#### The Definition Of The Oral Law

The Essential Talmud-Rabbi Adin Steinsaltz, Basic Books 1976. Pages 10-11:

We know very little of the origins and early development of the oral law, since information on cultural and spiritual life in the First Temple era is generally sparse. But from various hints in the Bible, we can ascertain how the oral law evolved to interpret and complement written legislation. It is clear, in principle, that every written code of law must be accompanied by an oral tradition. In the first place, the oral tradition is inherent in the very act of transmitting the use of words, in the very preservation and study of a language. Every idea, every word in the written law must be handed down from generation to generation and explained to the young. Where simple, everyday words are concerned, this occurs automatically, as part of the normal transmission of the living language, but there are always rarer words that call for special elucidation. Furthermore, even in the most conservative society, language evolves and changes and the written documents of one era may be unclear to the next generation. As long as the Jewish people spoke and wrote biblical Hebrew, the transmission was carried out with ease, but even then, a tradition, an "oral law," was needed to preserve the meaning of words. The basic, simple vocabulary was preserved over the centuries and never aroused controversy or misunderstandings. But less common words, for example, nouns denoting objects, plants, animals, and so forth were not always decipherable without the backing of an oral tradition.

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### The Transmission Of The Oral Law

Maseches Avos-Chapter One

MISHNAH 1. Moses received the torah at Sinai and transmitted it to Joshua; Joshua to the elders, and the elders to the prophets, and the prophets to the Men of the Great Assembly.

MISHNAH 2. Simeon the Righteous was one of the last of the Men of the Great Assembly used to say: the world is based upon three things: the Torah, divine service, and the practice of kindliness.

# Prayer During The Period Of The Mishna

### The Importance Of The Oral Law

Maseches Gittin 56a-Abba Sikra the head of the group that was defending Jerusalem was the son of the sister of Rabban Johanan b. Zakkai. R. Johanan sent to him saying: Come to visit me privately. When Abba came to R. Johanan, he said to him: How long are you going to carry on in this way and kill all the people with starvation? He replied: What can I do? If I say a word to them, they will kill me. R. Johanan said: Devise some plan for me to escape. Perhaps I shall be able to save a little. He said to him: Pretend to be ill, and let everyone come to inquire about you. Bring something evil smelling and put it by you so that they will say you are dead. Let then your disciples get under your bed, but no others, so that they shall not notice that you are still light, since they know that a living being is lighter than a corpse. R. Johanan did so, and R. Eliezer went under the bier from one side and R. Joshua from the other. When they reached the door, some men wanted to put a lance through the bier. He said to them: Shall we cause the Romans to say. They have pierced their Master? They wanted to give it a push. He said to them: Shall we cause the Romans to say that they pushed their Master? They opened a town gate for him and he got out.

When he reached the Romans, R. Johanan said: Peace to you, O king, peace to you, O king. He, Vespasian, said: Your life is forfeit on two counts, one because I am not a king and you call me king, and again, if I am a king, why did you not come to me before now? R. Johanan replied: As for your saying that you are not a king, in truth you are a king, since if you were not a king Jerusalem would not be delivered into your hand, as it is written, And Lebanon shall fall by a mighty one. 'Mighty one' is an epithet applied only to a king, as it is written, And their mighty one shall be of themselves etc.; and Lebanon refers to the Sanctuary, as it says, This goodly mountain and Lebanon. As for your question, why if you are a king, I did not come to you till now, the answer is that the guards of the City of Jerusalem, among us did not allow me . . . At this point a messenger came to him from Rome saying, Up, for the Emperor is dead, and the notables of Rome have decided to make you head of the State. He had just finished putting on one boot. When he tried to put on the other he could not. He tried to take off the first but it would not come off. He said: What is the meaning of this? R. Johanan said to him: Do not worry: the good news has done it, as it says, Good tidings make the bone fat. What is the remedy? Let someone whom you dislike come and pass before you, as it is written, A broken spirit dries up the bones. He did so, and the boot went on. He said to him: Seeing that you are so wise, why did you not come to me till now? He said: Have I not told you? He retorted: I too have told you. Vespasian said: I am now going, and will send someone to take my place. You can, however, make a request of me and I will grant it. He said to him: Give me Jabneh and its Wise Men, and the family chain of Rabban Gamliel, and physicians to heal R. Zadok. R. Joseph, or some say R. Akiba, applied to him the verse, 'G-d turns wise men backward and makes their knowledge foolish'. He ought to have said to him; Let them the Jews off this time. He, however, thought that so much he would not grant, and so even a little would not be saved.

# Prayer During The Period Of The Mishna

### Sample Page Of The Talmud

מאימתי פרק ראשון ברבות ב

Mishna

**Tosafos** 

קורין וכו'פרש" יואבןחיכי קרינן מבעי'יום ואין לנאת הככבי ברמפרש בנמרא אכו מתקינין לנאת הככבי ברמפרש בנמרא על כן פי'רש"י שקרית שמע על המט' עיקר והוא לאחר גאת הככבי והכי איקא בירושלמי אם קרא קודם לכן לא ינא ואם כן למח | אכו מתפללין

ק"ש בבית הכנס כרי לעמוד בתפל כר מלוה מתוך דברי תורה תימה לפיר והלא אין העולם רגילין לקרות סמוך

לשכיבה אל פרשה רקשונה ולם כן שלש פרשיות היה לו לקרות ועוד קשת דנריךלברך בק"ש שתים לכניה ושתים לחקרים בערבים. ועו'דחותה ק"ש פחוך לחטה אינה אלא בשביל המויקין כדחמ בסמוך וחם קלמיד הכם הוא איכו לריך ועוד קשה דאם כן פשקינן כר יהושע בן לוי דחתר תפלק באחלע קקנום פירש באחלע מ בין שני ק"ש בין ק"ש של שחרים ובין ק"ם של ערבית וחכן קיימח לן כרבי יוחכן אחר לקתן איזמו בן חעולם הבא זהו הפוחך גאולה של ערבית לתפילה לכן ד"ת דמררבה ק"ם של בית הכנסת עיקר וח"ת חילך אנו קורין כל כך מכטור יום וי"ל דקיים לן כר'יהודה דחמר פ' תפלת השחר (דף כו) מנח'פר פלג המנח רחיינו אחד עשר שעות פחות רביע ומיד כשיכלה ומן השנחה שתחיל ומן ערבי ואם תאחר היאך אנו מתפללין תפלת מנחה סמוך לחשכה ואפילו לאחר פלג מנחהים לומר דקיימא לן כרכנן דחמרי ומן תפלת המנח" פר הערב וחמרי לקמן השתח דלח אתתר הלכת' לא כתר ולא כתר דעבר כמר עבר ורעבר כמר עבר מכל מקום קשים דהוי בתרי קולי דסתרן מהדדי שהרי שליום טעם

יקורין אם שמע בערבין משעת שתבהגי נכום ם לאכול בקרומתן כהכים שכטמאו וטבלו וחעריב

שמשן והגיע טתם לאכול בתרומה : עד סוף האשמורת הראשונה שליש הלילה כדמפרש בגמ' משם ואילך עבר זמן דלא מקרי סו זמן שכיבה דלא

קריכן ביה בשכבך ותקמי ה"כ לאו זמן שכיבה לפיכך הקורא קודם לכן תורה אור לא ינא ירי חובתו א"כ למה קורין

אותה בבית הכנסת כדי לעמור בתפל מ תוך דברי תורה והכי תכים בבריתא בברכות ירושלמי ולפיכך סובה עליכו לקרות משתחשך ובקרי פרש רחשונה שחדם קורח על מטתו יצאו ער שיעלת עמור השחר שכל קלילם קרוי זמן שכיבה : הקשר חלבים וחברים של קרבנות שנורק דמוביום: מלותולהעלות כל הלילה ואיכן נפסלי בלילה עד שיעלה עמוד השחר והן למטה ען המובח דכתיב לא ילין לבקר: חלבי של כל קרבנו': אבר ים של עולה: כל הנאכלים ליום אחר כנוןחשאת ואשם וכבשי עלרת ומנחום וסודה: מלותןומן אכילתן: עד שיעל' עמוד השקר ומוח מביחין להיות כותר דכתיב בתודה לא יכיה ממכועד בקר וכלם מפודה ילמדם אם כן למה אמרו חכמים עד חנות בה"ם ובחכילת הרשים: כדי להרחיק אדם מן מעבירה ואסרום באכילה קור ומכן כרי שלא יבא לאכלולאהר עמוד השחר, ויתהייב כרת יכן בק"ש לורו את האדם שלא יאמר יש לי עוד שהות ובתוך כך יעלה עמוד השחר ופבר לו הזמן והקטר הלבים דקתני הכאלא אחרו בו חכמים עד חלום

כלל ולא נקט להו הכא אלא להוריע

שכל דבר תכותג בליל כשר כל חלילת

Rashi

קורין את שמע בערבין משעה שהכּרהנים נכנסילאכול בתרומתן עד סוף האשמורת הראשונה דברי ר'אל'עור וחכמים אומרים ער חצות רבן גמליאל אומר עד שיעלרה עמור השחר מעשה וכאו כניו מבית המשת׳ אמרו לו לאקרינו את שמע אמר להכאם לאעלה עמור השחר חייבין אתם לקרורו ולא זו בלבד אמרו אלא כל מדו שאמרו חכמים עד חצות מצורתועד שיעלדה עמוד השחריהקטר חלבים ואברים מצורון עד שיעלרה עמוד השחר וכל רהנאכלים ליום אחר מצורתן עד שיעלה עמוד השחר אם כז למה אמרו חכמים עד חצות כדי להרחי׳ ארסמן העבירה : גמ׳ : תנא היכא קאי דקתני מאימרני ורתו מאי שנא דרתני בערבית ברישא לרתני ושחרירת ברישא תנא אקרא קאי דכרתיב יבשכבך ובקומך

### Mishnayos That Deal With Kriyas Shema

MISHNAH. From what time may one recite the Shema in the evening? From the time that the priests enter their houses in order to eat their Terumah until the end of the first watch. These are the words of R. Rliezer. The Sages say: until midnight. R. Gamliel says: until the dawn comes up. Once it happened that R. Gamliel's sons came home late from a wedding feast and they said to him: we have not yet recited the evening Shema'. He said to them: if the dawn has not yet come up you are still bound to recite. And not in respect to this alone did they so decide, but wherever the Sages say until midnight, the precept may be performed until the dawn comes up . . . Why then did the Sages say 'until midnight'? In order to keep a man far from transgression.

MISHNAH. From what time may one recite the Shema in the morning? From the time that one can distinguish between the colors blue and white. R. Eliezer says: between the colors blue and green. And he has time to finish until sunrise. R. Joshua says: until the third hour of the day, for such is the custom of kings, to rise at the third hour. If one recites the Shema later he loses nothing, because he is like one who is reading in the Torah.

MISHNAH. Workmen may recite the Shema' on the top of a tree or the top of a scaffolding, a thing they are not allowed to do in the case of the Tefillah.

MISHNAH. Women, slaves and minors are exempt from reciting the Shema' and from putting on Tefillin. But they are subject to the obligations of Tefillah and Mezuzah and Grace after meals.

# Prayer During The Period Of The Mishna

# Mishnayos That Deal With Shemona Esrei-The Prayer Of Eighteen Benedictions

Mishnah. Rabban Gamliel says: every day a man should say the Eighteen Benedictions. R. Joshua says: an abbreviated form of the Eighteen Benedictions. R. Akiva says: if he knows it fluently, he says the original Eighteen, and if not, an abbreviated Eighteen. R. Eliezer says: if a man makes his prayers a fixed task, it is not a genuine supplication. R. Joshua says: if one is travelling in a dangerous place, he says a short prayer, saying, save, O Lord, Your People the remnant of Israel; in every time of crisis; may their requirements not be lost sight of by You. Blessed Are You, O Lord, who hearkens to prayer. If he is riding on a donkey, he dismounts and prays. If he is unable to dismount, he should turn his face towards Jerusalem; and if he cannot turn his face, he should concentrate his thoughts on the Holy of Holies. If he is travelling in a ship or on a raft, he should concentrate his thoughts on the Holy of Holies.

Mishnah. The morning Tefillah can be said until midday; R. Judah says till the fourth hour. The afternoon prayer can be said till evening; R. Judah says, until the middle of the afternoon. The evening prayer has no fixed limit. The time for the additional prayers is the whole of the day; R. Judah says, till the seventh hour.

Mishnah. One should not rise to say Tefillah except in a reverent frame of mind. The pious men of old used to wait an hour before praying in order that they might concentrate their thoughts upon their Father in heaven. Even if a king greets him while praying he should not answer him: even if a snake is wound round his heel he should not break off.

### Those Prayers That Require The Presence Of Ten Men To Be Recited

Megilah 23b

Mishnah. The introduction to the Shema is not repeated, nor does one stand before the ark, nor do the priests lift their hands to bless the people, nor is the Torah read publicly nor the Haftorah read from the prophets, nor are halts made at funerals, nor is the blessing for mourners said, nor the comfort of mourners, nor the blessing of the bridegrooms, nor is the name of G-d mentioned in the invitation to say grace, save in the presence of ten.

### The Value Of The Synagogue And Its Furnishings

Mishnah. If the community chooses to sell the town square, they may buy with the proceeds a synagogue; if they sell a synagogue, they may buy with the proceeds an ark; if they sell an ark they may buy wrappings for the Torah Scrolls; if they sell the wrappings, they may buy Torah scrolls; if they sell Torah scrolls they may buy a Sefer Torah. but if they sell a Sefer Torah they may not buy with the proceeds scrolls; if they sell scrolls they may not buy wrappings; if they sell wrappings they may not buy an ark; if they sell an ark they may not buy a synagogue; if they sell a synagogue they may not buy a town square. The same rules apply to any money left over.

### Can Prayers Be Said In Any Language Or Only In Hebrew

Maseches Sotah Chapter VII

Mishnah. The following may be recited in any language: the section concerning the suspected woman, the confession made at the presentation of the tithe, the Shema', the 'prayer of Eighteen Benedictions', the grace after meals, the oath concerning testimony and the oath concerning a deposit.

The following are recited in Hebrew: the declaration made at the offering of the first fruits, the formula of Halizah, the blessings and curses, the priestly benediction, the benediction of the high priest, the section of the king, the section of the calf whose neck is broken, and the address to the people by the priest anointed to accompany the army in battle.

# Prayer During The Period Of The Mishna

### Prayer Service For Fast Days

Maseches Ta'Anis Chapter III

Mishnah. What is the order of the service for fast days? The ark is taken out to the open space of the city, wood ashes are placed on the ark, on the head of the chief justice of the court and on his second in command. Everyone else puts ashes on their own heads; the elder among them addresses them with words of admonition; i.e. For repentance, our brethren, scripture does not say of the people of Nineveh, and G-d saw their sackcloths and their fasting, but, and G-d saw their works, that they turned from their evil way. And in the prophets it is said, and rend your heart and not your garments.

When they stand up to pray they place as reader before the ark an old man conversant with the prayers, who has children and whose house is empty of food, so that his heart is concentrated on his prayer; he recites before them twenty-four benedictions, the eighteen recited daily, to which he adds six as follows, Zichronos (verses that refer to G-d remembering), Shofaros (verses that refer to G-d listening to the sound of the Shofar) and these psalms: in my distress I called unto the lord (Psalm 120); I will lift up mine eyes unto the mountains etc. (Psalm 121); out of the depths have I called You, O lord (Psalm 130); a prayer of the afflicted when he faints (Psalm 102). R. Judah says: he need not recite the verses of Zichronos and Shofaros, but instead he should recite the following scriptural, passages, if there be in the land famine, if there be pestilence (Kings, 1, 8); the word of the Lord that came to Jeremiah concerning the droughts (Jeremiah 14, 1-10); and he ends each of the additional six sections with its appropriate concluding benediction. The first he concludes with, 'He who answered Abraham on Mt. moriah, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who redeems Israel. The second he concludes with, 'He who answered our fathers at the Red Sea, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who remembers all forgotten things. The third he concludes with, He who answered Joshua in Gilgal, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who hears the trumpet blast. The fourth he concludes with, 'He who answered Samuel in Mizpah, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who hearkens to cries. The fifth he concludes with, 'He who answered Elijah on Mt. Carmel, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who hearkens unto prayer. The sixth he concludes with, 'He who answered Jonah in the belly of the fish, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who answers in time of trouble. The seventh he concludes with, 'He who answered David and Solomon his son in Jerusalem, He shall answer you and hearken this day to the voice of your cry. Blessed are You O Lord who has mercy upon the land.

# Prayer During The Period Of The Mishna

### Prayer Service On Rosh Hashonah

Mishnah. The order of blessings in the Mussaf 'Amidah is as follows: the reader says the blessing of the patriarchs, that of mightiness and that of the sanctification of the name and includes the kingship-verses with them and does not blow the Shofar. He then says the sanctification of the day and blows, the remembrance-verses and blows, and the shofar-verses and blows; and he then says the blessing of the temple service and the one of thanksgiving and the blessing of the priests. This is the view of R. Johanan b. Nuri. Said R. Akiba to him: if he does not blow the Shofar for the kingship-verses, why should he say them? Instead; the rule is as follows: He says the blessing of the patriarchs and of the resurrection and of the sanctification of the name, and says the kingship-verses along with the sanctification of the day and blows the Shofar, then he says the remembrance-verses and blows, and the Shofar-verses and blows. Then he says the temple service blessing and the thanksgiving and the blessing of the priests.

Mishnah. There should be recited not less than ten kingship verses, ten remembrance verses, and ten shofar verses. R. Johanan b. Nuri said: if the reader says three from each set he has fulfilled his obligation.

Mishnah. No mention is made of kingship, remembrance and shofar verses that signify punishment. It is proper to begin with the torah and conclude with the prophets. R. Jose said: if one concludes with the Torah verses, he has fulfilled his obligation.

# Prayer During The Period Of The Mishna

### First Three And Last Three Brachos Of Shemona Esrei

#### Praise

- 1. Blessed are You, L-rd our G-d and G-d of our fathers, G-d of Abraham, G-d of Isaac and G-d of Jacob, the great, mighty and awesome G-d, exalted G-d, who bestows bountiful kindness, who creates all things, who remembers the piety of the Patriarchs, and who, in love, brings a redeemer to their children's children, for the sake of His Name. O King, (You are) a helper, a savior and a shield. Blessed are You L-rd, Shield of Abraham.
- 2. You are mighty forever, my L-rd; You resurrect the dead; You are powerful to save. He sustains the living with loving kindness, resurrects the dead with great mercy, supports the falling, heals the sick, releases the bound, and fulfills His trust to those who sleep in the dust. Who is like You, mighty One! And who can be compared to You, King, who brings death and restores life, and causes deliverance to spring forth! You are trustworthy to revive the dead. Blessed are You L-rd, who revives the dead.
- 3. You are holy and Your Name is holy, and holy beings praise You daily for all eternity. Blessed are You L-rd, the holy G-d.

# Prayer During The Period Of The Mishna

### First Three And Last Three Brachos Of Shemona Esrei

17. Look with favor, L-rd our G-d, on Your people Israel and pay heed to their prayer; restore the service to Your Sanctuary and accept with love and favor Israel's fire-offerings and prayer; and may the service of Your people Israel always find favor. May our eyes behold Your return to Zion in mercy. Blessed are You L-rd, who restores His Divine Presence to Zion.

### Thanksgiving

- 18. We thankfully acknowledge that You are the L-rd our G-d and G-d of our fathers forever. You are the strength of our life, the shield of our salvation in every generation. We will give thanks to You and recount Your praise, evening, morning and noon, for our lives which are committed into Your hand, for our souls which are entrusted to You, for Your miracles which are with us daily, and for Your continual wonders and beneficences. You are the Beneficent One, for Your mercies never cease; the Merciful One, for Your kindnesses never end; for we always place our hope in You. And for all these, may Your Name, our King, be continually blessed, exalted and extolled forever and all time. And all living things shall forever thank You, and praise Your great Name eternally, for You are good. G-d, You are our everlasting salvation and help, O benevolent G-d. Blessed are You L-rd, Beneficent is Your Name, and to You it is fitting to offer thanks.
- 19. Bestow peace, goodness and blessing, life, graciousness, kindness and mercy, upon us and upon all Your people Israel. Bless us, our Father, all of us as one, with the light of Your countenance. For by the light of Your countenance You gave us, L-rd our G-d, the Torah of life and loving-kindness, righteousness, blessing, mercy, life and peace. May it be favorable in Your eyes to bless Your people Israel, at all times and at every moment, with Your peace. Blessed are You L-rd, who blesses His people Israel with peace. May the words of my mouth and the meditation of my heart be acceptable before You, L-rd, my Strength and my Redeemer.