

## *Reinterpretation and Resistance to the Mitzvah of Tefillah*

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The *Chinuch* catalogs the mitzvah of *tefillah* using a translation of Rambam's language in *Sefer HaMitzvos*:

מצות תפילה - לעבד את השם יתברך, שנאמר (דברים י כ) אתו תעבד, ונכפלה זאת המצוה כמה פעמים, שנאמר (שמות כג כה) ועבדתם את ה' אלקיכם. ובמקום אחר אומר ( דברים יא יג) ולעבדו בכל לבבכם. וכתב הרמב"ם זכרונו לברכה (ספר המצוות מ"ע ה) אף על פי שמצוה זו היא מהמצוות הכוללות, כלומר, שכוללות כל התורה, כי עבודת הקל יכלל כל המצוות יש בזה כמו כן פרט, והוא שיצונו הקל להתפלל אליו, וכמו שאמרו בספרי (פיסקא דוהיה אם שמוע) ולעבדו בכל לבבכם, אי זו היא עבודה שבלב, זו תפלה. ובמשנתו של רבי אליעזר בנו של רבי יוסי הגלילי אמרו, מנין לעקר תפלה בתוך המצוות? מהכא את ה' אלקיך תירא ואתו תעבד (דברים ו יג).<sup>1</sup>

The commandment of prayer: To serve G-d, may He be blessed, as it is stated (Deut. 10:20), "and you shall serve Him." And this commandment was repeated several times, as it is stated (Ex. 23:25), "And you shall serve the L-rd, your G-d"; and in another place, it states (Deut. 11:13), "and to serve him with all of your hearts." And Rambam, may his memory be blessed, wrote (*Sefer HaMitzvos, Aseh* 5), "Even though this commandment is from the general commandments"—meaning to say that it includes all of the Torah, since the service of G-d includes all of the commandments—"there is also a specific [commandment] within it, and that is that G-d commanded

<sup>1</sup> Mitzvah 433: Kappach's translation of the *Sefer HaMitzvos* reads as follows: היא הציווי שנצטוונו לעבדו יתעלה. ונכפל הציווי הזה כמה פעמים ואמר "ועבדתם את ה' אלקיכם" (שמות כג, כה); ואמר "ואתו תעבדו" (דברים יג, ה); ואמר "ואתו תעבד" (שם ו, יג); ואמר "ולעבדו" (שם יא, יג). ואף על פי שגם הציווי הזה הוא מן הציוויים הכלליים - כמו שביארנו בכלל הרביעי - הרי יש בו ייחוד, כי הוא ציווי על התפילה. ולשון ספרי: "ולעבדו - זו תפלה". ואמרו עוד: "ולעבדו - זה תלמוד". ובמשנתו של ר' אליעזר בנו של ר' יוסי הגלילי אמרו: "מנין לעיקר תפילה בתוך המצוות? מהכא: את-ה' אלקיך תירא ואתו תעבד" (שם ו, יג). ואמרו: "עבדהו בתורתו, עבדהו במקדשו"-הכוונה לשאוף להתפלל בו ונכחו כמו שביאר שלמה.

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us to pray to Him. And it is as they said in *Sifrei* (Deut. 41:25), ‘To serve Him with all of your hearts. What is the service that is in the heart? That is prayer.’ And in the teaching of Rabbi Eliezer the son of Rabbi Yose HaGalili they said, ‘From where [do we know] that the essence of prayer is among the commandments? From here (Deut. 6:13), “The L-rd, your G-d, shall you fear, and you shall serve Him.”’

However, the *Chinuch* leaves out Rambam’s last line<sup>2</sup>:

ואמרו: "עבדה בתורתו, עבדה במקדשו" הכוונה לשאוף להתפלל בו ונכחו כמו שביאר שלמה.

“And they said ‘Serve Him with His Torah, Serve Him with His *Mikdash*—this means to intend and pray in it and towards it as Shlomo explained.”

Rambam explains in his introduction to the *Sefer HaMitzvos* that he only includes in this work information that is necessary to prove that something is a mitzvah and that which describes the שם of the mitzvah—its definition. He considered this concept of נכחו “towards the *Mikdash*” as crucial to the definition.

This is Rambam’s presentation of the mitzvah in *Mishneh Torah* (*Hilchos Tefillah* 1:1–3):

[א] מצות עשה להתפלל בכל יום, שנאמר "ועבדתם את ה' אלקיכם" (שמות כג,כה): מפי השמועה למדו שעבודה זו--היא תפילה, ונאמר "ולעבדו בכל לבבכם" (דברים יא,יג); אמרו חכמים, איזו היא עבודה שבלב, זו היא תפילה ואין מניין התפילות מן התורה, ולא משנה התפילה הזאת מן התורה. ואין לתפילה זמן קבוע מן התורה; [ב] ולפיכך נשים ועבדים חייבין בתפילה, לפי שהיא מצות עשה שלא הזמן גרמה.

It is a positive commandment to pray every day, as it is written: “You shall worship the L-rd your G-d” (Ex. 23:25). By tradition, they learned that this worship is prayer, as it says: “and to worship G-d with all of your heart” (Deut. 11:13)—the Sages said, what is worship of the heart? This is prayer. The number of prayers is not Biblical, the form of prayer is not Biblical, and prayer has no Biblically fixed time. Therefore, women and slaves are obligated in prayer because it is a positive commandment lacking a fixed time.

<sup>2</sup> He will refer to it later when he discusses "מענין התפילה", but he does not see it as part of the basic definition of *tefillah*.

אלא חיוב מצוה זו, כך הוא--שיהא אדם מתפלל ומתחנן בכל יום, ומגיד שבחו של הקדוש ברוך הוא, ואחר כך שואל צרכיו שהוא צריך להן בבקשה ובתחינה, ואחר כך נותן שבח והודיה לה' על הטובה שהשפיע לו: כל אחד כפי כוחו.

But the obligation of this commandment is as follows: A person should supplicate and pray every day and relate the praise of G-d, and afterwards ask for his needs as a request and a supplication, and afterwards give praise and thanks to G-d for the good that has been bestowed upon him, each person according to his ability.

אם היה רגיל, מרבה בתחינה ובקשה; ואם היה ערל שפתיים, מדבר כפי יוכלו ובכל עת שירצה. וכן מניין התפילות, כל אחד ואחד כפי יכולתו--יש שמתפלל פעם אחת ביום, ויש שמתפלל פעמים הרבה. והכול היו מתפללים נוכח המקדש, בכל מקום שיהיה. וכן היה הדבר תמיד ממשנה רבנו, עד עזרא.

If one is accustomed/fluent, he increases in supplications and petitions, and if one is inarticulate, he speaks according to his ability and anytime he likes. And so, the number of prayers is as each to his own abilities. There are some who pray once a day, and there are those who pray many times. **And everyone would pray facing the Mikdash. And this was the way of things from the time of Moshe Rabbeinu to Ezra.**

First Rambam defines three elements that comprise *tefillah*: praise of G-d, followed by request, followed by gratitude. Then, immediately upon describing the mitzvah, before discussing Ezra's formalizing of a text, he tells us that prayer must be "towards the *Mikdash*"— it is an integral part of *tefillah*.

But while the *Chinuch* leaves out Rambam's concept of *Mikdash* in his own definition of the mitzvah, he compensates by adding other elements.

משרשי המצוה. מה שהקדמתי כמה פעמים, כי הטובות והברכות יחולו על בני אדם כפי פעלתם וטוב לבבם וכשר מהשבותם, ואדון הכל שבראם חפץ בטובתם והדריכם והצליחם במצותיו היקרות שיזכו בהן, והודיעם גם כן ופתח להם פתח באשר ישיגו כל משאלותיהם לטוב, והוא שיבקשו ממנו ברוך הוא, אשר בידו ההסתפקות והיכלת כל חסרונו.

From the roots of the commandment is that which I have written earlier several times that all of the good and the blessing land upon people according to their actions and the **good of their hearts and the propriety of their thoughts**. And the Master of all who created them desired their good and He directed them and facilitated their success through His precious commandments, such that they merit through them. **And he also made them know and opened an opening for them such that they attain all of their requests for the good—and that is that they request them from Him,**

**blessed be He—since the wherewithal and ability for all of their lackings is in His hand.**

Rambam does not express this idea and in fact does not speak in *Hilchos Tefillah* of prayers being answered.<sup>3</sup> It is Ramban (*Hasagot* to *Sefer HaMitzvos, Aseh* 5) who, while taking Rambam to task for counting *tefillah* as a mitzvah, argues that G-d's mercy decreed the efficacy of prayer, although praying itself is not a mitzvah.

אלא ודאי כל ענין התפלה אינו חובה כלל אבל הוא ממדת חסד הבורא יתברך עלינו ששומע ועונה בכל קראנו אליו.

But certainly the whole issue of *tefillah* is not of an obligation at all, but rather it is the quality of the mercy of our blessed Creator upon us that He listens and answers whenever we call to Him.

However, since the *Chinuch* follows Rambam in counting *tefillah* as a mitzvah, he makes the necessary addition to Ramban's understanding of *tefillah* and turns it into a mitzvah by adding.

ומלבד ההודאה להם בזאת המדה, צום שישתמשו בה ויבקשו ממנו תמיד כל צרכיהם וכל חפצת לבם ומלבד השגת חפצי לבנו, יש לנו זכות בדבר בהתעורר רוחנו וקבענו כל מחשבותינו, כי הוא האדון הטוב והמטיב לנו, וכי עינינו פקוחות על כל דרכינו, ובכל עת ובכל רגע ישמע צעקתינו אליו, לא יגום ולא יישן שומר ישראל, והאמיננו במלכותו ויכלתו מבלי שום צד פקפוק, וכי אין לפניו מונע ומעכב בכל אשר יחפץ.

And besides informing them of this attribute, **He commanded that they use it and always request from Him all of their needs, and all the desires of their hearts.** And besides the attainment of the desires of our hearts, there is a merit for us in the thing, in our arousing our spirit and fixing within all of our thoughts that He is the Master that is good and does good for us and that His eyes are open upon all of our ways, and that He hears our cries to Him at all times and at every instant—“He does not slumber and He does not sleep, the Guardian of Israel.” And [in this way] He makes us believe in His Kingship and in His ability— without any angle of hesitation—and that there is no prevention and impingement in front of Him for anything He desires.

This understanding is in fact based on excerpts from Ramban's complex discussion of whether *tefillah* should be counted as a mitzvah, and *Chinuch* believed that Ramban, despite initially voicing some objections, concluded that it should be counted.

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<sup>3</sup> Except for one cryptic *halachah* at the beginning of the eighth chapter with regard to תפלת הצבור if we translate נשמעת as “answered.”

Ramban writes as follows:

ומה שדרשו בספרי ולעבדו זה תלמוד ד"א זו תפלה אסמכתא היא או לומר שמכלל העבודה שנלמוד תורתו ושנתפלל אליו בעת הצרות ותהיינה עינינו ולבנו אליו כעיני עבדים אל יד אדוניהם וזה כענין שכתוב (במדבר י:ט) וכי תבאו מלחמה בארצכם על הצר הצורר אתכם והרעותם בחצוצרות ונזכרתם לפני ה' אלקיכם והיא מצוה על צרה שתבא על הצבור לזעוק לפניו בתפלה ובתרועה.

That which the *Sifrei* says 'to worship Him' refers to Talmud or alternatively *tefillah*, this is an *asmachta*. Or, it comes to say that included in worship is that we learn His Torah and **pray to Him in times of distress and our eyes and hearts should be towards Him like the eyes of servants to the hand of their masters**, and this is as it is written, when you come to war in your Land on the enemy who threatens you, you should blow your trumpets and be remembered before Hashem your G-d. This is a mitzvah that at each time of need that comes upon a community that they call out before Him in *tefillah* and trumpet blowing.

Ramban strongly resisted considering *tefillah* as a mitzvah but he was faced with the *Sifrei* that Rambam brought that explicitly considers it a Torah obligation. His first response is that the *derashah* of the *Sifrei* is only an *asmachta*.<sup>4</sup> His second answer is apparently to accept praying at times of distress as a mitzvah, but then he adds that this incorporates the concept of our eyes and hearts turning to G-d, and *Chinuch* picks up on this, referring to it as an added merit that we are awakened to this feeling by our *tefillah*.

Ramban later closes his discussion with the following passage:

ואם אולי יהיה מדרשם בתפלה עיקר מן התורה נמנה אותו במנינו של הרב ונאמר שהיא מצוה לעת הצרות שנאמין שהוא יתברך ויתעלה שומע תפלה והוא המציל מן הצרות בתפלה וזעקה.

And if perhaps the *derashah* in *tefillah* is really from the Torah then we should count it in the Rabbi's count and define it as a mitzvah **that in times of distress one should believe that His Blessed Highness listens to prayer and He is the One Who delivers from tzaros with prayer and crying out.**

Thus, in Ramban's final words on the subject he actually says that if there is a mitzvah, this mitzvah is not the actual act of prayer, but "that in

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<sup>4</sup> This is a common refrain of Ramban with regard to *Sifrei*. I don't recall Ramban ever calling a *Sifrei* an *asmachta*. He explains in his *Hakdamah* to *Mishneh Torah* that the purpose of a *Sifrei* is to explain the *mikra*, and therefore there would be no place for an *asmachta* in such a work.

times of distress to believe that His Blessed Highness listens to prayer and He is the One Who delivers from tzaros with prayer and crying out.” *Chinuch* apparently resolves the two statements of Ramban by giving precedence to the former statement and thus seeing the actual voicing of prayer as the mitzvah and the belief as auxiliary. A more faithful reading of Ramban, is that he never really gave in to saying that the voicing of prayer itself is a mitzvah. The mitzvah is the belief, and the actual voicing of prayer is secondary but important as a demonstration that one believes that G-d delivers man from distress because of his prayers.

Ramban finds a source for this concept in another mitzvah that he readily accepts, the obligation for the community as a whole to blow trumpets and cry out to G-d at times of tzaros. He acknowledges this mitzvah although it is not clearly fleshed out in Talmudic sources, and like *tefillah* awaited Ramban’s full explication of the concept.<sup>5</sup> He accepts Ramban’s conceptualization that the Torah command of והרעותם בחצוצרות (blowing of trumpets) in time of need includes צעקה (crying out) as well. But this is not the mitzvah of *tefillah* on the individual but a mitzvah on the *tzibbur* as a whole.

Returning to the text of the *Chinuch*: He next presents the disagreement between Rambam and Ramban:

ואמנם אין לנו בתורה בזאת המצוה זמן קבוע לעשותה, מפני כן מספקים רבותינו בענין הרמב"ם זכרונו לברכה כתב בחבורו הגדול (תפלה א, ב) שמצוה היא להתפלל בכל יום. והרמב"ן זכרונו לברכה (בסה"מ מצ"ע ה) תפש עליו ואמר, שהתורה לא צותנו להתפלל בכל יום וגם לא בכל שבוע, ולא תיחד זמן בדבר כלל, ותמיד יאמרו זכרונו לברכה תפלה דרבנן (ברכות כא א), והוא כמספק יאמר, שהמצוה היא להתפלל ולזעק לפני הקל ברוך הוא בעת הצרה. גם הרמב"ם זכרונו לברכה בעצמו כתב, שאין מנין התפלות ולא מטבע התפלה מן התורה, ואין לתפילה זמן קבוע ביום מן התורה, אבל מכל מקום חיוב התורה הוא להתחנן לקל בכל יום ולהודות לפניו, כי כל הממשלה אליו והיכלת השלים כל בקשה, עד כאן.<sup>6</sup>

However, there is no set time for this commandment for us in the Torah. Hence our Rabbis are in doubt about the matter: Rambam, may his memory be blessed, wrote in his great composition (*Mishneh Torah, Laws of Prayer and the Priestly Blessing* 1:2) that it is a commandment to pray each day. But Ramban, may his memory be blessed, (on *Sefer HaMitzvos*, Aseh 5) clambered upon him and said that the Torah did not command us to pray every day, and also not (not even)

<sup>5</sup> See *Hilchos Taanis* 1:1ff.

<sup>6</sup> He concludes as follows: תקנו: תגנו, כי בהיות עקר מצות התורה בכך ולא יותר, תגנו: תגנו. זכרונו לברכה למי שהוא במקום סכנה ואינו יכל לעמד ולכון בתפלה כדי לצאת ידי חובתו במצות התורה, לומר צרכי עמך ישראל מרבין וגו' כמו שבא במסכת ברכות (כט, ב)

every week, and it does not specify a time about the thing at all. And [that is why] they, may their memory be blessed, always say that prayer is Rabbinic (*Berachos* 21a). And he says doubtfully that the commandment [from the Torah] is to pray and to cry out in front of G-d, blessed be He, at a time of distress. Rambam, himself, may his memory be blessed, also wrote that the number of prayers and the format of the prayers is not from Torah writ and that the Torah does not have a set time for prayer. **Nonetheless, the obligation of the Torah is to supplicate to G-d every day and to thank Him, since all of the governance is His, [as] is the ability to fulfill every request.**

While it would seem that he is directly quoting Rambam, he has taken the liberty of “clarifying” him and diverted from his text. As we quoted above, Rambam wrote:

A person should supplicate and pray every day and relate the praise of G-d, and afterwards ask for his needs as a request and a supplication, and afterwards give praise and thanks to G-d for the good that has been bestowed upon him, each person according to his ability.

Rambam made no mention of יכולת “G-d’s ability to fulfill every request” and he does not link the “praise of G-d” with this quality. *Chinuch* leaves out the opening “praise” as well, not describing the three distinct elements of *tefillah* that Rambam states as its definition. He gets his approach to *tefillah* from Ramban and transposes it on Rambam. In this view the purpose of שבח והודאה (praise and thanks) is as an accompaniment to בקשה (request) the central element of *tefillah* whose purpose is to serve as an act of admission of faith. But, as we will soon see, Rambam’s rationale for *tefillah* is quite different with three crucial and independent elements.

*Chinuch* goes on to explain the requirement of כונה (intent):

וכן מענין המצוה, מה שהזהירו אותנו בכונת הלב הרבה בתפילה, ויותר בברכה הראשונה, שאמרו זכרונם לברכה (ברכות ל, ב) שמי שלא כיון בה מחזירין אותו. וענין הכונה זו שחיבו בשבילה חזרה, היא לפי הדומה, שיתן האדם אל לבו, שלפני השם הוא מתפלל ואליו הוא קורא, ויפנה מחשבתו מכל שאר מחשבות העולם וייתד אותה על זה.

And also from the content of the commandment is that which they warned us much about intent of the heart in prayer. And more [so] in the first blessing, about which they, may their memory be blessed, said (*Berachos* 30b) that we make one who did not have intent in it go back [and repeat it]. And the matter of intent that they obligated going back because of its [absence] appears to be that the person **puts into his heart that he is praying in front of G-d and he is calling**

to Him, and [that] he empty his mind from all other thoughts of the world and focus it on this.

Here too, while quoting Rambam, *Chinuch* edits his words. Rambam wrote:

כיצד היא הכוונה--שיפנה ליבו מכל המחשבות, ויראה עצמו כאילו הוא עומד לפני השכינה.

How is there *kavanah*, to turn one's heart away from all thoughts, and perceive himself as if standing before the *Shechinah*.

The definition of כונה is to realize that one is **standing before** the שכינה, not that he is **praying to** G-d. While all prayer requires this כונה, one has fulfilled the mitzvah of *tefillah* if he only sustained it throughout the first blessing.<sup>7</sup> This fact alone should be sufficient to demonstrate that the essence of *tefillah* is not request. An act of *tefillah* has been completed if one has stood before G-d and blessed Him. The most crucial element of *tefillah* is standing before G-d and this is why the prayer instituted by Ezra is called the עמידה. Rambam's concept of "towards the *Mikdash*" is also related to this.

Rambam's description of תיקון הגוף (preparing one's body), that is one of<sup>8</sup> eight elements that are ideally part of prayer, is very illuminating:

תיקון הגוף כיצד: כשהוא עומד בתפילה, צריך לכוון את רגליו זו בצד זו; ונותן עיניו למטה, כאילו הוא מביט לארץ; ויהיה ליבו פנוי למעלה, כאילו הוא עומד בשמיים; ומניח ידיו על ליבו כפותין, הימנית על השמאלית. ועומד כעבד לפני רבו, באימה ויראה ופחד. ולא יניח ידיו, על חלציו.

The preparation of one's body: What is implied? When one stands in prayer, he should place his feet together side by side. He should set his eyes downwards as if he is looking at the ground, and his heart upwards as if he is standing in Heaven. His hands should be resting on his heart, with the right hand clasped over the left hand. **He should stand like a servant before his master, in fear, awe, and dread.** He should not rest his hand on his hips [during the *Amidah*]. (*Hilchos Tefillah* 5:4)

*Chinuch* concludes:

ונוהגת מצוה זו בכל מקום ובכל זמן בזכרים ונקבות, והעובר על זה ועמד יום ולילה בלא תפילה כלל בטל עשה זה, כדעת הרמב"ם זכרונו לברכה. ומי שצר לו ולא קרא אל השם להושיעו בטל עשה זה, כדעת הרמב"ן זכרונו לברכה, וענשו גדול מאד, שהוא כמסיר השגחת השם מעליו.

<sup>7</sup> See *Hilchos Tefillah* 10:1. See also *Chiddushei Rav Chaim HaLevi* (ibid.)

<sup>8</sup> See *Hilchos Tefillah* 5:1.



And this commandment is practiced in all places and at all times by males and females. And one who transgresses it and [goes for] a day and a night without prayer at all has nullified this commandment according to the opinion of Rambam, may his memory be blessed. And one who is in difficulty and does not call to G-d to save him has nullified this commandment, according to the opinion of Ramban, may his memory be blessed. **And his punishment is very great as he is like one who removes the oversight of G-d from upon him.**

His last phrase of identifying the nullification of this mitzvah with the removal of השגחה (G-d's oversight) is in accordance with the understanding of this mitzvah that is proposed by Ramban, but does not comport with Ramban's definition of the mitzvah. Moreover, the statement that Ramban counted it as mitzvah is apparently incorrect. The commentaries on *Sefer HaMitzvos* point out that while Ramban entertained the possibility of considering it as a mitzvah along his strict parameters, he at the end declined to count it.<sup>9</sup> He concluded that the *Sifrei* was an *asmachta* and there is no form of Torah mitzvah at all of *tefillah*.

In an oft-quoted report of Rav Soloveitchik's position on *tefillah*, some have perceived him to be in agreement with the *Chinuch* that Rambam and Ramban had essentially the same mitzvah of *tefillah*, calling out to G-d at time of crisis, with the only disagreement being that Rambam considers daily life a crisis situation. He is quoted as follows:

The views of Maimonides and Nachmanides can be reconciled. Both regarded prayer as meaningful only if it is derived from a sense of *tzara* (distress). They differ in their understanding of the word. Maimonides regarded daily life itself as being existentially in straits, inducing in the sensitive person feelings of despair, a brooding sense of life's meaninglessness, absurdity, lack of fulfillment. It is persistent *tzara*, which exists *bechol yom*, daily. The word *tzara* connotes more than external trouble... Certainly, the Psalmist's cry, *Min ha-ma'amakim karati Kab*, "Out of my straits, I have called upon the L-rd" (Psalms 118:5), refers to an inner, rather than an externally induced, state of constriction and oppression. Out of this sense of discomfiture prayer emerges. Offered in comfort and security, prayer is a paradox, modern methods of suburban worship and plush synagogues notwithstanding. The desire for proximity of wife and children at services comes from a need for security and comfort. Real

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<sup>9</sup> See *Maayan HaChochmah* and Rabbi Chaim Dov Chavell's notes in his edition of the *Sefer HaMitzvos*.

prayer is derived from loneliness, helplessness, and a sense of dependence. Thus, while Nachmanides dealt only with surface crisis—*tzarot tzibbur*, public distress, Maimonides regarded all life as a “depth crisis,” a “*tzarot yachid*.” (Rabbi Joseph B. Soloveitchik, *Reflections of the Rav*, pp. 80–81)

However, in this passage the Rav only accedes to Ramban’s considering *tefillah* part of the *tzibbur*’s response to *tzarah*<sup>10</sup>—as part of the mitzvah of *בהצוצרות*, which indeed Ramban does count as a mitzvah in agreement with Rambam. This is a mitzvah of *צעקה* and according to Rambam, motivation to *תשובה* (repentance), and not a real counterpart to Rambam’s mitzvah of *tefillah*. It applies only to the *tzibbur* and not to the individual.<sup>11</sup> The Rav expounds at length and with his characteristic depth on Rambam’s mitzvah of *tefillah*, the mitzvah of *שבליב* and Ramban has no such mitzvah.<sup>12</sup>

Ramban’s refusal to count *tefillah* as an independent mitzvah can be attributed to the Talmudic proofs he gives that it is of Rabbinic origin. Nevertheless, he himself suggests possible answers to his proofs with the central response to the Talmudic evidence being that though the strictly formulated mitzvah of reciting the text of the *Amidah* is Rabbinic, there is a Torah law of daily free-form *tefillah*, and the Talmudic sources saying or implying that it is Rabbinic only relate to the mitzvah instituted by Ezra.<sup>13</sup> As noted above, Ramban himself realizes that the *Sifrei* does imply that there is a Biblical mitzvah of *tefillah* based on the words *לעבדו בכל לבבכם* and yet he is not willing to accept it as a mitzvah. There is clearly a deeper reason behind this opposition.

The Rav says<sup>14</sup> that Rambam redeemed the mitzvah of *tefillah* as it seems all other Rishonim are in agreement with Ramban that it is only a Rabbinic mitzvah. Upon reflection, the reason for this resistance is clear. According to Ramban, the mitzvah of *tefillah* is exclusively *בקשה* (request). Though the *Amidah* consists of *שבה* (praise) preceding this *בקשה* and *הודאה* (gratitude) following it, this is merely the proper way of making *בקשה*. Thus he is troubled<sup>15</sup>, the Rav says, as were all philosophers, by

<sup>10</sup> *Tzarot tzibbur* — public distress.

<sup>11</sup> We shall return to this mitzvah and see how Ramban perceives of it differently from Rambam.

<sup>12</sup> See *Ra’ayonot al ha-Tefila* or in English, *Worship of the Heart*.

<sup>13</sup> See Rabbi Chavell’s notes.

<sup>14</sup> *Ra’ayonot al ha-Tefila* pp. 84–85; *Ish ha-Halakha – Galui ve-Nistar*, p. 240.

<sup>15</sup> *Worship of the Heart*, p. 28.

considering begging and perhaps bartering with G-d as being a mitzvah.<sup>16</sup> Ramban's ideal mitzvah of עבודה (sacrifices),<sup>17</sup> the concept of giving to G-d, and in his discussion of the *Sifrei* he mentions self-sacrifice as being crucial to עבודה "and to love with all one's heart." Ramban's position<sup>18</sup> is that קרבנות are the ideal עבודה and that *tefillah* was instituted by *Anshei Knesses HaGedolah* as a substitute for the daily עבודה when the *Beis HaMikdash* was destroyed.<sup>19</sup> Ramban was appalled that Rambam considered sacrifices as a secondary means of service to G-d.

Rambam and Ramban's positions on sacrifices are consistent with their positions on *tefillah*. Rambam considered allowing one to "give" something to G-d a concession to human frailty in which the human mind craves concrete action to experience reality.<sup>20</sup> True עבודה is in the heart and more akin to meditation, standing before G-d.<sup>21</sup> A part of this meditation is thought and searching for and sensing G-d's presence and ideal prayer is free form with no prescribed text. In contrast, Ramban does not see meditation and intellectual searching as the central means of acquiring meaningful religious experience, for true knowledge and religious experience comes from imbibing our *mesorah*<sup>22</sup> and performing religious acts. Rambam and Ramban each reject the other's conception of עבודה. Thus, when entertaining the possibility that the explicit *Sifrei*, עבודה שבלב זו תפלה, could be taken literally, Ramban makes clear that the essence of this mitzvah could not be בקשה nor Rambam's *Amidah* but rather the belief that prayers are answered by G-d, and the purpose of the mitzvah is to strengthen faith, אמונה.

In the famous passage in his Torah Commentary on *Parashas Bo*,<sup>23</sup> Ramban makes clear that faith in G-d is the purpose for all mitzvos and thus mitzvos are generally reminders of the miracles in Egypt which strengthen our faith. This passage goes to the core of Ramban's philosophy of Judaism:

<sup>16</sup> הקשה הנפש החיים (שער ב דף 85) "כי באמת יפלא איך שייך לבקש להתחנן כלל לפניו ית"ש להסיר מעליו צערו ויסורו כמו בענין רפואות הגוף הרופא משקהו סמנים חריפים וכו' הלא המה רטיה וכו' אין יסורין בלא עון ואם לא אפוא נפש החוטא במה תתכפר."

<sup>17</sup> See his commentary to *Vayikra* 1:9 where he disputes Rambam's attitude towards קרבנות.

<sup>18</sup> See Ramban *ibid*.

<sup>19</sup> תפלה כנגד תמידין תקנו TB *Berachos* 26b.

<sup>20</sup> See *Moreh HaNevuchim* 3:32, 46.

<sup>21</sup> See *Moreh HaNevuchim* 3:51–52.

<sup>22</sup> See Ramban's Commentary in *Yisro* to אנכי ה' אלקיך אשר הוצאתיך מארץ מצרים and his *Hasagos to Aseh* 1 and *Law* 5 in the *Sefer HaMitzvos*. This will be made clearer at the end of the essay.

<sup>23</sup> *Shemos* 13:16 as well as elsewhere.

ועתה אומר לך כלל בטעם מצות רבות הנה מעת היות ע"ג בעולם מימי אנוש החלו הדעות להשתבש באמונה, מהם כופרים בעיקר ואומרים כי העולם קדמון, כחשו בה' ויאמרו לא הוא (ירמ' ה יב), ומהם מכחישים בידעתו הפרטית ואמרו איכה ידע קל ויש דעה בעליון (תהלים עג יא), ומהם שיודו בידעה ומכחישים בהשגחה ויעשו אדם כדגי הים שלא ישגיח הקל בהם ואין עמהם עונש או שחר, יאמרו עזב ה' את הארץ. וכאשר ירצה האלהים בעדה או ביחיד ויעשה עמהם מופת בשנוי מנהגו של עולם וטבעו, יתברר לכל בטול הדעות האלה כלם, **כי המופת הנפלא מורה שיש לעולם אלוה-ה מחדשו, ויודע ומשגיח... ובעבור כי הקב"ה לא יעשה אות ומופת בכל דור לעיני כל רשע או כופר, יצוה אותנו שנעשה תמיד זכרון ואות לאשר ראו עינינו, ונעתיק הדבר אל בנינו, ובניהם לבניהם... ושנוכיר זה בפנינו בבקר ובערב, כמו שאמרו (ברכות כא) אמת ויציב דאורייתא, ממה שכתוב (דברים טז ג) למען תזכור את יום צאתך מארץ מצרים כל ימי חיך, ושנעשה סכה בכל שנה: וכן כל כיוצא בהן מצות רבות זכר ליציאת מצרים והכל להיות לנו בכל הדורות עדות במופתים שלא ישתכחו, ולא יהיה פתחון פה לכופר להכחיש אמונת האלהים. כי הקונה מזוזה בזוז אחד וקבעה בפתחו ונתכוון בענינה כבר הודה בחדוש העולם ובידיעת הבורא והשגחתו, וגם בנבואה, והאמין בכל פנות התורה... וכוונת כל המצות שנאמין באלקינו ונודה אליו שהוא בראנו, והיא כוונת היצירה, שאין לנו טעם אחר ביצירה הראשונה, ואין קל עליון הפך בתחתונים מלבד שידע האדם ויודה לאלקיו שבראו.**

And now I will tell you a general rule about the explanation of many commandments. Behold, from the time of there being idolatry in the world—from the days of Enosh—the opinions about faith started to blur. Some of them deny the fundamental principle and say that the world is prior [to G-d's creation] and “they rejected G-d and say, ‘It is not Him.’” And some reject His knowledge of particulars—“And they say, ‘How can He know, and is there knowledge to the most High?’” And some of them concede His knowledge but reject His oversight, and “they make man to be like the fish of the sea,” that G-d not supervise them and there not be punishments and reward with them at all—they say, “The L-rd has abandoned the Earth.” And when G-d favors a certain community or individual and does a wonder for them by changing the custom of the world and its nature, the nullification of these opinions becomes clear to everyone. As the amazing wonder teaches that there is a G-d in the world who innovated it, and knows and supervises and is able [to do whatever He wants]... And since the Holy One, blessed be He, will not do a sign and wonder in each generation in front of the eyes of each evildoer or heretic, He commanded us that we should always make a memorial and a sign to that which our eyes saw. And we should copy this thing for our children... And [it required] that we mention it with our mouths, in the morning and in the evening, as the Sages said (*Berachos* 21a), “[The blessing that mentions the leaving

of Egypt and begins,] ‘true and solid’ is [an obligation from] the Torah,” from that which is written (Deut. 16:3), “in order that you remember the day of your leaving the land of Egypt all the days of your life.” And [it required] that we make a Sukkah booth every year. And so, [too,] many commandments in memory of the leaving of Egypt are similar to these. And all of it is to be a testimony for us for all of the generations about the wonders, that they not be forgotten; and that there not be an opening for the heretic to speak and reject faith in G-d. As one who buys a mezuzah for one *זוז* and affixes it to his entrance and has intent for its matter, has already conceded to [G-d’s] innovation [of the Earth] and to the knowledge of the Creator and His supervision, and also to prophecy... **And the intention of all the commandments is that we believe in our G-d and concede to Him that He is our Creator. And that is the intention of Creation, as we have no other explanation for the first Creation—and the highest G-d only desires the lower beings, so that man should know and concede to his G-d that He created him.**

Then Ramban concludes with a passage about *tefillah*:

וכוונת רוממות הקול בתפלות וכוונת בתי הכנסיות וזכות תפלת הרבים, זהו שיהיה לבני אדם מקום יתקבצו ויודו לקל שבראם והמציאם ויפרסמו זה ויאמרו לפניו בריותיך אנחנו, וזו כוונתם במה שאמרו ז"ל (ירושלמי תענית פ"ב ה"א) ויקראו אל אלקים בחזקה (יונה ג ח), מכאן אתה למד שתפלה צריכה קול, הציפא נצח לבישה.

And the intention of raising of the voice in prayer and the intention of synagogues and the merit of communal prayer is that there be a place for people to gather and concede to G-d that He created them and makes them exist, and to publicize this and to say in front of Him, “We are Your creatures.” And this is the intention of what they said, may their memory be blessed (*Yerushalmi, Taanis* 2:5), “And they called to G-d with strength” (Jonah 3:8)—from here you learn that prayer requires [an audible] voice; the brazen is victorious over the timid.

But this reference to prayer only speaks of public prayer, and the importance of קול—raising one’s voice, while *tefillah* is the silent *amidah*. This is in line with Ramban’s reluctance to count silent prayer of the individual as prayer while accepting the *תרועה וצעקה בעת צרה* as a mitzvah. The coming together of the community and their joint loud shouting reinforces each individual’s faith. This mitzvah is a form of התעוררות, exhortation to *אמונה* and it would seem that the *אמונה* itself will result in G-d removing

the *tzarab*.<sup>24</sup> This is quite different from Rambam's presentation of the mitzvah of התעוררות לתשובה, that it is הצוצרות, the source for the Rabbinic mitzvah of תענית—fasting. It is the subsequent changing of actions that will remove the *tzarab*.<sup>25</sup> This disagreement goes to the core of Jewish philosophy.

Still, once Ramban has conceded to the concept of *tefillah* as a means of strengthening אמונה, and the *Sifrei* implies there is a Torah mitzvah of *tefillah*, then why at the end did Ramban not catalog such a mitzvah? I believe that we can get further insight into this fundamental disagreement between Rambam and Ramban by looking at even a more fundamental disagreement between them. Let us look at the first mitzvah that Rambam catalogs in the *Sefer HaMitzvos*:

היא הציווי שנצטוונו בידיעת האלקות, והוא: שנדע שיש שם עילה וסיבה, הוא הפועל את כל הנמצאים. והוא אמרו יתעלה: "אנכי ה' אלקיך" (שמות כ, ב ודברים ה, ו).<sup>26</sup>

This is the command in the **knowledge** of G-d, meaning that we **know** that there is a first cause, it is that which drives all that exists. This is the statement of the The Exalted "I am Hashem your G-d" (Ex. 20:2, Deut. 5:6).

Rambam unequivocally counts *Anochi* as a mitzvah—the first of all mitzvos, both in his presentation in *Sefer HaMitzvos* and *Mishneh Torah*.<sup>27</sup> The mitzvah is ידיעה, knowledge—to know that G-d exists—not to believe it—להאמין—as an act of faith. The fulfillment of this mitzvah may begin with simple faith but over a lifetime constitutes a life-long search for certainty and alongside the accompanying mitzvos of the even more

<sup>24</sup> Ramban writes in *parashas Bechukosia* that the evidence of G-d's Providence is stronger when the *tzibbur* is answered and succeeds. The community as a whole is the transmitter of our *mesorah* and by joining together under a joint leader, the faith of all is strengthened.

<sup>25</sup> ודבר זה, דרך מדרכי התשובה הוא: שבזמן שתבוא צרה ויזעקו לה' ויריעו, יידעו הכול שבגלל מעשיהם הרעים הרע להן--ככתוב "עוונותיכם, הטו אלה" (ירמיהו ה, כה) לכם, וזה הוא שיגרום להם להסיר הצרה מעליהם.

אבל אם לא יזעקו, ולא יריעו, אלא יאמרו דבר זה ממנהג העולם אירע לנו, וצרה זו נקרא נקריית--הרי זו דרך אכזרייית, וגורמת להם להידבק במעשיהם הרעים, ותוסיף הצרה וצרות אחרות (ריש הלכות תענית).

<sup>26</sup> *Sefer HaMitzvos, Mitzvos Aseh 1*. This is Rav Kappach's translation, which is confirmed by Rambam's language in *Mishneh Torah*.

<sup>27</sup> *Hilchos Yesodei HaTorah* והוא מצוי ראשון. והוא ממציא כל הנמצא.

profound ייחוד (Unity) and אהבה ויראה—Love and Fear of G-d, is the essence of the Jewish religion. These mitzvos, the first four listed in *Sefer HaMitzvos*, are dependent on deep thought and learning.<sup>28</sup> Rambam starts the second chapter of *Hilchos Yesodei HaTorah* with:

והיאך היא הדרך לאהבתו, ויראתו: בשעה שיתבונן האדם במעשיו וברואיו הנפלאים הגדולים, ויראה מהם חכמתו שאין לה ערך ולא קץ—מיד הוא אוהב ומשבח ומפאר ומתאוה תאוה גדולה לידע השם הגדול, כמו שאמר דויד "צמאה נפשי, לאלוקים—לא אל חי" (תהילים מב,ג). (הל' יסדה"ת א:א)

What is the path [to attain] love and fear of Him? When a person contemplates His wondrous and great deeds and creations and appreciates His infinite wisdom that surpasses all comparison, he will immediately love, praise, and glorify [Him], yearning with tremendous desire to know [G-d's] great name, as David stated: "My soul thirsts for the L-rd, for the living G-d" [Psalms 42:3]

and ends *Sefer HaMada* with:

דבר ידוע וברור שאין אהבת הקדוש ברוך הוא נקשרת בליבו של אדם, עד שישגה בה תמיד כראוי ויעזוב כל שבעולם חוץ ממנה כמו שציווה ואמר "בכל לבבך ובכל נפשך" (דברים ו,ה; דברים י,יב; דברים ל,ו): אלא בדעה שיידעהו. ועל פי הדעה-על פי האהבה--אם מעט מעט, ואם הרבה הרבה. לפיכך צריך האדם לייחד עצמו להבין ולהשכיל בחכמות ותבונות המודיעין לו את קונו כפי כוח שיש באדם להבין ולהשיג, כמו שביארנו בהלכות יסודי התורה. (הל' תשובה י:ו)

It is a well-known and clear matter that the love of G-d will not become attached within a person's heart until he becomes obsessed with it at all times as is fitting, leaving all things in the world except for this. This was implied by the command [Deut. 6:5]: "Love G-d, your Lord,] with all your heart and all your soul." One can only love G-d [as an outgrowth] of the knowledge with which he knows Him. The nature of one's love depends on the nature of one's knowledge! A small [amount of knowledge arouses] a lesser love. A greater amount of knowledge arouses a greater love. Therefore, it is necessary for a person to seclude himself in order to understand and conceive wisdom and concepts which make his Creator known to him according to the potential which man possesses to understand and comprehend as we explained in *Hilchos Yesodei HaTorah*.

*Tefillah*, the first mitzvah following these four principles, is the concretization of these mitzvos—calling upon the individual to reach into the depths of his being and stand before G-d and address Him. As we have

<sup>28</sup> In Kappach's translation of *Sefer HaMitzvos* we see clearly that these first mitzvos are defined with the word ידיעה.

seen above, in the *Moreh HaNevuchim* (3:32) Rambam explains how *tefillah* is superior to *korbanos* as it is attached to the heart and essence of man.

He expands upon the concept of *tefillah*, merging it with the mitzvah of 'ידיעת ה' and אהבת ה' at the very end of the *Moreh HaNevuchim* (3:51).

For it is said, “To love the L-rd your G-d, and to serve Him with all your heart and with all your soul” (Deut. 11:13), and, as we have shown several times, man’s love of G-d is identical with His knowledge of Him. The Divine service enjoined in these words must, accordingly, be preceded by the love of G-d. Our Sages have pointed out to us that it is a service in the heart, which explanation I understand to mean this: man concentrates all his thoughts on the First Intellect, and is absorbed in these thoughts as much as possible... We must bear in mind that all such religious acts as reading the Law, praying, and the performance of other precepts, serve exclusively as the means of causing us to occupy and fill our mind with the precepts of G-d, and free it from worldly business; for we are thus, as it were, in communication with G-d, and undisturbed by any other thing.

Ramban, as with the mitzvah of *tefillah*, is at first not certain as to whether to count *Anochi* as a mitzvah. At the end, the *Mechilta* convinces him that it is a mitzvah and he defines it as:

והאמינו וקבלו עליהם<sup>29</sup> להחזיק את האמונה שיש אלוהים נמצא והוא קל מוציאם ממצרים, כלומר החפץ המחודש והיכול.<sup>30</sup>

And they believed and **accepted upon themselves to strengthen this belief** that there exists a G-d and He is Who took them out of Egypt, so to speak the Will, the Creator, the All-Capable.

The mitzvah is to strengthen (or maintain) the belief in G-d. In a similar fashion, Ramban maintained that should there be a mitzvah associated with *tefillah*, it would be that of strengthening (or maintaining) faith that G-d answers prayers. In the end he does not count it, seeing the mitzvah of *Anochi* as being sufficient to incorporate this belief as well, as the most essential element is faith, of the יכולת—omnipotence—of G-d. ❧

<sup>29</sup> I am translating להחזיק as strengthening rather than maintaining as this seems to me to clarify his intent. To internally fortify this belief.

<sup>30</sup> He makes this formulation in his *basagah* on *Law* 5. While commenting on *Aseh* 1 he still displayed some lack of certainty.