woman than to a separate creature. See Schultz BA, Roberts S, Rodgers A, Ataya K, “Pregnancy in true hermaphrodites and all male offspring to date”, Journal of Obstetrics and Gynecology, February 2009, 113, pp. 534-536, where the authors mention 11 cases of hermaphrodites that have given birth to healthy babies.
3. Since a Tumtum’s sexual organs are covered up by skin he is really a doubt man, doubt woman. Meaning, that if we would do surgery on him and cut off the skin that covers his sexual organs we may discover that he is either a regular man or a regular woman, since a Tumtum has only one set of sexual organs present just they cannot be seen on the outside. Therefore there is a very real possibility that one Tumtum is really a man and another Tumtum is really a woman. Since that possibility is very real a Tumtum cannot say Birkat Hamazon for another Tumtum, and for sure not for anyone else.

Tractate Berachot, Chapter 5

Tosefta 17

[A person] who is half slave, half free person cannot absolve [another person of their obligation of saying Birkat Hamazon (Grace After Meals)], (i.e. say it for another person) not [if the other person is of] the same kind as him (i.e. a half slave, half free person), and not [if the other person is] not of the same kind as him (i.e. either a slave or a free person).

Notes:

1. The Tosefta continues with the discussion of the law discussed in the previous Tosefta. It is not related to any Mishna.

2. There are a few possible ways how a slave can become half slave, half free. The simplest way for it to occur if there was a slave who was owned by two partners and then one partner freed his half and the other partner did not. See Talmud Bavli (Gittin 42a). Another really strange way is that the master says to his slave that one side of his body is free and the other side of his body remains a slave. In the last case, the only reason why a master would do that is to torment his slave, since it gives no benefit to the master. See Talmud Bavli (Gittin 41b). The Rabbis were very against a master who puts his slave into...
such a situation, because when it happens the half slave cannot get married neither to a regular free woman, nor to another slave woman, since half of him is forbidden from marrying the other kind, thus preventing him from having children and leading a normal life. The Rabbis decided that if such a case occurs it is the responsibility of the local court (Bet Din) to force the master to completely free such a person. See Mishna Gittin 4:5.

3. It is obvious why a half slave, have free person cannot absolve another free person from his obligation of saying Birkat Hamazon. Since one half of him is exempt from Birkat Hamazon he is clearly not fully obligated as a regular free person. However we need to explain why he cannot absolve another half slave, half free person, since both of them are obligated on the same level. Tosafot (Gittin 41a, Lisa Shifcha) ask a similar question, why a half slave, half free person cannot marry a woman who is also a half slave, half free? Tosafot answer that the problem is that within the person himself we cannot differentiate which part of him is free and which part of him is a slave, therefore what would happen is that the part of him that is free will end up marrying the part of the other person which is a slave and vice versa, and since a free person is not allowed to marry a slave, this type of marriage would not be allowed. The same answer can apply in the case of our Tosefta, that since we cannot differentiate between the two halves of the person, it will end up that the half that is not obligated in Birkat Hamazon (i.e. the slave half) will end up saying Birkat Hamazon for the free half of the other person, which is obligated in Birkat Hamazon. In fact, there is an opinion mentioned in Talmud Bavli (Rosh Hashanah 29a) which says that due to this problem of not being able to differentiate between the halves of a person he cannot even fulfill his own obligation of a mitzvah (commandment) (in the case there of blowing the Shofar no Rosh Hashanah), but I am not sure if our Tosefta agrees with that statement or not. I suppose that that opinion is not really accepted in the Talmudic literature, because if it would have been accepted Talmud Bavli (Gittin 41b) would have mentioned it as another reason to force the master to completely free such a person because he cannot fulfill many Mitzvot. However since
such a reason is not mentioned that opinion seems not to be accepted.

Tractate Berachot, Chapter 5

Tosefta 18

Women, slaves and children are exempt [from saying Birkat Hamazon (Grace After Meals)], and they cannot absolve many [people, who include men] from their obligation [of saying Birkat Hamazon]. In reality, they (i.e. the Rabbis) said that a woman can say [Birkat Hamazon] for her husband, a son can say [Birkat Hamazon] for his father, [and] a slave can say [Birkat Hamazon] for his master.

Notes:

1. The Tosefta continues with the discussion of who is obligated in Birkat Hamazon and who is not. It is not related to any Mishna.

2. Children (boys until 13 and girls until 12 years of age) are exempt from all Torah commandments and only by a Rabbinical decree the parents are obligated to train their children in performing commandments once they are ready. Women and slaves are exempt from commandments that are time bound (i.e. that apply only during certain times) like sitting in the Sukkah on Sukkot or blowing the Shofar on Rosh Hashanah. See Mishna Kiddushin 1:7. However, Birkat Hamazon is not really a time bound commandment since a person has to say it after he eats no matter when that happens. In fact, our Tosefta argues on the Mishna (Berachot 3:3) which says that women and slaves are obligated in Birkat Hamazon. Due to this contradiction, Cheshek Shlomo takes out the word “exempt” from our Tosefta and says that it is a printing mistake. The Meiri (Berachot 20b, Betosefta) quotes our Tosefta with a different reading. His version says the word
“obligated” instead of the word “exempt”. However, all Tosefta manuscripts that we have (Vienna and Erfurt) have the word “exempt” in the text, so I assume it to be the correct text. Also, the question whether women are obligated in Birkat Hamazon by Torah law or by Rabbinical law is asked by Talmud Bavli (Berachot 20b) and as a part of the answer the Gemara quotes only the second half of our Tosefta from the words “In reality ...” and until the end, implying that it agrees with the fact that it is the Rabbis who said that a woman can say Birkat Hamazon for her husband, a son for his father, and a slave for his master. From there we can infer that that Gemara held that the first part of our Tosefta meant that women and slaves are exempt from Birkat Hamazon by Torah law; hence is skipped it in order not to contradict the Mishna. All of this points to the fact that the Talmud was aware of the fact that this Tosefta said that women, slaves and children are exempt from Birkat Hamazon.

One possible explanation proposed by Rashi (Berachot 20b, Oh Deraban) to exempt women and slaves is due to the fact that the Torah mentions land in the verse of Birkat Hamazon, “And you should eat, and be satisfied, and bless Hashem, your God, for the good land that He gave you.” (Devarim 8:10) Since women and slaves do not inherit land in the Land of Israel, thus they would be exempt from saying Birkat Hamazon by Torah law. However, this explanation is problematic, because earlier, Tosefta 5:15 said that Kohanim, Leviim, and converts are obligated in Birkat Hamazon, despite the fact that they do not inherit land in the Land of Israel, because either they do not get a portion in the land at all (Kohanim and Leviim) or they do not have a Jewish father to inherit it from (converts). Due to this question Tosafot (Berachot 20b, Nashim) proposes a different answer, saying that since women are not obligated in learning Torah and they do not have circumcision, they cannot really say the words in the 2nd Beracha of Birkat Hamazon, which says “Al Beritcha Shechatamta Bivsareinu Veal Toratcha Shelimadetanu” (For Your covenant that You sealed in our flesh, and for Your Torah that You have taught us), therefore they should be exempt. However this explanation is even more problematic, since the text of Birkat Hamazon was written by
the Rabbis and by pure Torah law there is no requirement to say this text exactly as it is.

I would like to propose a different explanation, although I realize that it is somewhat farfetched as well. Talmud Bavli (Berachot 20b) asks why the Mishna (Berachot 3:3) has to say that women and slaves are obligated in Birkat Hamazon, when it should be obvious since it is not a time bound commandment. It answers that since there is a verse in the Torah that says, “... when Hashem will give you meat in the evening to eat, and bread in the morning to satisfy yourselves ...” (Shemot 16:8) we may think that eating bread is time bound and therefore Birkat Hamazon is also time bound, therefore the Mishna has to teach us that despite that verse Birkat Hamazon is not a time bound commandment and therefore women are obligated in it. What is strange in the Gemara’s answer is that that verse is taken completely out of context. It is simply an expression which Moshe says to rebuke the Jews for complaining against God and has nothing to do with putting any kind of time limit on eating. However it is possible that the Tosefta held that due to that verse it was implicit that eating is time bound especially that people ate only at specific times of the day, and therefore Birkat Hamazon was a time bound commandment as well. In addition, Talmud Yerushalmi (Berachot 3:3, Daf 25b) says that we might assume that people can say for others Birkat Hamazon even though they did not eat at all, therefore the Torah had to explicitly say, “You should eat, and be satisfied ...” meaning that only a person who ate is obligated to say Birkat Hamazon and no one else. We can infer from this that the Torah itself set a time limit on Birkat Hamazon in terms that you only say it after you eat, and this was enough of a time limit for the Tosefta to hold that it is a time bound commandment and therefore women and slaves are exempt.

3. The Tosefta now clarifies that even though women and slaves are exempt from Birkat Hamazon by Torah law, the Rabbis still obligated them in saying it. Talmud Bavli (Berachot 20b) says that our Tosefta is talking about a case where the man (i.e. the husband, the father, and the master) did not eat enough bread to be obligated to say Birkat Hamazon by Torah law and therefore he himself is obligated to say it only by Rabbinical law. Since now his obligation and the woman’s,
slave’s or child’s obligation is of the same level, namely Rabbinical, they can say Birkat Hamazon for the man and he can fulfill his obligation this way. However if he would be obligated to say Birkat Hamazon by Torah law then obviously they would not be able to say it for him. Rashi (ibid., Shiura Derabanan) explains that in order to be obligated to say Birkat Hamazon by Torah law the person must eat to his full satisfaction, whereas according to the Rabbis he only has to eat a Kezait (olive size piece) of bread in order to be Rabbinically obligated.

Talmud Yerushalmi (Berachot 3:3, Daf 25b) says that our Tosefta could be talking about a case even if the man ate to his full satisfaction, and it means that the woman, slave, or the child are merely saying the words of Birkat Hamazon out loud so that the man can repeat it after them as they say it. I have to admit that the Bavli’s explanation fits the words of the Tosefta better, since the Tosefta begins by saying, “In reality …” implying that despite the Torah law the Rabbis still said that the woman, slave or child can still say Birkat Hamazon for the man, referring to him fulfilling his obligation and not him merely repeating after them. For a discussion on this see Mareh Panim (Talmud Yerushalmi, Berachot 3:3, Daf 25a, Ubirkat).

Notes:

Tractate Berachot, Chapter 5
Tosefta 19

A child who is able to eat a Kezait (olive size piece) [of bread] is included into [a group of three people to say] the Zimun. And [a child] who is not able to eat a Kezait [of bread] is not included into [a group of three people to say] the Zimun. And we do not check the child [if he is really capable of eating a Kezait or not].

Notes:
1. Mishna Berachot 7:2 states that a child is not included into a group of three people to say the Zimun. Our Tosefta expands on that law.

2. Zimun is a special blessing that is said before Birkat Hamazon if at least three people ate together. See Mishna Berachot 7:1 and 7:3. It is a Rabbinical commandment and not a Torah commandment as is implied from Talmud Bavli (Berachot 45a). The Mishna (Berachot 7:2) states that a child (a boy before the age of 13) does not get included into a group of three people to say Zimun no matter what. However our Tosefta seems to explicitly argue on the Mishna, since it says that if a child can eat a Kezait of bread he does get included into a group of three to say the Zimun.

3. Our Tosefta implies that the child can be included as the 3rd person even if he did not eat a Kezait of bread, because the Tosefta says that he must be capable of eating a Kezait, but not that he actually ate it. Also, since the Tosefta says that we do not physically check if the child can eat a Kezait of bread or not by making him eat a piece of bread before being included into the group of three to say Zimun, implies that he did not eat any bread. Otherwise the Tosefta would not need to say that he does not need to be checked, since he would have eaten a Kezait of bread right in front of us anyway. This seems to be a contradiction since Mishna Berachot 7:1 says clearly that a waiter that serves two people must eat a Kezait of bread with them before he can join them in saying Zimun and Tosefta 5:11, earlier in this chapter, seems to agree with the Mishna’s statement.

Due to this problem as well as a different quote of what seems to be our Tosefta in Talmud Bavli (Berachot 47b) the Gra (Vilna Gaon) and the Minchat Bikkurim want to change the reading in our Tosefta. Instead of “a child who can eat a Kezait of bread ... a child who cannot eat a Kezait of bread ...”, they say that the reading should be “A child who has two pubic hairs [even though he is younger than 13 years old] ... a child who does not have two pubic hairs [even though he is younger than 13 years old] ...”. According to that reading the Tosefta merely discusses a case where a child has reached puberty and has two pubic hairs, but he is still not 13 years old, is he old enough to say Zimun or not. According to that reading the last phrase in the Tosefta
that says, “and we do not check the child” is referring to a child who has become 13 years old, but who has not produced 2 pubic hairs, thus technically remaining a minor or vice-versa a child who is not 13 years old, but who already has 2 pubic hairs thus technically reaching puberty and being an adult. What the Tosefta would be teaching us in that case is that (i.e. if a child is 13 years old) we do not physically check him if he has 2 pubic hairs or not, or vice-versa if the child has 2 pubic hairs we do not check how old the child is (i.e. if he is 13 or not). The same explanation of this last statement is given by Talmud Yerushalmi (Berachot 7:2, Daf 53a-b). Despite all of this all manuscripts of the Tosefta have the reading the way I have written it above and not the way it is stated in Talmud Bavli, which implies to me that our reading of the Tosefta is correct and the Bavli merely quotes a different Beraita and not this Tosefta. We do not know what the Yerushalmi quotes since the Yerushalmi only quotes the last line and not the whole Beraita, but I am almost convinced that it is not our Tosefta, since the Yerushalmi’s explanation of it does not fit into our text.

I would like to propose a different resolution of the contradiction between this Tosefta and Tosefta 5:11. Our Tosefta clearly argues with Mishna Berachot 7:1. The Tosefta holds that the 3rd person does not have to eat a Kezait of bread in order to join the group of two to say Zimun. However Tosefta 5:11 does not necessarily agree with the Mishna. It can even agree with our Tosefta. Tosefta 5:11 is a continuation of the discussion of proper etiquette at a meal. Since it is clearly better if all three people in the group ate a Kezait of bread than if only two of them did and one did not, the waiter is allowed to join the other two people without their permission, and the Tosefta quotes the more preferable case. However our Tosefta states a bare minimum law, which says that the 3rd person does not have to eat with the other two people, but can simply join them to say Zimun without eating at all. Therefore a child who did not eat any bread, as long as he is old enough to be capable to eat a Kezait of bread, can join the other two people to say Zimun.

It is important to note that there is a 3rd, different, explanation of this Tosefta proposed by the Cheshek Shlomo. He says that the Tosefta
really agrees with the Mishna that the child must eat a Kezait in order to join the other two people in the Zimun. The phrasing in our Tosefta that he must be capable is not very precise and does not pose a contradiction. However, most importantly, the last sentence of our Tosefta and the first sentence of the next Tosefta must be read together as one sentence. If that is the case what the Tosefta is saying is that we do not check (meaning, “correct”) the child if instead of saying Nevarech (Let us Bless) as adults should say in the Zimun he simply says Barchu (Bless) thus implying that he did not include himself into the Zimun. This explanation is certainly plausible since in the manuscripts there are no divisions between the Toseftot, thus we do not know for sure where each Tosefta begins and ends. Zuckermandel’s edition of the Tosefta has this Tosefta and the next Tosefta read together as the Cheshek Shlomo explains. I have decided to keep my explanation as the main one, because in my opinion the next Tosefta is talking about a different subject and is not connected to this Tosefta at all. Cheshek Shlomo’s explanation for the next Tosefta is problematic as will be explained in note 6 on the next Tosefta.

It is important to note that later in this chapter, Tosefta 5:21 says that a person does not have to eat bread to join the Zimun, but merely can partake in the meal by eating any type of food in any amount. Our Tosefta agrees with that and obviously the child would have to eat something in order to join the meal. However the Tosefta does not mention that, because its main point is to teach us that he does not have to eat bread.

Tractate Berachot, Chapter 5

Tosefta 20

Regardless if [a person that is leading the Zimun] said Nevarech (Let us bless) or if he said Barchu (Bless) we do not stop him [and correct him] for this. [Only] cavilers stop [the leader] for this! [A group] of twenty [people]
can split up [into two groups of ten people],\(^7\) as long as not even one person gets excluded from the Zimun.\(^8\)

Notes:

1. Mishna Berachot 7:3 says that if there are 3 people saying the Zimun then the leader begins the Zimun by saying Nevarech (Let us bless), but if there are 4 people then the leader begins by saying Barchu (Bless). Our Tosefta argues on that law and says that regardless of how many people there are if the leader said either Nevarech or Barchu it is ok. Mishna Berachot 7:4 says that 10 people or more cannot split up until there are 20 people, because their Zimun has the word Eloheinu (our God) in it which cannot be said with less than 10 people. Our Tosefta expands on that law. For the description of the Zimun see Mishna Berachot 7:1 and 7:3, and above Tosefta 5:19, note 2.

2. The leader can begin the Zimun by saying to the other people “Nevarech” – Let us bless.

3. Or the leader can begin the Zimun by saying “Barchu” – Bless. Barchu is a command, but it implies that the person himself is commanding others to bless and thus excluding himself, whereas by saying Nevarech he clearly includes himself into the command as well.

4. תופסין (Tofsin) means literally “grab”, but I have translated it as “stop” because it makes more sense like that in English.

5. A caviler is a person who raises annoying petty frivolous objections. The word נקדן (Nakdan) is correctly translated as a caviler, because it has a negative connotation to it as can be seen from Masechta Derech Eretz Zuta 6:4 which says that a person should not be a Nakdan. It is not the same as the word מידקדק (Medakdek) which means a careful and precise person who pays attention to detail, and has a positive connotation.

6. The Tosefta says this in a mocking manner, clarifying that if someone decides to nitpick on the leader over this issue, he is clearly a caviler,
something that a person should strive not to be. See Masechta Derech Eretz Zuta 6:4. This is in clear contradiction to the Mishna Berachot 7:3 which says that it is not a choice for the leader to say Nevarech or Barchu, but rather Nevarech is said in a group of 3 people and Barchu is said in a group of 4 people or more. Talmud Yerushalmi (Berachot 7:3, Daf 54b) explains the Tosefta in the same fashion that the word Nakdan is used in a negative connotation and therefore a person should not be pedantic over the wording of Nevarech or Barchu.

It should be noted that Rashi on Talmud Bavli (Berachot 50a, Vehanakdanin) explains this Tosefta differently and says that the word Nakdan has a positive connotation as someone who is scrupulous in the phrasing, as implied from the discussion in Talmud Bavli (ibid.). According to the Bavli’s interpretation our Tosefta does not argue on the Mishna, but merely clarifies it to say that it is proper to correct the leader if he said Barchu instead of Nevarech. However I do not think that the Gemara’s explanation is the simple meaning of our Tosefta. I think the Gemara simply used it to make a proof to its previous statement that saying Nevarech is better than saying Barchu, but it had to twist the simple meaning of the Tosefta in order to do so. Hence I am sticking with my explanation as confirmed by the Yerushalmi.

See note 3 on the previous Tosefta where I have quoted a completely different explanation of this Tosefta proposed by Cheshek Shlomo. According to his explanation it is a continuation of the previous Tosefta and it is referring to cavilers correcting the child. However this does not really make sense, because this implies that it is the child who is leading the group in the Zimun since only the leader says the words Nevarech or Barchu and no one else. Also, the previous Tosefta used the phrase מзамני עליו (Mezamnin Alav) which implies that Zimun is lead by someone else and the child is a mere participant and not the leader. Due to this reason I prefer my explanation over Cheshek Shlomo’s. Talmud Bavli (Berachot 50a) also explained this Tosefta as a separate statement and not a continuation of the previous Tosefta, although in somewhat different fashion as I already mentioned.
7. When 10 or more people make a Zimun together they add the word Eloheinu (our God) to the blessing, as explained by Mishna Berachot 7:4. If there are 20 people who ate together they can split up into two groups of 10 each and each group can still say the word Eloheinu. Thus the Tosefta says that it would be ok for 20 people to split up into two groups of 10.

8. However they can split up providing that not even one person leaves either of the groups, because if he would leave there will be only 9 people in that group and they will not be able to say the word Eloheinu thus diminishing the blessing of Zimun, since now they will not be able to say God’s name in it.

Tractate Berachot, Chapter 5
Tosefta 21

Rabban Shimon Ben Gamliel says, “[If after the guests] have gotten up [from their temporary seats, moved to the main eating hall] and reclined [on sofas], [a person] dipped together with them (i.e. other guests) [any piece of food into brine], even though he did not eat with them [even] a Kezait (olive size) of grain, they can include him [into their group] to say Zimun.”

Notes:

1. The Tosefta states a new law about Zimun. It is not related to any Mishna. For the description of the Zimun see Mishna Berachot 7:1 and 7:3, and above Tosefta 5:19, note 2.

2. In other words, if they already began eating the main meal and are not merely eating the appetizers. For the procedure of the meal see above Tosefta 4:8. Obviously if they are only eating the appetizers and did not start eating the main meal this law would not apply.
3. This is the way this Tosefta is explained in Talmud Bavli (Berachot 48a-48b) and Talmud Yerushalmi (Berachot 7:2, Daf 54a). It is referring to any piece of food and not bread in particular. Dipping into brine is just an example of someone partaking of the same meal with any kind of food. Dipping itself would not be required as long as the person ate something.

4. Rabban Shimon Ben Gamliel clearly says that in order to be included into Zimun the person does not have to eat bread but can merely join others in the meal by eating anything in any amount. This goes along with my explanation of Tosefta 5:19. See there note 3. According to Talmud Bavli the opinion of Rabban Shimon Ben Gamliel is the main opinion which is the accepted Halacha (law), thus it would seem to make sense that Tosefta 5:19 assumes his opinion as a given.

Tractate Berachot, Chapter 5

Tosefta 22

[If] a Non-Jew says a blessing [for anything] using God’s name we answer after him Amen [even if we did not hear the whole blessing]. [If] a Samaritan says a blessing [for anything] using God’s name we do not answer after him Amen until we hear the whole blessing.

Notes:

1. Mishna Berachot 8:8 states that when a Jew says a Beracha (blessing) we say Amen after it even if we did not hear the whole Beracha, but if a Kuti (Samaritan) says a Beracha using God’s name then we must hear the whole Beracha before we can answer Amen. The Tosefta expands on that law. The law of answering Amen after a Beracha of a Jew and of a Kuti was already stated previously in Tosefta 3:26. The correct place for the discussion is here since that is where the Mishna discusses it. I have already explained the meaning of Amen, Kuti and the reason for hearing the whole Beracha of a Kuti before answering...
Amen back in Tosefta 3:26, so I will not repeat it here again. I will only explain the part about the Non-Jew.

2. The reading in all of the Tosefta manuscripts is גוי (Goy), Non-Jew, and not עובד כוכבים (Oved Kochavim), idol worshipper, as in the printed versions of the Tosefta. I think that Non-Jew is the correct reading here, since the Tosefta’s statement does not apply only specifically to an idol worshipper, but rather to any person who is not Jewish.

3. Since he said God’s name we are sure that he said the blessing to God and not to an idol, since Non-Jews did not at the time of the Tosefta (3rd century CE) generally make blessings to both God and some idol. Thus we do not have to hear the whole blessing, but it is enough to just hear God’s name in the blessing. Obviously it does not matter in what language the Non-Jew made the blessing (hence I am referring to it here as a blessing and not a Beracha which denotes specifically a Hebrew blessing) as long as he said it to God.

It is important to note that Christians do make blessings to both God and Jesus in the same blessing by referring to the father and the son, thus this law would not apply to a Christian. It seems that when this Tosefta was written Christians were still not very common and therefore it did not mention them separately. It is also possible that in the 3rd century CE most Christians still did not consider Jesus divine, since that was not confirmed by the Roman church until the First Council of Nicaea in 325 CE, over 100 years after the Tosefta was most probably written. However the terminology of the trinity is used by the church fathers already in the 1st century CE (see The Epistle of Ignatius of Antioch to the Magnesians), so it is possible that already in the 1st century CE when Christians mentioned God in their blessings they may have included both the father and the son. But again, since most probably Christians at that time were not very common the Tosefta did not mention them. Another possibility why the Tosefta did not mention Christians is because they may not have used God’s name in their blessings, but rather said the word “father” which is not God’s name. Therefore if a Christian actually did say a blessing using God’s name then he did not mention the rest of the trinity and therefore would be included into the statement of the Tosefta about Non-Jews.

Tractate Berachot, Chapter 5

Tosefta 23

[If a person] was sacrificing Menachot (Meal offerings) in Jerusalem, he says [the following Beracha (blessing) before bringing the Mincha (meal offering) sacrifices], Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has brought us to this time). When he sacrifices them (i.e. Menachot) he says [the following Beracha immediately before bringing the sacrifice], Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Lehakriv Menachot (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to sacrifice Menachot). When he eats them (i.e. Menachot) he says [the following Beracha immediately before eating them], [Baruch Ata Hashem Eloheinu Melech Haolam] Hamotzi Lechem Min Haaretz (Blessed are You Hashem, our God, King of the world, Who brings forth bread from the earth). [If a person] was sacrificing Zevachim (animal offerings) in Jerusalem, he says [the following Beracha before bringing the Zevach sacrifices], Baruch [Ata Hashem...]

Metasefeta beC

היה מקיריב מנחות בירושלים
ואמר ברוך שהיגיענו לזמן הזה. כשאיה מקיריבין אמר ברוך אשר קדשנו במצותיו וציו להקריב מנחות. כשאיה אוכל לאמר המזיא לחה מ-answer. היה מקיריב יבדא בירושלים אמר ברוך עלزهرינו לזמן הזה. כשאיה מקיריבו אמר ברוך אנוף להקריב במצותיו והנה אנוף להקריב. כשאיה אוכל אמר ברוך אנוף קדשנו במצותיו וציו להאכל בחה.
Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has helped us reach this time). When he [actually] sacrifices them (i.e. Zevachim) he says [the following Beracha immediately before bringing the sacrifice], Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Lehakriv Zevachim (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to sacrifice Zevachim). When he eats them (i.e. Zevachim) he says [the following Beracha immediately before eating them], Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Leechol Zevachim (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to eat Zevachim).

Notes:

1. The Tosefta states a new law regarding Berachot. It is not related to any Mishna.

2. Menachot (singular: Mincha) are meal offerings made from either wheat or barley flour. There were 9 different types of Menachot that were brought in the Bet Hamikdash (Temple):

   1) Minchat Nesachim (libations flour offering) – a flour offering that was brought together with an Olah (fire offering), a Shlamim (peace offering) sacrifice as a part of that sacrifice,
either private or public, and also with a Chatat (sin offering) and Asham (guilt offering) sacrifices that were brought by a Metzora (a leper). See Bemidbar 15:4-10.

2) Minchat Haomer (sheaf flour offering) – a public barley flour offering which was brought on the 2nd day of Pesach. See Vayikra 2:14.

3) Shtei Halechem (two breads offering) – a public flour offering which was brought on the holiday of Shavuot. See Vayikra 23:15-17.

4) Lechem Hapanim (showbread offering) – a public flour offering that was brought every Friday. See Vayikra 24:5-9.

5) Minchat Choteh (flour offering of a sinner) – a private flour offering that is brought by a poor person who has sinned by violating certain oaths or entered the Bet Hamikdash while being Tameh (ritually impure). See Vayikra 5:11-12.

6) Minchat Sotah (flour offering of an adulterous woman) – a private flour offering that is brought by a Sotah (a woman accused of adultery). See Bemidbar 5:12-15.


8) Minchat Chinuch (training flour offering) – a private flour offering brought every day by a Kohen (priest) who is being trained for the service in the Bet Hamikdash prior to him being approved to do regular service. See Vayikra 6:16.

9) Minchat Nedava (vow flour offering) – a private flour offering that any person can bring if he so desires for no particular reason as a personal vow. See Vayikra 2:1-7. There are 5 different versions of this type of Mincha:

   i. Minchat Solet – uncooked, unbaked flour
ii. Chalot – baked loaves of unleavened bread

iii. Rekikim – baked wafers of unleavened bread

iv. Minchat Machvat – fried cakes in a shallow pan

v. Minchat Marcheshet – fried cakes in a deep pan

3. This word is kind of redundant, since obviously the sacrifices could only be brought in the Bet Hamikdash which was located in Jerusalem.

4. From the language of the Tosefta it is not clear which person says the Beracha, the owner of the sacrifice or the Kohen who is actually sacrificing it. Tosafot (Berachot 37b, Hayah and Menachot 75b, Hayah) quotes Rashi (Rashi, Berachot 37b, Hayah; Rashi Ktav Yad, Menachot 75b, Lishna Achrina; Rashi, Menachot 75b, Hayah) who proposes three possible explanations, either that the Tosefta is referring to the owner of the sacrifice and not the Kohen, or it is referring to a Kohen who is bringing the first sacrifice in his life, or it is referring to a Kohen who is bringing the first public sacrifice of that particular type that year such as Minchat Haomer. Tosafot rejects both of these explanations based on his understanding of the language of the Tosefta and proposes a different explanation that it is actually the Kohen that make this Beracha, and not just any Kohen but the first Kohen of each particular watch which was bringing the sacrifice. There were 24 different watches of Kohanim each of which has served twice a year for one week at a time. The watches would switch every Shabbat. See Mishna Taanit 4:2 and Talmud Bavli (Taanit 27a). According to Rashi’s second explanation and Tosafot’s explanation this Beracha would be said for any type of the 9 types of Mincha sacrifices since it is the Kohen who makes it and not the owner. According to Rashi’s first explanation it would only apply to private Mincha offerings since the public offerings do not have an owner. Also, see note 7 below.

5. The version of this Beracha quoted in Talmud Bavli (Berachot 37b), as well as the one that is used nowadays on various occasions, is:

ברוך אתה ה’ אלוהים מלך העולם שחתינו קימינו והגינו למזומ

ה’.
Blessed are You Hashem, our God, King of the world, Who has kept us alive, and sustained us, and Who has brought us to this time.

6. Again it is not clear who makes this Beracha, the owner of the sacrifice or the Kohen who is sacrificing it. On one hand it seems to me that for the private sacrifices it is the owner who should make this Beracha and not the Kohen, because it is the owner who is commanded by the Torah to bring the sacrifice. The Kohen is just there to serve the procedure but he is not the one who is commanded to bring it. However in the case of a public sacrifice it is the Kohen who is bringing it who should say the Beracha, because since the obligation for a public sacrifice applies to all of the Jewish people the Kohen serves as their representative and thus can make the Beracha. On the other hand one can argue in the opposite fashion regarding the private sacrifice that it is the Kohen who should make the Beracha since he is the messenger of the owner and he is the one who is physically sacrificing it. We find a similar thing by Brit Mila (circumcision) where it is the Mohel (the person who actually circumcises the child) that makes the Beracha over the Mila even though it is the father who is commanded to do the Mila to his child. See Tosefta Kiddushin 1:8. Since the Mohel is the messenger of the father and he is the one physically performing the commandment, he is the one that makes the Beracha. The opinions of the Rishonim (Medieval Rabbis) are not clear on this issue since they primarily do not discuss it. Personally, I am leaning towards the last explanation. Also, see note 7 below. For some discussion on the subject see Baruch Tzvi Gruner, Berachot Shenishtaku (ברכות שנשתкупו), Mosad Harav Kook, 2003, pp.39-41.

7. This is the regular Beracha for eating bread. Hence the Tosefta is only referring to those Mincha sacrifices that were baked into bread, and not left as plain flour. See note 2 above. The Mincha sacrifice was always eaten by the Kohen and not by the owner, as long as it was not the Kohen who was the owner. If the Kohen was also the owner then it was not eaten at all, but rather completely burned on the altar. We may infer from this fact that since this Beracha is made by the Kohen since he is the one who eats it, then all previous Berachot mentioned in this Tosefta are also made by the Kohen. Hence the Tosefta always
uses the same expression to refer to the person making the Berachot as “he” without differentiating between them.

It is somewhat puzzling why the Tosefta needs to emphasize that the Beracha for eating the Mincha offering is Hamotzi. It should be obvious in the case when it is bread, because that is the Beracha made before eating bread regardless of what type the bread is. It is possible that the Tosefta emphasizes this to teach us that even if the Mincha is fried in oil and not baked, such as Minchat Machvat or Minchat Marcheshet, the Beracha for it is still Hamotzi since it is a type of bread. In fact this answer is suggested by Tosafot (Berachot 37b, Lechem). Pnei Yehoshua (Berachot 37b, BePirush Rashi) suggests another answer to this problem. He says that the Tosefta is emphasizing that when he eats the Mincha sacrifice the only Beracha that he says is Hamotzi and he does not say the Beracha of Shehecheyanu, because it was already said at the time of the sacrifice. As opposed to, for example, a new fruit that a person has not eaten this season, on which he would say Shehecheyanu right before he eats it. I do not like this answer in particular, because there is absolutely no reason why Shehecheyanu should be said when the Mincha is eaten, hence it cannot be compared to a fruit which is only eaten and not sacrificed. Shehecheyanu is obviously made as early as possible once the main commandment is in progress. And since the main commandment here is to sacrifice it, that is when Shehecheyanu is said.

Also, it is strange that the Tosefta does not say that there is a special Beracha for eating the Mincha offering similar to the one for eating the Zevach offering as the Tosefta states below. This Beracha should be Asher Kideshanu Bemitzvotav Vetzivanu Leechol Menachot – Who has sanctified us with His commandments and commanded us to eat Menachot. Due to the fact that this Beracha is not mentioned, not in the Tosefta and not anywhere else, it would seem that it did not exist. I was not able to find any reason why this Beracha did not exist.

8. Zevachim (singular: Zevach) are animal offerings brought from cows, sheep, goats or birds. The reason they are called Zevachim is because all of these animals require to be slaughtered. Hebrew word מבית
(Zevach) means “something that is slaughtered”. There are 7 different types of Zevachim that were brought in the Bet Hamikdash:

1) Olah – Fiery offering
2) Chatat – Sin offering
3) Asham – Guilt offering
4) Shlamim – Peace offering, which includes into it the Todah sacrifice – Thanks offering
5) Bechor – Firstborn offering
6) Maaser Behemah – Animal tithe offering
7) Karban Pesach – Pesach sacrifice

The first 3 offerings, Olah, Chatat and Asham, are in the category of Kadshamim – Holy of Holies, which means they get completely burnt on the altar and they do not get eaten. The rest of the sacrifices, Shlamim (with the exception of the Shlamim of Shavuot which are Kadshamim), Bechor, Maaser Behemah, and Karban Pesach, are in the category of Kadshamim – Minor Holies, which means that parts of the sacrifice get eaten by the Kohanim who sacrificed it and parts of it get eaten by the owner who brought it.

9. See note 3 above.

10. See note 4 above. The same argument about Menachot applies to Zevachim as well.

11. See note 5 above.

12. See note 6 above. The same argument about Menachot applies to Zevachim as well.

13. The Beracha for eating the Zevachim is made by each person who eats the meat of the sacrifice, regardless if he is a Kohen or the owner. Some sacrifices are eaten only by the Kohanim and some are eaten by both, the Kohanim and the owner. All of them would be required to make this Beracha.
It is important to note that in various manuscripts of the Tosefta and in the quotes of it by the Rishonim (Medieval Rabbis) there are variations of the text of the Beracha. For example, see Rambam (Hilchot Chametz Umatza 8:7). I have quoted the Beracha according to the way it is written in the Vienna manuscript, because it seems to be the most consistent form of it which matches the other Berachot. However in the Erfurt manuscript the ending of this Beracha is as follows: 

לאכל הובח והיה – to eat this Zevach. Honestly, I do not think that this is the correct version, because Berachot are usually written in a more generic form and do not emphasize the particular item over which the Beracha is said such as, “this Zevach” as opposed to “Zevachim” in general.

Notes:

1. This Tosefta seems to be out of place. It is related to Mishna Berachot 6:6 where the Mishna discussed when groups of people who are eating together make individual Berachot over their food or one person makes a Beracha for everyone. This subject was mainly discussed earlier, in Tosefta 4:8.

2. Tosefta states this as a common example when a group of people all would be eating from the same loaf bread. It was obviously common

Tractate Berachot, Chapter 5

Tosefta 24

Ten [people] that are going on the road, even though all of them are eating from the same loaf [of bread], each one of them makes the Beracha (blessing) [over the bread] by himself. [If a group of people] sat down to eat [together] even though each one of them is eating from his own loaf [of bread], one of them makes the Beracha [over the bread] for all of them.
for people traveling to take large loaves of bread and share them with everybody. The number of people mentioned here – 10, is not specific and merely signifies a group.

3. Since they are walking on the road they are not considered to be eating a meal together, therefore each one of them makes a Beracha over his bread by himself. The fact that they are eating from the same loaf does not signify that they are eating a meal together since they have not formally sat down to eat together.

4. Since they sat down together in the same room to eat a formal meal, one person makes a Beracha over the bread for everyone. The fact that each one of them has a separate loaf of bread in front of him does not separate them from the group in anyway.

Tractate Berachot, Chapter 5

Tosefta 25

Workers that were doing [work] by the owner of the house [when they have to say Birkat Hamazon (Grace After Meals)] they say [only] two Berachot [blessings] [instead of the four usual Berachot]. [The way they say Birkat Hamazon is as follows.] He [i.e. the worker] says the first Beracha [in the regular fashion]. [Then] he combines [the Beracha] of Jerusalem [i.e. the 3rd Beracha] with [the Beracha] of the land [i.e. the 2nd Beracha] [into one Beracha], and he seals it off with [the ending of the Beracha] of the land. If [the workers] were doing [the work] for him [and receiving] their meal [as pay, instead of money], or the owner of the house was saying the Birkat Hamazon for them [because he ate together with
them,\(^5\) even if they were getting paid money for their work, then they (i.e. the workers) say [all] four Berachot.\(^6\)

[These are] the things during meals regarding which Bet Shammai and Bet Hillel argue.\(^7\) Bet Shammai say, “[When a person makes Kiddush on Friday night,]\(^8\) he says the Beracha for the day [first] and [only] after that he says the Beracha on the wine, because the day causes the wine to be brought out, and since the day already began, however the wine has not been brought out yet [until later that evening].”\(^9\) And Bet Hillel say, “[When a person makes Kiddush on Friday night,] he says the Beracha for the wine [first] and [only] after that he says the Beracha on the day, because it is the wine that causes the holiness of the day to be discussed.\(^10\) [Besides this there is] another explanation. The Beracha for the wine is common and the Beracha for the [Shabbat] day is not common.”\(^11\) And the law follows the words of Bet Hillel.\(^12\)

Notes:

1. This Tosefta consists of two parts that are not related to each other. In the Zuckerman’s edition of the Tosefta it is actually split into two separate Toseftot. However, I have kept them together in order to be consistent with the numbering system of the Tosefta printed in the back of the Vilna edition of the Talmud Bavli. The first part of the Tosefta states a new law regarding Birkat Hamazon and it is not related to any Mishna. However the second part of the Tosefta is a restatement of the argument between Bet Shammai and Bet Hillel
mentioned in Mishna Berachot 8:1, with the Tosefta adding reasons for their opinions.

2. The owner of the house refers to the person who hired the workers. The first case of the Tosefta is referring to workers who are being paid hourly wages for their work. The reason that workers who are being paid hourly wages say a shorter version of Birkat Hamazon is because the Rabbis wanted to save money for the person who hired them. Even if the workers are not being paid for the time that they use to eat, still it is a waste of the owner’s time since they are sitting idle and not working. The Tosefta already discussed similar leniencies made by the Rabbis for workers earlier Tosefta 2:8 regarding Shema and Shemoneh Esreih.

3. As was explained earlier in Tosefta 4:6, note 6, Birkat Hamazon consists of 4 Berachot. The first 3 Berachot, were instituted by the prophets and therefore are considered to be more obligatory. However the 4th Beracha was instituted much later in Yavneh and is considered to be less important. See above Tosefta 4:6, note 6. Therefore in the case of the workers the Rabbis decreed that the 4th Beracha can be omitted completely. However the 3rd Beracha cannot be completely omitted since it was enacted by the prophets, therefore it is shortened instead. It is fitting to merge the text of the 2nd Beracha which talks about the Land of Israel into the 3rd Beracha which talks about the rebuilding of Jerusalem, since Jerusalem is a part of the Land of Israel.

   It should be noted that the difference in the amount of time that it takes to say the regular Birkat Hamazon and the shortened Birkat Hamazon is probably around one minute, and despite this the Rabbis felt that it was important to save even one minute of time for the owner of the house since he is the one that is paying for the workers.

4. I have explained this statement of the Tosefta according to the way it is quoted in the Talmud Bavli (Berachot 16a) even though the wording of the Tosefta quoted in Talmud Bavli is slightly different that the text in the Tosefta manuscripts.
If instead of paying the workers money the owner of the house has agreed to pay them by feeding them the meal, then the workers are entitled to enjoy the meal to its fullest, which includes saying the complete Birkat Hamazon.

5. The version of the Tosefta quoted in the Talmud Bavli (Berachot 16a) says that the owner reclined together with them and not like our text that says that he said Birkat Hamazon for them. Since the only way the owner of the house would be allowed to say Birkat Hamazon for them is if he ate together with them, (since in order to fulfill the obligation of others the person must be obligated in that Beracha himself) I have chosen to explain our Tosefta based on the text quoted in Talmud Bavli.

6. If the owner of the house has joined the workers in eating the meal then he is making it known that he does not mind if they take their time to eat the meal, therefore they can say the complete Birkat Hamazon.

7. These arguments will be discussed in the next few Toseftot.

8. There is a rabbinical commandment to say a benediction sanctifying Shabbat on Friday nights before the meal over a cup of wine. That is called Kiddush. See Talmud Bavli (Berachot 33a). The regular Kiddush on Friday night consists of two Berachot, one for the wine, and one for the Shabbat.

9. Bet Shammai hold that the order of the Berachot in the Kiddush should be on the Shabbat first and only then on the wine. The reason is because it should follow the order in which things happen. Shabbat begins at sunset on Friday night. However Kiddush is not normally made until the person comes home from the synagogue which is already after dark. So since Shabbat begins first and only afterwards the Kiddush over wine is made, the Berachot during Kiddush are made in that order as well. The reason that Bet Shammai hold that the order of Kiddush should follow the order in which these things happen is explained by the first part of Bet Shammai’s statement, that the reason that the wine is brought out is due to the fact that the day is Shabbat, meaning that if the day was some other day of the week then
there would be no Kiddush; hence it is the day of Shabbat that causes Kiddush to be said. It seems to me that Bet Shammmai state one long reason for their opinion, although it is possible to view it as two separate reasons as well, one that the Kiddush follows the order in which things happen, and the other is that Shabbat is more important since it is the cause of Kiddush in the first place.

10. Bet Hillel hold that the order is reversed and the Beracha on the wine is said first. The reason is because the whole reason that the Rabbis decreed to say the Beracha for the Shabbat is due to the fact that Kiddush is being made over wine. If the person does not have any wine or bread (which can be used as a substitute for wine in order to make Kiddush) then the person would not say Kiddush at all. Thus the whole reason that the Beracha is said for the Shabbat is because of the wine, in which case the wine is more important and the Beracha over it is said first.

Talmud Bavli (Pesachim 106a) quotes a Beraita that learns out the mitzvah of Kiddush from a verse in the Torah. It says in the 10 commandments שָׁבָּתָה – Remember the day of Shabbat to make it holy. See Shemot 20:7. So the Beraita says that you should make it holy by making Kiddush over wine, in which you proclaim that Shabbat is holy. Based on this Beraita, as well some other sources in Talmud Bavli, some Rishonim (Medieval Authorities) (Tosafot (Pesachim 106a, Zochreyhu) and the Rambam (Hilchot Shabbat 29:1)) say that the mitzvah (commandment) of saying Kiddush with words without the wine is a Torah obligation and the Rabbis have enacted that it should be said over wine. I would like to point out that from our Tosefta it seems that even the mitzvah of saying Kiddush with words without the wine is also a Rabbinical obligation and not a Torah obligation. Because if it would have been a Torah obligation how could Bet Hillel say that it is the wine that causes the holiness of the day to be said? It should be the other way around, that the Torah has commanded to say the holiness of the day, and that caused the Rabbis to enact this proclamation over wine. Instead we see that Bet Hillel’s reason precisely points out that the proclamation of Kiddush with words is a Rabbinical obligation and the only reason that the Rabbis have enacted the Beracha of Kiddush is due to the fact that
they wanted some kind of benediction to be said over wine in the beginning of the Shabbat meal.

11. Bet Hillel add a second reason to why the Beracha on the wine is said first. Since the Beracha over wine has to be said on any day that a person drinks wine on, where as for the Beracha for the Shabbat is only said once a week, on Shabbat, it makes the Beracha over the wine more common. There is a principal that is accepted throughout the Talmudic literature that says, that when there are two things that a person needs to do he should do the thing that is more common first - תדיר והשאין הדיר, תדיר קדם (Tadir Vesheino Tadir, Tadir Kodem), “common and not common, common is first”. See Mishna Zevachim 10:1. Bet Hillel follow this principal.

There are a few possibilities why Bet Hillel felt that it was necessary to add a second reason to their opinion. It is possible that Bet Shammai actually held that Kiddush with words without the wine is a Torah obligation as Tosafot and the Rambam say and therefore the first reason of Bet Hillel would not apply as a rebuttal, therefore Bet Hillel felt that it was necessary to provide them with another reason why the Beracha on the wine should be said first. Secondly, Bet Shammai also kind of stated two possible reasons for their opinion, as was explained above in note 9, so Bet Hillel had to reply with two reasons as well. Thirdly, it is possible that they added a second reason simply to strengthen their words, because two reasons are always better than one.

12. It is unclear why the Tosefta has to explicitly say that the law follows Bet Hillel, since in arguments with Bet Shammai the law always follows Bet Hillel with 9 exceptions, 6 of which are mentioned in Tosafot (Sukkah 3a, Deamar) and 3 of which are mentioned in Talmud Yerushalmi (Kilayim 8:4, Daf 39a-b). Talmud Bavli (Berachot 51b) attempts to answer this question, by providing two possible explanations. One is that the whole reason that the Halacha (law) is like Bet Hillel is because a Bat Kol (heavenly voice) proclaimed it to be so, (see Talmud Bavli, Eruvin 13b) and this Tosefta was written before the Bat Kol made its proclamation. Or a second answer is that this Tosefta holds like the opinion of Rebbi Yehoshua (see Talmud Bavli,
Bava Metzia 59b) who says that we do not do things just because a Bat Kol said them and therefore the Tosefta had to clarify it for us.

It should be noted that the real reason why the Halacha follows Bet Hillel is not because of the Bat Kol, which in itself is an esoteric concept and not an actual reality, but rather because Bet Hillel always were the majority in the Sanhedrin (Jewish Supreme Court) and the Halacha always follows the majority. This is indeed stated by Tosafo (Berachot 52a, Verebbi). The Talmud even mentions specific cases when one day many students of Bet Hillel did not show up to the Sanhedrin and suddenly Bet Shammai were the majority that day and they overruled some of Bet Hillel’s opinions. For example, see Talmud Bavli (Eruvin 13a). So the Gemara’s answers do not really apply since the Tosefta does not have to explain to us that the Halacha is like Bet Hillel if they are the majority. However, it is possible that since from the names of Bet Shammai and Bet Hillel it is not clear which one of them was the majority since both names imply that they were schools and simply included a lot of people, the Tosefta clarifies for us that Bet Hillel in fact were the majority and therefore the Halacha follows them.

Tractate Berachot, Chapter 5

Tosefta 26¹

Bet Shammai say, “We wash hands [before the meal]² first, and [only] after that we pour the cup [of wine for Kiddush,³ because] may be the liquid outside of the cup will become Tameh (ritually impure), because of the [Tameh] hands, and in turn it will make the cup Tameh.”⁴ And Bet Hillel say, “The outside of the cup is always Tameh, [so therefore it does not matter if the liquid on the outside of the cup will make it Tameh.]⁵ [Besides this there is] another explanation.
Hands should be washed as close to the meal as possible.”

Notes:

1. Mishna Berachot 8:2 mentions the argument between Bet Shammai and Bet Hillel about what should be done first, washing of the hands before the meal or making Kiddush. Our Tosefta adds reasons for that argument.

2. The law of washing hands before the meal was already explained earlier in Toseftot 4:8 and 5:14.

3. Meaning make Kiddush. This is the explanation according to the Rif (Berachot 52b, Daf 38b in the Rif). However Rashi (Berachot 52b, Venitmi Kos Leyadayim) explains that Bet Shammai and Bet Hillel are talking about the wine that was drunk before the meal, as was explained earlier Tosefta 4:8, on any day, and not about Kiddush on Shabbat. I think that the Rif’s opinion makes more sense, because it makes this Tosefta flow better with the previous Tosefta, which also talked about Kiddush.

4. For the rules of Tumah (ritual impurity), why unwashed hands are Tameh and why liquids make objects Tameh see above Tosefta 5:14, note 2. Bet Shammai hold that since his hands are Tameh by default if some wine from his cup will spill on the outside of the cup it will become Tameh from his hands, and since liquids become Tameh on the First Level (Rishon Letumah) they will then make the cup itself Tameh on the Second Level (Sheni Letumah). Of course, the cup itself cannot make the wine inside Tameh, because Chulin (regular, non holy) food does not become Tameh on the 3rd Level (Shlishi Letumah), but nevertheless Bet Shammai hold that a person is not allowed to drink from a cup the outside of which is Tameh. The reason is explained in Talmud Bavli (Berachot 52b) that even if the person’s hands have been washed and are Tahorot (ritually pure) still if we let him use a cup the outside of which is Tameh, even though the cup itself cannot make the hands Tameh, because vessels do not make a person Tameh, what can happen is that some liquid can spill from the
cup onto its outside, and the cup which is Sheni Letumah will make the liquid Rishon Letumah, and then the liquid in turn will make his hands Tameh. Therefore Bet Shammai do not allow using a Tameh cup no matter what, even if his hands were Tameh from the beginning. This is kind of strange reasoning since what Bet Shammai do not really want is the person drinking something while his hands are Tameh even if he is drinking from a cup and the liquid inside the cup cannot become Tameh no matter what. The only reason they care about the cup becoming Tameh is due to his hands. So what they should have said is that they do not allow a person drinking with Tameh hands no matter what, regardless if the cup can become Tameh or not. It seems to me that what Bet Shammai are really concerned with is not whether his hands will become Tameh or not, but if we allow people to drink from a cup the outside of which is Tameh then what might happen is that some liquid that spills onto the outside of the cup may somehow spill back inside the cup and make everything inside the cup Tameh. This is plausible although unlikely and this way Bet Shammai would be concerned with the cup becoming Tameh and not the hands, since theoretically the liquid can spill on to the outside of the cup and then spill back inside the cup without touching the hands.

5. Bet Hillel hold that a person is allowed to use a cup the outside of which is Tameh. And they are not concerned with drops of the liquid inside the cup spilling onto the outside and then somehow spilling back inside.

6. The reason Bet Hillel provide a second reason is because this refutes Bet Shammai’s opinion even if Bet Hillel would agree to the fact that we are concerned with some liquid spilling onto the outside of the cup and then spilling back into the cup. Obviously the reason that Bet Hillel hold that it is better to wash hands as close to the meal itself as possible is because during the meal the person touches his food with his hands and if he goes and touches something else in between him washing his hands and the meal his hands may become Tameh again, and then he will end up touching his food with Tameh hands.
We pour the cup [of wine, for Kiddush, first] and [only] after that wash hands [before the meal].

Notes:

1. This Tosefta does not add anything new to the opinion of Bet Hillel mentioned in the previous Tosefta that was not already said. It is merely a restatement of their opinion.

2. There is a lot of controversy about the text of this Tosefta. Most commentators agree that it belongs in the previous Tosefta and it is really a continuation of the words of Bet Hillel. Cheshek Shlomo goes as far as to completely remove it from this spot and add it to the beginning of the words of Bet Hillel in the previous Tosefta, since that is the way it is quoted in Talmud Bavli (Berachot 52a). The rest of the text that is present in the printed editions of the Tosefta is not present at all in the Tosefta manuscripts. Therefore I did not include it into the main text of the Tosefta either. However I have included it in this note since the Cheshek Shlomo believes that it is the correct reading of the Tosefta and it was preserved only in the Talmud Bavli. It says as follows:

Because if you say that we wash first, then may be the water that is on the hands will become Tameh, because of the cup [which is Tameh] and it will go back and make the hands Tameh. But rather [we must say that] we pour the cup [of wine for Kiddush] and [only] then wash hands [before the meal].

If this text remains present in this Tosefta it does not make any sense with the previous Tosefta, because the Tosefta already mentioned two reasons for the opinion of Bet Hillel and this line seems to add a more elaborate explanation for the first reason for Bet Hillel’s opinion,
which does not flow with the fact that the second opinion was already mentioned before this line. Of course, according to the Cheshek Shlomo it belongs in the previous Tosefta and should be written right after the first reason in which case it would make sense. However I did not make such an elaborate emendation of the text in the main text of the Tosefta itself without any references from manuscripts. I will let the reader decide which reading is more correct.

Tractate Berachot, Chapter 5

Tosefta 28

Bet Shammai say, “[After washing the hands before the meal, a person] wipes his hands with a cloth napkin and puts it down on the table [so that he can use it during the meal to wipe himself], [because if he will put it on the cushion instead] may be the liquid inside the cloth napkin will become Tameh (ritually impure) because of the cushion, and it will revert and make his hands Tameh [when he touches the cloth napkin again].”

And Bet Hillel say, “[In case of] a doubt [if the] liquid [touches his] hands [or not, the hands remain] Tahor (ritually pure).” [Besides this there is] another explanation. Hands do not [need to be] washed [by Torah law, when eating] Chulin (ordinary food that does not have any special holiness to it). But rather [instead of putting the cloth napkin on the table, he should wash his hands and then] wipe his hands with a cloth napkin and put it on the cushion [so that he can use it during the meal to wipe
himself], [because if he will put it on the table instead] may be the liquid inside the cloth napkin will become Tameh because of the table and it will revert and make the food Tameh [when the cloth napkin touches the food].

Notes:

1. Mishna Berachot 8:3 mentions the argument between Bet Shammai and Bet Hillel about where should the person put the cloth napkin with which he wipes his hands after washing them, on the table, or on the chair. Our Tosefta adds reasons for that argument.

2. The regular Hebrew word for a chair is כֶּסֶת (Kiseh). The word כֶּסֶת (Keset) really means “a soft cushion”. Since in Talmudic times they ate while reclining on beds, the beds were covered with soft cushions. However, for all practical purposes the cushion would be identical in this case to a chair since it is something the person is sitting on top of, therefore in all notes below I referred to it as a chair.

3. For the rules of Tumah (ritual impurity), why unwashed hands are Tameh and why liquids make objects Tameh see above Tosefta 5:14, note 2. As was explained previously in Tosefta 5:26, note 4, Bet Shammai hold that a person is not allowed to eat with his hands being Tameh, because of a Rabbinical decree. So if he would put the cloth napkin which became wet from him wiping his wet hands on it on to the chair, the chair which possibly may be Tameh on the second level of impurity (Sheni Letumah) will make the liquid inside it Tameh. People generally would use such Tameh chairs, because they cannot make anything else of importance Tameh, such as people or other utensils. The only thing that can become Tameh from such a chair is a liquid, since when liquids touch Sheni Letumah they become Rishon Letumah. However, the table cannot be Tameh, because Bet Shammai hold that people are not allowed to eat on a Tameh table, even if it is only Sheni Letumah, because may be they will eat Terumah (heave offering) on it and Terumah can become Tameh on a Third level of
impurity (Shlishi Letumah), as I explained earlier in Tosefta 5:14, note 2.

4. Bet Hillel hold that he should put the napkin on the chair and not on the table as they say in the end of this Tosefta. They hold that a person is allowed to use a Tameh table which is Sheni Letumah, since only Kohanim eat Terumah, but not most people who only eat Chulin. See Talmud Bavli (Berachot 52b). Also, it is only a doubt if the cloth napkin can actually make something else wet again, because it does not really have that much water in it. Bet Hillel hold that in the case of a doubt the Rabbis did not decree that liquids which become Rishon Letumah can make hands Tameh (see Mishna Taharot 4:7) and therefore the wet cloth napkin will not make his hands Tameh even if it touches the Tameh chair. However, Bet Hillel hold that even in the case of a doubt liquids which become Rishon Letumah can still make food Tameh, therefore it is better to keep the cloth napkin on the chair instead of the table, far away from the food.

5. Talmud Bavli (Berachot 52b) as interpreted by Rashi (Berachot 52b, Afilu) explains that the reason that Bet Hillel add a second reason to their opinion is in order to refute Bet Shammai, even if they would theoretically agree to them that people cannot use a Tameh table. Bet Hillel are saying to Bet Shammai that even if the table is Tahor it is still better to put the cloth napkin on the chair and not on the table. The reason is that it is possible that someone will use a Tameh table which is Sheni Letumah, even though they are not allowed, and then the water in the napkin will make the food on the table Tameh. Since by Torah law there is no such thing as Tameh hands, because by Torah law only the person’s whole body can be Tameh, but not separate body parts, but there is such a thing as food becoming Tameh, we should be more concerned with the remote possibility of the food becoming Tameh and not the hands. It should be noted that this reasoning is just a logical derivation of why we should be concerned with the food possibly becoming Tameh as opposed to the hands. Both cases here are based on Rabbinical prohibitions since the whole concept of liquids becoming Tameh from something that is Sheni Letumah is a Rabbinical decree, so it really has nothing to do with Tumah by Torah law.
Bet Shammai say, “[After the meal is over] we sweep the house [in order to clean up the bread crumbs that fell on the floor], in order to [prevent] the destruction of food, and [only] after that we wash hands [after the meal].”\(^2\) And Bet Hillel say, “If there is a waiter there, who is a Talmid Chacham (a Torah scholar),\(^3\) who picks up [all of] the crumbs that are the size of a Kezait (olive size), [then first] we wash hands [after the meal] and [only] then we sweep the house [from the crumbs].”\(^4\)

Notes:

1. Mishna Berachot 8:4 mentions the argument between Bet Shammai and Bet Hillel regarding what should be done first at the end of the meal, sweeping the house from bread crumbs or washing the hands after the meal (Mayim Acharonim). Our Tosefta adds reasons for that argument. The law of Mayim Acharonim was already explained earlier in Tosefta 5:14.

2. It is disrespectful to food when it is left on the floor where people can step on it. Therefore prior to leaving the dining room, it needs to be swept to remove all of the food that fell on the floor. Bet Shammai hold that the house should be swept from dropped food before washing the hands after the meal, because if people would start washing hands while the food is laying on the floor they may spill some water on the floor and that will make the food that is there disgusting, thus disrespecting it.

3. The reason that the waiter has to be a Talmid Chacham is because he has to be aware of this law that crumbs larger than a Kezait must be
picked up. If he is uneducated then he would not know to do this and will leave them lying around.

4. Bet Hillel hold that since the waiter will pick up by hand all of the bread crumbs that are larger than a Kezait before people are ready to wash Mayim Acharonim, we do not need to worry about water spilling on the floor and making the food disgusting. Bet Hillel hold that spilled water can only make disgusting pieces of bread that are larger than a Kezait. Crumbs that are smaller than that or other types of food do not become disgusting from spilled water. However Bet Shammai hold that any type of food of any size will become disgusting by having water spilled on it and therefore should be cleaned up first. Obviously Bet Hillel would agree to Bet Shammai that if there is no waiter there or the waiter is an Am Haaretz (a person uneducated in Torah law) then the house should be swept first and only then people should wash Mayim Acharonim, since some water may spill on pieces of bread larger than a Kezait and make them disgusting. Talmud Bavli (Berachot 52b) points out that Bet Hillel in fact hold that in general people are not allowed to use a waiter who is an Am Haaretz, but rather they must use a Talmid Chacham (i.e. a Chaver). For an explanation of what Chaverim were see above Tosefta 5:14, note 2.

It is important to note that it is apparent from the Tosefta that for some reason Bet Hillel would prefer in an ideal situation that everyone should wash Mayim Acharonim before the house is swept. Some commentators (see Pnei Moshe and also Perush Mibaal Sefer Chareidim on Talmud Yerushalmi (Berachot 8:4, Daf 60a, Im Hashamesh)) say that really Bet Hillel do not have a preference for Mayim Acharonim to be washed before the house is swept. All they are saying is that a person is allowed to wash Mayim Acharonim before the house is swept if he wants to, but he may do it the other way around as well. I do not agree with this explanation, because from the language of the Tosefta and even from the Mishna (Berachot 8:4) it is apparent that Bet Hillel insist that this must be the order and not the other way around. I would guess that the reason Bet Hillel insist on washing the hands before sweeping the house is because it was more proper as far as the meal etiquette is concerned. Washing Mayim Acharonim and saying Birkat Hamazon is a part of the meal itself, but
sweeping the house is not a part of the meal, therefore in an ideal situation it would more appropriate to complete the meal and only then sweep the house.

Tractate Berachot, Chapter 5

Tosefta 30

[If a person was brought by the waiter wine and perfumed oil at the end of the meal,] Bet Shammai say, “He should hold the cup of wine in his right hand and perfumed oil in his left hand. [Then] he should say the Beracha (blessing) on the wine, and after that [he should make the Beracha] on the oil.” And Bet Hillel say, “He should hold the perfumed oil in his right hand and the cup of wine in his left hand. [Then] he should say a Beracha on the oil and smear it onto the head of the waiter, [if the waiter was in fact an Am Haaretz (a person uneducated in Torah law). However,] if the waiter was a Talmid Chacham (Torah Scholar) [then] he should smear it onto the wall, because it is not praiseworthy for a Talmid Chacham to go out perfumed.”

Notes:

1. The Tosefta mentions another argument between Bet Shammai and Bet Hillel about the laws of a meal. It is not related to any Mishna.

It should be noted that the text of the Tosefta printed in the back of Talmud Bavli is not correct and it reverses the words in both of the opinions of Bet Shammai and Bet Hillel. I have corrected the text the way it appears in all Tosefta manuscripts and in Talmud Yerushalmi
2. Literally, “spiced oil”. It was very common in both Biblical (see Devarim 28:40, Shmuel II 14:2, Yechezkel 16:9, Micha 6:15, Tehillim 104:15, Tehillim 141:5, Rut 3:3) and Talmudic times to use oil as a cosmetic and rub it on the head and the limbs, whether after bath or just because. Oil used in this way was usually olive oil scented with various spices, especially balsam (אפרסמון) in Aramaic, see Talmud Bavli (Berachot 43a)). It was made by soaking a stick of balsam tree in olive oil for a long time until the oil absorbed the smell of the balsam. See Meiri (Bet Habechira, Berachot 43b, Shemen Aparsamon). Nowadays it is still common to see Arabs using perfumed oil in this way. I have seen them rub it on the head, neck and arms, myself here in Israel. Perfumed oil was kept in jars or vials (not boxes) made of alabaster. See International Standard Bible Encyclopedia of 1915 (entry Ointment).

3. The reason that the perfumed oil was brought was in order to rub it on his hands to remove the grease from the food that he ate. See Talmud Bavli (Berachot 53a and Rashi, ibid., Veshemen) The reason that the wine was brought is disputed. According to Rashi (Berachot 53a, Veshemen, Ein Mevarchin Alav) and the Raavad (Note on the Rambam, Hilchot Berachot 7:15) the oil and the wine were brought to him in the end of the meal not in order to say Birkat Hamazon (Grace After Meals) over it, but rather just a regular cup of wine to drink. The Rambam (ibid.) however says that this wine was specifically the cup of wine which was brought in order to say Birkat Hamazon over it and that the person held both the oil and the wine while saying Birkat Hamazon. I think what may have prompted the Rambam to explain it this way is because right before they said Birkat Hamazon they washed hands with water to remove the salt as was explained above in Tosefta 5:14, note3. So it would not make sense that he would rub the oil before washing his hands, because then the oil would get washed off.
by the water and there would be no need to rub it on the waiter’s head or the wall as Bet Hillel say in the end of this Tosefta. Therefore the Rambam was pushed to say that they must have used this oil after they washed hands, and since there were no interruptions allowed between washing hands at the end of the meal (i.e. Mayim Acharonim) and saying Birkat Hamazon, it must mean that he rubbed the oil after Birkat Hamazon and the wine was the wine over which Birkat Hamazon is said. Rashi and Raavad do not make as much sense in the context of the official etiquette of the meal in Talmudic times, because they do not necessarily restrict their explanation to the etiquette, but rather make it more generic and applicable even to a meal that did not follow the strict etiquette, where the person may not have eaten the salt at the end of the meal, therefore not being required to wash his hands, and therefore could use the oil before Birkat Hamazon was said.

4. Since Bet Shammai hold that the Beracha should be first said on the wine, the wine should be held in the right hand to show that it was more important than the oil. Bet Hillel who hold that the Beracha should be made on the oil first said that he should hold the oil in his right hand.

5. The Beracha for wine is Borei Pri Hagafen as was already explained earlier in Tosefta 4:2, note 6.

6. There was a special Beracha for anointing oneself with perfumed oil. See Talmud Bavli (Berachot 43a). It was:

ברוך אתה ה' אלהינו מלך העולמים בורא שםعر.

Blessed are You Hashem, our God, King of the world, Who created perfumed oil.

It is interesting to note that if one would anoint oneself with such oil today he would have to say this Beracha prior to anointing himself. From the language of the Beracha it would seem that it should not be said over regular perfume simply because it mentions perfumed oil specifically by name and does not generalize to all kinds of perfumes. However this can be up for discussion.
7. The reason for the argument between Bet Shammai and Bet Hillel according to the version of their opinions in this Tosefta is unclear. According to the version quoted in Talmud Bavli (Berachot 43b) where their opinions are reversed, we could say that Bet Hillel hold that he should make the Beracha on the wine first because it is a more common Beracha, as Bet Hillel already said earlier in Tosefta 5:25. However, in our Tosefta it is Bet Shammai who say that the Beracha on the wine should be made first, so we cannot explain that their reasoning is due to the fact that it is more common. I would like to propose an explanation of their argument based on the text in our Tosefta. Bet Shammai hold that the Beracha on the wine should be said first, because it is the wine that causes him to use the oil, similar to Bet Shammai’s opinion earlier in Tosefta 5:25. Since the reason he is using the oil is to remove the grease from his hands, he might end up spilling some wine over his hands and therefore he would need the oil to remove the spilled wine. However Bet Hillel hold that the Beracha on the oil should be said first, because in the verse in the Torah that mentions the seven species for which the Land of Israel is blessed (Devarim 8:8), the word “oil” is closer to the word “land” as compared to the word “vine” which gives it priority. See Talmud Bavli (Berachot 41b). For a discussion how Bet Hillel according to the text in Talmud Bavli (which has their opinion stated in the opposite fashion) would refute this reasoning see the commentary Male Haroim (Berachot 43b), printed in the back of Talmud Bavli.

8. Nowadays this seems to be extremely insulting to wipe one’s hands with oil on them on someone else’s head. However in Biblical and Talmudic times it was a sign of great honor to the person to have his head smeared with perfumed oil. One way of showing honor to a guest was to anoint his head with oil. See Tehillim 23:5. This custom was not only prevalent in ancient Israel, but also in Egypt (see Eugen Strouhal, Werner Forman, “Life of the ancient Egyptians”, Editorial Galaxia, 1992, p.133), and I would guess all over the Mediterranean region, although I do not have a source for that. Therefore I would assume that the reason Bet Hillel recommended to wipe the hands with perfumed oil on the head of the waiter was to show great honor to the waiter. It was similar to giving the waiter a tip for good service.
9. See above Tosefta 5:29, note 4, for a discussion of Bet Hillel’s opinion that only a Talmid Chacham waiter should be used if possible.

10. It is kind of strange that Bet Hillel recommended smearing his hands on the wall of the house and not on a napkin. I would guess that they only had one napkin per guest and by the end of the meal the napkin was already dirty, because he used it during the whole meal to wipe his dirty hands. Obviously they did not view wiping perfumed oil on the wall as something that would be damaging to the looks of the house. It is also possible that what Bet Hillel are saying is not that he should wipe his hands on the wall as his first choice, but even if he has nothing else to wipe them on and his only option is to wipe them on the wall, it is better to do that then walking outside smelling with perfume.

11. Talmud Bavli (Berachot 43b) explains that the reason why a Torah scholar should not walk outside perfumed is because it may appear like he is a homosexual and is trying to attract other men. Walking around perfumed was looked down upon not only by the Rabbis, but also by the Romans (see Aulus Gellius, Attic Nights 6.2, 5, Loeb ed. 2., p.59; Pliny, Natural History, 12 (5) 24, Loeb ed. 4, p.113). Josephus (The Jewish War 4.9.10 [561-562], Loeb ed. 3, p.167) writes that the only people who were well perfumed among Jews were the Zealots, who “indulged in effeminate practices.” Walking in public perfumed for men was considered to be extravagant, effeminate and indicative of homosexual tendencies. For a more detailed discussion on this and other references on this matter see Daniel Sperber, “A Commentary on Derech Eretz Zuta”, Bar-Ilan University Press, 1990, 6:1, pp.53-54.

Tractate Berachot, Chapter 5

Tosefta 31

Rebbi Yehudah said, “[If a person is eating a meal on Saturday night before the end of Shabbat and now he is done eating and has to say Birkat Hamazon (Grace After Meals) and Havdalah,]" Bet Shammai and Bet

הספתא לא

טוספתא לא

עַםְרַה רֵבִּי יְהוּדָה לֵא נֶחְלְקוּ בֵּית הַמָּזוֹן בִּרְכַּת בַּתְּחִלָּה שֶׁהִיא עַל הַבְדָלָה שֶׁהִיא בָּסֹף. על מָה נֶחְלָקוּ? על מָאוֹר עַל הַבְדָלָה שֶׁהִיא בָּסֹף. על מָה נֶחְלָקוּ בֵּית שֶׁהִיא עַל הַבְדָלָה שֶׁהִיא בָּסֹף.
Hillel do not argue about Birkat Hamazon which should be [said] first and Havdalah which should be [said] last.³ [So] what do they argue about? About the [order of the Berachot (blessings)] on [seeing] the light [of fire] and on [smelling] the spices [in Havdalah itself]. Bet Shammai say [first he makes the Beracha on seeing the] fire and [only] after that [he makes the Beracha on smelling the] spices, and Bet Hillel say [first he makes the Beracha on smelling the] spices and [only] after that [he makes the Beracha on seeing] the light [of fire]."⁴

Notes:

1. Mishna Berachot 8:5 mentions an argument between Bet Shammai and Bet Hillel about the order in which Birkat Hamazon and the Berachot of Havdalah should be said at the conclusion of Shabbat. Bet Shammai say that the order should be first the Beracha on the fire, then Birkat Hamazon, then on the spices, and then the Beracha of Havdalah itself. Whereas Bet Hillel say that first he says the Beracha on the fire, then on the spices, then Birkat Hamazon and then the Beracha of Havdalah itself. Our Tosefta quotes the opinion of Rebbi Yehudah who says that that is not the argument between Bet Shammai and Bet Hillel, but rather it is as our Tosefta describes it.

2. Just like a person is obligated to say Kiddush in the beginning of Shabbat (see above Tosefta 5:25, note 10) so too he is obligated to say Havdalah at the end of Shabbat. It is an argument between the Rishonim (Medieval authorities) if the obligation to say Havdalah verbally is a Torah obligation or a Rabbinical obligation. See Rambam (Hilchot Shabbat 29:1 and Maggid Mishna there). However everybody agree that Havdalah over a cup of wine is a Rabbinical obligation. The Rabbis have decreed that at the end of Shabbat a person has to say 4 Berachot as a part of Havdalah, as will be
mentioned in the next Tosefta. The Beracha on wine, the Beracha on smelling the spices, the Beracha on a fire (a lit candle with multiple wicks) and a Beracha of Havdalah itself which mentions how God has separated between the holy and the mundane.

3. Bet Shammai and Bet Hillel agree that a person can complete his meal first by saying Birkat Hamazon and only after that he needs to say Havdalah. The person does not need to interrupt his Shabbat day meal which has continued into the night in order to say Havdalah, but rather he can continue eating until he is done. In this way Havdalah is different from Kiddush on Friday night which does require an interruption of the Friday afternoon meal, as has been already mentioned in Tosefta 5:1. The only thing that they argue about is the order of 2 out of the 4 Berachot during Havdalah itself. They agree that the Beracha on the wine should be said at the beginning of the Havdalah procedure and the Beracha of Havdalah itself should be said in the end of the Havdalah procedure. They argue about the order of the 2 Berachot that are said in the middle of Havdalah, namely the fire and spices.

It should be noted that neither the Tosefta, nor the Mishna explicitly say that the Beracha on the wine is said first and the Beracha of Havdalah itself is said last, however this is implied by the fact that since Birkat Hamazon was said first, there was a Beracha at the end of it on the wine, which would serve its purpose for Havdalah as well. See above Tosefta 5:7, note 2. And when the Tosefta says the word “Havdalah which should be [said] last” it is not just referring to the general procedure of Havdalah which includes in it all 4 Berachot, but rather it is referring to the Beracha of Havdalah specifically which is the last Beracha out of the 4. Rashi (Berachot 51b, Ner U'mazon) explains that the reason Bet Shammai and Bet Hillel include Birkat Hamazon into their argument about Havdalah is because they are talking about a case where there is only 1 cup of wine and it needs to be used both on saying over it Birkat Hamazon and Havdalah, so that is a further proof to the implication that when the Tosefta says that Birkat Hamazon is said first that includes the Beracha over the wine.

4. According to Bet Shammai the order of the Berachot of Havdalah is as follows: 1) Wine 2) Fire, 3) Spices, 4) Havdalah itself. And according to Bet
Hillel the order is as follows: 1) Wine 2) Spices, 3) Fire, 4) Havdalah itself. The reason for the argument is based on their earlier opinions mentioned in Tosefta 5:25. Bet Hillel hold that the Beracha on smelling the spices is more common since it is something people do every day, as opposed to the Beracha on seeing the fire which is only said at the end of Shabbat, therefore the Beracha on the spices should be said first. But Bet Shammai hold that since the Beracha for seeing the fire is caused by the fact that it is the end of Shabbat, it should be said first and only after that the Beracha on the spices should be said since the whole reason for smelling spices during Havdalah is to make the person feel better about the fact that Shabbat is over and now he has to go to work. See Rambam (Hilchot Shabbat 29:29) and Maggid Mishna (ibid.). So once the person has been reminded by the fire that Shabbat is over and he can now do work, he can now smell the spices to make himself feel better about that fact.

Tractate Berachot, Chapter 5

Tosefta 32

[A person] who comes home on Motzaei Shabbat (Saturday night) says a Beracha (blessing) on the wine, and on [seeing] the light [of fire], and on [smelling] the spices, and [then] he says [the Beracha] of Havdalah [itself, as a part of the Havdalah procedure]. And if he only has one cup of wine, he should leave it for after the [end of] the meal, and he says all of the [four Berachot of Havdalah] in order after [he finishes saying Birkat Hamazon (Grace After Meals)]. And [in general] he says Havdalah [on the following days:] on Motzaei Shabbat (Saturday night), on Motzaei Yom Tov (Evening at the conclusion of Yom Tov), Motzaei Yom Kippur (Evening at the conclusion of Yom Kippur), on
Motzaei Shabbat which falls out on Yom Tov,\textsuperscript{12} and on Motzaei Yom Tov which falls out on Chol Hamoed (intermediate days of Pesach and Sukkot).\textsuperscript{13} [A person] who is used to [saying Havdalah]\textsuperscript{14} says many proclamations of separation [in the final Beracha of Havdalah itself] and [a person] who is not used to [saying Havdalah] says [only] one or two [proclamations of separation in the final Beracha of Havdalah itself].\textsuperscript{15,16}

Notes:

1. The Tosefta continues with the discussion of Havdalah from the previous Tosefta. It is a little strange that this Tosefta comes after the previous one. Their order should have been reversed since this Tosefta introduces the procedure of Havdalah, where as the previous Tosefta mentioned details about it.

2. When the person comes home from praying Maariv (the Evening Prayer) in the synagogue on Saturday night he is supposed to say the Havdalah procedure which consists out of 4 Berachot.

3. The Beracha on the wine is Borei Pri Hagafen, as was mentioned previously in Tosefta 4:2, note 6.

4. Mishna Berachot 8:5 mentions an argument between Bet Shammai and Bet Hillel about what the Beracha on seeing the fire is. Bet Shammai say that the Beracha is:

\begin{center}
בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם שֶׁבָּרָמְא אוֹ הָרֵא שֶׁבַּעֲצֵר
\end{center}

Blessed are You Hashem, our God, King of the world, Who created the light of fire.

And Bet Hillel say that the Beracha ends on the words:

\begin{center}
בּוֹרָא מָאַוְּר הַאָשׁ.
\end{center}
Who creates the lights of fire.

The reason for their argument is explained in Talmud Bavli (Berachot 52b). Bet Shammai hold that the candle over which he makes this Beracha needs to consist only of one wick and therefore the wording of Beracha is in the singular form – “the light of fire”, where as Bet Hillel hold that the candle must consist of at least two wicks so it looks like a torch and therefore the wording of the Beracha is in the plural form – “the lights of fire”. The Talmud Bavli downplays the fact that they also use the words “who created” in either present tense or past tense, and says that either wording refers to the past tense and is equivalent. Talmud Yerushalmi (Berachot 8:5, Daf 60a) adds that Bet Shammai use the expression of Asher Bara (who created) instead of Borei (who creates) in all Berachot that have the language of creation in them, such as the Berachot over the wine, fruits, vegetables, and cookies.

The reason for making this Beracha altogether after Shabbat is explained in Talmud Bavli (Pesachim 53b) and in Talmud Yerushalmi (Berachot 8:5, Daf 60b), that since God began to create light at night of the first day of creation, (see Bereishit 1: 3) which is Saturday night, we commemorate that event by making a Beracha on the fire. Pnei Moshe (Talmud Yerushalmi, Berachot 8:5, Daf 60b, Shekvar) adds that what the Talmud might mean by the statement that “on Saturday night is the beginning of the light’s creation” is that the light simply has not been lit for the whole day of Shabbat (and Yom Kippur as well) and therefore since after it is over we can light fire once again it is as if it was created all over again, thus this Beracha on the light of the fire is not simply made as a commemoration, but rather as a reminder that we can do work once again.

5. There are a few different types of Berachot on smelling different types of spices and other good smelling things. See Talmud Bavli (Berachot 43a-43b). Theoretically any one of them can be said during Havdalah depending what kind of an object the person is using to smell. The most common Beracha that is made is the generic Beracha on smelling spices, which is:
Blessed are You Hashem, our God, King of the world, Who creates different kinds of spices.

The reason that the spices are smelled during Havdalah is explained by the Rambam (Hilchot Shabbat 29:29) and Maggid Mishna (ibid.) is that on Saturday night people are sad about the fact that Shabbat is over and that now he has to go back to work, so in order to uplift our spirit we smell something that smells good.

6. The Beracha of Havdalah (literally: separation) mentions in it different things between which God has made a separation, such as between holy and mundane, between light and darkness (see Bereishit 1:4), between the Jewish people and other nations, and between the day of Shabbat and other six days of the weeks.

7. This is essentially a repetition of the statement of Rebbi Yehudah in the previous Tosefta that everyone agrees that Birkat Hamazon should be said first. Our Tosefta simply clarifies why someone would be saying Birkat Hamazon right before Havdalah. If a person was eating at the end of Shabbat and only had one cup of wine, he should use that cup of wine for both, to say Birkat Hamazon over it and then immediately after that for Havdalah.

8. The Tosefta now lists all occasions on which Havdalah must be said. All of these days have one thing in common that the day that is over had a higher level of holiness than the day which began after it and therefore Havdalah is required. However if the day that was over was more mundane than the day which began after it Havdalah is not required. It should be noted, that the procedure of Havdalah is not the same on these days. For example, the Beracha on seeing the fire is made only at the conclusion of Shabbat and Yom Kippur, but not any other Yom Tov. The Beracha on smelling the spices is only made at the conclusion of Shabbat. And the text of the Beracha of Havdalah itself varies depending if it is said on a mundane day or on Yom Tov at the conclusion of Shabbat. Our Tosefta does not discuss any of these variations; it simply says that the procedure of Havdalah is said in some kind of form on all of the mentioned days.
9. This is referring to a regular Saturday night on which the Havdalah is said to separate between the holy day of Shabbat and a regular weekday.

10. This is referring to the night at the conclusion of any Torah holiday, besides Shabbat and Yom Kippur, such as Pesach, Shavuot, Rosh Hashanah, Sukkot and Shemini Atzeret.

11. Yom Kippur is mentioned separately from all other Yamim Tovim, because the level on which work is prohibited on Yom Kippur is the same as on Shabbat as opposed to all other Yamim Tovim when cooking is permitted. Plus Yom Kippur has additional prohibitions on it such as eating, drinking, wearing leather shoes, anointing the body, and having sexual relations. It is for this reason that the Torah calls Yom Kippur, Shabbat Shabbaton – the Shabbat of all other Shabbatot. See Vayikra 16:31.

12. This is referring to when Yom Tov falls out to be on Sunday. Since Yom Tov is of a lower level of holiness than Shabbat, because it has less prohibitions of work (cooking and anything related to it is permitted), Havdalah is required to be said.

13. Chol Hamoed are the intermediate days of Pesach and Sukkot, on which most work is permitted although there are still some restrictions with regard to work. Since Chol Hamoed is of a lesser level of holiness than Yom Tov Havdalah is required. Yom Tov that concludes on Chol Hamoed, such as the 1st day of Pesach and the 1st day of Sukkot, is mentioned separately than Yom Tov that concludes on a regular weekday, because Chol Hamoed still has some level of holiness to it due to some prohibition of work, where as a regular weekday does not have any holiness to it.

14. Meaning a person who is fluent in saying the main Beracha of Havdalah and can say it clearly without stumbling.

15. As was mentioned above in note 6, in the main Beracha of Havdalah many different expressions of separation are mentioned. A person who is fluent in saying Havdalah should say many expressions of separation - more than 2. But a person for whom it is difficult to say
Havdalah, because he is not used to saying it himself, but rather he always hears it from someone else, the Rabbis did not require him to say many such expressions, but only 1 or 2. We find a similar requirement made by the Rabbis with regard to the prayer of Shemoneh Esreh. See Berachot, Mishna 4:3, where Rebbi Akiva says that if a person is fluent in praying Shemoneh Esreh he should pray the whole thing, but if it is difficult for him then he should only say a part of it. The reason for different requirements in prayer for people who are fluent and people who are not is explained in Mishna Berachot 5:5. The Mishna says that if a person makes a mistake in prayer it is a bad sign for him, meaning that God does not listen to his prayer. Therefore the Rabbis tried to help people eliminate potential mistakes in prayer, thus requiring those who were not fluent in praying to say the bare minimum and nothing extra. It should be noted that in Talmudic times there were no written prayer books and all prayers were said by heart and therefore people were much more prone to making mistakes. Whereas nowadays when everyone has a printed prayer book people can just read their prayers without memorizing them, thus eliminating most mistakes. For this reason these rules do not apply nowadays and all people regardless of how fluent they are or not in prayers say the standard text for Shemoneh Esreh and Havdalah as printed in the Siddur (the Jewish Prayer Book). It should be noted that Talmud Bavli (Pesachim 104a) mentions a lot more expressions of separation that should be said in Havdalah than the 4 expressions that we are accustomed to saying. There are 4 additional expressions besides the 4 that we are accustomed to saying, mentioned by the Gemara.

16. It is always peculiar when the Tosefta uses the expression “one or two”. Obviously if only one is enough, why say “or two”. When this Tosefta is quoted in Talmud Bavli (Pesachim 104a) the words “or two” are missing. I think what the Tosefta is trying to say is that a person who is not fluent in saying Havdalah should say as many expressions of Havdalah as he is possibly capable of saying without making a mistake. The bare required minimum is to say one. However if he is fluent in saying more than one he should say more than one. Therefore the
Tosefta says “or two”, implying that if he can say two without making a mistake, he should say two.

Tractate Berachot, Chapter 5

Tosefta 33

[If people were sitting together on Motzaei Shabbat (Saturday night) in the Bet Hamidrash (study hall for learning Torah)] and they had to say Havdalah, Bet Shammai say, “One person should say the Berachot (blessings) of the whole procedure of Havdalah] for all of them.” And Bet Hillel say, “Every person should say the Berachot of the whole procedure of Havdalah] for himself.”

Notes:

1. The Tosefta mentions another argument between Bet Shammai and Bet Hillel regarding Havdalah. It is not related to any Mishna.

2. The Tosefta is specifically referring to the Bet Hamidrash and not to any other public place where many people have gathered together, because in a different public place Bet Shammai and Bet Hillel would not be arguing about this law, as will be explained below in note 5.

3. Since the Tosefta does not specify what law specifically it is talking about it makes sense to explain it in the context of the previous Tosefta that it is talking about Havdalah in general. Talmud Bavli (Berachot 53a) quotes a Beraita that sounds very similar to this Tosefta, except that the opinions of Bet Shammai and Bet Hillel are reversed in it, that says specifically that it is talking about the Beracha on seeing the fire and not about any other Berachot of Havdalah. However it is not necessary to constrict the Tosefta to that meaning specifically since the reasons for each of the opinions apply to any kind of Beracha and not to Havdalah specifically.
4. The reason for Bet Shammai’s opinion is explained in Talmud Bavli (Berachot 53a), that we have a principal of Berav Am Hadrat Melech (based on the verse in Mishlei 14:28) – In the multitude of the nation the king is glorified. This principal means that it is always better to do a commandment when there is a large gathering of people and involve all of those people in participating in the performance of that commandment. Therefore it is better for one person to say Havdalah for everyone and have all the people answer Amen to each Beracha, than each person say the Beracha for himself.

5. Bet Hillel, however, disagree, specifically since this is taking place in the Bet Hamidrash. The reason is that if one person would say Havdalah for everyone then everyone would have to stop learning Torah and listen to the leader, and that is called Bitul Bet Hamidrash – idling in the Bet Hamidrash, which is a great offense as was considered by the Rabbis. Therefore, Bet Hillel say that it is better for each person to say Havdalah individually, because then people will say it at different times and at any given time someone will be learning Torah. They hold that it is more important that Torah is learned continuously in the Bet Hamidrash than a public performance of a commandment. Obviously if this would be taking place at some other public place where Torah is not learned all day long, then Bet Hillel would agree to Bet Shammai that it is better for one person to say Havdalah for everyone since it will be a public performance of a commandment.

Tractate Berachot, Chapter 5

Tosefta 34

[If it was time to make Havdalah and a person] had a candle that was hidden in its case or inside a lantern. 

[If] he [can] see the flame [of the candle], but he [can] not use its light, 

[or] he [can] use its light, but he [can] not see the flame [of the candle, then] he should not say a Beracha (blessing) [on seeing the light of the
fire], until he [can] see the flame [of the candle] and he [can] use its light.7

Notes:

1. Mishna Berachot 8:6 states that a person should not make a Beracha on the light of the fire during Havdalah if he cannot receive any benefit from the fire. Our Tosefta expands on that law.

2. The word written in all Tosefta manuscripts and in most manuscripts of Talmud Bavli (Berachot 53b) and Talmud Yerushalmi (Berachot 8:6, Daf 60b) which quote this Tosefta is חיקו (Cheiko) which means “his lap” or “his bosom”, which refers to the folds of his clothing (see Rashi, Beitza 13b, Letoch Cheiko). Obviously this reading does not make any sense, because if someone would place a candle in his lap or in the folds of his clothing the person’s garment would catch on fire. This fact is so trivial that there is a verse in Mishlei (6:27) that says, “If a man stokes fire in his bosom, will his clothes not burn?” Due to this problem I have amended the reading in this Tosefta based on a variant reading in Talmud Yerushalmi (Berachot 8:6, Daf 60b) from the edition of tractate Berachot by Rabbi Marcus (Meir) Lehmann (Der Talmud Jeruschalmi. Traktat Berakot. Text mit dem zum Ersten Male nach einer in Palästina Aufgefundenen Handschrift Herausgegebenem Commentare des R. I. Syrelei, 1874), which is also printed along with the commentary of Rash Sirillio in all modern editions of Talmud Yerushalmi, which reads תיקו, meaning “its case”. The Hebrew word Tik comes from a Greek word, θήχη (Teke), which means a case or a sheath. This reading makes a lot more sense, and means that the candle was placed in some kind of a candle holder the walls of which extended above the flame thus concealing it from direct sight. It is also plausible that the common reading that says Cheiko, does not mean his lap, but rather means “a cavity” as it is sometimes used (see Talmud Bavli, Menachot 97b and Eruvin 4a), therefore also referring to some kind of a candle holder that encases the candle.

3. The Hebrew word פנס (Panas) comes from the Greek word φανόζ (Fanoz) which means “a lantern”. It is referring to a lamp with a handle inside of which the candle would be inserted so that it does not get
blown out by the wind. This lamp had a handle on top and a door that opened on the side through which the candle was inserted. The person who was holding it in his hand could not see the flame itself because it was covered by the lid unless he lifted it up directly in front of his eyes so he could look at it from the side. The light from the candle emanated from the sides of the lantern. In Talmudic times these types of lamps were usually made out of clay, bronze, animal horn, and animal skins, and had holes punched through its sides so that the light could emanate from them. It should be noted that Rashi (Berachot 53b, Bepanas) translates the word Panas as Ashashit (Ashashit), which means “a glass ball”. This seems to be incorrect, because the next Tosefta quotes Ashashit as something different from a Panas and implies that you can always see the flame of the candle when it is sitting inside of an Ashashit. This is also pointed out by the Rashba (Berachot 53b, Haita Ohr). Ashashit is a type of a candle holder which looks like a glass ball with a hole on top through which the candle is inserted. The handle on this glass ball is on the bottom, therefore there is nothing obstructing the flame from the view of the person when he is holding it.

Clay Lantern from the Middle Hellenistic Period, 2nd Century BCE, The Graeco-Roman Museum in Alexandria, Egypt. This is probably what the Tosefta refers to by Panas.

Modern Hurricane Lamp. This is probably what the Tosefta refers to by Ashashit.
For more information about different types of lanterns used during the Talmudic times see William Smith, “Dictionary of Greek and Roman Antiquities”, London, 1890, p.669, entry Laterna.

4. It is an argument between Rav and Rava in Talmud Bavli (Berachot 53a) if the Tosefta means that he literally must be staring at the candle and literally must be using its light that moment or it means that he is capable of seeing the light if he would look at it and he could use it if he wanted to, but he does not have to be staring at it literally. I have chosen to explain the Tosefta like the opinion of Rav, who says that he merely has to be capable of seeing the flame and capable of using its light and not literally be using it that moment, because that seems to make more sense as the simple meaning of the Tosefta, although I have to admit that from the literal language of the Tosefta it seems to mean that he is actually using it and looking at it right then and there. Therefore I have put the word “can” in square brackets to emphasize that it is my addition to the literal translation.

5. Talmud Bavli (Berachot 53b) says that an example of this would be if the candle is flickering, because it is about to go out. So the flame is still visible, but the light itself is useless since it is flickering and does not clearly illuminate everything around it.

6. Talmud Bavli (Berachot 53b) says that an example of this would be if the candle is placed around the corner of a wall from where the person is standing or inside a lantern which is covered in a way that when a person holds it he cannot see the flame itself. However the light of the candle still shines from the sides of the lantern and illuminates everything around.

7. The reason that he has to be able to do both, see the flame itself and be able to use the light, in order to make a Beracha on it is explained in the Midrash (Bereishit Rabbah 3:6) and in Talmud Yerushalmi (Berachot 8:6, Daf 61a). The Rabbis derived it from a verse in the Torah (Bereishit 1:4), “And God saw that the light was good, and God divided between light and darkness.” We see from the verse that God did two separate actions with the light - He looked at it, and He divided it. Since the whole point of saying a Beracha on seeing the
light during Havdalah is to commemorate the creation of light by God, as was explained above in Tosefta 5:32, note 4, it makes a lot of sense to do the same type of actions as God did when He created light. Based on this reasoning the opinion of Rava that he actually must see the flame and use the light makes more sense, because that would be imitating God’s creation of light more directly. Rav however holds that since this is just a commemoration and not an actual recreation it is sufficient to just be able to see the flame and be able to use the light theoretically, but not be actually using it that second.

Tractate Berachot, Chapter 5

Tosefta 351

[If it was time to make Havdalah and a person had] a glass ball [candle holder with a candle burning inside it], even though it was not put out [since when it was lit before Shabbat, the person] can still say a Beracha (blessing) [on seeing the light of the fire] on it. We do not say a Beracha [on seeing the light of the fire during Havdalah] on a candle of Non-Jews.4 [However, if] a Jew lit [a candle] from [another candle] of a Non-Jew5 or a Non-Jew lit [a candle] from [another candle] of a Jew, [then] we do say a Beracha [on seeing the light of the fire during Havdalah] on it.6 From when do we say a Beracha on it? From when it gets dark.7 [If a person] did not say a Beracha [on seeing the light of the fire during Havdalah] when it got dark, he can still say [that] Beracha the whole night [of Saturday night].8 [If a person] did not say a Beracha [on seeing the light of the
fire] the whole night [of Saturday night], he [can] not say the Beracha [on seeing the light of the fire] anymore.\(^9\)

Notes:

1. The Tosefta continues with the discussion from the previous Tosefta of what kind of fire can the Beracha on seeing light be said during Havdalah and it also expands on the statement in Mishna Berachot 8:6 that a person cannot say a Beracha on a candle of a Non-Jew during Havdalah.

2. For a description and a picture of a glass ball candle holder that the Mishna refers to see note 3 on the previous Tosefta. The reason that the Tosefta says that the candle was burning inside a glass ball and not some other type of a candle holder is because it was probably the most common type of a candle holder in which Shabbat candles were lit, since they gave off the most amount of light, because their walls were clear on all sides.

3. In other words, the candle was lit on Friday before Shabbat started and it continued to burn the whole Shabbat and into Saturday night. The Tosefta teaches us that even though the candle was not lit anew on Saturday night, a person can still use it to make Havdalah. The reason that the Tosefta needs to teach us this is because we might have thought that since the whole point of saying a Beracha on a candle during Havdalah is to commemorate the fact that God created light on Saturday night the candle has to be lit on Saturday night. Therefore the Tosefta comes to teach us that even if the candle was lit before that it is still suitable to say the Beracha on during Havdalah.

4. Talmud Yerushalmi (Berachot 8:6, Daf 61a) explains that the reason why a candle of a Non-Jew cannot be used for Havdalah is because the Non-Jew may have used it for idol worship and it is forbidden to receive any kind of benefit from something that was used for idol worship. However, Talmud Bavli (Berachot 52b) explains that the reason we do not say a Beracha on a candle of a Non-Jew is because the candle of a Non-Jew did not “rest” on Shabbat. Rashi (Berachot
53a, Meshum Delo Shabbat) interprets that to mean that the Non-Jew did some type of work on Shabbat while using the light of the candle, but the candle itself could have been lit before Shabbat. However, Rabeinu Yonah (Berachot 53a, Rif pages 39a, Ein Mevarchin) interprets that to mean that the Non-Jew actually lit the candle during Shabbat or at the least added oil to it, which is a forbidden type of work (Melachah) on Shabbat. However if the candle was lit on Shabbat in a permitted fashion, for example for a sick person, then a person would be allowed to use it for Havdalah. It is peculiar why the Gemara considers a candle lit on Shabbat by a Non-Jew as something with which forbidden work has been done, since a Non-Jew is allowed to light fire on Shabbat or use it to do other types of work with. Aruch Hashulchan (Orach Chaim 298:9) proposes that what the Talmud means is that really since if a Jew would have lit the candle on Shabbat it would have been forbidden to be used for Havdalah because a transgression was done with it, we also forbid it if a Non-Jew lit it even though he himself was permitted to do so. In other words, it is the candle itself that needed to rest on Shabbat, sort of speak, from a forbidden type of work. In the case of a sick person, however, it is a mitzvah (commandment) to light the candle for him, since it is something that makes him feel better, and therefore it is not considered to be a forbidden type of work, where as when a Non-Jew lit it, it is simply permitted, but it is not a mitzvah, therefore it is considered to be as if forbidden works was done with it. I have to admit that this answer is somewhat farfetched, however I do not have a better explanation. Due to this very issue, Rabbi Adin Steinsaltz in his Hebrew edition of Talmud Bavli (Berachot p.232, Iyunim, Ohr Sheshabat) proposes a completely different explanation of what the Talmud means when it says that “the light needed to rest”, from those of the Rishonim (medieval authorities) that I have mentioned above. He says that the reason the Rabbis have required to say a Beracha on seeing a light at the conclusion of Shabbat is not because of a commemoration of God’s creation of light, but rather because we want to show that Shabbat is over and now it is permitted to do work. Therefore we take an action that was forbidden on Shabbat, merely lighting a fire, and do it as a part of the Havdalah ceremony to show that Shabbat is over. Since a Non-Jew was never forbidden to light a
fire on Shabbat in the first place, a fire lit by him would not fit for this purpose since it was not a fire that was forbidden on Shabbat. In other words, it has to be a type of a fire that itself was forbidden to be lit on Shabbat and since a fire of a Non-Jew was permitted to be lit on Shabbat all along it is not fitting for Havdalah. However in the case of a sick person we consider it as a fire that was still forbidden to be lit, however the Torah gave a special dispensation in this case to light it. I find this explanation interesting, however I do not see how it fits into the words of the Talmud.

5. Talmud Bavli (Berachot 53a) explains that in this case, even if the Non-Jew lit the candle on Shabbat, since the Jew lit a new candle from it after Shabbat, when we say a Beracha over this candle we consider as if we say the Beracha on the fire that the Jew lit after Shabbat and not that the Non-Jew lit during Shabbat. Therefore it is not considered to be a flame which did not rest on Shabbat. However, according to the reasoning of Talmud Yerushalmi that was mentioned in the previous note that the Non-Jew could have used it for idol worshipping purposes we have to explain that this case in the Tosefta is talking about when the Jew knows for sure that the Non-Jew did not use it for idol worship.

6. Since the Jew for sure did not use it for idol worship and did not do any work with it on Shabbat the fire is not problematic and therefore even of the Non-Jew lit another candle from it we still can use it for Havdalah.

7. This means when 3 medium stars come out, similar to the law of reading the Shema in the evening. See above Tosefta 1:1.

8. Since the reason that we say this Beracha to commemorate God’s creation of light, it can be said during the whole night which is considered to be the time period when God created light.

9. Literally, “from now on”. Since Saturday night, namely the period of time when God created light, is over, saying the Beracha then would not be considered to be a commemoration of that event, and therefore serves no purpose.
Fire and mixtures [of animals]\(^2\) are not [actually existent] from the six days of creation,\(^3\) but they are considered to be [as if they are existent] from six days of creation.\(^4\) Rebbi Yossi says, “The fire of hell was created on the second day [of creation] and will never be extinguished,\(^5\) as it is said, ‘And they will go out and see the corpses of men who rebelled against Me, because their worms will not die and their fire will not be extinguished, and they will be loathsome to all mankind.’”\(^6\) (Yeshayahu 66:24) We do not say a Beracha (blessing) [on seeing the light of the fire and on smelling the spices during Havdalah] on the fire and spices of a bathhouse.\(^7\)

Notes:

1. Since the previous Toseftot discussed the Beracha on seeing the light of fire of Havdalah which commemorates the creation of fire, the Tosefta continues with an Aggadic statement about the creation of fire. It is not related to any Mishna. In addition, the Tosefta says a new law about Havdalah which is related to the discussion in Mishna Berachot 8:6, which says that we do not make a Beracha during Havdalah on a candle and spices that were put by a dead body.

2. Animals that do not naturally occur, but are rather a hybrid of two different species of animals, such as a mule, which is a hybrid of a male donkey and a female horse.

3. Meaning that God did not create them as a separate standalone thing, but rather they were created by man after God’s process of creation.
was over. Talmud Bavli (Pesachim 54a) says that man created the first fire by rubbing two stones together and figured out how to breed a horse and a donkey to create a mule.

4. Talmud Yerushalmi (Berachot 8:5, Daf 60a) has a slightly different version of this quote. Instead of saying that “they are considered to be from six days of creation” it says that “God thought about them during six days of creation”, implying that it was God who created them on the 8th day, after Shabbat, and not man. I think that this is not what our Tosefta is trying to say, but rather it means as I explained above, in the previous note, that God did not create them, but rather it was man who created them later. The Tosefta has to clarify that even though God did not create fire, we consider it as if He did, because in the Beracha on seeing the light of fire, in Havdalah, we say that it was God who “creates the light of fire”. The reason that we consider fire to be created by God is because it is something so basic to human life that without it life cannot exist and it is God who put the idea in man’s mind how to extract fire by hitting two rocks together, and not something that man thought up on his own. See Talmud Bavli (Pesachim 54a). Hybrid animals are something so strange that they are considered to be created by God as well, since it is God who formed their bodies in such a way allowing their union to produce offspring, even though it is something that logically should not work, since most different types of animals cannot produce offspring if bred.

It is interesting to note that the Tosefta goes against the common Greek and Roman belief that it was the gods who created fire and not man, as known from the Greek myth of Prometheus who stole fire from the gods and gave it to humans. I have to admit that it is really strange for the Rabbis to believe that it was man who created fire and not God, because fire occurs in nature in various places, such as when lightning strikes a tree or a volcano erupts and flowing lava burns everything in its path, so it does not make any sense to say that fire is something that was created by man when really it is a natural phenomena. It make more sense to say that man created hybrid animals, because different species of animals generally do not copulate in nature and have to be pushed by humans to do so. It should be noted that Talmud Bavli (Pesachim 54a) sites the opinion of
Rebbi Nechemyah who says that God created both the light (meaning fire, since light itself was created on the 1st day as it says in the Torah (Bereishit 1:4)) and the mule on the 6th day of creation, which clearly argues on this Tosefta. It is difficult to say that our Tosefta means that it was man who simply figured out how to reproduce them and control them and did not create them from scratch, since that is not what the literal meaning of the Tosefta implies.

5. Rebbi Yossi argues on the Tanna Kama and holds that God created fire on the 2nd day, and the place where he created it first was hell.

6. The verse in Yeshayahu is talking about God telling the prophet that in the end of days all men will worship God and will see how the wicked people will get punished. Rebbi Yossi uses it to support his opinion that hell itself will never cease to exist, even in the end of days when all people will recognize the supremacy of God.

7. In Zuckerman’s edition of the Tosefta this last line belongs to the next Tosefta which makes more sense in the context. Mishna Berachot 8:6 says that we do not make a Beracha during Havdalah on a candle and spices that were put by a dead body. Talmud Bavli (Berachot 53a) explains that the reason is because for Havdalah the candle and the spices must serve the purpose of pure pleasure for the individual who is using them, where as spices by a dead body are placed there to neutralize the smell of the corpse and the candle is placed to honor the dead person, and neither one of them is for looking at or for smelling for pleasure. The same reasoning applies to the spices and the fire of a bathhouse. The fire in the bathhouse is used to heat up the water and is not meant to be looked at and the spices are used to neutralize the smell of sweat from all the sweaty people who are walking around and are not meant to be smelled for pleasure.

Tractate Berachot, Chapter 5

Tosefta 37

[If a person] was standing in a store [that sells] spices all day [long], he only says the Beracha (blessing) [on...
smelling spices] once [in the beginning].² [But if] he was going in and out [of the store all the time, then] he says a Beracha [on smelling the spices] each time [he goes back inside the store].³

Notes:

1. Since the previous Tosefta mentioned the Beracha on smelling spices during Havdalah, this Tosefta states a new law regarding the Beracha on smelling spices in general. It is not related to any Mishna.

2. Talmud Bavli (Berachot 53a) explains that spices that are sold in a store are intended to be smelled so that people will enjoy their smell and buy them because of that. Therefore a person has to say a Beracha on smelling spices when he just walks into the store and smells all the different spices simultaneously. He does not have to specifically smell some particular spice in order to say the Beracha. This is opposed to spices that are placed by a dead body that are not intended to be smelled at all, but rather to neutralize the bad odor of the corpse, as I explained above in the previous Tosefta, note 7.

3. The reason that he has to say the Beracha on smelling the spices every time he walks back in is because it is considered to be an interruption of the smell when he walked out of the store. So each time he comes back in it is like he smelled something from scratch, therefore requiring a new Beracha. This is similar to saying new Berachot on food if a meal was interrupted, as was discussed above in Tosefta 4:17.
The Beracha (blessing) of Zimun is from the Torah (i.e. a Torah obligation) as it is said, “And you should eat, and be satisfied, and bless…” (Devarim 8:10), this is [a reference to] the Beracha of Zimun. “… Hashem, your God …” (Devarim 8:10), this is [a reference to] the first Beracha [of Birkat Hamazon (Grace After Meals)]. “… for the land …” (Devarim 8:10), this is [a reference to] the Beracha about the land (i.e. the second Beracha) [of Birkat Hamazon]. “… the good …” (Devarim 8:10), this is [a reference to the Beracha about] Jerusalem (i.e. the third Beracha) [of Birkat Hamazon] as it is said “… this good mountain and Levanon.” (Devarim 3:25). “… which He has given you.” (Devarim 8:10), this is [a reference to the Beracha of] Hatov Vehameitiv (The Good and Who does good) (i.e. the fourth Beracha) [of Birkat Hamazon].

Notes:

1. The Tosefta already discussed the Beracha of Zimun back in chapter 5 in Toseftot 7,11,19,20, and 21. This Tosefta is definitely placed out of order, since it is referring to the Beracha of Zimun which was
introduced in Mishna Berachot 7:1. For the description of the Beracha of Zimun see Mishna Berachot 7:1 and 7:3. For the description of Birkat Hamazon see above Tosefta 4:6, note 6.

2. The Tosefta clearly argues on Talmud Bavli (Berachot 45a) which implies that the Beracha of Zimun is a Rabbinical obligation which relied on derivations from verses in Tehillim and in the Torah. In fact when the Talmud Bavli (Berachot 48b) quotes a Beraita which appears to be similar to this Tosefta which instead of the word הזימון (Hazimun) has the word המזון (Hamazon) which is a clear reference to Birkat Hamazon itself and not to Zimun. However in all Tosefta manuscripts the reading is הזימון (Hazimun) as I have quoted above. The Beraita that the Talmud Bavli (ibid.) quotes is not our Tosefta, but rather a Mechilta Derabbi Yishmael (Parshat Bo 102 [Masechta Pischa, Parsha 16]). In fact, Talmud Yerushalmi (Berachot 7:1, Daf 52a) quotes the opinion of this Tosefta, that Zimun and the 4th Beracha of Birkat Hamazon are Torah obligations in the name of Rebbi Yishmael.

3. From this derivation of the Tosefta it is implied that Zimun needs to be said even when a person ate alone, and not in a group of 3 people, since the verse is not talking about a group of people. However, that is impossible since by definition Zimun is a Beracha that requires a responsive dialog between a leader and at least 2 other people, as can be inferred from the text of Zimun, since a leader refers to his colleagues in plural form, “Nevarech” (Let us bless) or “Barchu” (You should bless (in a plural form)), as mentioned by Mishna Berachot 7:3. There is no indication in any other Tosefta that Zimun should be said by an individual without a group. All Toseftot that discussed Zimun earlier in chapter 5 imply that it is said in a group, as the Mishna says, especially Tosefta 5:19.

4. This verse in no way implies that “this good mountain” refers to Jerusalem. It is said as a part of Moshe’s final speech to the Jews in which he recalls how he pleaded with God to allow him to enter the Land of Israel after God forbade him to do so due to the incident of hitting the rock (see Bemidbar 20:1-13). When Moshe originally pleaded with God (see Bemidbar 27:12-22) the Torah explicitly says (Bemidbar 27:12) that it took place on the mountain Avarim, and there
it refers to it as “this mountain”, which is a clear reference to Moshe’s repetition of that event (in Devarim 3:25). There is some dispute to where mountain Avarim is located (see Rabbi Aryeh Kaplan, “The Living Torah”, Moznaim, 1981, Numbers 27:12, note Avarim Mountain, p.810-811) but the opinions are that it either is in front of the city of Yericho (Jericho) or about 8 miles from there, neither of which is anywhere near Jerusalem. What Moshe seems to be saying in the verse quoted by this Tosefta is that he would like to cross the Jordan River into the Land of Israel and look back on to this mountain, meaning mountain Avarim, from Israel, instead of looking on Israel from mountain Avarim, which is what God told him to do. The Tosefta seems to take this verse somewhat out of context to arrive at the conclusion that it is referring to Jerusalem.

5. Talmud Bavli (Berachot 48b) says that the 4th Beracha of Birkat Hamazon was enacted by the Rabbis in Yavneh to commemorate the destruction of the city of Beitar by the Romans. For more details about this event see above Tosefta 4:6, note 6. This Tosefta implies that all Berachot of Birkat Hamazon are Torah obligations, which is very strange since all Berachot were essentially enacted by the Rabbis. See Talmud Bavli (Berachot 33a), which says that various Berachot were established by Anshei Knesset Hagedolah (The Men of the Great Assembly) sometime during the early days of 2nd Bet Hamikdash (Temple). All the Torah required a person to say is some generic version of a Beracha that a person could make up, but it did not prescribe a specific text. Talmud Bavli (Berachot 48b) says that the first 3 Berachot of Birkat Hamazon were enacted by the early prophets, but in no ways it implies that somehow God commanded them in the Torah itself. For a further discussion on this subject see Tosefta 6:2, note 3.

Tractate Berachot, Chapter 6
Tosefta 2

משכת ברכות פרק ו
תוספתא ב

From where [do we know] that just like you have to say a Beracha (blessing) after [eating food] you also have to say...
a Beracha before [eating food]?

The Torah teaches us, “... which He has given you” (Devarim 8:10), [meaning] from the moment that He gave [the food] to you, [you have to say a Beracha on it].

From where [do we know] that [you have to say a Beracha] even on [seeing] mountains and hills? The Torah teaches us, “... for the land ...” (Devarim 8:10).

From where [do we know] that [you have to say a Beracha] even on [studying and reading] the Torah and on [performing] Mitzvot (commandments)? The Torah teaches us, “... which He has given you” (Devarim 8:10), and it says, “... and I will give you the tablets of stone ...” (Shemot 24:12).

Notes:

1. The Tosefta continues expounding on the same verse (Devarim 8:10) as the previous Tosefta did regarding the laws of Berachot. Also, the Tosefta brings a source for the law in Mishna Berachot 9:2 that a person who sees mountains has to say a Beracha.

2. For various types of Berachot before eating food see Mishna Berachot 6:1 and 6:3.

3. It is generally accepted in the Talmud that Berachot before eating food, Berachot on seeing various phenomena, such as mountains, as well as Berachot before reading and studying the Torah and performing Mitzvot, are all of Rabbinical origin and are not Torah obligations. See Talmud Bavli (Berachot 33a), which says that various Berachot were established by Anshei Knesset Hagedolah (The Men of the Great Assembly) sometime during the early days of 2nd Bet Hamikdash (Temple). It is not clear from this Tosefta if it really means to derive the origin of these Berachot from the Torah as a primary
source, making them Torah obligations, or simply using the verses that it quotes as an Asmachta (Scriptural text used as support for a Rabbinical enactment). Obviously the verses in this Tosefta are completely taken out of context since they are talking about saying a Beracha after food only, and about Moshe receiving the tablets with the Ten Commandments on them, and not about Berachot that are said on Mitzvot or natural phenomena. However it is possible that just like the previous Tosefta held that Zimun and the \(^4\)th Beracha of Birkat Hamazon are Torah obligations, so too all other Berachot are Torah obligations as well, and the Rabbis have merely defined a specific text for them, where as the Torah required them to be said, but did not specify the text.

4. Since mountains and hills are impressive land features they would require a Beracha. “The land” referred to in the verse is a specific reference to the Land of Israel. However, I do not think that the Tosefta implies that this Beracha would specifically apply only in the Land of Israel and not anywhere else, since it is using the verse out of context anyway. The Beracha on seeing mountains is mentioned in Mishna Berachot 9:2. It is:

בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם עָשָׂה מַעֲשֶׂה בְּרֵאשִׁית.

Blessed are You Hashem, our God, King of the world, Who does the action of creation.

5. Since the word “give” is used in the second verse in reference to the Torah (the tablets with the Ten Commandments) so too the first verse must be using it with reference to the Torah. This is an application of an exegetical tool called Gezeirah Shavah (Derivation by Equal Decree), which is one of the methods of Torah exegesis. The way a Gezeirah Shava works is it takes two unrelated verses that have the same word in them and applies a rule that is definitely known by one verse to the other verse. However, I am not completely sure if in this case the Tosefta really intends this to be a real Gezeirah Shavah, which would make these Berachot Torah obligations, or it simply uses the same methodology as a Gezeirah Shavah, but in a way of an Asmachta (Scriptural text used as support for a Rabbinical enactment) which
would simply provide additional support to the Rabbinical enactment of these Berachot. Either way is possible. Talmud Bavli (Berachot 21a) quotes the opinion of Rebbi Yehudah who says that Berachot before studying and reading the Torah are Torah obligations, although he uses a different verse to derive this from than our Tosefta. A similar derivation is quoted by Talmud Yerushalmi (Berachot 7:1, Daf 52a) although anonymously. For a lengthy discussion on this matter see Mareh Hapanim on Talmud Yerushalmi (Berachot 7:1, Daf 52a, Katuv Batorah). The Beracha before studying the Torah consists of two Berachot and before reading the Torah consists of one Beracha. See the Siddur (Jewish Prayer Book) for the text of these Berachot, since they are somewhat too long to quote here.

Tractate Berachot, Chapter 6

Tosefta 3

Rebbi Meir says, “From where [do we know] that just like you have to bless [God] for good [things that happen to you], so too you have to bless [God] for bad [things that happen to you]? The Torah teaches us, ‘… that which Hashem, your God, has given you …’ (Devarim 26:11). “Your God” [meaning] “your Judge”. For every judgment that He judges you, whether positively or negatively.”

Notes:

1. In chapter 9 of Berachot the Mishna restates a similar law a few times. Mishna Berachot 9:2 says that a person must say a Beracha upon hearing good news and upon hearing bad news. Mishna Berachot 9:3 says that a person should say a Beracha (blessing) on both types of news regardless of their actual outcome, whether positive or negative. And finally, Mishna Berachot 9:5 says that a person must bless God for positive things that happen to him as well as for negative things. Talmud Bavli (Berachot 60b) explains that the last Mishna is not
referring to a specific Beracha that a person must actually say, but rather it is referring to the way a person should accept in his heart events that happen to him in his life, meaning that even if they are negative he should still accept them with happiness. Our Tosefta, although technically applicable to any of the above mentioned Mishnayot, specifically relates to the last Mishna that is speaking in general about how a person should accept in his heart positive and negative events. It does not refer to an actual Beracha that a person must say when positive or negative events happen to him. Although Mishna Berachot 9:5 learns out its statement from a verse in the Torah, our Tosefta provides a different source for the same teaching. I have translated the Tosefta according to the way it fits with the general teaching of Mishna Berachot 9:5 and not according to the law stated in Mishna Berachot 9:2 that a person must say a Beracha upon hearing good news as well as bad news.

2. In the printed editions of the Tosefta the word “Meir” is missing and it instead it just says “Rebbi” which is a general reference to Rebbi Yehudah Hanassi, the author of the Mishna. However, all Tosefta manuscripts have the text written as “Rebbi Meir”. I would like to point out that it is absolutely fitting that Rebbi Meir is the one who said this statement in the Tosefta and not someone else, because of the following two stories that appear in Talmud Bavli (Talmud Bavli, Avodah Zarah 18a-b).

Rebbi Meir was married to the famous Beruriah, the daughter of Rebbi Chaninah Ben Teradyon. In the early part of the 2nd century CE, after the Bar Kochba rebellion, the Romans have executed Rebbi Chaninah Ben Teradyon for teaching Torah publicly and ordered that his unmarried daughter, Beruriah's sister, should be placed in a brothel. Beruriah asked her husband to save her sister. Rebbi Meir took a bag of coins and went to the brothel disguised as a Roman horseman. When he discovered that Beruriah's sister kept her chastity, despite the fact that she was living in a brothel, by pretending that she was always on her period, he offered the money as a bribe to the guard, so that he would release her. The guard replied, “When the government will find out what I did they will kill me.” Rebbi Meir answered, “Take half the money for yourself, and use the other half to bribe various
officials so that they do not kill you.” The guard answered back, “And when there is no more money, and I still need to give out more bribes what will I do?” Rebbi Meir answered, “Say, ’The God of Meir - answer me!’ and you will be saved.” The guard asked, “And how can I be guaranteed that this will save me?” Rebbi Meir replied, “You will see for yourself right now.” Rebbi Meir walked over to the angry dogs that were nearby and threw a stone at them. When the dogs ran over to him to bite him, he exclaimed, “God of Meir - answer me!” and the dogs left him alone. The guard was convinced and gave him the girl. When the Romans found out about what the guard did they arrested him and sentenced him to death by hanging. When the executioners tied the rope around his neck he said, “God of Meir - answer me!” The executioners got curious about what he said and started asking him about it. He told them about Rebbi Meir. So the Romans issued an arrest warrant for Rebbi Meir. Due to this Rebbi Meir had to flee to Babylonia. But some people said that that was not the reason why Rebbi Meir fled to Babylonia, but rather it was because of an incident that happened with his wife Beruriah.

The Talmud or any other extant rabbinic source does not tell us what that incident was. However, Rashi (Avodah Zarah 18b, Veika Deamri) brings the details of that story. It is generally assumed (see Maharatz Chayes, Mevo Hatalmud, Chapter 31) that in Rashi’s times there were manuscripts of a Midrash that contained that story, which were subsequently lost, although this is unknown. The story is as follows.

Beruriah kept taunting Rebbi Meir about the Rabbinic teaching that said that “women are light minded”. See Talmud Bavli, (Kiddushin 80b). He said to her that one day she will find out that that is the truth. Rebbi Meir ordered to one of his students to seduce her. She fell for it and eventually cheated on Rebbi Meir, proving that she was too weak to resist. Once she found out that it was Rebbi Meir who ordered his student to seduce her in the first place she committed suicide and Rebbi Meir fled to Babylonia out of embarrassment.

From these two stories it is clear that Rebbi Meir’s life was full of horrible tribulations and still he accepted everything that God sent his way with a happy heart. I have to admit that the story that Rashi
quotes sounds dubious, especially the part about Rebbi Meir telling his student to seduce his own wife, but still it illustrates some important points about Rebbi Meir’s life.

It should be noted that the Shalshelet Hakabbalah by Rav Gedalyah Ibn Yachya (Jerusalem, 1962 edition p.71) has a slightly different version of the story of Beruriah’s suicide, where it was actually Rebbi Meir pretending to be his student with whom Beruriah slept with. His source is equally unknown. I have seen also quoted in the name of Rabeinu Nissim Bar Yakov of Kairouan, who lived a couple generations before Rashi, this story with a completely different outcome, which says that Rebbi Meir fled together with Beruriah to Babylonia as a result of Roman persecution, implying that Beruriah never committed suicide and the whole affair never took place. It is referenced by H.Z. Hirschberg (editor), Chibur Yafe Min Hayeshua, Mosad Harav Kook, 1970, p.39-40. He quotes the end of the story as brought down by Rabeinu Nissim as follows:

Rebbi Meir went, took his wife and everything that he had, and fled to Iraq.

3. I have quoted the verse as it appears to be written in the Tosefta in both the Vienna and the Erfurt manuscripts and rightly so as I will explain below. Although the English translation remains the same regardless of the order of the words in the Hebrew verse, whether “Hashem your God” appears before “He has given you” or after, it makes a huge difference in the actual Hebrew text, since a wrong order of words would invalidate a Torah scroll. Many commentators on the Tosefta (see Minchat Bikkurim, Chazon Yechezkel, and Mishna Vehatosefta Berachot, by Yakov Meir Zelkind) for some reason were not able to find the correct verse in the Tanach and have attempted to say that the text in the Tosefta is quoted incorrectly, and should be reversed to read as the following 3 possibilities. One possibility is:

There are many different verses that would fit. This line appears in the following verses: Shemot 20:11, Devarim
The second possibility is: で, in verse Devarim 16:17, which may fit well into our text since it says, “... according to the blessing that Hashem, your God, has given you.” Although the verse specifically discusses sacrifices that a person should bring when he visits Jerusalem on the 3 pilgrimage holidays, Pesach, Shavuot and Sukkot, it says specifically that a person should bring as many sacrifices as much as God has blessed him in general, referring to his general fortune. That type of context would fit our Tosefta since it is talking about a person’s general fortune. However, it is also possible that since the Tosefta is specifically emphasizing the word “your God” as “your Judge” it can refer to any of the above mentioned verses and still make sense. The third possibility is: で. This verse appears in Devarim 20:14 and 28:52. However, I am personally appalled by these commentators’ analysis, as the verse that our Tosefta quotes appears in the Torah twice, exactly as it is quoted in the Tosefta, in Devarim 26:11 and again in Devarim 26:53. It seems to me that the verse in Devarim 26:11 fits best, since it says “And you should rejoice in all the good that Hashem, your God, has given you, and your household...”, which is clearly talking about general personal fortune. To give some credit to the above mentioned commentators it seems that they were confused by the way in which this Tosefta is printed in the printed editions, starting with the first edition of the Tosefta (Venice 1521) including the one in the back of the Vilna edition of the Talmud Bavli and all subsequent printings, where the text of the Tosefta is printed as follows: で אֲשֶׁר נָתַן הָ' אֱלֹהֶיךָ לְךָ. Obviously, they did not check any of the existing manuscripts of the Tosefta and decided on their own what it should be. However due to so many possibilities no obvious conclusion could have been reached. This example shows once again the importance of referring to manuscripts and not relying on printed editions and personal derivations, especially when the text of the Torah is at stake.
4. In other words, we should always accept God’s judgment happily, regardless of whether whatever happened to us seems to be a good thing or a bad thing.

Tractate Berachot, Chapter 6

Tosfeta 4

[A person] who sees an idol says [the following Beracha (blessing):] Baruch [Ata Hashem Eloheinu Melech Haolam] Erec Apayim (Blessed are You Hashem, our God, King of the world, Who is merciful). [If a person sees] a place from where an idol was uprooted, he says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam] Sheakar Avodah Zarah Meartzeinu. Yehi Ratzon Milpanecha, Hashem Eloheinu, Sheteaker Avodah Zarah Meartzeinu Umikol Mekomot Yisrael, Vetashiv Lev Ovdeihem Leavdecha (Blessed are You Hashem, our God, King of the world, who uprooted an idol from our land. May it be Your will, Hashem our God, that [all] idol worship will be uprooted from our land and from all places where Jews [live], and may You return the heart of their worshipers to Your worship.).

Notes:

1. Mishna Berachot 9:1 says that a person who sees an idol has to say a Beracha. The Tosefta expands on that law.

2. ברוך אתה ה' אלהינו מלך העולמים אברך איפס.
Blessed are You Hashem, our God, King of the world, Who is merciful.

The reason that this Beracha is said upon seeing an idol is because we praise God for being tolerant and merciful on idol worshippers that he did not outright destroy them and their idols.

3. בָּרוּךְ אַתָּה ה’ אֲלָלַהְיָו מֶלֶךְ הָעָלָם Шשֶׁךְ שְׁכָּרֵה יַרְוֵה יְרֵה מְאָרָצְיָו.

בְּחֵי רֹזִי מֶלֶךְ אָלָלַהְיָו שְׁכָּרֵה שׁוֹעֲּקֵר יַרְוֵה מְאָרָצְיָו מְאָרָצְיָו מְכָּמְוֹת יִשְׂרָאֵל שֶׁחַיּוֹבְלֶב עֹבְדֵיהֶם.

Blessed are You Hashem, our God, King of the world, Who uprooted an idol from our land. May it be Your will, Hashem our God, that [all] idol worship will be uprooted from our land and from all places where Jews [live], and may You return the heart of their worshipers to Your worship.

4. This Beracha implies that it is only said in the Land of Israel and not anywhere else, since it specifically says “from our land”. In fact in the printed editions of the Tosefta, the text of the Tosefta continues and says that this Beracha is not said outside of the Land of Israel, because the majority population there are Non-Jews, where as Rebbi Shimon argues on that statement and says that even outside of the Land of Israel this Beracha should be said, because in the future the Non-Jews will convert to Judaism. I have not included that section into the text since it does not appear in any Tosefta manuscript. It seems that it was included in the printed editions of the Tosefta, because that is the way it is quoted in Talmud Bavli (Berachot 57b) with some variations. However it seems clear that Talmud Bavli is not quoting this Tosefta, but rather a different Beraita.

Tractate Berachot, Chapter 6
Tosefta 5

[וֹסְפָּתָה הַ] הָרוֹאֶה אֶת אוּכְלֹסִין אוֹמֵר בָּרוּךְ אַתָּה ה’ אֲלָלַהְיָו מֶלֶךְ הָעָלָם שֶׁאֵינָן פַּרְצוֹפֹתֵיהֶן וּמְאָרָצְיָו.

בֶּן זוֹמָא שֶׁרָאָה כְּאוּכְלֹסִין [A person] who sees large crowds [of people] should say [the following Beracha (blessing):] Baruch [Ata Hashem Eloheinu Melech Haolam] Chacham Harazim (Blessed are You...
Hashem, our God, King of the world,
Who is wise [to know] secrets, because their faces are not similar to each other and their minds are not similar to each other. When Ben Zoma saw large crowds [of people] on the Temple Mount he said, “Blessed be the One who created all of these [people] to serve me. How much the first man toiled before he tasted [even] one mouthful? He planted [grain], ploughed, reaped, bound sheaves, threshed, winnowed, selected, ground, sifted, kneaded, and baked, and [only] after that he ate [bread]. And I stand up in the morning and I find all of these [foods] in front of me [already prepared].” How much the first man toiled before he wore a shirt? He sheared [wool], washed, combed, dyed, spun, wove, and sewed, and [only] after that he wore [clothes]. And I stand up in the morning and I find all of these [clothes] in front of me [already made]. How many skilled laborers are anxious to wake up [early to sell their goods], and I stand up in the morning and I find all of these [goods] in front of me [already made].” And also Ben Zoma used to say, “What does a good guest say? ‘May the host be remembered for good! How many different types of wine he brought in front of us? How many different pieces [of meat] he brought in front of us?”
of us? How many different types of fine white bread he brought in front of us? Everything that he did, he did only for me.30 But what does a bad guest say? And what did I eat of his? I ate [only] one bread of his. I ate [only] one piece [of meat] of his. I drank only one cup [of wine] of his. Everything that he did, he did only for his wife and children.’’ And so also it says, 31 “Remember this so that you may extol His work that people have witnessed.” (Iyov 36:24)32

Notes:

1. The Tosefta says a new law about Berachot. It is not related to any Mishna.

2. The Hebrew word אוכלסין (Ochlosin) comes from the Greek word ὄχλος (ochlos) which means “a crowd”. Talmud Bavli (Berachot 58a) says that this law applies only to large crowds of Jews, however for large crowds of Non-Jews there is a different Beracha. However from this Tosefta there is no such indication and I would assume that the Tosefta means crowds in general, regardless of who they are. This also makes sense in the context since the Beracha that the Tosefta says to say on seeing large crowds, Chacham Arazim, emphasizes that God knows the thoughts of each individual even though each person is unique, which applies to all people and not just to Jews. Also, the Tosefta does not indicate how large the crowd has to be, but Talmud Bavli (Berachot 58a) indicates that it must be at least 600,000 people. However from this Tosefta there is no such indication and the Meiri seems to agree with that (see Bet Habechira, Berachot 58a, Haroeh Ochlusei Yisrael) that according to the Tosefta this Beracha can be said even on a small crowd if it consists of impressive individuals.

3. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם חָכָם הָרָזִים.
Blessed are You Hashem, our God, King of the world, Who is wise [to know] secrets.

There is actually an argument between the Rishonim (Medieval Authorities) if this Beracha has to be said in its full form including the words “אתה ה’ אלוהינו מלך העולם” or it can be said without it exactly as it is written in the Tosefta. I have noted in the translation according to the opinion of the Ri (Rabeinu Yitzchak Baal Hatosafot) who says that it has to be said in its full form, since that seems to be the opinion that makes most sense. The Tosefta simply uses an abbreviated language as it is commonly used throughout the Talmudic literature and does not write the full text of the Beracha so that it would have been easier for students to memorize it, since that is how it was learned prior to being written down. For a full discussion of both opinions see the Rashba (Berachot 54a, Vekatav Haraavad).

4. This Beracha emphasizes God’s omniscience (that He knows everything), since all people are unique and look and think differently, despite which fact God knows everything about all of them and knows all of their thoughts.

5. Both statements of Ben Zoma are about appreciation of other people. It is fitting for Ben Zoma to make such statements, because it seems to me that he was unemployed and spent his time studying Torah the whole day so he relied on others to take care of him. Ben Zoma lived in the end of the 1st, beginning of the 2nd century CE. His full name is Shimon Ben Zoma, but he never received the title Rebbi, because he never became a full member of the Sanhedrin (Jewish Supreme Court), but rather stayed a student. See Talmud Bavli (Horayot 2b). It seems to me that the reason he never became a full member of the Sanhedrin was because he never got married and never had any children, which was a requirement for members of the Sanhedrin, (see Tosefta Sanhedrin 7:3) thus preventing himself from receiving the title Rebbi. I have to admit that it does not say anywhere in the Talmudic literature that Ben Zoma never got married, but it is a good assumption, because he is often mentioned together and compared to Ben Azzai (see Talmud Bavli, Horayot 2b) about whom Talmud Bavli (Ketubot 63a) says that he was briefly engaged to Rebbi Akiva’s
daughter, but then decided not to marry her since he wanted to devote all of his life to studying Torah and not get involved with raising a family. Based on this I also assume that both Ben Zoma and Ben Azzai were not engaged in any trade, but rather studied Torah the whole day. The Talmudic literature does not mention anywhere that they were involved in any kind of trade or business. It seems that Ben Zoma was poor since he is the one who says in Mishna Avot 4:1: Who is a rich person? The one that is happy with his portion.

6. During the pilgrimage holidays, Pesach, Shavuot and Sukkot, very large numbers of people came to the Bet Hamikdash (Temple). We can imagine how many people were there based on how many Muslims come today to the Temple Mount during the holiday of Ramadan. In 2007, for the first Friday prayer of Ramadan, 93,000 Muslims showed up on the Temple Mount as was reported by various news outlets. It is clear that the Temple Mount has the capacity to hold over 600,000 people, although barely, that the Talmud Bavli requires to say the Beracha of Chacham Arazim as was mentioned above in note 1, since today the Al-Aqsa Mosque situated on the Southern side of the Temple Mount holds up to 400,000 worshippers at one time, bearing in mind that the space required for each person is roughly 0.8m x 0.5m to enable the submissive kneeling in prayer. On Fridays at noon, during the fasting month of Ramadan, and particularly the 27th of Ramadan (Lailat El-Qadr), the area is filled to virtual capacity. Although it is theoretically possible to say this Beracha in the presence of 600,000 people, I am convinced that Ben Zoma said his quote with a much smaller quantity of people. Since the Tosefta implies that Ben Zoma’s quote was equivalent to the Beracha of Chacham Harazim it is obvious that the Tosefta does not agree with Talmud Bavli’s requirement of having 600,000 people present in order to say this Beracha.

7. It is unclear what the Hebrew word לוגמא (Lugma) literally means or what its etymology is. Adolph Jellinek explains (Devarim Atikim, Leipzig, 1844, entry Lugma in Sefat Chachamim) that it means “a mouthful” and not “a cheekful”, and comes from the Arabic word Lukma which means “a mouthful”. Michael Sokoloff writes (Michael Sokoloff, “A Dictionary of Jewish Babylonian Aramaic”, Bar Ilan
University Press, 2002, entry Lugma) that it is a Syriac word which means “a jaw” or a Mandaic word which means “a cheek”. Both Syriac and Mandaic are dialects of Aramaic. It is important to pin this down exactly since a cheekful is a measure of volume equivalent to how much an average person can hold inside one of his cheeks where as a mouthful is how much he can hold in his whole mouth. A cheekful is less than half of a real mouthful, since a mouthful includes both cheeks plus the center of the mouth. From Talmud Bavli (Yoma 80a) it seems that the literal meaning of Maleh Lugmav means a mouthful since Shmuel specifically points out that in the Mishna it is not meant literally, but rather it is referring to just a cheekful (i.e. when a person moves the liquid to one side of his mouth). This implies that the word Lugma in the singular form would refer to just one cheek where as Maleh Lugmav in the plural form would refer to both cheeks together meaning the whole mouth. I have chosen to translate it in this Tosefta as “mouthful” even though it is written in the singular form since it makes more sense as an English expression and it is not talking about specific measurements.

8. Ben Zoma is specifically talking about planting grain and not anything else; hence he outlines the 10 steps that it takes to produce bread from grain.

9. I have written the text as it appears in the Vienna manuscript, namely first planting and then plowing. However in the Erfurt manuscript these two words are reversed, plowing is mentioned first and then planting. Technically both versions are correct, since both methods were used. Talmud Bavli (Shabbat 73b) explains that in the Land of Israel people planted first and then plowed, because the land is hard and the seeds would not get buried underground if they were not plowed over after they were sowed, where as in Babylonia they first plowed and then planted, because the land is soft and the seeds make their way down by themselves. It makes more sense that Ben Zoma would express himself according to the practice of the Land of Israel, since that is where he lived, namely planting first and then plowing. It is also possible that people plowed their fields twice, before and after planting, although the Gemara implies that it was not necessary to do so under normal circumstances.
10. Reaping is the step of the actual harvesting where the stocks of grain are cutoff using a scythe or a sickle.

Sickle.
11. After the stocks of grain have been cut they are bound together into sheaves so that they can be transported to the threshing floor. A sheaf is a large bundle of grain.
12. Threshing is the process of loosening the edible part of the grain from the inedible chaff that surrounds it. Threshing was done by beating the grain against the threshing floor using a tool called a flail. Another method of threshing was done by having donkeys or other large animals walking in a circle on the threshing floor and stepping on the grain.
13. Winnowing is the step in which the chaff is actually removed from the grain. In Talmudic times it was done by throwing the grain up in the air and the wind blowing away the lighter chaff while the heavier kernels of the grain would fall back down.

14. After the chaff is removed the grain is tossed around in a wooden tray to separate from it the stones and lumps of soil which clung to the roots when the grain was reaped. This step was called selecting, since the good portion of the grain was selected from the bad dirt.

15. Once the grain was isolated from various other particles it was ground into flour. In Talmudic times this was done using a grinding stone. There were generally two sizes of grinding stones. A small one that was spun by hand and a large one which was spun by an animal, usually an ox or a donkey, while walking around in a circle.

Roman wheat mill grinding stone.
16. Once the grain was ground into flour it was sifted using a sieve (a box with a net with small holes in it) in order to separate large clumps of flour and remaining grain from the finer flour particles.

![Modern wooden sieve with a metal net.](image1)

Sieve from the first century BC, found in a cemetery in Hawara Egypt. The frame of the sieve is made from a date palm branch (Phoenix dactylifera) and the net is made from papyrus (Cyperus Papyrus). British Museum, Botany Department.

Most probably it was this type of a sieve used at the time of the Tosefta.

17. The flour was mixed with water and yeast and then kneaded (pounded and mushed around) in order to make dough.

18. Ben Zoma meant that he did not have to work hard to make bread, but rather he could go and buy bread that was already made.

19. Ben Zoma is specifically referring to clothing made from wool since he outlines the 7 steps that it takes to turn wool into a garment. Wool is the hair of sheep which was cut from the sheep using scissors.
20. Wool on a sheep is really dirty so once it is sheared it needs to be washed. This was done by two possible methods. The fleece (piece of wool that covers a side of the sheep) was placed inside a shallow river with small clean pebbles and letting the water flow over it. Or the wool was hand washed and scrubbed using some kind of a cleansing agent, usually white clay, urine, or ashes of certain plants. See The International Standard Bible Encyclopedia, entries Wool, Fuller. After washing the wool would become completely white.

![Different types of fleece after washing. Photo: blog.prettyimpressivestuff.com](image)

21. After the wool was washed it had to be combed to remove the knots since on the sheep it is entangled. Combing was done by laying out the wool on a surface and combing it with a metal comb similar to the way a person combs his hair.
22. Once the wool was combed it could be dyed to give it a different color. This was an optional step since the wool could be left white. Dying was done by dipping the wool into a solution mixed with various chemicals, usually plant or animals derivatives that gave the wool specific colors.

23. Once the wool was dyed it was spun into thread by twisting the fibers. There were various methods of spinning the thread.
24. Once the thread was ready it was woven into cloth. This was done on a loom. It should be noted that the process of weaving was divided into additional steps which were considered to be separate acts of work that are prohibited on Shabbat. See Mishna Shabbat 7:2. However it seems that Ben Zoma did not feel the necessity to outline them in his speech since they were simply substeps in the weaving process and could be included into the general category of weaving.
25. The cloth was finally taken and sewn into a garment.

26. Meaning that Ben Zoma could just go out and buy them without doing any extra work.

27. Since the Tosefta quoted Ben Zoma making a speech about appreciating other people’s work it quotes another statement of Ben Zoma that discusses appreciation of others.
28. The word pieces could be referring to any piece of food, but most probably refers to meat.

29. For a detailed discussion of the word Gluska see above, Tosefta 4:11, note 3.

30. It is a little strange that Ben Zoma’s quote originally speaks in the plural, as if there were many guests, but then switches to the singular, referring only to the person speaking. It is possible that he is saying it in reference to a group of guests where one guest was speaking for the rest of the guests. So originally he is speaking for all of them, but when it is time to really appreciate the host by saying that everything he did was only for him he is referring only to himself since that emphasizes his appreciation even more.

31. It seems that this addition is not a part of Ben Zoma’s speech, but rather something that the editor of the Tosefta added.

32. This verse is a part of Elihu’s speech to Iyov when Elihu is telling Iyov how great is God and how people do not understand God’s deeds. The verse is referring to previous verses where Elihu says that people do not have the right to tell God what to do or to say to God that He has committed injustice. Elihu emphasizes that Iyov must remember that, in order to truly appreciate His deeds. So also a guest does not really have the right to say bad things about his host, since the host did him a favor by serving him and was not really obligated to serve him at all. This is my explanation, according to which this quote in the Tosefta is not specifically referring to either the good guest or the bad guest, but rather to how the guest should behave in general. However, Talmud Bavli (Berachot 58) specifically says that this verse is referring to the good guest. Maharsha (Chidushey Aggadot, Berachot 58b, Ben Zoma) explains that the Gemara takes this verse out of context and instead of talking about God it is talking about the guest who should remember what the host did for him and exalt and exaggerate about it, by mentioning how much food the host took out for him and how many people served him, even if it is not necessarily true.
[A person] that sees a black [person], a Borek, a redhead [person], an albino [person], a hunchback [person], a midget, a deaf [person], a mentally retarded [person], and a drunk [person] says [the following Beracha (blessing):] Baruch [Ata Hashem Eloheinu Melech Haolam] Meshane Habriyot (Blessed are You Hashem, our God, King of the world, Who changes creatures). [A person that sees] a cripple [person], a lame [person], a blind [person], and a [person] afflicted with boils, says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam] Dayan Haemet (Blessed are You Hashem, our God, King of the world, the true Judge).

Notes:

1. Mishna Berachot 9:2 mentions that upon hearing bad news a person says the Beracha, Dayan Haemet. The Tosefta states additional things on which this Beracha is said. In addition, the Tosefta mentions another Beracha that is said in similar cases.

2. A Kushi literally means a person who came from the land of Kush. Kush was the land that was located south of the 1\textsuperscript{st} cataract of the Nile river. Nile has 6 major cataracts, which are shallow stretches located between Aswan and Khartoum where the water's surface is broken by numerous small boulders and stones lying on the river bed. The 1\textsuperscript{st} cataract is located in Aswan. Today, the area of Kush is primarily located in the modern Sudan although its most northern section is located in the modern-day southern Egypt. Although the Greeks called...
it Aethiopia (Αἰθιοπία) (see Septuagint, Psalms 72:9 and 74:14) it should not be confused with the modern-day Ethiopia. The Kushites, also known as Nubians, are black Africans who are particularly dark skinned, as opposed to, for example, blacks from the modern-day Ethiopia who are somewhat lighter skinned. In Talmudic literature the word Kushi is used to refer to any black person regardless of what country he was from. Obviously seeing a black person in the Land of Israel in Talmudic times was a rare occurrence and therefore required a Beracha.

3. The word Borek is only present in the Vienna manuscript. It is not present in all other manuscripts and printed editions of the Tosefta. It is also not clear what it means in this context. Saul Lieberman in Tosefta Kepshuta proposes that it is probably a misprint and the correct reading should be בוהק (Bohek) which means “white scurf”, scaly or shredded dry skin, such as dandruff, however it is unclear what skin condition this would be referring to since dandruff is a very common occurrence and would not require a Beracha. The word בוריק (Borek) in this context also refers to some kind of a skin condition, although unclear which one. Usually it is used in reference to wine, meaning effervescent wine, wine which boils by itself while going through the initial process of fermentation. The word comes from the Hebrew root ברק (Barak) which means “lightning, shining, or bright”. It cannot be that in this context it means “albino” since the Tosefta further on mentions a Lavkan which means white or albino in Greek. It is not possible that this word is referring to simply a blond haired person, since 27% of the Greeks were of Nordic type and had blond hair, which would have made blond people a common occurrence in the Land of Israel during the Talmudic times and would not require a Beracha. See Angel, J. Lawrence, “A racial analysis of the ancient Greeks: An essay on the use of morphological types,” American Journal of Physical Anthropology, vol. 2, n.s., no. 4, Dec. 1944. Due to the obscurity of the meaning of this word I have left it untranslated in the main text.

4. Talmud Bavli (Bechorot 45b) says that the word Gichor means red. The etymology of this word is unclear. Since the rest of the descriptions on
this list in the Tosefta are talking about skin conditions this is also referring to a skin condition. It is doubtful, if not impossible, that it is referring to ethnically red-skinned people such as American Indians, since there was no possibility in Talmudic times for an American Indian to appear in the Middle East or in the Mediterranean region. Therefore I think that it is referring to a redhead person who specifically has red spotted skin with a lot of red freckles. I am not sure why this was considered a strange site since it seems that many Greeks had red hair and freckles at least mildly. See W. Sieglin, Die blonden Haare der indogermanischen Volker des Altertums. Munich: J. F. Lehmanns Verlag, 1935. Approximately 1% to 2% of the human population has red hair with up to 10% in Ireland. See National Geographic Magazine, September, 2007 and Earnest A. Hooton, Stature, head form, and pigmentation of adult male Irish, American Journal of Physical Anthropology, Volume 26, Issue 1, 1940, p.229-249. It seems that the Tosefta is referring to someone who has an extreme case of red freckles and very bright red hair which is a rare site.

5. The Hebrew word Lavkan comes from the Greek words λευκός (leukoi) and λεύχη (leuchan) both of which mean “white”. It is most probably referring to an albino person who has white hair and white skin due to the lack of melanin pigment. Such site would be rather rare, but occurs in all ethnic groups and therefore was very possible in the Land of Israel in Talmudic times.

6. The Hebrew word Kipeach comes from the Greek word κυφός (kyphos) which means “hump”. It is referring to a severely hunchback person, who has a big hump on his back.

7. The Hebrew word Nanas comes from the Greek word νάνος (nanos) meaning “dwarf” or “midget”. The Tosefta is referring specifically to a person who has a medical or genetic condition that stunts the person’s growth, generally known as dwarfism.

8. The Tosefta is most probably referring to a person who was born deaf and is therefore mute as well, since he could not communicate in any intelligent way. Sign language did not come into use until the 16th
century CE, so in Talmudic times seeing a deaf-mute person made an impression on people.

9. The Hebrew term Shoteh, which literally means “fool”, is a general descriptive term for anyone who cannot make his own decisions due to some kind of mental impairment from birth. See Mishna Niddah 2:1 which differentiates between a woman who was born mentally retarded (Shotah) and a woman who lost her mind later during her life time (Nitrefah Daatah). Being mentally-retarded includes someone who has temporary insanity during the time of his insanity. See Talmud Bavli (Bava Kama 28a).

10. Since a drunk person is not capable of making decisions and acts a lot like someone who is mentally retarded he is included in the category of strange people as well.

11. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם מְשַׁנֶּה הַבְּרִיּוֹת.

Blessed are You Hashem, our God, King of the world, Who changes creatures.

12. The term Kitea refers to anyone who is crippled, because he is missing some limb, usually legs or arms. However, I believe that in this Tosefta it is specifically referring to a person who is missing both legs.

13. Chiger refers to someone who is limping or lame, meaning that they still have their limbs but they do not work properly. The Tosefta is most probably referring to someone who has some kind of a defect with his legs and cannot walk.

14. Boils can refer to a variety of skin conditions due to various diseases, including leprosy.

15. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם דַּיָּין הָאֶמֶת.

Blessed are You Hashem, our God, King of the world, the true Judge.

This Beracha is said upon hearing bad news (see Mishna Berachot 9:2) as well as at a funeral. It would seem that the Tosefta requires to say this Beracha upon seeing these various afflicted people, because in
Talmudic times they were considered to be as good as dead, since they could not work. It is hard to imagine for us why someone who is lame, because their leg was broken and did not properly heal, should be considered to be as good as dead, since there are plenty of jobs that such a person can do. It is possible that the Tosefta considered only physical jobs and not desk jobs therefore significantly limiting such a person. Talmud Bavli (Nedarim 64b) quotes a Beraita that lists 4 people that were considered to be as good as dead: a poor person, a leper, a blind person, and a childless person. A cripple and a lame person are not mentioned. It is also plausible that the Tosefta required this Beracha to be said on someone for whom we should feel extra pity due to their plight although then it should have also included the deaf person as well. Talmud Bavli (Berachot 58b) and Talmud Yerushalmi (Berachot 9:1, Daf 63b) explain that the difference between these two lists is not because of what kind of affliction these people have, but rather due to when it happened to them, meaning if they were born with it or it happened to them later. So for example if a person was born blind then the Beracha would be Meshane Habriyot, but if he became blind later in life then the Beracha would be Dayan Haemet. However, this is Gemara’s way to get out of contradictions between contradicting statements different Beraitot and is not necessarily the original meaning of this Tosefta.

Tractate Berachot, Chapter 6

Tosefta 7

[A person] that sees beautiful people and beautiful trees says [the following Beracha (blessing):] Baruch Ata Hashem Eloheinu Melech Haolam] Mi Shekach Lo Beriot Naot (Blessed are You Hashem, our God, King of the world, Who has such beautiful creations [in His world]).

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.
2. There are no specific details for this requirement of what it is considered to be a beautiful tree or a beautiful person. It seems that it is up to every individual to decide based on their tastes.

3. **בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם מִי שֶׁכָּכָה לוֹ בְּרִיּוֹת נָאוֹת.**

Blessed are You Hashem, our God, King of the world, Who has such beautiful creations [in His world].

Since a person receives pleasure from looking at beautiful things he needs to thank God for creating them. There is no clear specification how beautiful a person or a tree has to be to have this Beracha said over them, so it is really up to the viewer to decide who to say it for and who not to say it for.

Tractate Berachot, Chapter 6

Tosefta 8¹

[A person] that sees a rainbow in the cloud² says [the following Beracha (blessing):] Baruch [Ata Hashem Eloheinu Melech Haolam] Neeman Bevrito Zocher Habrit (Blessed are You Hashem, our God, King of the world, Who is trustworthy in His covenant [and] remembers the covenant).³

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.

2. A rainbow is an optical phenomenon that causes a spectrum of light to appear in the sky when the sun shines onto droplets of moisture in the Earth's atmosphere. A rainbow can occur under various natural conditions. Most commonly it occurs if it rains while the sun is out. However it is also possible for it to occur if water is falling down and hits another water surface really hard creating mist on the surface of the water and then the sun shining onto that mist, or if a geyser or hot water spring shoots out steam from the ground causing water droplets
to disperse in the air. I think that the Tosefta needs to specify that the rainbow needs to be in the cloud specifically to teach us that a person says this Beracha only on a rainbow that results from rain that comes down from a cloud and not on rainbow that results from water mist that rises from a waterfall or a hot water spring. Since this Beracha specifically commemorates God’s covenant with Noach that God will not destroy the world anymore through rain, it makes sense to say this Beracha upon seeing the rainbow that results from rain and not that results from other things. However it is also possible that the Tosefta does not have any such intentions and is simply using the same expression as the Torah itself used (see Bereishit 9:13-14) that says that God placed the rainbow in the cloud. Based on that we would need to say this Beracha upon seeing any rainbow regardless of its cause.

Rainbow formed in the mist of the waterfall without rain at Takakkaw Falls, Canada. Photo: Michael Rogers.

בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם נֶאֱמָן בִּבְרִיתוֹ זוֹכֵר הַבְּרִית.

Blessed are You Hashem, our God, King of the world, Who is trustworthy in His covenant [and] remembers the covenant.
This Beracha is specifically referring to the event in the Torah (Bereishit 9:8-17) when after the end of the great flood God made a covenant with Noach that he will never destroy the world by using water again. As a sign of the covenant He placed the rainbow in the sky to remind people that even though it rains He will not destroy the world using rain.

Tractate Berachot, Chapter 6

Notes:

1. The Tosefta states a new law. It is not related to any Mishna.

2. Blessed are You Hashem, our God, King of the world, Who knows the number of all of you. He will judge you and He will raise you up in judgment. Blessed are You Hashem, Who is trustworthy in His word [and] Who revives the dead.
The belief in the resurrection of the dead was considered by the Rabbis to be a basic and obligatory belief in Judaism. It was so essential that the Mishna (Sanhedrin 10:1) says that a person who does not believe in the resurrection of the dead is equated to a person who does not believe that God gave us the Torah from heaven and has no share in the World to Come. This Beracha was intended to awaken the person and to remind him every time he walks into the cemetery that the people who are laying there will be alive one day and that God will make sure to resurrect them and judge them again. This truly made an impact on the person since he suddenly remembered that not only he cannot escape from God’s judgment by dying, but even once he died and was judged he will be resurrected and judged all over again together with everyone else, thus prompting him to behave himself and keep the Torah and the commandments.

Notes:

Tractate Berachot, Chapter 6

Tosefta 10

[A person] that sees the sun, the moon, the planets and the constellations says [the following Beracha (blessing):] Baruch [Ata Hashem Eloheinu Melech Haolam] Oseh Bereishit (Blessed are You Hashem, our God, King of the world, Who performs creation). Rebbi Yehudah says, “[If] a person says a Beracha on the sun, [he follows] a foreign way.” And also Rebbi Yehudah used to say, “[If a person] sees the sea constantly and [then suddenly] something changed in it, he needs to say a Beracha [on seeing the sea].”
1. Mishna Berachot 9:2 says that a person must say a Beracha of Oseh Maaseh Bereishit on various natural phenomena. The Tosefta adds additional phenomena to that law. Also the Mishna mentions the opinion of Rebbi Yehudah regarding saying the Beracha upon seeing the sea after a period of time of not seeing it. Our Tosefta mentions an additional opinion of Rebbi Yehudah regarding saying the Beracha on the sea.

2. Mishna Berachot 9:2 says that if a person sees mountains, rivers, seas or deserts, a person needs to say a Beracha upon seeing them. The reason is, because they are an impressive natural phenomena and God should be praised for creating them. Neither Talmud explains how often these Berachot should be said. From the language of the Mishna it may be assumed that the Beracha should be said every day if a person sees something as impressive as a big river or big mountains. A similar implication can be made from this Tosefta that a person says a Beracha upon seeing the sun, the moon, the stars and the constellations, every day. The Tosefta does not clarify any particular specific time when to say the Beracha. However the Beraita that is quoted in Talmud Bavli (Berachot 59b) and in Talmud Yerushalmi (Berachot 9:2, Daf 65a), although it sounds like this Tosefta it has a lot of additional words in it, which clarify that this Beracha should not be said every day, but rather at specific times when the sun, the moon, the stars, and the constellations are in a certain position in the sky. Most probably the Beraita quoted in both Talmuds is not this Tosefta, but rather a different Beraita. Since it is unclear how often this Beracha should be said based on the Tosefta alone, I will explain each phenomena according to the explanation given in both Talmuds, however the reader should keep in mind that the Tosefta may not be referring to any particular phenomena and instead require this Beracha to be said every day whenever a person sees these celestial objects.

3. Talmud Bavli (Berachot 59b) explains that the Beracha on the sun is made once every 28 years on the vernal equinox, widely known as Birkat Hachamah (Blessing of the sun) or Kiddush Hachamah (Sanctification of the sun). The reason, as explained by the Talmud, is because that is the initial position of the sun in the sky when it was
originally created. This is of course a very problematic explanation for a variety of reasons, since it relies on the inexact Julian calendar, geocentric theory (that the Earth is the center of the universe and the sun revolved around it), and assumes that the solar system was created initially in the exact shape and form as it appears today, despite the fact that the Torah says that the sun was created on the 4th day of creation, even though the word “day” cannot be meant literally since the whole meaning of a day is defined by the Earth revolving around itself and the sun shining on it. So how is it possible that there were 3 days before the existence of the sun? It is beyond the scope of this work to go into all of the problems of such an explanation. For further details about the issues of Kiddush Hachamah see Gil Student, Eizzie Goldish, “A Bloggers’ Guide to Birkas HaChamah,” Scribd, http://www.scribd.com/doc/13641324/Birkas-HaChamah, Accessed on August 5, 2009.

4. This Beracha on the moon should not be confused with the Beracha made on the new moon every month known as Kiddush Levana (Sanctification of the moon). Kiddush Levana is a completely different Beracha on a different phenomenon, since Talmud Yerushalmi (Berachot 9:2, Daf 65a) lists it as a separate Beracha from the Beracha mentioned in this Beraita. Unfortunately neither Talmud explains what kind of phenomena regarding the moon is referred to by the Beraita that they quote. There are various opinions among the Rishonim (Medieval commentators) regarding to which phenomena is referred to here. The Rambam (Hilchot Berachot 10:18) explains that the Beraita is referring to the position of the moon in the beginning of the month in the zodiac sign of Aries (Ram) which is the region of the celestial sphere from 0 – 30 degrees, based on the Babylonian/Greek system of the zodiac, known as the Ptolemaic tropical zodiac. The constellation of Aries appears in the East in the middle of the night. This boundary should not be confused with the constellation boundaries as defined in 1930 by the International Astronomical Union, which greatly vary in size. The Rambam adds that when the moon is in this position it is in the beginning of the constellation of Aries and is not leaning to the north or to the south. Based on the Rambam’s description I have simulated this position of the moon in
Astronomical software Starry Night. From the observer’s position in Jerusalem the moon appears in Aries only in some months, mostly in the fall. An example of such an occurrence is shown below, which was on the night of September 9, 2009, which is the 20th of Elul, 5769. This particular occurrence of the moon in Aries does not occur in the beginning of the lunar month, because it falls out on the 20th of Elul. However since the position of the zodiac constellations rotates eventually it will fall out in the beginning of the lunar month. When the moon is in Aries it appears to be either in East or in the West, directly in between North and South.

Simulation in Starry Night software showing the moon appearing over the constellation of Aries in the West as can be seen from Jerusalem on September 9, 2009. The green line shows the trajectory of the moon.

It is difficult to understand what is so special about the moon appearing in the constellation of Aries that it should deserve a special Beracha. I would assume that due to this problem other Rishonim argue on the Rambam and say that all the Beraita is talking about is a regular full moon that occurs every month or other moon positions. For a summary of various opinions see the commentary on the Rambam by Rabeinu Manoach (Mishna Torah, Frankel edition, Berachot 10:18, Keshetachzor Halevana).

5. The Hebrew word Kochavim literally means “stars”, however it can also mean “planets”. Since neither Talmud explains what phenomena
is the Beraita referring to, the Rambam (Hilchot Berachot 10:18) chose to explain it to mean planets and not stars. He says that the Beraita is referring to the astronomical phenomenon when the 5 visible planets (Mercury, Venus, Mars, Saturn and Jupiter) line up and appear in the constellation of Aries without leaning to the North or to the South. The last occurrence when all of these planets were visible simultaneously happened on April 2 – 4, 2004, where Mercury was located in Aries and the other four planets followed it in a line although they were in other constellations. The next occurrence when all five planets will be visible again simultaneously will be in April 2036, so this is a truly rare occurrence. I do not know what the Rambam means by the planets not leaning to the North or to the South, since together they span the whole width of the sky, as can be seen on the Starry Night software simulation below.

![Simulation in Starry Night software showing the five visible planets all visible together over the Zodiac constellations, as can be seen from Jerusalem on April 3, 2004.](image)

I doubt that the Rambam is referring to a very close alignment of the planets since such an occurrence happens only once in a few thousand years. A very close alignment of the naked-eye planets took place on February 27th, 1953 BC, in which these five planets were together in a span of 4.3 degrees. No closer alignment has taken place since then. On September 8th, 2040, a fairly close alignment within a space of 9.3 degrees will be observed. What the Rambam probably means is that
when the five planets are visible they line up across the center of the visible sky and not on the edges, as can be seen on the picture above.

6. The reference to the constellations is very unclear. The Rambam (Hilchot Berachot 10:18) says that it is referring to the constellation of Aries rising from the East, because since it is the first constellation in the zodiac, it lines up all of the other constellations from the beginning. Such an occurrence happens roughly once a year. The simulation from the Starry Night software shows that when observed from Jerusalem Aries will rise from the East roughly during the whole month of October, 2009 and will do so again in October of every year for approximately the next 100 years, before it will shift to another month.

Simulation in Starry Night software showing the constellation of Aries rising in the East, as can be seen from Jerusalem on October 4, 2009.

7. בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם עָשָּׂה בְּרֵאשִׁית.

Blessed are You Hashem, our God, King of the world, Who performs creation.

This is the same Beracha as Oseh Maaseh Bereishit (Who performs the deed of creation). The Tosefta simply quotes a slightly different version of it than that in the Talmud Bavli.
8. Since in ancient times the sun was a very common item of pagan worship, including among the Romans and Greeks, Rebbi Yehudah felt that it was inappropriate to make a Beracha on any phenomena that has to do anything with the sun, since it may appear to look like the Jews are worshipping the sun. It seems Rebbi Yehudah was not concerned so much about the Berachot on the moon and the planets, although in Greek and Roman paganism all of them had gods and goddesses associated with them. It is possible that public worship of the sun during the Talmudic times in the Land of Israel was more widespread than public worship of the moon and other planets and that is why Rebbi Yehudah felt that only the Beracha on the sun is inappropriate, but not on the moon and other planets, although this is not really clear.

Professor Saul Lieberman in an article (Saul Lieberman, "Light on the Cave Scrolls from Rabbinic Sources", Proceedings of the American Academy for Jewish Research, Vol. 20 (1951), pp. 395-404.) provides an alternative explanation. He translates the words Derech Acheret to mean “heterodoxy”, which means a view that does not follow established, or orthodox opinions, such as the opinion of the Rabbis, but rather a dissenting view of a radical group of Jews who wanted to be stricter than the Rabbis. Lieberman cites two additional places in the Tosefta where this phrase, Derech Acheret, appears: Tosefta Berachot 6:26 and Tosefta Terumot 7:12, where the practice of saying a Beracha on the sun is condemned in conjunction with a practice of filtering wine and oil from larvae that grows in them. He explains that Rebbi Yehudah is not referring to the Beracha on the sun that is said once in 28 years as the Gemara explains it, but rather to some kind of a benediction over the sun that was said every day. Such a benediction was pronounced by the Essenes as recorded in Josephus (Jewish War, II.8.5, 128.). Josephus writes:

> And as for their piety towards God, it is very extraordinary; for before sunrise they speak not a word about profane matters, but put up certain prayers which they have received from their forefathers, as if they made a supplication for its rising. (from William Whiston translation)
Lieberman suggests that Rebbi Yehudah was condemning this practice of the Essenes, just like he was condemning the practice of some extrapious groups who filtered their wine and oil from larvae that grows in them despite the fact that such larvae is permitted for consumption. Although Lieberman’s explanation fits very well in the context of the Tosefta in Terumot it does not fit so well in this Tosefta, because the Tosefta is clearly talking about Berachot established by the Rabbis and not by radical groups such as the Essenes. It is possible to reconcile the Gemara’s explanation of the Beracha on the sun with Lieberman’s explanation by explaining that Rebbi Yehudah disagreed with the general practice of saying the Beracha on the sun even if it was once in 28 years due to this practice of the Essenes who placed special emphasis on the rising of the sun and not necessarily due to general pagan worship of the sun since it was no different than worship of the moon or other planets, as I already mentioned earlier.

9. Mishna Berachot 9:2 mentions the opinion of Rebbi Yehudah who says that a person should say the Beracha upon seeing the Mediterranean Sea if he sees it from time to time. Talmud Bavli (Berachot 59b) explains that from time to time means once in 30 days. However our Tosefta adds that Rebbi Yehudah also said that even if the person sees the sea every day and suddenly there is something different about it then he should say the Beracha on the sea anyway. I think that is why the Tosefta specifically uses the word “also” to emphasize that Rebbi Yehudah requires saying the Beracha for a visual change in the sea, even if the person sees it all the time.

10. From the wording of the Mishna (Berachot 9:2) the sea that Rebbi Yehudah is talking about is specifically the Mediterranean Sea. In Hebrew it is called Hayam Hagadol (The Great Sea). The word ים (Yam) is used to refer to both seas and lakes, since Hebrew does not have a designated word for a lake. The word אגם (Agam) is usually meant to refer to a swamp as opposed to a regular lake. I think what is different about the Mediterranean Sea from all other bodies of water in Israel that it requires a special Beracha, is that it is the only one where a person looking from the shore cannot see the other side. The horizon line falls out in the middle of the sea. Whereas Lake Kinneret (Sea of Galilee) and the Dead Sea (Yam Hamelach) are small enough to be
able to see the opposite shoreline from either end. I don’t think the Rabbis were very familiar with the Red Sea since Eilat in Talmudic times was not really a place where they lived. Based on this logic the Beracha on the sea would apply to any body of water where the observer cannot see the opposite shoreline, even if technically it is a lake, such as the Great Lakes in America and the Caspian Sea in Asia.

11. It is not clear from the Tosefta what kind of change it is talking about. It is possible that it is referring to the difference between the way a calm sea and a stormy sea looks due to the waves. It is also possible that the color of water may be different, sometimes it is blue and sometimes it is green due to the presence of particular seaweeds. Commentary on the Tosefta, Higayon Aryeh suggests that it is referring to the tides. If a person always happens to look at the sea when the tide is low and then one day he sees it when the tide is high he would need to say this Beracha. However, it is possible that really Rebbi Yehudah is not referring to any of these physical changes, but rather he is referring simply to the way the person might feel about the sea on a particular day. If suddenly one day the sea looks especially beautiful and different to him then he may say the Beracha on the sea.

12. The Beracha for seeing the sea is mentioned in Mishna 9:2

בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם שֶׁעָשָּה אֶת הַיָּם הַגָּדוֹל.

Blessed are You Hashem, our God, King of the world, Who has made the Great Sea.

Tractate Berachot, Chapter 6

Tosefta 11

Rebbi Meir used to say, ‘It says [in the Torah], “And you should love Hashem, your God, with all of your heart ...” (Devarim 6:5) [That means that you should love God] with both of your inclinations, with the good inclination...
and with the evil inclination. \(^2\) "... and with all of your soul ..." (Devarim 6:5) [That means that] even if He takes away your soul [you should still love Him]. \(^3\) And so also it says, "Because for Your sake we are killed all the time ..." (Tehillim 44:23) \(^4\) [But there is also] another explanation. "With all of your soul" [means] with the soul that He created within you, \(^5\) as it says “Let my soul live and I will praise You ..." (Tehillim 119:175) And [also] it says, “All my bones will say,’Hashem, Who is like You?’” (Tehillim 35:10) \(^6\) Ben Azzai says, “‘With all of your soul’ [means that] you should give over your soul to the performance of the commandments.” \(^7\)

Notes:

1. Mishna Berachot 9:5 learns out from the verse of Veahavta (And you should love...) (Devarim 6:5) that a person must say a Beracha (blessing) on good things as well as on bad things. This Tosefta quotes a similar Derasha (exegesis) on the same verse but with a different lesson.

2. It is obvious that when a person does good deeds he should have in mind to do them out of love for God. But Rebbi Meir points out that even when a person wants to do something evil due to his pour character when he does it he should keep in mind that God is ultimately in charge and hopefully next time he will improve his character and not perform the evil act again.

3. Meaning that even if the person has been stricken with a deadly decease or is being executed on an unfair charge he should still continue to love God despite his ordeal.
4. King David proclaimed in Tehillim that God should listen to his prayers because many Jews are murdered by other nations and despite that they die for God’s sake, for the sake of preserving Jews and Judaism, and proud to sanctify His name even in death.

5. What I think Rebbi Meir means by this explanation is that a person should exemplify true love towards God, as opposed to conditional love. A person may love God because He has given him a lot of wealth or power, but that is conditional love. As soon as the wealth and power will disappear the love will fade. Rebbi Meir is teaching us that we should love God unconditionally (i.e. with our soul alone) that even if things do not go so well we should still love Him for no particular reason.

6. Both of these quotes from Tehillim are just verses of praise that exemplify how King David expressed his love for God with his whole being.

7. Ben Azzai seems to argue on Rebbi Meir’s second explanation. He does not feel that loving unconditionally just by showing emotion has any benefit to it. He feels that love has to be shown by action. According to Ben Azzai the only way a person can show his love for God is by doing God’s commandments. It should be pointed out that Ben Azzai’s opinion is typical of Ben Azzai’s personal character. Talmud Bavli (Ketubot 62b - 63a) says that Ben Azzai was briefly engaged to Rebbi Akiva’s daughter, but then decided not to marry her since he wanted to devote all of his life to studying Torah and not get involved with raising a family, despite the fact that she waited for him to marry her for a very long time. Obviously Ben Azzai was not really understanding of love as a pure emotion to another person either which was clearly shown to him by Rebbi Akiva’s daughter.

Tractate Berachot, Chapter 6
Tosefta 12

There are prayers that are frivolous. How so? [If a person] gathered one hundred Kor [of grain, and then]
said [to God] “May it be Your will that there will be two hundred [Kor of grain]. [A person] obtained one hundred barrels [of wine⁴ and then] said [to God] “May it be Your will that there will be two hundred [barrels of wine].” All of this is a prayer in vain.⁵
But a person may pray that they (i.e. the grain or the barrels) should be blessed and not be cursed.⁶

Notes:

1. Mishna Berachot 9:3 says that if a person prays for something that has occurred in the past it is a prayer in vain. The Tosefta sites another example of a prayer in vain.

2. Kor is a biblical dry measure of capacity. It is roughly equal to 220 liters (58 gallons) although much larger estimates exist.

3. I have inserted grain here just for clarity. It could be 100 Kor of anything that is measured using dry measures.

4. I have inserted wine here just for clarity. It could be 100 barrels of anything that is stored in barrels.

5. If a person asks for something from God to be given to him magically that is normally obtained through regular work it is considered to be a futile, frivolous, and vain prayer. This should not be confused with natural phenomena such as rain that is considered to be an act of God and therefore requires prayer. Also the Tosefta is not referring to a case where a person is being led to be executed and he is praying for some magical salvation which is although relying on a miracle is an acceptable prayer since the person has no other way out. However in this particular case the person only worked to produce 100 barrels or 100 Kor and not more, so asking God for something more is simply vain.
6. Grain and wine in the barrels can spoil. It is not really in the person’s power to control that completely and therefore it is fitting for him to ask God for help so that his venture will be successful.

Tractate Berachot, Chapter 6

Tosefta 13

Rebbi Dostai Bar Yanai says in the name of Rebbi Meir, ‘It says [in the Torah] regarding Yitzchak “… and I will bless you and I will make your seed abundant for the sake of Avraham, My servant.” (Bereishit 26:24) Yitzchak expounded and said, “A blessing only settles [on a person] through physical deeds.” [Then] he got up and he planted [seeds in the field], as it says, “And Yitzchak planted in that land, and he founded in that year Mea Shearim (literally: One Hundred Gates), and Hashem blessed him.” (Bereishit 26:12) One hundred [is referring to] types [of seeds that Yitzchak planted. In that case why does the verse say] Mea Shearim (i.e. One Hundred Gates and not One Hundred Types of Seeds)? [Because the word Shearim is not referring to gates, but rather to measurements,] that they (i.e. Yitzchak’s workers) measured a hundred times [more than they planted]. It comes out [that] for every one [seed that they planted, they received back] a hundred [units of crops] according to what they measured.
Notes:

1. This Tosefta is Aggadic in nature. It is not related to any Mishna. Cheshek Shlomo suggests that the reason this Tosefta has been placed here is because it follows up with a similar teaching to the previous Tosefta. In the previous Tosefta we have learned that a person cannot expect something from nothing, even if he prays for it, and that such a prayer is considered to be frivolous. In this Tosefta we learn that our forefather, Yitzchak, felt that even though God has promised him a blessing, still in order for that blessing to become real he had to work for it, and not expect God to give him all kinds of wealth out of nothing. The message being that in this life there is no free lunch even if it comes directly from God.

2. This verse is a part of God’s speech to Yitzchak when He appeared to him at night after Yitzchak moved to Beer Sheva. In it God promised Yitzchak to give him a blessing and make his descendants very numerous. God did not specify which kind of blessing He is going to give Yitzchak, although it is implied that it was going to be something different from God’s second promise of making Yitzchak’s children very numerous.

3. In other words, this is what Yitzchak thought to himself, that God will not simply grant a person any kind of a blessing and make something out of nothing. The person must do something with his hands and then God will make that work prosperous and blessed.

4. This verse is taken out of order in the narrative since it describes what Yitzchak did while he still lived in Gerar, before he moved to Beer Sheva. The blessing that this verse is referring to is not the same blessing that God promised Yitzchak in the verse that was mentioned previously, since it took place later in time. However this is a common occurrence in Aggadic derivations to take verses out of context and expound upon them in order to teach a valuable lesson. It should be noted that in The Living Torah edition of the Chumash, Rabbi Aryeh Kaplan translates this verse not literally as I have translated it above, but rather as follows, “Isaac farmed in the area. That year, he reaped a hundred times [as much as he sowed], for God has blessed him.”
His translation is clearly based on the explanation of this Tosefta and I have to admit although linguistically it does not fit very well, it makes the text flow much better than the literal translation.

5. The words “Mea Shearim” seem to refer to a name of a place, meaning that Yitzchak has founded a town and called it Mea Shearim. However the Tosefta takes these words to refer to his produce and not to a name of a town that he has founded.

6. The Hebrew word שערים (Shearim) can possibly come from two different words. The simplest possibility is the wordShaar (Shaar) which means “a gate”. But an alternative possibility is the word Shiur (Shiur) which means “an amount” or “a measurement”. Of course the word Shiur in its plural form is spelled Shiurim, but that does not seem to bother the Tosefta so much since letters י (Yud) and ו (Vav) are commonly omitted in the Tanach.

7. In other words, they reaped a hundred times as much as they sowed.

8. This last sentence in the Tosefta explains why the Torah uses the word “measured” as opposed to the word “reaped”, since it would have been much easier to say “they reaped a hundred times as much as they sowed” than saying “they measured a hundred times as much as they sowed”. Therefore the Tosefta explains that they only discovered how much they have sowed while they were measuring the collected produce.

9. It should be noted that there is a big controversy about how to interpret this Tosefta due to its obscure wording. I have explained the Tosefta based on the way it is explained in Cheshek Shlomo and the way the text is written mainly in the Erfurt manuscript with some emendations from the Vienna manuscript. However, other commentators are not sure how to explain this Tosefta in a way that could be read into the text, especially the way it appears in the Vienna manuscript and the printed editions. Therefore they have decided to change the text somewhat significantly based on their own investigative work and the way the text appears in other places in
Talmudic literature. See Higayon Aryeh, Minchat Bikkurim and Chasdei David commentaries on this Tosefta. However, I think that all of their emendations are not necessary and the text of the Tosefta is correct the way it appears in the Erfurt manuscript.

Tractate Berachot, Chapter 6

Tosefta 14

[When a person] performs any Mitzvah (commandment) he has to say a Beracha (blessing) on it. [If a person] makes a Sukkah (booth) for himself he says [the following Beracha after completing it]: Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has helped us reach this time).

[When a person] entered [the Sukkah] in order to dwell in it he says [the following Beracha]: Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Leishev Basukkah (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to dwell in the Sukkah). And once he has said the Beracha on [dwelling in the Sukkah] on the first day [of the holiday of Sukkot] he does not need to say [this] Beracha anymore.

Notes:

1. The Tosefta states a new law regarding Berachot. It is not related to any Mishna. It is possible that this law is stated here specifically,
because it mentions the Beracha of Shehecheyanu in it, which is also mentioned in Mishna Berachot 9:3.

2. This is equally applicable to a Torah Mitzvah or a Rabbinical Mitzvah. See Talmud Bavli (Shabbat 23a).

3. Generally the Beracha is said right before the Mitzvah is performed and not after. There is one exception to this rule, that of a convert who dips himself in the Mikvah (ritual pool) for his conversion. Since the convert becomes Jewish only after he dips in the Mikvah he cannot say the Beracha before he dips, because he is not yet commanded in the commandments of the Torah. Therefore he says the Beracha after he dips. See Talmud Bavli (Pesachim 7b). However in Talmud Yerushalmi (Berachot 9:3, Daf 66a) there is an argument about the issue of when the Beracha on a Mitzvah should be said. Rebbi Yochanan holds that it should be said right before the Mitzvah is performed and Rav Huna holds that it should be said during the performance of the Mitzvah after the person already began doing the Mitzvah. Also see below Tosefta 6:16, note 4.

4. The Torah commands all Jews to sit in Sukkot (booths) for seven days on the holiday of Sukkot. See Vayikra 23:42-43.

5. בָּרוּךְ הַאֲתָה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם שֶׁהִגִּיעָנוּ לַזְּמָן הַזֶּה.

Blessed are You Hashem, our God, King of the world, Who has brought us to this time.

This is a variation of the common Beracha of Shehecheyanu. See above Tosefta 5:23, note 5. This Beracha is generally said when a person either has purchased something new, like a new house or new vessels, or when the time has arrived to celebrate a new holiday or to perform a new Mitzvah. In this case completing building the Sukkah is not a Mitzvah since the real Mitzvah that the Torah commands to perform is to sit in the Sukkah on Sukkot and not to build it. However since the person is excited that he has prepared something in order to perform the actual Mitzvah he says the Beracha of Shehecheyanu to celebrate his excitement. It should be noted that Talmud Yerushalmi (Berachot 9:3, Daf 66a) says that when a person builds a Sukkah for
himself he does not say the Beracha of Shehecheyanu, but rather the Beracha of Asher Kideshanu Bemitzvotav Vetzivanu Laasot Sukkah (Who has sanctifies us with His commandments and has commanded us to make a Sukkah), which implies that according to that Beraita building a Sukkah is an actual Mitzvah and that Beracha should be said before he started building the Sukkah, since he is about to begin a new commandment. However from this Tosefta it seems not to be the case and the Tosefta therefore argues on the Yerushalmi regarding which Beracha should be said upon building a Sukkah. For a discussion of the possibilities why building a Sukkah is a Mitzvah or not see the commentary of Rabeinu Manoach on the Rambam (Hilchot Berachot 11:8, Frankel Edition). The custom today, which is not to say a Beracha when making something in order to perform a Mitzvah with it, is based on Talmud Bavli (Menachot 42b) as explained by the Rambam (ibid.) and originates in Babylonia. However it is clear from this Tosefta and Talmud Yerushalmi (Berachot 9:3, Daf 66a) that the original custom in the Land of Israel was to say a Beracha upon preparing the Mitzvah, just it was not clear which particular Beracha and when it should be said.

6. בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעָלָ民办ַר קִדְּשָׁנוּ תָּיָוָּם בְּמִצְוָהוֹתֵי יָהּ נוֹ

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to dwell in the Sukkah.

7. The reason for the opinion of the Tosefta that this Beracha is said only the first time when the person sits in the Sukkah and not anymore is explained by Talmud Bavli (Sukkah 45b). Since the Mitzvah of Sukkah is continuous for seven days, meaning that it applies both during the day and the night, there is never an interruption in the obligation of its performance and therefore a new Beracha is not required. This is in opposition to the Mitzvah of Lulav (see next Tosefta) which is applicable only by day, and therefore since it is interrupted by the night every day, it requires a new Beracha every day. It should be pointed out that the matter of the Beracha of Leishev Basukkah (To sit in the Sukkah) being said only once or every time the person enters
the Sukkah is disputed by both Tannaim and Amoraim in Talmud Bavli (Sukkah 45b-46a). This Tosefta follows the opinion of the Rabbanan (the Rabbis) quoted in Talmud Bavli, however the custom today follows the opinion of Rebbi since most Amoraim hold like him and therefore we say the Beracha upon entering the Sukkah every time that we enter it.

Tractate Berachot, Chapter 6

Tosefta 15

[If a person] makes a Lulav (date palm branch) for himself he says [the following Beracha (blessing) after completing it]: Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has helped us reach this time). When he takes it (i.e. the Lulav) [on the holiday of Sukkot] he says [the following Beracha]: Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kidesshu Bemitzvotav Vetzivam Al Netilat Lulav (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to take the Lulav). And he must say this Beracha [before taking] it all seven days [of Sukkot]. If a person] makes [a garment] with Tzitzit (fringes) [on it] for himself he says [the following Beracha after completing it]: Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has helped us
reach this time). When he wraps himself in it he says [the following Beracha]: Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Lehitatuf Batzitzit (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to wrap in Tzitzit).\(^8\) And he must say this Beracha [before he puts on the garment with Tzitzit] every day.\(^9\) [If a person] makes Tefillin (Phylacteries)\(^10\) for himself he says [the following Beracha after completing it]: Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh. When he puts it on he says [the following Beracha]: Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Lehanach Tefillin (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to put on Tefillin).\(^11\) When does he put them (i.e. Tefillin) on? In the morning. [If] he did not put them on in the morning he [can] put them on whole day.\(^12\)

Notes:

1. The Tosefta continues on the same subject from the previous Tosefta. It is not related to any Mishna.

2. The Torah commands each person on the holiday of Sukkot to take the four species. See Vayikra 23:40. They are: an Etrog (citron), a Lulav (a
branch of a date palm), Hadasim (myrtle branches), and Aravot (willow branches). These 4 species are tied into a bundle and picked up (or shaken) on Sukkot. The Tosefta singles out the Lulav specifically because it is the biggest of the four species; however it is referring to the whole bundle together, since the Lulav by itself cannot be taken. It must be taken together with the whole bundle as the Torah commands.

3. See note 5 on the previous Tosefta. According to the Tosefta the Beracha of Shehecheyanu is said after preparing any item for the performance of a Mitzvah (commandment).

4. בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעָולם אֲשֶׁר קִדְּשָׁנוּ תָּיָוְמִצְוֹ וְצִוָּנוּ עַל נְטִילַת לוּלָב.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to take the Lulav.

As with all Berachot said on the performance of Mitzvot, the Beracha is said right before the person performs the Mitzvah and not after it, as was explained in note 3 on the previous Tosefta.

5. The Torah explicitly says that the four species bundle has to be taken only on the first day of Sukkot and not on all seven days. See Vayikra 23:40. However Talmud Bavli (Sukkah 45b-46a) explains that during the times of the Bet Hamikdash (Temple) the Lulav was taken in the Bet Hamikdash itself all seven days. After the destruction of the Bet Hamikdash the Rabbis decreed that all people everywhere should take the four species all seven days as a commemoration of the Bet Hamikdash. Therefore on the first day of Sukkot it is a Torah obligation to take the four species, whereas on all consequent days of Sukkot it is a Rabbinical commandment. As was mentioned in note 2 on the previous Tosefta, even Rabbinical commandments require a Beracha. This poses a problem with the wording of the Beracha since in the Beracha we say the word “Vetzivanu” (commanded us) meaning that it is God who commanded us to perform this Mitzvah. Therefore how can it be said on a Rabbinical commandment since it was not God who commanded us to perform it in the Torah, but rather the Rabbis. This
issue is resolved by the Talmud Bavli (Shabbat 23a) by explaining that since God in the Torah has explicitly commanded us to listen to the Rabbis (see Devarim 17:11) it is therefore as if each Rabbinical commandment has been commanded by God directly and therefore the wording of the Beracha remains valid even when said on Rabbinical commandments.

6. The Torah commands to put Tzitzit (fringes) on all four cornered garments. See Bemidbar 15:37-41. The Tzitzit consist of four strings tied to each corner of the garment. One of the strings is colored blue, called Techelet, with a special dye made from the Murex Trunculus snail. There is no obligation to specifically wear a four cornered garment in order to put Tzitzit on it, but rather if a person wants to wear a four cornered garment then he has to put Tzitzit on it. In ancient times four cornered garments were very common and mainly served as cloaks. Today such garments are still generally worn in Central and South America and are called ponchos. If a Jew would want to wear a poncho he would have to put Tzitzit on it. Jews today wear special garments not for the purpose of clothing themselves but rather to specifically fulfill the Mitzvah of Tzitzit. Such a garment is called a Tallit. A large Tallit is usually worn during morning prayers which a person wears over his shoulders on the outside of his clothing, whereas a small Tallit is worn all day as an undergarment. I have seen religious Jews wearing the small Tallit with Tzitzit and at the same time wearing a poncho on the outside of their clothes without Tzitzit on it, because that is the way they bought it in the store. This is a clear violation of the Torah commandment, but I guess they do not realize that they have to put Tzitzit on every four cornered garment that they wear including the poncho.
Tzitzit strings tied to a corner of a Tallit. Notice the blue Techelet string.
A Jewish man wearing a large Tallit.
President George Bush Jr. of the United States and President Vladimir Putin of Russia wearing traditional Peruvian ponchos at the APEC summit in Lima, Peru, in November 2008.

7. Since most ancient four cornered garments were cloaks the person put it on by wrapping himself in it.

8. ברוך אתה ה' אלוהינו מלך העולם אשר קדשנו במצוותיו וציו לנו להמעטך ביצחי.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to wrap in Tzitzit.

9. The Mitzvah of Tzitzit applies only during the day and not at night. The reason is because the Torah says (see Bemidbar 15:39) that the Tzitzit have to have a blue string that a person must be able to see. Since at night it is dark and people cannot see without artificial lighting the Mitzvah of Tzitzit does not apply. As was explained above in note 7 on
the previous Tosefta, if a Mitzvah is not continuous, meaning that there is a period when a person is obligated in it (i.e. day) and a period of exemption (i.e. night) then every time the person performs the Mitzvah again he has to say a new Beracha on it.

10. The Torah commands in four different places to tie the words that contain specific verses in the Torah to a person’s arm and between the person’s eyes, meaning on top of his head in between his eyes. See Shemot 13:9, Shemot 13:16, Devarim 6:8, and Devarim 11:18. The Torah does not describe what Tefillin (Phylacteries) should look like exactly. By oral tradition we know that Tefillin is black leather boxes with leather straps on them that contain inside them the parchments with the paragraphs from the Torah that contain the verses that mention Tefillin. It should be noted that this tradition of what exactly should be written inside the Tefillin was not always universal. During the excavations at Qumran, in Israel, together with the Dead Sea Scrolls there has been found Tefillin which looked almost exactly the same as our Tefillin, but besides the regular paragraphs it also contained the text of the Ten Commandments and other verses. For a detailed discussion of the Tefillin discoveries and what Tefillin may have looked like in ancient times see Yehudah Cohn, *Tangled Up in Text: Tefillin and the Ancient World*, Brown Judaic Studies 351, Society of Biblical Literature, 2008. For a picture of what the Tefillin looks like see above Tosefta 2:6, note 3.

11. בָּרוּךְ אַתָּה ה' אֱלוֹהֵינוּ מֶלֶךְ הָעוֹלָמִים אֲשֶׁר קִדְּשָׁנוּ תָיָוְמִצְוֹ וְצִוָּנוּ לְהָנִיחַ תְּפִלִּין.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to put on Tefillin.

It is clear from the Tosefta that the custom in Talmudic times in the Land of Israel was to say only one Beracha when putting on Tefillin, which covers both the Tefillin on the arm and the Tefillin on the head and not two Berachot as is the Ashkenazi custom today. For a discussion on this matter see Talmud Bavli (Menachot 36a and Berachot 60b) and Tosafot (Berachot 60b, Asher).
12. The Mitzvah of Tefillin really applies the whole day, but not at night. See Talmud Bavli (Menachot 36b). However since the person might forget to put on Tefillin the Rabbis recommended to put it on the first thing in the morning. However if the person was unable to do so or forgot he could do it the whole day. The Tosefta seems to imply that most people in the Talmudic times wore Tefillin only for a short period of time each day and not the whole day and therefore a person might forget to put on Tefillin all together, because if Tefillin was worn all day long then the Tosefta would not need to specify when it should be put on, since it would be worn all day long. Therefore the Rabbis recommended putting it on as early as possible. For a discussion of various sources regarding when Tefillin was worn in Talmudic times see Yehudah Cohn, Tangled Up in Text: Tefillin and the Ancient World, Brown Judaic Studies 351, Society of Biblical Literature, 2008, p. 132-133.

Tractate Berachot, Chapter 6

Tosefta 16

[Even if a person] slaughters [an animal] for himself he needs to say a Beracha (blessing) [in the form as if it was slaughtered for others]. He says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Al Hashechitah (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the slaughter). [Even if a person] covers blood [after slaughtering a wild animal or a bird] for himself he needs to say a Beracha [in the form as if the blood was covered for others]. He says [the following Beracha:] Baruch [Ata
Hashem Eloheinu Melech Haolam]
Asher Kideshanu Bemitzvotav
Vetzivanu Al Kisui Hadam Beafar
(Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding covering of the blood with dirt). 6

Notes:

1. The Tosefta continues on the same subject from the previous Tosefta. It is not related to any Mishna.

2. Slaughtering an animal either for food or for a sacrifice according to the rules of ritual slaughter – Shechitah, is a commandment in the Torah. See Devarim 12:21. The Torah does not obligate anyone to eat meat for food except in the cases of certain sacrifices, however if a person wants to eat meat then the Torah obligates him to slaughter the animal according to the rules of Shechitah. The Torah itself did not specify what the rules of Shechitah are, besides saying that the animal should be slaughtered according to the rules. Therefore the rules of Shechitah have been passed on in the Oral Tradition (Massorah) and are recorded in the Mishna in chapters 1 and 2 of Masechta (tractate) Chulin. Since the Torah does say that the animal must be slaughtered according to its rules the process of slaughtering is considered to be a direct commandment from God and therefore requires a Beracha.

3. The wording of the Tosefta “Leatzmo” meaning “for himself” is very unclear. If the Tosefta means that he slaughtered the animal for himself it should have placed the word “Leatzmo” directly after the word “Hashochet”. In the way that the Tosefta places this word it implies that he should say the Beracha for himself, but that does not make any sense, since obviously if he is doing the slaughter then he is saying the Beracha for himself and not for someone else. See Higayon Aryeh on this Tosefta. It should be noted that this Beraita is quoted in Talmud Yerushalmi (Berachot 9:3, Daf 66a) without the word “Leatzmo” meaning that regardless if he is slaughtering the animal for
himself or for someone else he still would say this Beracha. However from the Tosefta it is implied that only if he slaughters the animal for himself he would say the Beracha, but not if he would slaughter the animal for someone else. This is very difficult to understand since the Beracha is made on the performance of the commandment and it should not matter who is going to eat the animal in the end, the butcher or another person. Due to this problem there exists another explanation regarding the meaning of the word “Leatzmo”. This explanation is taken up by Chazon Yechezkel (Tosefta Berachot 6:17, Chidushim, Hamal). He says that the word “Leatzmo” is not referring to the Mitzvah (commandment) which is being done, but rather to the type of a Beracha that should be said on it. He quotes the Rambam (Hilchot Berachot 11:11-15) who says that the wording of the Beracha changes depending if the person is performing the Mitzvah for himself or for someone else. If the person is performing the Mitzvah for himself then the wording of the Beracha should be “Laasot …” – “to do …” followed by the type of the Mitzvah. But if the person is performing the Mitzvah for someone else then the wording of the Beracha should be “Al …” – “regarding …” followed by the type of the Mitzvah. The Rambam clarifies (Hilchot Berachot 11:15) that Shechitah and covering of the blood after slaughter are exceptions to this rule. The reason that they are exceptions is because they are not obligatory commandments. The person is not obligated in eating meat and therefore is not obligated in slaughtering the animal or covering its blood after slaughter. Therefore the Rambam explains, since Shechitah is not obligatory even if the person slaughters the animal only for himself he still says the Beracha in the form of “Al …” – “regarding …” Based on the Rambam’s position, Chazon Yechezkel explains that this is the precise reason why the Tosefta says the word “Leatzmo” – “for himself” after the word “Beracha” and not after the word “Hashochet”. It is referring to the form of the Beracha, that even if a person slaughtered the animal for himself he still says the Beracha using the form “Al …” and not using the form “Laasot …”. Since Chazon Yechezkel’s explanation fits better into the precise wording of the Tosefta, I have chosen to translate it according to his explanation and not according to the explanation of Higayon Aryeh. In addition, according to Chazon Yechezkel’s explanation, the Tosefta agrees with
Talmud Yerushalmi that the Beracha has to be said regardless if he is slaughtering for himself or for others, and the Tosefta is not even discussing that particular law. Rather the Tosefta is emphasizing the form in which the Beracha has to be said if the person is slaughtering for himself.

4. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ תָיָוָמִי מִצְוֹתֵינוּ בְּמֶשֶׁרֶת יְרוּשָׁלַיִם

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the slaughter.

There is an argument in Talmud Yerushalmi (Berachot 9:3, Daf 66a) regarding when the Beracha for the Shechitah should be said. Rebbi Yochanan holds that it should be said before the person begins the slaughter as it is said by all Mitzvot prior to their performance. However Yossi Ben Nehorai says that Shechitah is an exception and the Beracha should be said not only after the animal has been slaughtered, but after it has been checked for blemishes, because may be the animal would be found a Treifah (Not Kosher) due to a physical blemish on one of its organs and then the Shechitah would not count, which would make the Beracha be said in vain. Also see above Tosefta 6:14, note 3.

5. The Torah commands that if a person slaughters a wild animal, such as a deer, or a bird, then after the slaughter he should cover the spilled blood with some dirt. See Vayikra 17:13-14. Blood of domesticated animals such as cows, sheep or goats does not need to be covered after slaughter. As was already explained above in note 3, the commandment of covering the blood after slaughter is not considered to be obligatory since the person is not obligated to eat meat. Because of that the Beracha for this Mitzvah is said in the form of “Al …” – “regarding …” and not in the form of “Laasot …” – “to do …”.

6. בָּרוּךְ אַתָּה ה’ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ תָיָוָמִי בְּמֶשֶׁרֶת יְרוּשָׁלַיִם

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us.
Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding covering of the blood with dirt.

It should be noted that the word “Beafar” – “with dirt” only appears in the Vienna manuscript, but not in the Erfurt manuscript of the Tosefta. It is not really clear which version is more correct, since on one hand the Torah does explicitly say that the blood must be covered with dirt, but on the other hand even other materials besides dirt, such as sand, plaster, or manure, are all fitting to be used to cover the blood since in Halacha (Jewish Law) they are all considered to be similar enough to dirt for this purpose. See Mishna Chulin 6:7.

Tractate Berachot, Chapter 6

Tosefta 17

[If a person] circumcises [a baby boy for someone else] (i.e. not his own son) he needs to say a Beracha (blessing) for himself (i.e. for his act of circumcision) [even though it is the father who is obligated to circumcise his own son].

He says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Al Hamilah (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the circumcision).

The father of the boy has to say a Beracha for himself [regardless if he is or is not the one who performed the circumcision].

He says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav
Vetzivanu Lehachniso Bivrito Shel Avraham Avinu (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to bring him into the covenant of Avraham, our father). And the people who stand there [in the presence of the circumcision] say [in response to the father’s Beracha:] Keshem Shehichnisato Lebrit Kach Tachnisehu Letorah Ulechupah Ulemaasim Tovim (Just like you have brought him to the circumcision so too may you bring him to the Torah, to the Chupah (Wedding Canopy) and to [performing] good deeds). [The person] who says the Beracha [over the ceremony of the circumcision] says [the following Beracha: Baruch Ata Hashem Eloheinu Melech Haolam] Asher Kidesh Yedid Mibeten, Vechok Besheiro Sam, Vetzeetzaav Chatam Beot Berit Kodesh. Al Ken Bischar Zot, El Chai Chelkeinu Tzureinu Tziva Lehatzil Yedidot Sheereinu Mishachat. Baruch [Ata Hashem] Koret Haberit (Blessed are You Hashem, our God, King of the world, Who has sanctified the beloved one from the womb, and placed the mark of the law on his descendant, and sealed his offspring with the sign of the holy covenant. Therefore, as a reward for this, The Living God, Our Portion, Our Rock, command to save the beloved people of our remnant from destruction. Blessed are You
Notes:

1. The Tosefta continues on the same subject from the previous Tosefta. It is not related to any Mishna. This Tosefta outlines all Berachot that are said at the ceremony of the circumcision.

2. The Torah commands to circumcise the penis of all male children on the eighth day after their birth. See Bereishit 17:9-14 and Vayikra 12:3.

3. See note 3 on the previous Tosefta. I have explained this Tosefta according to the explanation of Chazon Yechezkel (Tosefta Berachot 6:17, Chidushim, Hamal) that I mentioned above as well. His explanation is based on the Rambam (Hilchot Milah 3:1) that the Beracha in the form of Al Hamilah (regarding the circumcision) is said only if someone else, not the father, is circumcising the baby. However if the father circumcises his own son then he says the Beracha in the form of Lamol Et Haben (to circumcise the son), since the real obligation of circumcision of the son falls out on the father and not on anyone else. See Talmud Bavli (Kiddushin 29a) and Talmud Yerushalmi (Kiddushin 1:7, Daf 19a) for different sources in the Torah of the father’s specific obligation to circumcise his own son. As I already explained above (note 3 on the previous Tosefta) the word Leatzmo (for himself) is referring to the Beracha that is being said and not to the Mitzvah (commandment) that is being done.

4. ברוך אתה ה' אלוהים מלך העולם אשר קדשנו במצוותיו והקרינה על הימלך. 

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the circumcision.

5. I have explained the Tosefta according to the opinion of Rabeinu Tam in the Tosafot (Shabbat 137b, Avi Haben) that first the circumcision is performed and only after that the father says this second Beracha. However other Rishonim (Medieval Authorities) hold that this Beracha
should also be said before the performance of the circumcision, since all Berachot over Mitzvot are said before the performance of the Mitzvah, as was explained above in Tosefta 6:14, note 3. For a discussion of various opinions regarding when the father should say the second Beracha see Hagahot Maimoni on the Rambam (Hilchot Milah 3:1).

6. Since it is the father who is obligated to circumcise his son he must say a Beracha even if he is not the Mohel (circumciser). However, even if the father is the Mohel and he says the first Beracha (Al Hamilah) he still has to say this second Beracha. It seems to me that the reason that the father has to say this Beracha even if he already said the first Beracha is because the Rabbis did not want to differentiate between different cases and coined the same Berachot to be said at all times. This is known in Talmudic literature as a Lo Plug (non-differentiation between cases). Since in most cases the father is not the Mohel, because most people do not know how to circumcise, the Rabbis have instituted this second Beracha for the father, since he is more obligated in the circumcision of his own son than anyone else. However for the odd case when the father circumcises his own son the Rabbis have applied the rule of Lo Plug and required him to say both Berachot. For the discussion on this matter see Hagahot Maimoni on the Rambam (Hilchot Milah 3:1).

7. כְּרוּצַ אֲתָה ה' אֲלַחְדִּי מֶלֶךְ הָעָלָם אֲשֶׁר קִדְּשָׁנֵנִי תָּיוֹבְּמִצְוֹ וְצִוָּנֵנִי לְהַכְּנִיסוֹ בִּבְרִיתוֹ שֶׁל אַבְרָהָם אָבִינוּ.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to bring him into the covenant of Avraham, our father.

Since the Rabbis have intended to coin this Beracha for the father who did not perform the circumcision, but rather has paid someone else to do it for him, they referred in the Beracha to the father’s action, namely not the circumcision itself since the father did not do it, but rather to the fact that the father has brought the child into the covenant that God has made with Avraham, by arranging for the child
to be circumcised. For the story of God’s covenant of circumcision with Avraham see Bereishit 17.

8. כְּשֶׁהֲֹנַתָּו לִבְּרִית בְּרֵאשִׁית וְלַתְּרוֹת וְלַתּוֹרָה לְמַעֲשִׂים טוֹבִים.

Just like you have brought him to the circumcision so too may you bring him to the Torah, to the Chupah (Wedding Canopy) and to [performing] good deeds.

The reason that these specific items are mentioned in the people’s response is explained by Rabeinu Manoach (quoted by Bet Yosef on Tur Yoreh Deah 265, Veim Hayu Acherim) that these are the things in which the father is obligated to his son. For the complete list of the father’s obligations to his son see Tosefta Kiddushin 1:8. Listed among these obligations are the facts that the father is obligated to teach his son Torah and to marry him off to a woman. Obviously the father cannot control and therefore is not obligated in his son’s performance of good deeds, but this has been added to this phrase to give it a bigger feeling of a blessing. It should be noted that in the Erfurt manuscript of the Tosefta the words “Maasim Tovim” – “good deeds” are not mentioned, which makes more sense in terms of Rabeinu Manoach’s explanation. However I have decided to keep them in the main text based on the Vienna manuscript since they are mentioned in the quote of the Tosefta in Talmud Bavli (Kiddushin 29a). It is possible to explain that “good deeds” refers to the performance of the Mitzvot (commandments) which the father is supposed to teach his son, since he is obligated in teaching him Torah, so it kind of goes along with the mentioning of the Torah.

9. Since the Tosefta does not specify who this person is, the Rambam (Hilchot Milah 3:3) explains that it can be anyone who is present, including the father, the Mohel, or anyone else who is present at the circumcision. It is not completely clear what the purpose of this Beracha is. It seems to be a Beracha that was established to give more importance to the procedure of the circumcision and to create a ritual around it, similar to the seven Berachot that are said at a wedding. See Talmud Bavli (Ketubot 7b).
Blessed are You Hashem, our God, King of the world, Who has sanctified the beloved one from the womb, and placed the mark of the law on his descendant, and sealed his offspring with the sign of the holy covenant. Therefore, as a reward for this, The Living God, Our Portion, Our Rock, command to save the beloved people of our remnant from destruction. Blessed are You Hashem, Who establishes the covenant.

There are a few different ways to explain the text of this Beracha which in turn significantly impact its translation. I have chosen to translate the first part of the Beracha according to the explanation of Tosafot (Shabbat 137b, Yedid Mibeten) and the second part of the Beracha according to my own interpretation which follows along Tosafot’s logic. According to my translation all obscure terms in the language of the Beracha refer to various people. “The beloved one” is a reference to Avraham, our father, “his descendant” is a reference to his son, Yitzchak, and “his offspring” is a reference to Yitzchak’s son, Yakov. See Tosafot (ibid.) for an explanation of why these particular references are used to refer to our forefathers. “The beloved people of our remnant” is a reference to the Jewish people who remained living in the Land of Israel after the destruction of the second Bet Hamikdash (Temple). They were persecuted by the Romans who among other commandments forbade the Jews to perform circumcision, in particular during the reign of Emperor Hadrian (117-138 CE). See above Tosefta Berachot 2:13, note 7. It appears that despite Roman decrees Jews kept performing circumcision anyway. See Talmud Bavli (Yevamot 72a) where it mentions that many Jews performed circumcision during the rebellion of Bar Kochba, even though it was forbidden by the Romans. Based on this it is my humble opinion that this Beracha was written by the Rabbis sometime around the time of the decrees of Hadrian and was said as a plea to God to save the Jews of the Land of Israel from the evil decrees of the
Romans that particularly targeted the commandment of circumcision. For a completely different interpretation of this Beracha see Rashi (Shabbat 137b) who interprets various words in the Beracha to refer to completely different concepts. Obviously based on Rashi’s explanation there is no evidence when this Beracha was composed.

It should be noted that in the Erfurt manuscript the ending of the Beracha is slightly different than what I have quoted above, which is based on the Vienna manuscript. Instead of the word “משחת” – “from destruction” it says, “למען בריתו אשר בברכהנו” – “for the sake of His covenant that He has placed on our flesh”. This text fits even better with my interpretation of this Beracha since it directly refers to the fact that God should save the remaining Jews as a reward for them performing the commandment of circumcision despite the evil decrees that forbid it. It seems to me that the reason why suddenly the text switches its reference to God in the third person is precisely because it is not referring to what God is doing now, but rather to what God has commanded in the Torah a long time ago which the Jews keep now despite their hardships.

Tractate Berachot, Chapter 6
Tosefta 18

[A person] who circumcises converts to Judaism for their conversion says the following Beracha (blessing): Baruch Ata Hashem Eloheinu Melech Haolam Asher Kideshanu Bemitzvotav Vetzivanu {Al Hamilah (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the circumcision). [The person] who says the Beracha [over the ceremony of the circumcision of converts] says [the following Beracha]:

Baruch Ata Hashem

משנת ברכות פרק 6

ה批示א ק

המָלָגֵרִים אוֹמֵר בְּמִצְוָיו וְצִוָּנוּ {לָמוּל אֶת הָגִּרִים} וּ{לְהַטִּיף הֶנֵּמֵד דַּם בְּרִית שֶׁאִילָמֵא דַּם בְּרִית לֹא נִתְקַיֵּים שָּמַיִם וָאָרֶץ שֶׁנֶּאֱמַר (יהו) ילֶג: כֶּה (אִם לֹא בְרִיתִי יוֹמָם וָלָיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חֻקּוֹת}. בָּרוּךְ כּוֹרֵת הַבְּרִית. הַמָּל אֶת הָעֲבָדִים אוֹמֵר בָּרוּךְ עַל הַמִּילָה. הַמְּבָרֵך אוֹמֵר בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָיו וְצִוָּנוּ {לָמוּל אֶת הָגִּרִים} וּ{לְהַטִּיף הֶנֵּמֵד דַּם בְּרִית שֶׁאִילָמֵא דַּם בְּרִית לֹא נִתְקַיֵּים שָּמַיִם וָאָרֶץ שֶׁנֶּאֱמַר (יהו) ילֶג: כֶּה (אִם לֹא בְרִיתִי יוֹמָם וָלָיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חֻקּוֹת}. בָּרוּךְ כּוֹרֵת הַבְּרִית. הַמָּל אֶת הָעֲבָדִים אוֹמֵר בָּרוּךְ עַל הַמִּילָה. הַמְּבָרֵך אוֹמֵר בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָיו וְצִוָּנוּ {לָמוּל אֶת הָגִּרִים} וּ{לְהַטִּיף הֶנֵּמֵד דַּם בְּרִית שֶׁאִילָמֵא דַּם בְּרִית לֹא נִתְקַיֵּים שָּמַיִם וָאָרֶץ שֶׁנֶּאֱמַר (יהו) ילֶג: כֶּה (אִם לֹא בְרִיתִי יוֹמָם וָלָיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חֻקּוֹת}. בָּרוּךְ כּוֹרֵת הַבְּרִית. הַמָּל אֶת הָעֲבָדִים אוֹמֵר בָּרוּךְ עַל הַמִּילָה. הַמְּבָרֵך אוֹמֵר בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָיו וְצִוָּנוּ {לָמוּל אֶת הָגִּרִים} וּ{לְהַטִּיף הֶנֵּמֵד דַּם בְּרִית שֶׁאִילָמֵא דַּם בְּרִית לֹא נִתְקַיֵּים שָּמַיִם וָאָרֶץ שֶׁנֶּאֱמַר (יהו) ילֶג: כֶּה (אִם לֹא בְרִיתִי יוֹמָם וָלָיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חֻקּוֹת}. בָּרוּךְ כּוֹרֵת הַבְּרִית. הַמָּל אֶת הָעֲבָדִים אוֹמֵר בָּרוּךְ עַל הַמִּילָה. הַמְּבָרֵך אוֹמֵר בָּרוּךְ אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָיו וְצִוָּנוּ {לָמוּל אֶת הָגִּרִים} וּ{לְהַטִּיף הֶנֵּמֵד דַּם בְּרִית שֶׁאִילָמֵא דַּם בְּרִית לֹא נִתְקַיֵּים שָּמַיִם וָאָרֶץ שֶׁנֶּאֱמַר (יהו) ילֶג: כֶּה (אִם לֹא בְרִיתִי יוֹמָם וָלָיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חֻקּוֹת}}
Eloheinu Melech Haolam Asher Kideshanu Bemitzvotav Vetzivanu} Lamul Et Hagerim {U}Lehatif Mehen Dam Brit Sheilmaleh Dam Brit Lo Nitkayem Shamayim Vaaretz Sheneemar Im Lo Briti Yomam Valailah [Chukot Shamaim Vaaretz Lo Samti]. Baruch [Ata Hashem] Koret Habrit (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to circumcise converts and to draw from them the blood of the covenant, because if not for the blood of the covenant heaven and earth would not exist as it is said, “If not for My covenant day and night I would not upkeep the laws of heaven and earth.”) (Yirmiyahu 33:25) Blessed are You Hashem, Who establishes the covenant).5 [A person] who circumcises slaves [when they get bought by a Jew]6 says [the following Beracha:] Baruch [Ata Hashem Eloheinu Melech Haolam Asher Kideshanu Bemitzvotav Vetzivanu] Al Hamilah (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the circumcision). [The person] who says the Beracha [over the ceremony of the circumcision of slaves] says [the following Beracha:] Baruch Ata Hashem Eloheinu Melech Haolam Asher Kideshanu] Bemitzvotav Vetzivanu Lamol Et Haavadim
Lehatif Mehen Dam Brit Sheilmaleh Dam Brit Lo Nitkayem Shamayim Vaaretz Sheneemar Im Lo Briti Yomam Valailah [Chukot Shamaim Vaaretz Lo Samti]. Baruch [Ata Hashem] Koret Habrit (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to circumcise slaves and to draw from them the blood of the covenant, because if not for the blood of the covenant heaven and earth would not exist as it is said, “If not for My covenant day and night I would not upkeep the laws of heaven and earth.” (Yirmiyahu 33:25) Blessed are You Hashem, Who establishes the covenant).

Notes:

1. The Tosefta continues on the same subject from the previous Tosefta. It is not related to any Mishna. This Tosefta outlines all Berachot that are said at the ceremony of the circumcision, but not for new born babies, but rather for converts to Judaism and Non-Jewish slaves that have been bought by Jews. It should be pointed out that this Tosefta is not present in any Tosefta manuscripts. It only appears in the printed editions of the Tosefta. Usually I do not include any text variations of the Tosefta that do not appear in manuscripts, because the printed editions are not accurate and often modify the text of the Tosefta based on the way a similar Beraita is quoted in Talmud Bavli, even though it may not originate from the Tosefta at all. However in this particular case, since a whole Tosefta was missing and not just a few words, I have decided to include it here based on the first printed edition of the Tosefta from Venice 1521. We know that the editors of the first edition of the Tosefta in Venice had at their disposal at least two manuscripts of the Tosefta which we do not have today, so it is possible that this Tosefta appeared in those manuscripts, even though
it does not appear in the manuscripts that we have today. However, it seems to me based on the fact that the text of this Tosefta is not quoted by Talmud Yerushalmi (Berachot 9:3, Daf 66a) even though it quotes all of the other Toseftot before and after it that talk about these Berachot, that it was added to the first printed edition of the Tosefta based on the text of the Beraita that is quoted in Talmud Bavli (Shabbat 137b) and it really does not belong in the Tosefta. Also there is a word in the Beracha quoted in this Tosefta which is of Babylonian origin as I will explain below in note 5, which suggests that it is not from the Tosefta and is of much later origin. Besides that the text as it is quoted in the printed edition is corrupt and is missing a bunch of words. I have corrected it based on the way that it appears in Talmud Bavli. The words that I have added from the version of the Beraita that appears in Talmud Bavli I have added in curly brackets.

2. When a Non-Jewish man converts to Judaism he is obligated to do three things: get circumcised in front of a Bet Din (Jewish Court) of three people, dip in the Mikvah (ritual bath) in front of a Bet Din and bring a sacrifice. All of these three things according to the Talmud Bavli are Torah obligations and are learned out from various verses. See Talmud Bavli (Keritut 9a). If the Non-Jew was already circumcised prior to his conversion then the procedure of Hatafat Dam Brit (Drawing of the Blood of the Covenant) is required. The tip of his penis gets poked with a needle and a drop of blood is drawn from it. This procedure has to be done in front of the Bet Din as well.

3. ברוך אתה ה' אלהינו מלך העולם איש קדוש ואיש מקדש ומייסד את התורה.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the circumcision.

This is the standard Beracha on circumcision that is said immediately before the circumcision. It should be noted that the Rambam (Hilchot Milah 3:4-5) and the Rif (Shabbat 137b) had a different version of the text in this Beraita. According to their reading the Beraita does not mention the Beracha of Al Hamilah at all, but rather just the second
Beracha. Therefore they imply that since there is only one Beracha to say on the circumcision of a convert or a slave then it should be said by the Mohel (circumciser) before the circumcision is performed as if it is the main Beracha on the circumcision. This point however is not totally clear and some Rishonim (Medieval Authorities) explain that even if there is only one combined Beracha it should still be said after the circumcision. For a discussion on this see Bet Yosef on the Tur (Yoreh Deah Hilchot Avadim 267, Hamal Haavadim). This reading matches the reading of the first half of this Tosefta as it is printed in the first edition (i.e. what is outside the curly brackets in the main text), but does not match what is printed in the second half regarding the slaves. For an explanation of why the Rabbis have coined such a combined Beracha for converts and slaves see Kesef Mishna on the Rambam (Hilchot Milah 3:4).

4. This Beracha is similar to the ceremonial Beracha mentioned in the previous Tosefta that is said after the circumcision has been completed. It can be said by anyone present at the circumcision as was already explained in note 9 on the previous Tosefta. I think that this Beracha as well was added to give more importance to the procedure of the circumcision as it really serves no other purpose.

5. Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to circumcise converts and to draw from them the blood of the covenant, because if not for the blood of the covenant heaven and earth would not exist as it is said, “If not for My covenant day and night I would not uphold the laws of heaven and earth.” Blessed are You Hashem, Who establishes the covenant.

The Derasha (exegesis) that appears in this Beracha appears in two other places. In Tosefta Nedarim 2:6 and in some editions and
manuscripts of the Mishna Nedarim 3:10, in particular, as it is printed in Talmud Bavli and as it appears in the Kaufmann manuscript.

The verse in this Beracha from Yirmiyahu 33:25 is taken out of context. In the original intent of the verse God says that just like He upkeeps the laws of heaven and earth so too He will not forsake the Jewish people. However in this Beracha the verse has been taken out of context and reinterpreted, as the Rabbis often do in many places. It seems to me that the reason that the Beracha specifically mentions the procedure of Hatafat Dam Brit is for two reasons. One is so that it would apply even to converts who are already circumcised and two because this specific circumcision has to be done in front of Bet Din as I already explained above in note 2. Since the main thing that the Bet Din has to witness is the drawing of the blood and not the cutting of the foreskin itself the Rabbis specifically emphasized this procedure in the Beracha.

The word אילמלא (Ilmale), which means “if not for” is not really a Hebrew word, but rather it is Aramaic of Babylonian Dialect. See Michael Sokoloff, A Dictionary of Jewish Babylonian Aramaic, Bar-Ilan University Press, 2002, entry אילמלא. Marcus Jastrow in his Dictionary of the Targumim (entry אילמלא (Ailmale) writes that this word is really a combination of three separate words אילו-מא-לא all of which are Aramaic words. The word אילמלא (Ilmale) appears in the Tosefta in a few other places, such as in Sanhedrin 4:5, Nedarim 2:6, and Bava Kama 3:4. It also appears in a few places in the Mishna, (Nedarim 3:10 as printed in the Gemara on Daf 31b and in Kaufmann manuscript 3:16, Taanit 3:8, Kiddushin 3:3, Avot 3:2 all in the Munchen manuscript and Hannoch Albeck Vilna edition of the Mishna) although sometimes it appears in its Palestinian form אילולי (Ilulei) which means exactly the same thing but is in Aramaic dialect that was spoken in the Land of Israel. See Michael Sokoloff, A Dictionary of Jewish Palestinian Aramaic, Bar-Ilan University Press, 2002, entry אילולי. That implies that although it was of Babylonian origin it still may have been used in the Land of Israel in the time of the Tannaim or that this particular Tosefta was edited in Babylon at a later date and this word was inserted into the original text. However in any case it is
extremely unlikely that the Tannaim would coin a Beracha with a use of a Babylonian word even if they knew about its existence, since all Berachot have been written in Hebrew and not in Aramaic. Therefore I am inclined to say that although the main text of the Beracha could have been of an earlier origin it was most probably edited later at the time of Talmud Bavli in Babylon and it was put into the text of the Tosefta in the first printed edition based on the text of the Beraita in Talmud Bavli as I mentioned above in note 1.

6. If a Jew buys or captures in war a Non-Jewish slave then the slave has to go through a procedure of conversion to Judaism which in turn obligates him in performance of Mitzvot (commandments) on the same level as a Jewish woman, which means that he is exempt from commandments that are dependent on time (Mitzvot Aseh Shehazman Gramah), such as blowing the Shofar on Rosh Hashanah or sitting in the Sukkah on Sukkot. The Non-Jewish slave has to go through the same procedure of conversion as a regular convert. See Talmud Bavli (Yevamot 45b-46a).

7. בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹד הָאֱלֹהִים אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָיו וְצִוָּנוּ לָמוּל אַתָּה אֶת הַעֲבָדִים וּלְהַטִּיף מֵהֶן דַּם בְּרִית לֹא נִתְקַיֵּים שָׁמַיִם וָאָרֶץ שֶׁנֶּאֱמַר אִם לֹא בְרִיתִי יוֹמָם וָלַיְלָה שָׂמְתִּי לֹא וָאָרֶץ שָׁמַיִם חוּקּוֹת. בָּרוּךְ כּוֹרֵת הַבְּרִית.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to circumcise slaves and to draw from them the blood of the covenant, because if not for the blood of the covenant heaven and earth would not exist as it is said, “If not for My covenant day and night I would not upkeep the laws of heaven and earth.” Blessed are You Hashem, Who establishes the covenant.

Both Berachot on the circumcision of a slave are identical to the Berachot on the circumcision of a regular convert. It is peculiar in this Tosefta that in both cases it mentions converts and slaves in plural form implying that if a person is circumcising many converts or slaves at the same time he would only say one Beracha on all of them. We do find such a concept by Shechitah (slaughtering) that if a person is
slaughtering many animals in a row he only says one Beracha in the beginning. See Talmud Bavli (Chulin 86b-87a). So it is possible that in the case of circumcisions as well if a Mohel is circumcising many people at once then he only needs to say one Beracha before all of the circumcisions.

Tractate Berachot, Chapter 6

Tosefta 19

[A person] who was walking to separate Terumah (heave-offering) and Maaserot (tithes) says [the following Beracha (blessing) before he arrived to do the separation]: Baruch [Ata Hashem Eloheinu Melech Haolam] Shehigiyanu Lazman Hazeh (Blessed are You Hashem, our God, King of the world, Who has brought us to this time). As he separates them he says [the following Beracha]: Baruch [Ata Hashem Eloheinu Melech Haolam] Asher Kideshanu Bemitzvotav Vetzivanu Lehafrish Terumah Umaasrot (Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to separate Terumah and Maaserot). When does he say the Beracha on them (i.e. Terumah and Maaserot)? At the time that he separates them.

Notes:

1. The Tosefta states a new law regarding Berachot. It is not related to any Mishna.
2. For a description of what Terumah is see above Tosefta Berachot 1:1, note 4.

3. Besides separating Terumah from all fruits and vegetables that grow in the Land of Israel a person is obligated to separate Maaser (tithe) as well. There were three types of Maaser at the time of the Bet Hamikdash (Temple), only two of which needed to be separated at any given time. Maaser Rishon was the First Tithe, which consisted of 1/10th of the produce that remained after Terumah (which is 1/50th) has been separated. That 10th was given over to the Levi (Levite). After Maaser Rishon was separated another 1/10th of the remaining produce had to be separated for Maaser Sheni – Second Tithe. Maaser Sheni was then brought to Jerusalem by the owner and was eaten there. Maaser Sheni was only separated on 1st, 2nd, 4th, and 5th years of the Shemitah (Sabbatical) cycle. On 3rd and 6th years of the Shemitah cycle instead of Maaser Sheni a different tithe called Maaser Ani – The Tithe of the Poor, was separated. It consisted of 1/10th of the remaining produce after Maaser Rishon and was distributed to the poor where ever the person who separated it lived. In the 7th year, called Shemitah (Sabbatical Year), no Terumot and Maaserot were separated, because all produce that grew was considered to be ownerless. See Vayikra 25:1-6. The Torah describes the various tithes in different places. Maaser Rishon is described in Bemidbar 12:21-32, Maaser Sheni in Devarim 14:22-27 and Maaser Ani in Devarim 14:28-29. The produce itself prior to the removal of the tithes was called Tevel (טבל) and was forbidden to be eaten until everything that was required was separated from it. The etymology of the word Tevel is not clear. Aruch Hashalem, by Dr. Alexander Kahut (Vol. 4, p. 10, entry טבל) says that in his opinion it comes from the word תבל (Tevél) which comes from the word בלל (Balal) which in turn means “mixture”, meaning that tithes are still mixed in into the Tevel produce. However the Aruch itself, by Rabeinu Natan from Rome, says that it comes from word תבלא (Tavla) which is really a Greek word τάβλα (Tabla), which means “tablet”. He explains that just like a wooden tablet cannot be eaten so too Tevel cannot be eaten until Terumah and Maaserot are removed. I have also seen another etymology of the word טבל (Tevel) on the internet, although I do not
know what is its source, that it comes from two words, טב לא (Tav Lo), which is like saying לא טוב (Lo Tov), meaning “not good”, implying that the Tevel produce is not good for eating until Terumah and Maaserot are removed. From all of these explanations it appears that the word Tevel is not a native Hebrew word, but rather some kind of slang that was made to sound like Hebrew. Although the Torah does not require for the Terumah and Maaserot to be separated at the same time, usually it was done together, because the people wanted to make their food to be allowed for consumption as soon as possible. Hence the separations were usually done together only one Beracha was established for all of them.

4. The obligation of removing Terumah and Maaserot comes after the process of harvesting has been completed. That occurs at different stages for different types of produce and also varies depending on whether the farmer intends to eat the produce himself or sell it on the market. See Mishna Maaserot 1:5. The most common terminology that is used throughout the Talmudic literature for the moment when the obligation of tithing falls on the produce is that the produce has been piled into piles, either inside the silo or even in the field itself, because that indicates the end of the harvesting process. Since this Beracha is not said over the separation of the tithes, but rather seems to be said on the fact that now the produce has been piled up and is ready to be tithed, it is said as the person gets ready to walk over to the pile to take off the tithes.

5. For the description of the Beracha of Shehecheyanu see above Tosefta 6:14, note 5. It seems that the purpose of saying this Beracha prior to removing Terumah and Maaserot is to emphasize the person’s excitement over the fact that he has collected produce that is ready to be eaten, similar to the way that he says it when he has completed making something with which he can perform a Mitzvah (commandment). See above Toseftot 6:14-15. It should be noted that the statement of the Tosefta about saying the Beracha of Shehecheyanu before taking off Terumah and Maaserot is only present in the Vienna manuscript. It is not present in the Erfurt manuscript or any of the printed editions of the Tosefta.
6. **בָּרוּךְ אַתָּה ה’ אֲלֹהֵינוּ מֶלֶךְ וָוֹעֵלָּה אַשְּרָהָּ קָדְשָׁנוּ בְּמִצְוָהָיו וְצִוָּנוּ לְהַפְרִישׁ תְּרוּמָה וּמַעֲשְׂרוֹת.**

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us to separate Terumah and Maaserot.

This Beracha is said immediately before separating Terumah and Maaserot as all Berachot for Mitzvot are said immediately prior to the performance of the Mitzvah, as was explained above in Tosefta 6:14, note 3.

7. **At first the Tosefta’s comment seems obvious. However, the reason that the Tosefta emphasizes that the Beracha has to be said right before he separates the tithes is because we may think that he should say the Beracha not when he separates them, but rather when he physically gives them to the Kohen and the Levi, as is done in the case of Pidyon Haben (The Redemption of the First Born) where the father of the baby says the Beracha over the Pidyon Haben, not when he sets aside the money, but rather when he physically gives it to the Kohen. Even though both Terumah and Pidyon Haben are priestly gifts they are not exactly equivalent in their obligation. The main obligation of the tithes is to separate them from the produce, but they do not have to be given to the Kohen, where as the Mitzvah of Pidyon Haben is to give the money to the Kohen and not just to set it aside. See the Rosh (Bechorot chapter 1, paragraph 14, on page 63b in the left column in the back of the Vilna edition of Talmud Bavli) who explains a similar concept regarding the Beracha for the Mitzvah of Peter Chamor (The Redemption of the First Born Donkey), where he says that the Beracha for Peter Chamor is said before the donkey is redeemed for a sheep and not when the sheep is physically given to the Kohen, because the main Mitzvah is to redeem it, whereas by Pidyon Haben the main Mitzvah is to give the Kohen the money, as I already explained.**

Tractate Berachot, Chapter 6

Tosefta 201

[If] ten [people] were doing ten
[different] Mitzvot (commandments) [while being together, then] each [person] says a Beracha (blessing) [on each Mitzvah (commandment)] for himself.² [If] all of them were doing one Mitzvah [together, then] one [person] says [one] Beracha [on that Mitzvah] for everyone.³ One [person] that was doing ten [different] Mitzvot says a [separate] Beracha on each [Mitzvah].⁴ One [person] that was doing one Mitzvah the whole day [without interruption] only says one Beracha [on it, in the beginning]. [However, if] he was stopping [in the middle of the performance of the Mitzvah] and then doing it [again] he says a [new] Beracha on each [new performance of that Mitzvah].⁵

Notes:

1. The Tosefta states a new law regarding Berachot. It is not related to any Mishna.

2. Meaning that these ten people were sitting in the same room, but each one of them was involved in performing a different Mitzvah. For example, one person was putting on Tefillin (Phylacteries), the second person was putting on Tzitzit (fringes), the third person was slaughtering a chicken, etc… Then it is considered that each person is involved in his own private Mitzvah and he has nothing to do with the other people present in the room, and therefore each one of them says a Beracha on his own Mitzvah to himself.

3. For example, if ten people were sitting together at the table and water was brought to them to wash hands before eating bread. One person should say the Beracha of Al Netilat Yadayim, for washing hands before eating, for everyone, since all of them are involved in the same
Mitzvah of washing hands. The reason that one person should say the Beracha for everyone is the same as when many people sit down to eat together and one person says the Beracha over the food for everyone, as was mentioned earlier in Tosefta Berachot 4:8. We have a principal called Berav Am Hadrat Melech (The King (i.e. God) is glorified among the multitude of people). It gives greater honor to God when many people do a Mitzvah together as one. See Talmud Bavli (Berachot 53a).

4. At first this statement of the Tosefta may seem obvious. Since a person is doing many different Mitzvot then he should say a separate Beracha on each Mitzvah since they have nothing to do with each other. However, the Tosefta has a very important point to make. It specifically excludes the opinion of the Tanna Kama in a Beraita quoted in Talmud Bavli (Sukkah 46a) who says that if a person was about to perform many different Mitzvot he should say one Beracha on all of them. The Beracha according to that opinion would be as follows:

בָּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךָ הָעוֹלָם אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוָּתָיו וְצִוָּנֵנוּ עַל הַמִּצְוָּתָו.

Baruch Ata Hashem Eloheinu Melech Haolam Asher Kideshanu Bemitzvotav Vetzivanu Al Hamitzvot.

Blessed are You Hashem, our God, King of the world, Who has sanctified us with His commandments and has commanded us regarding the Mitzvot (commandments).

This Tosefta goes like the opinion of Rebbi Yehudah, also quoted in that Beraita, who says that the person would have to say a separate Beracha on each Mitzvah. The Gemara explains that the reason for Rebbi Yehudah’s opinion is based on the verse in Tehillim (68:20).

5. For example, if the person would put on Tefillin in the morning and not take it off the whole day then he would only say the Beracha once before he puts it on in the morning. However if he decided to take a break from wearing it and took it off for a significant period of time then when he puts it back on again that same day he would have to
say another Beracha. I have specifically used the example of Tefillin, because there is an argument in Talmud Bavli (Sukkah 46a) between Rebbi and the Rabbanan (Rabbis) if a person would take off Tefillin in the middle of the day and then put it back after a significant break if he needs to say a new Beracha on it or not. This Tosefta follows the opinion of Rebbi who says that he would need to say a new Beracha after every interruption. It seems to me that Rebbi and the Rabbanan argue about whether the Beracha is made on the fulfillment of the minimum obligation of the Mitzvah only or if it is made any time the person fulfills the Mitzvah even if his performance of the Mitzvah is repetitious. According to Rebbi since the Mitzvah of Tefillin applies the whole day even though the person technically fulfils it by putting on Tefillin once, nevertheless since the Torah commands to wear Tefillin during the day for as long as the person wants, it is as if the person fulfils the Mitzvah again every time he puts it on and therefore a new Beracha is required every time he puts it back on. However, the Rabbanan hold that once the basic obligation has been fulfilled by putting it on once, the fact that he still fulfills the Mitzvah by wearing it longer or one more time does not make any difference in reference to his minimum obligation, and therefore the Beracha is not required anymore.

Tractate Berachot, Chapter 6

Tosefta 21

[A person] who enters a city [should] pray two [prayers], one when he enters [the city] and one when he exits [the city].³ Rebbi Shimon⁴ says, “[He should pray] four [prayers], two [prayers] when he enters [the city] and two [prayers] when he exits [the city].”⁵ What [prayer should] he say [right before] he enters [the city]? “May it be Your will, Hashem, my God,⁶ that You will bring me into this city in peace.” [After] he has entered
[the city] in peace, he [should] say [the following prayer]: “I thank You, Hashem, My God, that You brought me in peace. May it be Your will, Hashem, my God, that You will take me out from this city in peace.”

[After] he has exited [the city] in peace, he [should] say [the following prayer]: “I thank You, Hashem, my God, that you took me out in peace. May it be Your will, Hashem, my God, that You will [allow] me to reach my place [of residence] in peace.”

Notes:

1. Mishna Berachot 9:4 quotes an argument about how many prayers a person should say when he enters and exits a city. Our Tosefta quotes the same argument, but in the name of a different Tanna and quotes the text of the prayers that he should say.

2. In the Roman Empire there seemed to be a prevalent notion that cities are more dangerous than villages due to rampant poverty, crime and disease. See Gregory S. Aldrete, “Daily life in the Roman city: Rome, Pompeii and Ostia”, 2004, pp. 4, 103-104. Roman cities including Rome itself, and obviously the cities in the Land of Israel had no official police force of any kind. The responsibility to catch criminals rested on the people themselves. Since no one really cared much for the welfare of others outside of his own family the city could be a rather dangerous place especially for a visitor who does not have any connections and anyone to protect him from city criminals. In some cities of Roman Palestine there were different types of night police, called “saltuarii” and “nuktostrategoi”, hired by the local rich people, who patrolled the streets at night, and who could be very brutal in their law enforcement. People could have been afraid of these night watchmen as much as of criminals since often they beat people up or even killed them. For more details on Roman night police see Daniel
It is interesting to note that Talmud Bavli (Berachot 60a) mentions the opinion of Rav Matna who says that the law of this Tosefta regarding prayers for going in and out of the city only applies to a city that does not have a court that has the authority to execute people, but if the city has such a court then the prayers do not need to be said. Rav Matna was a Babylonian Amora who studied under Shmuel in Neharda, which places him in the first half of the 3rd century CE. This implies that in Babylonia in the 3rd century, which was under the control of the Persian Sassanid Empire (starting with Ardashir I in 226 CE), in cities that had a court in them that could perform executions there was a lot less crime than in other cities and therefore the prayers were not necessary. I am convinced that Rav Matna is not referring to a Jewish court, but rather to a regular Persian court, since by his time Jewish courts did not execute anyone, and even before the destruction of the Bet Hamikdash when Jewish courts performed executions such occurrences were extremely rare. However it is possible that a Persian court could execute someone for a crime relatively fast and such executions were frequent, which would increase public fear and reduce crime. I do not think that presence of a capital court in the city meant that automatically there was a police force there as well which helped reduce crime. Even without police the mere fear of a possible execution would cause people to be more cautious about committing crimes.

3. The opinion of the Tanna Kama (the first Tanna) is that the person does not need to thank God for what already occurred. He only needs to request from God that nothing bad should happen to him. Therefore only one prayer with the request for the safe entry and for the safe exit is necessary.

4. In the Erfurt manuscript the name of the Tanna who says this is Ben Azzai, just like it is in the Mishna. I have quoted the text to say Rebbi Shimon according to the Vienna manuscript. It should be noted that Ben Azzai’s first name was also Shimon, although Rebbi Shimon without any additional names usually refers to Rebbi Shimon Bar
Yochai. The confusion in the manuscripts probably originated with the fact that both of their first names were Shimon.

5. Rebbi Shimon holds that it is not enough to just request from God safe entry and exit, but rather a person should also thank God for providing him with a safe entry and exit. Therefore Rebbi Shimon adds a prayer of thanks upon entry into the city and a prayer of thanks upon exit from the city.

6. In the Erfurt manuscript the text of the prayer reads, “Hashem, our God” instead of “Hashem, my God”. It seems to me that the way the Vienna manuscript quotes the text, “my God”, makes more sense, because this is a personal prayer that the Rabbis have not coined to the extent that the person must follow official text in Hebrew as obligatory prayers are, such as Berachot and Shemoneh Esreh, all of which always say “our God”. See the next note. Therefore the reading, “my God”, seems to be more appropriate in this case.

7. The Rambam (Commentary on Mishna Berachot 9:4) explains that this prayer is not formal as regular required prayers such as Shemoneh Esreh. Therefore a person is not required to face the Bet Hamikdash when he says it, not required to prepare himself by setting his mind upon it, and it is not written in the formal text of a Beracha. But rather it is a personal supplication to God. Based on the Rambam’s explanation it seems that the Rabbis have not coined the exact text of this prayer, but merely suggested what a person should say. However this prayer does not need to be said in Hebrew and its text can vary somewhat. Based on this understanding of the Rambam it can be explained why the Rambam in his Mishna Torah does not quote the Halacha (law) that originates from Talmud Bavli (Berachot 29b) that when a person goes out on a journey he needs to say Tefilat Hederech (A Prayer for a Journey). See Bet Yosef (Tur, Orach Chaim 110, Veharambam) who seems to be the first who asked this question. The Kol Bo (87, Hilchot Berachot, page 56a, right column, in the Lemberg 1860 edition), a halachic work by an anonymous Rishon (Medieval authority), says that this last prayer in our Tosefta, that a person should say when he leaves the city, is basically the same prayer as the prayer of Tefilat Haderech. I would like to propose that the Rambam
agrees with the Kol Bo on this point and therefore since the Rambam already quoted the law from this Tosefta in Hilchot Berachot 10:25 he does not need to separately quote the law of Tefilat Haderech, because it would be redundant duplication. However, the Rambam disagrees with the Kol Bo regarding the point of how formal these prayers are. According to the Kol Bo, Tefilat Haderech, as well as the prayers quoted in our Tosefta, are formal prayers and therefore they should be said in the exact fashion that it is quoted in the Gemara, in plural form (i.e. “our God”, not “my God”) and end with a Beracha – Baruch Ata Hashem Shomeah Tefillah (Blessed are You Hashem Who hears prayer), because that is the way the Rabbis have coined it. However according to the Rambam the text of Tefilat Haderech quoted in the Gemara is a mere suggestion and is not formally coined just like the rest of the prayers quoted in this Tosefta and therefore technically a person can say them in any language and using any expression he likes. Since there is no formal text of Tefilat Haderech the Rambam does not need to quote it in the Mishna Torah, but rather all he needs to say is that a person should say some kind of a prayer when he leaves the city, as he did in Hilchot Berachot 10:25, and that would be sufficient for us to know that we need to say a prayer when we go out on a journey. As a side note I just would like to clarify that the whole long quote in the Kol Bo about Tefilat Haderech in the name of Ram (ר) is not referring to the Rambam, but rather to Maharam Merutenburg who was sometimes called the Ram (Rabeinu Meir), and should not cause confusion.

Tractate Berachot, Chapter 6

Tosefta 22

[A person] who enters into a bathhouse [should] pray two prayers, one as he enters [the bathhouse] and one as he exits [the bathhouse]. As he enters [the bathhouse] he says [the following prayer]: May it be Your will, Hashem, my God, that you will bring me in
peace and you will take me out in peace. And may there not happen with me a disaster. But if a disaster will happen to me may my death be a forgiveness for all of my sins.\(^3\)

[However] save me from this and anything similar to it in the future. [If] he exited in peace he says [the following prayer]: I thank You, Hashem, my God, that you took me out in peace. So may it be Your will, Hashem, my God, that I will come to my place [of residence] in peace.

Notes:

1. The Tosefta continues on the same subject from the previous Tosefta. It is not related to any Mishna.

2. The Tosefta is referring to a Roman bathhouse, known as the Balneae or Thermae in Latin, which were very common in the Land of Israel in Talmudic times. Ruins of many of them can still be seen today, for example in Masada and Caesarea. There was a room in each bathhouse called the Caldarium which contained the actual hot baths. The walls and the floor of the Caldarium were hollow where the opposite dividers were connected by stone pillars. Hot air was passed inside these hollow walls which kept the room extremely hot all the time. The mosaic floor of the Caldarium was built directly above the hypocaust, a type of a central heating system, where hot steam was pumped in between the stone pillars. The furnace itself where the fire burned was built either on the side of the hypocaust or directly below it. See William Smith, Charles Anthon (editor of the American edition), “A dictionary of Greek and Roman antiquities”, Volume 2, edition 3, 1843, entry Baths, p. 151. The idea was to have the furnace as close as possible to the hot bath so it could be kept as hot as possible. Often the floor would get so hot that the material from which it was made would burn through and the people in the Caldarium would fall down directly either into the hot steam in the hypocaust or even further
down directly in to the fire of the furnace, and get killed. Talmud Bavli (Berachot 60a) relates a story about Rebbi Avahu, a Palestinian Amora of the 3rd century CE, who once went into a Roman bathhouse, most probably in Caesarea, where he lived, and the floor collapsed. However, Rebbi Avahu did not get killed, because he happened to be right above a stone pillar, so when the floor fell he remained standing on the pillar. He was also able to save a few people this way by grabbing and holding on to them thus preventing them from falling into the hot steam. In Talmud Bavli (Pesachim 112b) Rebbi Yossi Ben Rebbi Yehudah tells Rebbi Yehudah Hanassi not to enter a newly built bathhouse, because of the possibility of the floor collapsing. Obviously the Rabbis felt that there was a danger associated with bathhouses, especially newly built ones or really old ones which were not repaired, although it is not clear how often accidents actually happened.

Caldarium from the Roman Baths at Bath, England. The floor has been removed to reveal the empty space where the hot air flowed through to heat the floor. Notice the pillars between which the hot steam passed through. Rebbi Avahu escaped death due to one of these pillars.
3. As was already explained in note 7 on the previous Tosefta, these prayers are not formal and therefore they do not have to be said in Hebrew and using the exact expression mentioned by the Tosefta. They were so informal that the Talmud Bavli (Berachot 60a) mentions the opinion of Abaye who says that the line “but if a disaster will happen to me may my death be a forgiveness for all of my sins” should not be said at all, because it is like jinxing oneself, that since the person mentioned death now it is going to happen. The expression that Abaye uses is “a person should not open his mouth to the Satan.” Abaye claims that this dictum, or if I may “superstition”, of not jinxing oneself with words originally comes from a Tannaitic teaching of the Tanna Rebbi Yossi or from a teaching of Reish Lakish who was a Palestinian Amora, which makes it difficult to accuse Abaye of being influenced by Zoroastrian superstitions prevalent in Babylonia during the rule of Sassanid Empire when Abaye lived, in the 4th century CE, since Rebbi Yossi was never exposed to Zoroastrian culture. However it is clear from this Tosefta that the Tannaim of the Land of Israel were not really concerned about jinxing oneself, especially during a prayer to God, since the opinion of Rebbi Yossi is not even mentioned.
Rebbi Yehudah says, “A person is obligated to say [the following] three Berachot (blessings) every day:² Baruch [Ata Hashem Eloheinu Melech Haolam] Shelanu, Baruch Shelanu Uniaseinu, Baruch Shelanu Uniaseinu.³ Baruch [Ata Hashem Eloheinu Melech Haolam] Shelanu, Baruch Shelanu Uniaseinu, Baruch Shelanu Uniaseinu.⁴ Baruch [Ata Hashem Eloheinu Melech Haolam] Shelanu, Baruch Shelanu Uniaseinu, Baruch Shelanu Uniaseinu.⁵ [The reason for saying a Beracha for not making him] a gentile is because it says ‘All nations are like nothing to Him. He considers them to be empty and void.’ (Yeshayahu 40:17)⁶ [The reason for saying a Beracha for not making him] a woman is because women are not obligated in Mitzvot (commandments).”⁷ [The reason for saying a Beracha for not making him] a boor⁸ is because a boor is not afraid of sin.⁹ They have said a parable to what this is similar to. [It is similar] to a king of flesh and blood who said to his servant to cook him [some] food, but he (i.e. the servant) has never cooked food in his life. In the end he ruins the food and angers his master. [Or the king told the servant] to hem for him.
a robe, but he (i.e. the servant) has never hemmed a robe in his life. In the end he [causes] the robe to get dirty\textsuperscript{11} and angers his master.\textsuperscript{12}

Notes:

1. The Tosefta states a new law regarding Berachot. It is not related to any Mishna.

2. Meaning any time during the day and not before some particular action. The purpose of these Berachot is to give thanks to God. The custom has developed to say them first thing in the morning after a person wakes up.

3. בָּרוּךְ אַתָּה ה' אלהינו מֶלֶךְ עָלָיו וּמָשָּׁלָא עָשָׂנִי גָוִי.
   Blessed are You Hashem, our God, King of the world, for not making me a gentile.
   A gentile in this case means a Non-Jew.

4. בָּרוּךְ אַתָּה ה' אלהינו מֶלֶךְ עָלָיו שֶלֹּא עֲשָׂנִי אִשָּׁה.
   Blessed are You Hashem, our God, King of the world, for not making me a woman.

5. בָּרוּךְ אַתָּה ה' אלהינו מֶלֶךְ עָלָיו שֶלֹּא עֲשָׂנִי בּוּר.
   Blessed are You Hashem, our God, King of the world, for not making me a boor.

6. Rebbi Yehudah took this verse in Yeshayahu out of context, which is very common in Talmudic literature, in order to make his point. The section in Yeshayahu where this verse appears discusses the greatness of God and compares it to other things in this world that are perceived to be great by people, although they are like nothing relative to God. The prophet lists a long list of various things that people consider great including all of the nations of this world and says that in comparison to God they are completely nothing. The implication is that the nation of Israel is included in this reference as well. However,
Rebbi Yehudah expounds that this verse is a derogatory statement about all of the other nations excluding Israel who are the only ones that God considers to be worth something. Rebbi Yehudah could have easily stated the same reason for the Beracha for not making him a gentile as for not making him a woman, because gentiles are not obligated in all of the commandments that Jews are obligated in. It is clear that Rebbi Yehudah’s main point is to emphasize the superiority of Jews to other nations. It has been pointed out by various scholars that Rebbi Yehudah’s law regarding these Berachot may be a direct response to similar blessings made by Greek philosophers. Plutarch, the famous Roman historian, writes (Plutarch, “Lives, Volume IX, Demetrius and Antony. Pyrrhus and Gaius Marius”, Loeb Classical Library, Harvard University Press, p. 595.) “Plato, at the point of his death, congratulated himself, in the first place, that he had been born a man, next that he had the happiness of being a Greek, not a brute or barbarian, and last the he was a contemporary of Socrates.” Plutarch (46 – 120 CE) was a contemporary of Rebbi Akiva, Rebbi Yehudah’s teacher, so it is very possible that Rebbi Yehudah’s statement is adapted for Jews based on what he heard as a common Greek story as quoted by Plutarch. For a discussion on this issue see Joseph Tabory, "The Benedictions of Self-Identity and the Changing Status of Women and of Orthodoxy", Kenishta: Studies of the Synagogue World, Bar Ilan University Press, 1, 2001, p. 107-138.

7. This is specifically referring to positive commandments which are dependent on time, like putting on Tefillin (Phylacteries), sitting in the Sukkah during the holiday of Sukkot, or blowing the Shofar on the holiday of Rosh Hashanah, from all of which women are exempt. The Rabbis felt that positive commandments that are dependent on time specifically emphasize the person’s ability and desire to serve God. See Talmud Bavli (Bava Kama 38a) where Rebbi Chaninah says that a person who is commanded to do something and then does it is greater than a person who does the same thing, but who was not commanded to do it. Tosafot provide two possible explanations for Rebbi Chaninah’s statement. Tosafot in Avodah Zarah (3a, Gadol) explain that when a person is commanded to do something he has a greater evil inclination that tries to prevent him from doing it, where as a
person who does it out of his own free will does not have such a strong impulse not to fulfill the commandment. Tosafot in Kiddushin (31a, Gadol) explain that a person who is commanded to do something feels compelled to finish the act and will go out of his way to complete it, whereas a person who is not commanded to do something always feels that it is optional and therefore he can drop it at any time.

I would like to point out that it is clear from this Tosefta that the Beracha of Shelo Asani Isha was clearly not established to put down women in any way, like many people believe, but rather to emphasize the person’s ability to perform Mitzvot to their fullest potential.

8. The English word “boor” seems to come directly from the Hebrew word Bur, which means an uncultured person; one who lacks in education, knowledge, refinement and social graces. The etymology of the Hebrew word Bur is unclear. It is possible that the Hebrew word comes from the Greek term βάρβαρος (Barbaros) – barbarian, which was a reference to all uncivilized nations who were not a part of the Greco-Roman world. However it is also possible that it is an original Hebrew word and comes from the word Bor (בור) which means a hole or a pit, referring to something that is empty, in this case an empty person. See the commentary of the Rambam on the Mishna (Avot 5:6).

9. In the eyes of the Rabbis, an uncultured person – a Bur, was someone who was not educated in Torah and did not behave himself ethically and properly as a decent human being, as opposed to an Am Haaretz (הארץ עם) who was uneducated in Torah, but still was an ethical person with decent behavior. See the commentary of the Rambam on the Mishna (Avot 5:6). Since a Bur does not conduct himself properly as a decent human being he is essentially someone who is not afraid to sin, not because he is not afraid of God, but because he does not have basic human decency that controls his behavior.

10. The Hebrew word Lachpot (לְחַפְוַת) is a specific sewing term which means to hem – fold up a cut edge twice and sew it down so that the cut edge of the cloth would not ravel. The procedure of hemming
seemed to be a specific test among tailors in Talmudic times by which a tailor was judged to be an expert tailor or an amateur. See Talmud Bavli (Moed Katan 10a). In this Tosefta it is referring to a particular case of hemming a long garment in order to make it shorter so it does not drag on the ground and becomes dirty.

11. Because the robe remained too long and dragged on the ground when the master wore it.

12. It seems that this parable is only referring to the case of the boor, and not to the case of the gentile and the woman, since neither of them seem to fit the parable. However, the boor is not educated in Torah and has no ethical character therefore even if he tries to do something good it is very possible that he would end up in committing a sin instead, therefore angering God. It should be pointed out that in the Vienna manuscript the order of these three Berachot is a little different. The boor and the woman are reversed, the boor being the middle of the three Berachot. This does not fit so well with the parable stated at the end of the Tosefta, because if it is referring to the boor then it should have been stated right after the Beracha of the boor. Therefore I have chosen the order of the Berachot as it appears in the Erfurt manuscript, namely the Beracha of the boor mentioned last.

Tractate Berachot, Chapter 6  
Tosefta 24

A person should not enter the Temple Mount with money bundled in his cloak, and with dust on his feet, and with his money-belt tied on him on the outside as it is said, “Watch your feet when you go to the House of God …” (Kohelet 4:17)

Notes:

1. Mishna Berachot 9:5 says that a person should not enter the Temple Mount with a variety of objects including the dust on his feet and the
belt. This Tosefta adds another item to the list, money, and provides a reference from a verse for this law.

2. The Temple Mount is the mountain on which the Bet Hamikdash (Temple) was located. The Tosefta is referring to the mountain itself regardless whether the Bet Hamikdash was standing or not. The Temple Mount is considered to be holy by itself.

3. The word סדין (Sadin) literally means “sheet”. The Tosefta is referring to the most common Greek outer garment called the Pallium which was worn by Jews as well. It was basically a large sheet wrapped around the body and was usually held by a brooch. The reason it was called the sheet was not only because it looked like a sheet, but because it was often used as a sheet to sleep on. The Pallium should not be confused with the Roman Toga which was a completely different garment and was mostly worn by Roman aristocracy and not by common people who preferred the Pallium due to its simplicity. The Pallium was usually worn on top of an undergarment called the Chiton or the Tunica which covered the private parts although some people, usually the poor, did not wear any undergarments and wore the Pallium directly on their naked body. For details about the Pallium see William Smith, “Dictionary of Greek and Roman Antiquities”, London 1890, p.851-853, entry Pallium. I am not exactly sure what is meant by the money being bundled inside the cloak. Usually the money was carried inside the pocket of the money-belt, but the Tosefta lists the belt separately, so it must mean that the money was carried somehow in the cloak itself and not in the belt. It is possible it simply means that the coins were held inside a small bag which was pinned to the cloak by the same brooch that held the cloak together.

The reason that a person should not enter the Temple Mount with money is because it appeared that he is coming to do business there which is a mundane matter. The Tosefta cannot mean that a person was not allowed to bring any money at all, since the person had to bring some money with him in order to be able to purchase the sacrifices in the Temple. It probably refers to a relatively large bag of coins which was inconvenient to carry in his hands, which is why it had to be attached to the brooch of his cloak.
The Pallium was usually short and ended above the knee so it would be easier to run in it.

4. Most people wore sandals or some other type of open shoes so their feet got really dusty as they walked on dirt roads. No one was allowed to wear shoes at all on the Temple Mount. See Mishna Berachot 9:5. People were supposed to remove their shoes right before they entered the Temple Mount and wash off the dust off their feet as a sign of respect for the holy place.

5. The word פונדסא (Punda) comes from the Greek word φούνδα (Founda) and from the same Latin word “funda” which means a pocket for money or a purse. See Aruch Hashalem (Vol 6, p. 366, entry פנדס). Usually it refers to a belt with a hollow space inside it which was commonly used to put money in it. See Mishna Shabbat 10:3 and Keilim 27:6. This translation is followed by Rashi (Berachot 54a, Bepundato). It also makes sense etymologically to explain it as a money-belt, because the Latin word “funda” originally referred to a leather sling that was used by slingers in the Roman army. Since the
sling was essentially a leather belt. The word got an additional meaning to refer to a money-belt. It seems that the reason for taking off the belt and putting it back on the inside of his cloak was the same as for removing the money from the cloak, which was so that it would not appear that the person is coming to do business on the Temple Mount. However, the Rambam in his commentary on the Mishna (Berachot 9:5, Keilim 27:6 and Keilim 29:1) explains that Punda is an undergarment which was worn under the main clothing to protect it from getting ruined by sweat, which also had pockets to carry money in it. This Tosefta is referring to the case where the person was wearing this soiled undergarment on the outside of his clothes which is very disrespectful and therefore he either had to remove it or put it back underneath his outside clothing. The Rambam seems to explain that the problem of wearing it on the outside was that it was dirty and disrespectful and not because it had money in it. See his commentary on Mishna Berachot 9:5. It is unclear where the Rambam got his translation and explanation from. I have chosen to translate the word Punda as a money-belt since it is a more accepted meaning of this word with a known etymology.

6. The verse in Kohelet issues a general caution to people who go to the Bet Hamikdash to bring sacrifices that they should be careful about why they are going there and what they are going to do there. The verse is not being literal to refer to a person’s feet specifically. Therefore the Tosefta uses this verse as a source for all of the laws that it lists, that a person needs to be generally careful about how he shows up in God’s house and what his appearance is like.

Tractate Berachot, Chapter 6
Tosefta 25

Rebbi Yossi Ben Rebbi Yehudah says, ‘It says [in the verse], ‘... because you cannot come into the gate of the king in sackcloth.’ (Esther 4:2) For sure there are many more Kal Vechomer (a derivation from minor to major)
derivations in this case.”³ And spitting [is forbidden on the Temple Mount] from a Kal Vechomer.⁴ Even though a shoe has nothing disgraceful about it, [and still] the Torah says⁵ not to go with a shoe [on to the Temple Mount], it is a Kal Vechomer to spitting which is disgraceful, [that it should be for sure forbidden on the Temple Mount].⁶

Notes:

1. The Tosefta continues its discussion from the previous Tosefta. Rebbi Yossi Ben Rebbi Yehudah argues on the reason for the laws stated in the previous Tosefta and provides his own reason. In addition, the Tosefta explains what is the Kal Vachomer from which we learn that spitting is forbidden on the Temple Mount, as stated in Mishna Berachot 9:5.

2. The verse in Esther refers to why Mordechai was not allowed to enter the palace of King Achashverosh while he was wearing sackcloth and mourning over Haman’s decree to destroy the Jews. It was forbidden to enter the king’s palace while wearing sackcloth.

3. The Kal Vechomer in this case is obvious. Since it was not allowed to enter the palace of a human king while not dressed appropriately then how much more so it should not be allowed in the Temple of God who is the King of kings. Rebbi Yossi Ben Rebbi Yehudah felt that it is much better to derive all of the laws stated in the previous Tosefta from this verse in Esther using the Kal Vechomer than from the verse in Kohelet that was stated in the previous Tosefta. The reason that Rebbi Yossi Ben Rebbi Yehudah felt this way is most probably because the lesson of this Kal Vechomer is a lot more powerful than the verse in Kohelet since people understood very well how severe the punishments were for violating palace rules of human kings. This is probably why he says that there are many Kal Vechomer derivations from this verse in Esther and not just one, since people can imagine all kinds of reasons.
why rules in God’s palace are more stringent than in a human king’s palace.

4. The reference to spitting was stated in Mishna Berachot 9:5. The Tosefta now explains what the Kal Vechomer is.

5. The Torah does not explicitly say that a person is not allowed to wear shoes on the Temple Mount. However there is a hint in the Torah for that. Moshe was told by God to remove his shoes when he went up to the mountain to see the burning bush, because it was a holy place. See Shemot 3:5. The reason that the Tosefta did not quote this verse as the source for not wearing shoes on the Temple Mount is because it wanted to quote a more general reference from which all of the mentioned prohibitions could be learned from and not just the prohibition of wearing shoes.

6. It should be noted that the text of this Tosefta in the regular printed editions is completely reversed, which gives it a different meaning and is not correct. It seems that it was edited based on the Beraita quoted in Talmud Bavli (Berachot 62b) which is a different Beraita although it looks very similar to this Tosefta. I have quoted and explained the text based on the way it appears in the Vienna and Erfurt manuscripts of the Tosefta.

Tractate Berachot, Chapter 6

Tosefta 26

[A person] who begins [his Berachot (blessings)] with [God’s name that is represented by Hebrew letters] Yud Heh (i.e. Adonai) and ends [his Berachot] with [God’s name that is represented by Hebrew letters] Yud Heh is a wise person.  

4 [A person who begins his Berachot] with [God’s name that is represented by Hebrew letters] Aleph Lamed (i.e. El or Elohim), but ends [his Berachot] with...
[God’s name that is represented by Hebrew letters] Yud Heh (i.e. Adonai) is an average person.⁶ [A person who begins his Berachot] with [God’s name that is represented by Hebrew letters] Yud Heh (i.e. Adonai), but ends [his Berachot] with [God’s name that is represented by Hebrew letters] Aleph Lamed (i.e. El or Elohim) is a boor.⁷ [A person who begins his Berachot] with [God’s name that is represented by Hebrew letters] Aleph Lamed (i.e. El or Elohim), and ends [his Berachot] with [God’s name that is represented by Hebrew letters] Aleph Lamed (i.e. El or Elohim) follows a foreign way.⁸

Notes:

1. Mishna Berachot 9:5 states that the Rabbis instituted that people should greet each other using God’s name. In reference to that the Tosefta states a new law regarding the usage of God’s name in Berachot.

2. The Tosefta is referring to Berachot that have God’s name both in the beginning of the Beracha and at the end, such as the Beracha of Kiddush on Friday night. It begins with the phrase Baruch Ata Hashem … (Blessed are You Hashem) and ends with the phrase Baruch Ata Hashem ….

3. There is a prohibition in the Torah to say God’s name in vain. See Shemot 20:7. Due to that prohibition Jews are very careful with pronunciations of God’s various names. In addition to that, Jews are also very careful with writing of God’s names since some of them cannot be erased and the paper on which they are written has to be buried out of respect and cannot be simply thrown in the garbage. God’s four letter name is written in the Torah, as יהוה, known in English as Tetragrammaton. Outside of the service in Bet Hamikdash
on Yom Kippur it was never pronounced. When Berachot are said the name that is used is אָדֹנְיָ (Adonai) which means “My Master”. In general speech, not in religious services, even the name Adonai is not pronounced and instead the name חֵשֶׁם (Hashem) is used, which simply means “The Name”. There are various abbreviations that are used in Hebrew to represent these names without directly spelling them out. The name Hashem is usually abbreviated as 'ה. The name Adonai is often abbreviated as יי. The four letter name is often abbreviated by its first two letters יה. This Tosefta uses this abbreviation to refer to the four letter name, but not to that name itself, but rather as it would be pronounced in a Beracha, namely Adonai. I would like to point out that Higayon Aryeh is incorrect in commenting that the Tosefta means that the Rabbis have decreed that people should pronounce the actual four letter name of God in the Berachot since no such evidence exists that such thing was ever done, but rather it refers to the name Adonai as I already explained.

4. The Rabbis coined the text of all Berachot that God’s name in them should be pronounced as Adonai. Therefore a person who follows the Rabbi’s instructions exactly is considered to be a wise person, meaning that he is learned in Torah.

5. God’s names אל (El) or אלהים (Elohim) both mean “God”. The Tosefta refers to both of them by the shorter form El. These names of God are of lower sanctity and are therefore never used in Berachot as a direct reference to God.

6. If the person began his Beracha by saying Baruch Ata El … and ended it by saying Baruch Ata Adonai … then he is considered to be an average person, meaning someone who is not very learned in Torah since he did not follow the exact prescription of the Rabbis regarding the pronunciation of the Beracha, but he is also not considered to be very crude, like a boor, since he completed the Beracha using the correct name, and we consider that the completion of the Beracha is the final statement of the person’s intent. See Talmud Bavli (Berachot 12a) where it says that by Berachot everything goes after the ending.
7. For the etymology and explanation of the Hebrew word Bur see above Tosefta 6:23, note 8. Since he completed the Beracha with the name El we consider it to be as if he did not follow the prescription of the Rabbis, since in Berachot everything goes after the ending, and he is therefore considered to be a boor. I think that the reason the Rabbis called such a person a boor, meaning that he is not learned in Torah and he has no fear of God, as opposed to an Am Haaretz who is a God fearing person, but not learned in Torah, is because the person ended up saying God’s name in vain twice by ending the Beracha with the name El. He did not fulfill the obligation of the Beracha since he did not follow the correct prescription of the text and therefore said both of God’s names, Adonai in the beginning of the Beracha and El in the end of the Beracha, in vain. Since he said God’s name in vain so much he is considered to have no fear of God and is therefore called a boor.

8. Professor Saul Lieberman in an article (Saul Lieberman, "Light on the Cave Scrolls from Rabbinic Sources", Proceedings of the American Academy for Jewish Research, Vol. 20 (1951), pp. 395-404.) translates the words Derech Acheret to mean “heterodoxy”, which means a view that does not follow established, or orthodox opinions, such as the opinion of the Rabbis. Rather it is a dissenting view of a radical group of Jews who wanted to be stricter than the Rabbis, namely the Essenes, who authored the text called Manual of Discipline (also known as Community Rule) found among the Dead Sea Scrolls in 1947 (manuscript 1QS), in which they specifically avoid the use of God’s name Adonai. He explains that this group of Jews refused to pronounce God’s name, Adonai, even in Berachot where it was not only explicitly permitted but required to do so. Lieberman further points out that in the Manual of Discipline (manuscript 1QS, plate XI, verse 13) there is a Beracha written in the form ברכות אתה אל (Baruch Ata Eli) – Blessed You My God. For a detailed discussion of the Manual of Discipline, its authors, as well as its text in English see Preben Wernberg-Møller, "The manual of discipline, Volume 1 of Studies on the texts of the desert of Judah", Brill Archive, 1957. For a complete list of all places in the Dead Sea Scrolls where the name El appears in a Beracha see James H. Charlesworth, "Graphic
Tractate Berachot, Chapter 6

Tosefta 27¹

All endings of Berachot (blessings)² that were [said] in the Bet Hamikdash (Temple) [included the phrase] Ad Haolam (until the [next] world).³ After the heretics⁴ became more virulent [and] they said that there is only one world,⁵ [the Rabbis] decreed that [in the Bet Hamikdash in the endings of Berachot] they should say Min Haolam Vead Haolam (from [this] world and until the [next] world).⁶ And [thus] they would let [everyone] know that this world in front of the World to Come is like a vestibule⁷ in front of the banquet hall.⁸,⁹

Notes:

1. Mishna Berachot 9:5 stated that originally in the Bet Hamikdash all Berachot would end with the phrase Min Haolam and later it was changed to Min Haolam Vead Haolam due to the heretics. This Tosefta changes the wording of this ending phrase a little bit and provides an explanation for it.

2. This is referring to all Berachot that have an ending with the words Baruch Ata Hashem. For example, Berachot of Shema or Shemoneh Esreh all end with the phrase Baruch Ata Hashem ... It is not referring to single Berachot that do not have an ending such as Berachot on food or on smell. In fact, based on the context of the next Tosefta it would seem that all of these deviations from the common standard of Berachot applied only to the prayers of Shema and Shemoneh Esreh and not to individual Berachot. Rabbi Baruch Tzvi Gruner proves this in...
his book Berachot Shenishtaku (ברכות שנשתקו), Mosad Harav Kook, 2003, p. 38) from the fact that the Tosefta (Berachot 5:23) quoted various Berachot that were said in the Bet Hamikdash before eating various sacrifices without any of the changes mentioned in this Tosefta. The Meiri (Berachot 63a, Amar Hameiri) cites an additional proof from verses in Nechemya. See note 4 on the next Tosefta.

3. The way that the Berachot were said in the Bet Hamikdash is not exactly clear. If we would take as an example our version of Shemoneh Esreih then if a person was praying Shemoneh Esreih in the Bet Hamikdash he would conclude the first Beracha of Shemoneh Esreih as follows: Baruch Ata Hashem Ad Haolam Magen Avraham – Blessed are You Hashem Until the World [to Come] The Shield of Avraham. However, see Talmud Bavli (Taanit 16b), where it quotes the 7th Beracha of Shemoneh Esreih of Goel Yisrael (the Redeemer of Israel) with a slightly different beginning (Baruch Hashem Elohey Yisrael Ad Haolam ...). Talmud Bavli (Berachot 63a) learns out the source for this change in the phrasing of Berachot in the Bet Hamikdash from verses in Nechemya. Also, see Rashi (Sotah 40b, Kumu) who explains that the source for such phrasing of Berachot in the Bet Hamikdash is the book of Ezra. Rashi probably is referring to the above mentioned Gemara (Berachot 63a) which learns this out from verses in Nechemya, since Ezra and Nechemya were often considered to be one book and were called together, The Book of Ezra. However it is also possible that it is a misprint in Rashi and really he is referring to King David’s prayer mentioned in the book of Divrei Hayamim (1 16:36) where such a Beracha does appear in the context of a prayer that was said in front of the Aron (Ark) which can be interpreted as something that should have been said in the Bet Hamikdash. Also the same phrase appears in two places in Tehillim (41:14 and 106:48). It should be noted that the Mishna Berachot 9:5 in the printed editions of the Mishnayot, instead of saying Ad Haolam says Min Haolam (from [this] world) implying that it is referring to this world and not to the World to Come. It is not clear which one of these phrases is more correct as there are multiple sources that quote all of them.

4. The word מין (Min) generally means a sectarian or a heretic. It is often used to refer to Jewish Christians, but I do not think that that is the
meaning in this case, because Christians believed in the World to Come and the events referred to in this Tosefta are of much earlier origin than Christians, as will be explained in the next note. The etymology of the word Min is unclear. Aruch Hashalem (Vol. 5, page 168, entry מן) cites a few possible explanations. Either it is simply a play on the word מין (Min) meaning “type” or “kind”, referring that they were comprised from various types of people with different beliefs. Or it is an abbreviation of the word מאמינים (Maamim) meaning a “believer” which is how the heretics referred to themselves in response to which the Rabbis cutoff the word and gave them a nickname Min. A third possibility is that it comes from the Hebrew word מאן (Meen) meaning “deny” or “refuse”, meaning that they refused their original religion and adopted a new form of it. He cites that the Greek word σχίσμα (Skisma) meaning a “schism” or a “religious split” also comes from the Greek word σχίζω (Skizo) which means “split” or “divide”, which is a similar type of etymology. Based on this explanation the correct translation of the word מין is “schismatic” meaning someone who split off from the original religion and formed a new form of it.

5. Meaning that this world is the ultimate end and there is no World to Come (i.e. Afterlife) where God executes final judgment over people. The Tosefta is most probably referring to Hellenized Jews who followed the school of Epicureanism who primarily rejected divine intervention and afterlife and followed a hedonistic lifestyle. The Hebrew word Apikorus, meaning heretic, comes directly from the Greek word Ἐπίκουρος (Epikouros) which was the name of the Greek philosopher who founded Epicureanism. Since Epikouros founded Epicureanism around 307 BCE we can conjecture that this change in the Berachot in the Second Bet Hamikdash was a relatively early enactment passed as early as the 3rd century BCE. The words Min and Apikorus in Talmudic literature are often used interchangeably so it should not pose a problem of why the Tosefta specifically used the word Min and not the word Apikorus, which would better fit in this particular case. It is also possible that the Tosefta is referring to Tzedukim (Sadducees) who among other things followed the teachings of Epicureans and rejected the belief in afterlife. But most probably
the Tosefta is referring to all of these groups together which is why it uses a more generic word Min and not the more specific words such as an Apikorus or Tzeduki.

6. Following the earlier example mentioned above in note 3 of the first Beracha of Shemoneh Esreh, the Beracha would look as follows: Baruch Ata Hashem Min Haolam Vead Haolam Magen Avraham – Blessed are You Hashem From [this] World and Until the World [to Come], The Shield of Avraham.

7. The word פרוזדור (Prozdor) comes from the Greek word πρόθυρον (Prothuron) meaning “vestibule”.

8. The word תרקלין (Traklin) comes from the Greek word τριχλίνιον (Triklinion) and the Latin word “triclinium” meaning “dining room” or “banquet hall”.

9. The emphasis of the decree of the Rabbis was on the fact that this physical world is not the main place where the people are destined to be, but rather it is the spiritual World to Come where the soul goes after death and receives final judgment. The Rabbis have emphasized the criticality of the belief in the World to Come in Judaism in various places throughout the Talmudic literature.

Tractate Berachot, Chapter 6
Tosefta 28

[The people] do not answer Amen in the Bet Hamikdash (Temple) [after Berachot, but rather say instead Baruch Shem Kevod Malchuto Leolam Vaed (Blessed be His glorious Name forever and ever)]. And from where [do we know] that they do not answer Amen in the Bet Hamikdash? As it is said, “Get up, bless Hashem, your God, from the world until the world.” (Nechemyah 9:5) And it says, “And let
them bless Your glorious name.” (ibid.)³ And from where [do we know that] for every single blessing and for every single praise [and not just at the conclusion of all blessings of Shemoneh Esreh,⁴ they say instead of Amen, Baruch Shem Kevod Malchuto Leolam Vaed]? The verse teaches us, “… and exalted beyond every blessing and praise.” (ibid.) [Meaning] for every single blessing and for every single praise [they say Baruch Shem Kevod Malchuto Leolam Vaed].⁵

Notes:

1. The Tosefta continues the discussion of how Berachot were said in the Bet Hamikdash. It is not directly related to any Mishna.

2. Normally when a person hears another person say a Beracha he should answer Amen. See above Tosefta Berachot 1:11, note 5. However in the Bet Hamikdash the people did not say Amen as a response to Berachot and instead said Baruch Shem Kevod Malchuto Leolam Vaed. See Talmud Yerushalmi (Berachot 9:5, Daf 67b) which quotes a Beraita similar to this Tosefta that explicitly says so.

3. The verse in Nechemyah is talking about the prayers that were said by the Jews who returned to Jerusalem after the Babylonian exile on a fast day that took place on the day after Shemini Atzeret. The verse does not say that this prayer was said inside the Bet Hamikdash. The Tosefta takes this verse out of context in order to prove the tradition that existed in the Bet Hamikdash with regard to Berachot.

4. Since the Tosefta mentions a group of Berachot that have been said together it must be referring to the prayers of Shema and Shemoneh Esreh that were said in the Second Bet Hamikdash as a part of daily prayers that contained all of these deviations from the regular standard. It is not referring to individual Berachot that people may have said on food or on smell. See note 2 on the previous Tosefta. The
Meiri (Berachot 63a, Amar Hameiri) points out that if a person heard a Beracha on food or before reading the Torah, in the Bet Hamikdash, he would respond to it by saying Amen, and not Baruch Shem Kevod Malchuto Leolam Vaed. He proves this from verses in Nechemya (8:5-6) where it says that when Ezra read to the people from the Torah he said a Beracha and the people responded by saying Amen, and not Baruch Shem Kevod Malchuto Leolam Vaed. The way that the Meiri knew that this Torah reading took place on the Temple Mount is because it says in Nechemya (8:1) that this reading of the Torah took place in the street of Jerusalem which was located in front of the Water Gate. The Mishna (Shekalim 6:3) mentions that one of the gates in to the Bet Hamikdash was called the Water Gate, because that is where the water for the Nisuch Hamayim (Water Libation) was brought in on the holiday of Sukkot. Further, Nechemya (12:37) describes that this gate was located on the East side, past the City of David, which clearly implies that this was a gate of the Bet Hamikdash and not a regular gate in the city wall outside of the Temple Mount. Since Nechemya mentions it as a part of the procession that took place during the dedication of the newly built city wall of Jerusalem it seems to me that this gate served both as the gate of the Bet Hamikdash and the gate in the city wall, since in that area the wall around the Temple and the wall around the city merged into one.

5. It is unclear why the Tosefta has to try to prove that the phrase Baruch Shem Kevod Malchuto Leolam Vaed was said at the end of every Beracha and not just once, at the end of Shemoneh Esreh, since it replaced Amen which is said at the end of every single Beracha.

Tractate Berachot, Chapter 6

Tosefta 29

Originally, when the Torah would get forgotten from the Jewish people the elders would swallow it (i.e. the Torah) between themselves, [and not publicly teach it to the masses in great detail] as it is said, "And behold, Boaz
was coming from Bet Lechem and he said to the harvesters, ‘Hashem is with you’. And they said to him, ‘May Hashem bless you.’” (Rut 2:4) And [also] it says, “Hashem is with you, mighty warrior.” (Shoftim 6:12) And [also] it says, “... and do not scorn your mother when she has grown old.” (Mishlei 23:22) “It is time to do for Hashem, they have forsaken Your Torah.” (Tehillim 119:126)

Notes:

1. Mishna Berachot 9:5 says that when the heretics became very virulent the Rabbis have enacted that when people greet each other they should do it using God’s name. For example, instead of just saying “Hello” they should say “May God bless you.” To prove that it is allowed by the Torah and it is not a violation of the prohibition of saying God’s name in vain (see Shemot 20:7) the Mishna cites four different verses in the Tanach where either great people have greeted each other using God’s name or the verse simply teaches that in times when the Torah is not being followed then drastic measures should be taken, therefore allowing such use of God’s name even though normally it would be prohibited. The heretics that the Mishna is referring to are probably a sect of Essenes who did not say God’s name at all even in context that was permissible. See above, Tosefta 6:26, note 8. This Tosefta uses the same four verses that the Mishna quoted but to prove a different behavior of the Rabbis than what the Mishna said.

2. This statement of the Tosefta is very difficult to translate and explain, because it does not seem to flow very well with the verses quoted. In my translation I have followed the explanation of Saul Lieberman in his commentary Tosefta Kepshuta, because it seems to me the most logical and well fitting into the words of the Tosefta. However there is a variety of other explanations proposed by various commentators.
For a good summary of various explanations and their refutations see Higayon Aryeh on this Tosefta.

This Tosefta cites the behavior of the Rabbis in ancient times that when the Jewish people would not study the Torah and follow it very much the Rabbis would stop teaching it to them publicly in great detail, but rather would only mention to them slight hints to remind them of the Torah in general. However, the Rabbis would continue studying it among themselves to make sure that it would remain preserved throughout the generations. And when the people would revert and decide to study and follow the Torah again, then the Rabbis would begin teaching it publicly again. The next Tosefta will cite a similar opinion of Hillel the Elder who advised teaching the Torah when the people were following it and taking in its teachings, and not to publicly teach it when the people were not willing to keep it or to listen to its teachings. Meanwhile this Tosefta defends the policy of ancient Rabbis by citing four verses to prove it.

3. Although the book of Rut does not imply in any way that Boaz was a judge or a leader of the Jewish people or that the Jewish people during that time were not generally keeping and studying the Torah, the Rabbis followed a tradition that Boaz was a judge of the Jewish people and is the same person as the judge Ivtzan mentioned in the book of Shoftim (see Talmud Bavli Bava Batra 91a) and during his time (approximately 1000 BCE) the Torah was generally forsaken (see Midrash Rabbah Rut 1). The verse shows that when Boaz greeted the farmers he used God’s name and they responded to him in kind. The Tosefta implies from this that that was the extent of Boaz’s teaching of Torah to the people, that he greeted them using God’s name and reminded them of God, but he did not teach them any more details.

4. The second verse is a statement made by the angel who visited Gideon and greeted him using God’s name. The book of Shoftim explicitly says (Shoftim 6:7) that during Gideon’s time the Jews worshiped idols which is why God allowed other nations to oppress them. The Rabbis during that time apparently followed the same policy of not teaching the Torah to the people since they were not following it, so when the angel greeted Gideon he used God’s name as a hint to remind him of
God, and as can be seen from Gideon’s response (Shoftim 6:13) that was a radical statement since Gideon started telling the angel that God is not with any of them since he has forsaken them and allowed other nations to oppress them. The Tosefta uses this verse in the same manner as the previous verse to imply that mentioning God’s name in a greeting was the extent to which the leaders of the Jews would remind them of the Torah during that time.

5. The 3rd verse from Mishlei is being used here as a direct defense of the ancient Rabbis’ policy. The mother in the verse is a reference to the Torah. So when the mother has grown old, meaning that the Torah has been forsaken, she should not be scorned, meaning that the Torah should not be taught to the masses, because all they are going to do is make fun of it anyway.

6. The last verse is also being used as a direct defense of the ancient Rabbis’ policy. This verse is used in general by the Rabbis to teach that at certain times when the Torah is especially forsaken by the people it is permissible to violate the commandments of the Torah in order to defend God. See Talmud Bavli (Berachot 63a) and Rashi (Berachot 63a, Misefei Lereshei). The most famous case of this is the story of Eliyahu, the prophet, who built an altar on the mountain of Carmel during the time of the first Bet Hamikdash, when it was forbidden to build altars outside of the Temple, in order to prove to everybody that Hashem is the real God. See Melachim I 18:19 – 18:46. So the Tosefta uses this verse in a similar manner that since the Jews have forsaken the Torah and are not following it or learning it, it would be permissible not to teach it to them, despite the fact that the Torah itself either directly commands (Devarim 6:7, 11:19, 17:9-11) or implies (for example see Devarim 32:7 and 33:4) that it should be taught to others.

Tractate Berachot, Chapter 6

Tosefta 30

Hillel the Elder says, “At the time when they gather in you should spread, and at the time when they spread you should gather in.”

מסכת ברכחות פרק א

תוספתא למסכת ברכות פרק א

הלל הזקנים אומר בפשע מצמציפ פרה ובפשע מצמדין כנס. בשעה שיאמה

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time that you see that the Torah is beloved to all of the Jewish people and everyone rejoices in it, you should spread it (i.e. teach it) as it is said, “The one that spreads gathers in more ...” (Mishlei 11:24)³ And at the time that you see that the Torah is being forgotten from the Jewish people and no one is paying attention to it, gather it in (i.e. learn it privately to yourself and do not teach), as it is said, “It is time to do for Hashem, they have forsaken your Torah.” (Tehillim 119:126)⁴ Rebbi Meir says, “[If] they have forsaken your Torah, [then] it is time to do for Hashem [and teach the Torah to the masses even with more force than before].”⁵

Notes:

1. The Tosefta continues on the subject mentioned in the previous Tosefta. It also mentions the opinion of Rebbi Meir which is the same as the opinion of Rebbi Natan in Mishna Berachot 9:5.

2. This statement of Hillel the Elder is vague enough that it can be interpreted in many different ways. The Tosefta continues with an interpretation that goes together with the policy of ancient Rabbis as was mentioned in the previous Tosefta. However, other interpretations are possible. The most obvious interpretation is proposed by Rashi (Berachot 63a) that Hillel is teaching us that when other people do not teach the Torah to others (i.e. they gather in) you should take their place and teach it (i.e. spread its words), but when other great people are already teaching it (i.e. spread its words) then you should not run and teach it, because that may look arrogant and may belittle those people who are already teaching it. It should be noted that in Talmud Yerushalmi (Berachot 9:5, Daf 68a) the interpretation provided by this Tosefta is also attributed to Hillel the
Elder, but as a separate statement and not as an interpretation of his original statement.

3. The verse in Mishlei does not really have a specific context, so it is open to various interpretations. Rashi and Ibn Ezra interpret it to be talking about giving charity, that a person who gives a lot of money to charity will eventually get more money, but a person who gives a little thinking that he will save that way more money for himself in the end will lose it anyway. The Ralbag interprets it to be talking about spreading knowledge that a person who teaches others will become even wiser than he was, and a person who keeps his knowledge to himself will eventually lose even what he knows. The Tosefta seems to be following Ralbag’s interpretation. However, it is not clear from the verse what it has to do with the Torah being beloved by the people, since the verse seems to imply that a person should always spread his knowledge to others, regardless whether it is beloved to them or not.

4. In other words, you should protect God’s honor and make sure that the people do not make fun of the Torah and of God since they are not interested in them, and therefore not teach it to others.

5. Rebbi Meir argues on the interpretation of the Tosefta of Hillel’s statement and says that if the people have forsaken the Torah then it is absolutely critical that the Rabbis teach it to them and educate them so that the masses will go back to properly observing it. Rebbi Meir’s statement only appears in the Erfurt manuscript and not in the Vienna manuscript, however I would like to point out that it is absolutely critical to the flow of the Tosefta and without it the wording of the previous Tosefta does not make sense. The previous Tosefta began with the word “originally” implying that that is the way it used to be in the early days of the Tanach, however later it was changed. Since according to this Tosefta, Hillel the Elder (approximately 110 BCE – 10 CE), followed the same policy as in the days of the Judges, there is no reason for the previous Tosefta to say the word “originally” since nothing has changed in a thousand years. However once it quotes Rebbi Meir’s opinion who argues on that interpretation the conclusion is that the policy has been changed in the days of Rebbi Meir (end of the 1st century CE – beginning of the 2nd century CE). Rebbi Meir’s
opinion was so strong about education to the masses that he said (Talmud Bavli Sanhedrin 99a) that a person who studies Torah but does not teach it to others disgraces God himself. He said this as a general statement and did not specify that it only applies when the people follow the Torah anyway.

It should be noted that the prevalent opinion among educators and economists today is that ignorance causes various problems in society, such as crime and poverty. Therefore it is incumbent upon governments and educators to provide as much education to the masses as possible to keep the crime down and the standard of living high, even if the masses may not necessarily be interested in receiving the education. Society today clearly follows the opinion of Rebbi Meir. I would like to suggest that it is possible that the reason Rebbi Meir changed his opinion about the education system from the more prevalent opinion of Hillel the Elder and those that came before him due to the influence of Greek philosophers, especially Plato, who taught in his longest dialogue, The Laws, that education for the masses is crucial to society and should be championed by the state. For a detailed analysis of Plato’s theory of education see Rupert Clendon Lodge, “Plato's Theory of Education”, Routledge, 2000. One may ask why did it take a few hundred years for the Greeks to influence the Jews in terms of compulsory education, since Plato died in 347 BCE, over 300 years before Hillel the Elder who apparently was still not influenced by his teachings? And what has changed in the time of Rebbi Meir, who flourished right after the destruction of the Second Bet Hamikdash, roughly 60 years after Hillel’s death? There is simply not enough information to answer these questions. However, it should be noted that there are two events recorded in the Talmudic literature that imply that compulsory Torah education for children was introduced for the first time only during the reign of the Hasmonean king, Alexander Jannaeus (103-76 BCE), by the Nassi (president) of the Sanhedrin (Jewish Supreme Court), Shimon Ben Shetach (see Talmud Yerushalmi Ketubot 8:11, Daf 50b), and that Torah schools for children have not been established in all towns and villages of Israel until the time of the High Priest, Yehoshua Ben Gamla (63-65 CE) as a result of the war with the Romans and danger of interruption in the
transmission of the Torah (see Talmud Bavli Bava Batra 21a). From both of these stories it can be deduced that compulsory Jewish education has not been established in Judea until the end of the Second Temple period, which took place during the lifetime of Rebbi Meir. Clearly Rebbi Meir was pushed to change his mind from the precedent opinion of Hillel due to the tumultuous events of the Jewish War which put the transmission of the Torah in jeopardy. For a detailed analysis of Jewish education in ancient Palestine see John Joseph Collin, "Jewish wisdom in the Hellenistic age", Westminster John Knox Press, 1997, p. 35-36.

Tractate Berachot, Chapter 6
Tosefta 31

Rebbi Meir used to say, “There is not [even a] single person among the Jewish people who does not perform one hundred Mitzvot (commandments) every day. He reads the Shema, says Berachot (blessings) before it and after it, eats his bread and says the Berachot before it and after it, prays Shemoneh Esreh three times, and does all other commandments and says Berachot over them.” And also Rebbi Meir used to say, “There is not [even a] single person among the Jewish people whom the Mitzvot do not surround. Tefillin (Phylacteries) is on his head, and Tefillin is on his arm, and Mezuzah (scroll on the doorpost) is on his door, and the four Tzitzit (fringes) surround him. And regarding them (i.e. these seven commandments) David said, ‘Seven times per day I praise You for the laws of Your
righteousness.’ (Tehillim 119:164). And when he (i.e. David) entered the bathhouse and saw the circumcision on his flesh [he praised God further for the eighth commandment that is physically on him] as it is said, ‘For the conductor, for the eighth, a song of David.’ (Tehillim 12:1) And it says, ‘Hashem’s angel camps around those who fear Him and delivers them.’ (Tehillim 34:8)."

Notes:

1. The Tosefta concludes tractate Berachot on a positive note praising the Jewish people’s performance of Mitzvot. Since both statements mentioned in this Tosefta were said by Rebbi Meir it made sense to place it here since the previous Tosefta ended with a statement of Rebbi Meir. It is not related to any Mishna.

2. It is obvious that Rebbi Meir meant the count of one hundred not literally, but rather as an exaggeration meaning “a lot of” commandments. This can be seen from the fact that he continued to list only a few of them, and that it is almost impossible for a person to perform 100 commandments in one day, even if he tried to do so on purpose.

3. By commandments he meant both Torah and Rabbinical obligations since in the list of his examples, besides Shema, which is a Torah obligation, he also mentioned Berachot and Shemoneh Esreh both of which are Rabbinical obligations.

4. Shema, Shemoneh Esreh, and Berachot before and after eating bread, have been described in earlier chapters of the Tosefta Berachot.

5. It is not clear which commandments that require Berachot before them Rebbi Meir is referring to since there are no other such commandments that a person does every single day besides the ones already mentioned by him.
6. For the description of the commandment of Tefillin see above, Tosefta 6:15, note 10. It is clear from this Tosefta that the Tefillin on the arm is regarded as a separate commandment in the Torah from the Tefillin on the head. In fact, the Rambam counts them as two separate commandments in his Sefer Hamitzvot (Sefer Hamitzvot, Aseh, 12 and 13).

7. For the description of the Mezuzah see above Tosefta 2:6, note 4.

8. For the description of Tzitzit see above Tosefta 6:15, note 6. Nowadays, the accepted opinion is that the garment with four Tzitzit on it is considered to be a single commandment as stated by the Tanna Kama in the Mishna (Menachot 3:7) and therefore if one of the fringes rips, the garment cannot be worn anymore until a new fringe is tied on. However the Mishna (ibid.) does quote the opinion of Rebbi Yishmael who says that each fringe of Tzitzit is considered to be a separate commandment, and therefore the four fringes together make up four commandments. Apparently Rebbi Meir agrees with the opinion of Rebbi Yishmael. Talmud Bavli (Menachot 37b) mentions the opinion of a few Amoraim who held that the law followed the opinion of Rebbi Yishmael and therefore it was permissible to wear a four cornered garment with just one, two or three Tzitzit on it, since each of them was a separate commandment.

9. The verse is interpreted somewhat out of context since King David was talking about saying praises to God seven times per day and was not referring to performance of commandments.

10. Since in the bathhouse he had to take all of his clothes off he noticed the circumcision. The Tosefta could have given the example of going to the bathroom as well.

11. This verse is taken out of context again, since the word Sheminit in the verse means an eight string harp, which was a musical instrument. However the Tosefta interprets the word “eighth” to refer to the commandment of Brit Milah (circumcision) since it would be the eighth commandment on the above mentioned list of commandments that surround a person every day and also it is a Mitzvah that is performed on the eighth day after the birth of the child.
12. This verse seems to refer to all commandments that a person performs and not just to circumcision, meaning that God sends His angel to protect those people who perform His commandments (i.e. those who fear Him).
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