שאלות ותשובות

מן השמים

מאחד מבעלי התוספות ה"ה הרב החסיד רבינו

יעקב הלוי זצ"ל

ממרויש ומקורביל

Responsa from Heaven

Shu"t Min HaShamayim

by one of the Baalei HaTosafos

Rabbi Yaakov HaLevi *zt"l*

of Marvège and Corbeil

With an English translation and elucidation

selections from the introduction of Rabbi Reuven Margalios,
the notes of Rabbi Avraham Yitzchak HaLevi Bleiweiss,
and teachings of the Lubavitcher Rebbe

Kesser Shem Tov
PUBLISHING

Responsa from Heaven — She'elos u-Teshuvos Min HaShamayim
Rabbi Yaakov HaLevi of Marvège

Translation, elucidation and notes © 2026 Kesser Shem Tov Publishing
All rights reserved.
Version 1.01

The Hebrew text of *Min HaShamayim* is in the public domain.
The vocalization, English translation, elucidation and notes
are original to this edition.

ISBN 9798142079770

First edition
Kislev 5787 / 2026

Kesser Shem Tov
PUBLISHING

www.kstpublishing.com

סימן א

Women's Berachos on Lulav and Shofar

The Jewish Calendar > Shofar, Lulav • Divine Service > Berachos on Mitzvos

Summary

The Question: Rabbi Yaakov asks whether women may recite berachos over lulav despite being exempt from the mitzvah, and whether someone may recite the shofar berachah on their behalf. His concern is whether the absence of an obligation makes such a blessing a *berachah levatalah*, a blessing recited in vain, and therefore a transgression.

The Answer from Heaven: Heaven permits women to recite berachos over lulav and shofar voluntarily. The conclusion grants permission, not an obligation. It expressly addresses women's own berachos; the circumstances in which another person may recite a berachah for them remain a distinct practical question.

How the Answer Is Given: The answer opens with a Talmudic rhetorical question, followed by three Biblical fragments: the command to heed Sarah, permission to return to one's tents, and the call to bless Hashem. An accompanying explanation supplies the principal reasoning. Women are obligated in Megillah and Chanukah because they participated in the miracle. The lulav represents wholehearted devotion to one's Father in Heaven, while the shofar brings favorable remembrance before Hashem—a need shared by women.

Halachic Background: The underlying dispute concerns women's berachos when voluntarily performing a *mitzvas aseh she'hazman grama*, a time-bound positive mitzvah from which they are exempt. Rabbeinu Tam permits such berachos; the Rambam and Rabbi Yosef Karo do not. Women's actual obligations in Megillah and Chanukah provide the starting point for the heavenly explanation.

שְׁאֵלוֹת וּתְשׁוּבוֹת מִן הַשָּׁמַיִם.

שָׁאַלְתִּי עַל הַנָּשִׁים שֶׁמְּבָרְכוֹת עַל הַלּוּלָב וְעַל מִי שֶׁמְּבָרֵךְ לָהֶן עַל תְּקִיעַת שׁוֹפָר אִם יֵשׁ עֲבֵרָה בַּדָּבָר וְאִם הָוֵי בְּרָכָה לְבַטָּלָה אַחֲרֵי שֶׁאֵינָן מְצֻוּוֹת וְאִם לָאו.

Questions and answers from Heaven.

I asked about women who recite a berachah over the lulav. Rabbi Yaakov asks about the blessing accompanying their voluntary performance of the mitzvah. **And about someone who recites a berachah for them over the sounding of the shofar.**[1] This part of the question concerns a blessing recited by another person on the women's behalf. **Whether there is a transgression involved, and whether it constitutes a blessing in vain.** A *berachah levatalah* is a blessing recited without a valid basis. **since**

[1] Rema, Orach Chaim 589:6 — a man who has already fulfilled his own shofar obligation does not recite the berachos when sounding the shofar for women; the women may recite the berachos themselves.

they are not commanded in these mitzvos—or whether it is not. Their exemption is the basis of the doubt: does voluntary performance nevertheless warrant a berachah?

And they answered: Have the generations, then, become more worthy?[2] Heaven opens with a Talmudic rhetorical question about the worthiness of the generations, before delivering the permissive answer. **Whatever Sarah says to you, heed her voice.**[3] This is Bereishis 21:12, Hashem's instruction to Avraham. The command to heed Sarah introduces a favorable response to the women's wish to recite berachos. **And go, say to them: Return to your tents.**[4] In Devarim 5:27, after the giving of the Torah, Hashem tells Moshe to send the people back to their tents. Here the phrase leads into the call to bless Hashem that follows. **And bless Hashem, your God.**[5] This is drawn from Nechemiah 9:5. The command "bless" is the direct sign that these berachos are permitted. **And the evidence is Megillah and Chanukah.**[6,7] Women are obligated in both of these mitzvos and recite their berachos. **And they explained to me what we find regarding Megillah and Chanukah. Since they were involved in that miracle.** Women's participation in the miracle is the reason for their obligation in these observances. **They are obligated in them and recite berachos over them.** Here the berachos accompany an actual obligation, unlike the voluntary observance of lulav and shofar under discussion. **Regarding lulav, too, we find support for the matter. That he has but one heart, for his Father in Heaven.**[8] The Sages say that one who sees a lulav in a dream has a single heart devoted to his Father in Heaven. They read the word *lulav* as *lo*

וְהֵשִׁיבוּ, וְכִי מַכְשִׁיר דָּרִי, כֹּל אֲשֶׁר תֹּאמַר אֵלַיִךְ שָׂרָה שְׁמַע בְּקוֹלָהּ, וְלֵךְ אֱמוֹר לָהֶם שׁוּבוּ לָכֶם לְאָהֳלֵיכֶם וּבָרְכוּ אֶת ה' אֱלֹקֵיכֶם, וְהָעֵד מְגִלָּה וַחֲנוּכָּה, וּפֵירְשׁוּ לִי מַה מָּצִינוּ בְּמְגִלָּה וַחֲנוּכָּה מֵאַחַר שֶׁהָיוּ בְּאוֹתוֹ הַנֵּס חַיָּבוֹת בָּהֶם וּמְבָרְכוֹת עֲלֵיהֶם, וּבַלּוּלָב נַמִּי מָצִינוּ סְמָךְ לַדָּבָר שֶׁאֵין לוֹ אֶלָּא לֵב אֶחָד לְאָבִיו שֶׁבַּשָּׁמַיִם,

[2]Yevamos 39b.

[3]Bereishis 21:12.

[4]Devarim 5:27 (5:30 in some English editions). The quotation adds an introductory וְ.

[5]Nechemiah 9:5 — the quotation adds an introductory וּ.

[6]Shabbos 23a; Megillah 4a.

[7]The Königsberg 1858 printing reads: וְהָעֵד נֵר חֲנוּכָּה וּמְגִלָּה, "And the evidence is the Chanukah lamp and Megillah."

[8]Berachos 57a. This may also allude to the Sages' teaching on Devorah the prophetess, who "sat under a palm tree" (*Shoftim* 4:5): just as the palm has but one heart, the people of her generation had but one heart for their Father in Heaven (Megillah 14a). This links the image directly to a woman.

lev, "he has a heart." Women share this undivided devotion, so the lulav belongs to them as well.

Regarding shofar, too, we say that the Holy One said:[9] **Recite before Me declarations of Kingship, so that you may proclaim Me King over you.** These are the *Malchuyos*, the declarations of Hashem's sovereignty recited on Rosh Hashanah. **Remembrances, so that the remembrance of your ancestors may come before Me for good—and through what? Through the shofar.** The *Zichronos* seek favorable remembrance before Hashem, with the shofar serving that purpose. **Women, too, need their remembrance to come before Him for good.** This is the explicit connection: women share the need for the favorable remembrance sought through the shofar. **Therefore, if they wish to recite a berachah over lulav and shofar, they have permission to do so.**[10] Their exemption does not render these voluntarily recited berachos forbidden. The conclusion permits the blessings without imposing an obligation to perform the mitzvos.

וּבְשׁוֹפָר נַמִּי אָמְרִינַן שֶׁאָמַר הַקָּדוֹשׁ בָּרוּךְ הוּא לְפָנַי מַלְכִיּוֹת שֶׁתַּמְלִיכוּנִי עֲלֵיכֶם, זִכְרוֹנוֹת שֶׁיָּבֹא זִכְרוֹן אֲבוֹתֵיכֶם לְפָנַי לְטוֹבָה, וּבַמֶּה, בְּשׁוֹפָר, וְהַנָּשִׁים נַמִּי צְרִיכוֹת שֶׁיָּבֹא זִכְרוֹנָן לְפָנָיו לְטוֹבָה, לְפִיכָךְ אִם בָּאוּ לְבָרֵךְ בְּלוּלָב וְשׁוֹפָר הֲרְשׁוּת בְּיָדָן.

סימן ב

Berachos on Tefillin

Sifrei Torah and Tefillin > Tefillin

Summary

The Question: Rabbi Yaakov asks whether the blessings over *tefillin* follow Rabbi Yitzchak Alfasi, the Rif, or the Geonim. According to the Rif, when no speech interrupts the donning of the arm and head *tefillin*, the blessing recited over the arm suffices for both. The Geonim require a separate

[9] Rosh Hashanah 16a, 34b.

[10] Tosfos, Eruvin 96a s.v. וּדְילְמָא — Rabbeinu Tam permits women to recite berachos on time-bound positive mitzvos. The Chida, Birkei Yosef, Orach Chaim 654:2, records his earlier opposition to women's berachos on lulav, based on the rulings of the Rambam and Rabbi Yosef Karo, and subsequently quotes Rabbi Yaakov's answer. In Yosef Ometz 82, he argues that Rabbi Yosef Karo would have permitted these berachos had he seen this responsum.

blessing over the head even without an interruption; if one speaks between them, they require two blessings over the head.

The Answer from Heaven: Heaven endorses Rabbi Yitzchak Alfasi's position: without an intervening interruption, only one blessing is recited.

How the Answer Is Given: The answer consists of a Talmudic phrase followed by a chain of Biblical fragments. Avraham and Yisrael are passed over, while "I will establish My covenant with Yitzchak" identifies Rabbi Yitzchak Alfasi as the authority whose ruling is accepted. "I called him when he was one" supplies the decisive word for a single blessing. The remaining phrases confer primacy and confirm the blessing.

Halachic Background: The dispute concerns whether the blessing *lehaniach tefillin*, recited when donning the arm *tefillin*, also covers the head *tefillin*, or whether the head requires the additional blessing *al mitzvas tefillin*. Speech between the two acts of donning is a separate factor in determining which blessings must be recited. This responsum is cited in *Shibbolei HaLeket* (Tefillin, 192), and the dispute is set out in the *Beis Yosef* on *Tur*, Orach Chaim 25.

וְעוֹד שָׁאַלְתִּי עַל בִּרְכַּת תְּפִלִּין אִם הֲלָכָה כִּדְבְרֵי הַגְּאוֹן רַבִּי יִצְחָק אַלְפָּסִי שֶׁאִם לֹא סָח בֵּין תְּפִלָּה לִתְפִלָּה אֵינוֹ מְבָרֵךְ אֶלָּא לְהָנִיחַ תְּפִלִּין כְּשֶׁמַּנִּיחַ עַל יָד וּבְהַנִּיחוֹ שֶׁל רֹאשׁ אֵינוֹ מְבָרֵךְ כְּלָל אוֹ הֲלָכָה כִּדְבְרֵי הַגְּאוֹנִים הָאוֹמְרִים שֶׁאֲפִלּוּ לֹא סָח צָרִיךְ לְבָרֵךְ עַל שֶׁל רֹאשׁ עַל מִצְוַת תְּפִלִּין וְאִם סָח מְבָרֵךְ עַל שֶׁל רֹאשׁ שְׁתַּיִם

And I further asked concerning the blessing over tefillin. Whether the halachah follows the eminent Rabbi Yitzchak Alfasi. This is the Rif, whose position is set out immediately below. **That if one did not speak between one tefillah and the other.** Each *tefillah* here means one of the two units: the arm *tefillin* and the head *tefillin*. **He recites only the blessing "to don tefillin."** This is the formula *lehaniach tefillin*. **When he places them upon the arm. And when he dons the head tefillin, he recites no blessing at all.** Without intervening speech, the blessing already recited covers both. **Or whether the halachah follows the Geonim, who maintain. That even if he did not speak, he must recite a blessing. Over the head tefillin: "concerning the mitzvah of tefillin."** According to this position, *al mitzvas tefillin* is recited over the head in addition to the blessing already recited over the arm. **And if he spoke, he recites two blessings over the head tefillin.** Under this second position, both formulas—*lehaniach tefillin* and *al mitzvas tefillin*—are then recited when donning the head *tefillin*.

וְהֵשִׁיבוּ לֹא בְּסָכֵי טַעֲמֵי וְלֹא בְּדַרְדְּקֵי עֲצָה כִּי אַבְרָהָם לֹא יְדָעָנוּ וְיִשְׂרָאֵל לֹא יַכִּירָנוּ וְאֶת בְּרִיתִי

And they answered: "There is no discernment among the elders, nor counsel among the

אָקוּם אֶת יִצְחָק אֶחָד קְרָאתִיו וּבְכוֹרִי אֶתְּנֵהוּ וַאֲבָרְכֵהוּ גַּם בָּרוּךְ יִהְיֶה

young."[1] These words come from Shabbos 89b. There, the Holy One tells Avraham, the elder, and then Yaakov, the younger, that their children have sinned, and both answer that they should be wiped out. Only Yitzchak pleads for the Jewish people. The phrase leads to Yitzchak, and so to Rabbi Yitzchak Alfasi. **For Avraham did not know us, and Yisrael does not recognize us.**[2] This is Yeshayahu 63:16, which the same Talmudic passage expounds in connection with Yitzchak. Avraham and Yisrael (Yaakov) are passed over, and the next fragment names Yitzchak. **But I will establish My covenant with Yitzchak.**[3] This is Bereishis 17:21, God's declaration concerning His covenant with Yitzchak. Here the name Yitzchak identifies the Rif as the authority whose ruling Heaven endorses. **I called him when he was one.**[4] This is a fragment of Yeshayahu 51:2. The key word "one" indicates that a single blessing suffices when there has been no intervening speech. **And I will make him My firstborn.**[5] This adapts Tehillim 89:28. The designation "firstborn" accords primacy to the authority just selected. **And I blessed him.**[6] This returns to Yeshayahu 51:2, continuing the verse from which "I called him when he was one" was drawn. The blessing accompanies the endorsement already given. **He shall indeed remain blessed.**[7] This is Bereishis 27:33, Yitzchak's confirmation of the blessing he gave Yaakov. It closes the answer with an affirmation of the blessing.

[1] Shabbos 89b. The Königsberg 1858 printing reads: לא בְּסָבֵי טַעֲמָא וְלֹא בְּדַרְדְּקֵי עֲצָה.

[2] Yeshayahu 63:16.

[3] Bereishis 17:21. All printed editions read: אָקִים.

[4] Yeshayahu 51:2.

[5] Compare Tehillim 89:28 (אַף אֲנִי בְּכוֹר אֶתְּנֵהוּ) — the wording here adds a conjunction and changes "firstborn" to "My firstborn."

[6] See footnote 4 above. The Königsberg 1858 printing omits this word.

[7] Bereishis 27:33.

סימן ג

Order of the Tefillin Passages

Sifrei Torah and Tefillin > Tefillin

Summary

The Question: Rabbi Yaakov asks how the four passages are to be arranged in Tefillin: with the two *Havayos* adjacent in the middle, as Rabbeinu Tam maintains, or in their Torah order, as Rashi maintains. Each side regards the contrary arrangement as invalid. Rabbi Yaakov asks both whose opinion the halachah follows and whose words Hashem favors.

The Answer from Heaven: Heaven declares both opinions "words of the living God" and presents the earthly disagreement as mirrored above. The Holy One says that the *Havayos* belong in the middle. The entire heavenly retinue says that they follow their Torah order. The answer thus assigns the two positions to different heavenly speakers rather than simply dismissing one of them.

How the Answer Is Given: A Talmudic formulation affirming both opinions introduces the heavenly dispute. The answer then invokes Vayikra 10:3: "Through those close to Me I shall be sanctified, and before the entire people I shall be honored." Its closing explanation connects Hashem's honor with placing the passage of Heaven's sovereignty first.

Halachic Background: The dispute concerns the physical arrangement of the written passages. The *Havayos* are the two passages beginning *Vehayah*, "And it shall be." Rabbeinu Tam places them together in the middle. In Rashi's arrangement, the passage of *Shema* separates them. The dispute goes back to the Gemara in *Menachos* 34b. There, two teachings give the order in opposite directions, and Rav rules that tefillin whose passages are switched are invalid.

I also asked about the order of the passages in Tefillin. Rabbi Yaakov asks how the four Torah passages are to be arranged within the Tefillin. **And this was my question. Please, great, mighty, and awesome King. Knower of mysteries, Revealer of hidden things, Discloser of secrets. Who keeps the covenant and kindness. Please increase Your kindness toward us today. And command Your holy angels. To make known to me the matter about which we are uncertain.**[1] **Concerning the order of the passages in Tefillin. For some of the sages say: The Havayos belong in the middle.** The *Havayos* are the passages beginning "And

וְעוֹד שָׁאַלְתִּי עַל סֵדֶר פָּרָשִׁיּוֹת שֶׁבַּתְּפִלִּין וְכָךְ הָיְתָה שְׁאֵלָתִי אָנָּא הַמֶּלֶךְ הַגָּדוֹל הַגִּבּוֹר וְהַנּוֹרָא חֵכֶם הָרָזִים מְגַלֵּה נִסְתָּרוֹת מַגִּיד נָעְלָמוֹת שׁוֹמֵר הַבְּרִית וְהַחֶסֶד הַגְּדֵל נָא חַסְדְּךָ עִמָּנוּ הַיּוֹם וְצַוֵּה לְמַלְאָכֶיךָ הַקְּדוֹשִׁים לְהוֹדִיעֵנִי אֶת אֲשֶׁר נִסְתַּפַּקְנוּ בְּסֵדֶר פָּרָשִׁיּוֹת שֶׁל תְּפִלִּין כִּי יֵשׁ מֵהַחֲכָמִים הָאוֹמְרִים הֲוָיוֹת בָּאֶמְצַע וְאִם הֶחֱלִיף פְּסוּלוֹת וְיֵשׁ מֵחֲכָמִים הָאוֹמְרִים הֲוָיוֹת כְּסִדְרָן

[1] The Königsberg 1858 printing reads: "the matter about which I was uncertain," using the singular rather than the plural.

וְאִם הֶחֱלִיף פְּסוּלוֹת וְעַתָּה מֶלֶךְ מְלָכִים צַוֵּה לְמַלְאָכֶיךָ הַקְּדוֹשִׁים לְהוֹדִיעֵנִי הֲלָכָה כְּדִבְרֵי מִי וְדִבְרֵי מִי אַתָּה מְחַבֵּב

it shall be, when He brings you" and "And it shall be, if you listen." Placing them in the two middle positions is Rabbeinu Tam's arrangement. **And if one changes their order, they are invalid. And some sages say: The Havayos must follow their order.**[2] This is Rashi's arrangement: the passages follow their sequence in the Torah, with *Shema* separating the two *Havayos*. **And if one changes their order, they are invalid.** Each position treats the competing arrangement as invalid, not merely less preferable. **And now, King of kings. Command Your holy angels to make known to me. Whose opinion the halachah follows, and whose words You favor.**

וְהֵשִׁיבוּ אֵלּוּ וְאֵלּוּ דִּבְרֵי אֱלֹקִים חַיִּים וּכְמַחֲלוֹקֶת לְמַטָּה כָּךְ מַחֲלוֹקֶת לְמַעְלָה הַקָּבָּ"ה אוֹמֵר הֲוָיוֹת בָּאֶמְצַע וְכָל פָּמַלְיָא שֶׁל מַעְלָה אוֹמְרִים הֲוָיוֹת כְּסִדְרָן וְהוּא אֲשֶׁר דִּיבֶּר ה' בִּקְרוֹבַי אֶקָּדֵשׁ וְעַל פְּנֵי כָל הָעָם אֶכָּבֵד וְזֶה כְּבוֹדוֹ בְּהֲיוֹת פָּרָשַׁת מַלְכוּת שָׁמַיִם תְּחִילָּה

They answered: Both these and those are the words of the living God.[3] Heaven affirms that both opinions are true. Yet, as the next line shows, the dispute remains. **And just as there is a dispute below, so there is a dispute above. The Holy One says: The Havayos belong in the middle.** This assigns Rabbeinu Tam's arrangement to Hashem Himself. **And the entire heavenly retinue says: The Havayos must follow their order.** The heavenly retinue maintains the arrangement associated with Rashi. **And this is what Hashem spoke: Through those close to Me I shall be sanctified.**[4] This is the first half of *Vayikra* 10:3. These are Moshe's words to Aharon after the death of Nadav and Avihu. **And before the entire people I shall be honored.**[5] This is the second half of the verse. Its word "honored" is the one the next line applies to the order of the passages. **And this is His honor: that the passage of Heaven's sovereignty comes first.**[6] Heaven ties "I shall be honored" to giving this passage first place. The passage of Heaven's sovereignty is *Shema*, in

[2]The Königsberg 1858 printing reads: "The Havayos belong in the middle, and if one changes their order, they are invalid," and proceeds directly to the request for a ruling, omitting the opposing opinion.

[3]Eruvin 13b.

[4]Vayikra 10:3 — the quotation adds an opening "and" and omits "saying." It uses the plene spellings דִּיבֶּר and בִּקְרוֹבַי in place of the Masoretic דִּבֶּר and בִּקְרֹבַי.

[5]See footnote 4 above.

[6]The Königsberg 1858 printing reads: פָּרָשַׁת מַלְכוּת תְּחִילָּה, "the passage of sovereignty first," omitting "Heaven."

which a person accepts the yoke of Heaven. The answer does not say from which side "first" is counted.

From the Teachings of the Rebbe

Which Tefillin Did Moshe Wear?

The Rebbe asks a simple question. Jews have worn tefillin every day since Moshe Rabbeinu. How, then, can there be a dispute about the order of the passages? One could simply open the tefillin of Rashi's grandfather and look!

The known answer is that the dispute did not begin with Rashi and Rabbeinu Tam. Both arrangements existed in earlier generations, and both kinds of tefillin were actually worn. But the question remains: which tefillin did Moshe himself wear?

The Rebbe explains that what Moshe gave over from Hashem was Torah from Sinai. After that, each person must learn it with his own understanding, within the rules by which the Torah is expounded. Some matters in the Torah are stated in a general way, and the Oral Torah can learn them in two ways, both of them true. So it is with tefillin: Rashi's way and Rabbeinu Tam's way are two ways of learning this mitzvah, and both were there from the start, even in Moshe's time. That is why we put on both pairs. For this whole explanation, the Rebbe refers the reader to our siman.

Toras Menachem 5742, Shabbos Matos-Masei, §§43–44; see also Likkutei Sichos vol. 26, p. 183 (Terumah 3)

סימן ד

Moving a Shabbos Lamp

The Jewish Calendar > Rabbinic Prohibitions

Summary

The Question: Rabbi Yaakov asks whether one may tell a non-Jew to move a burning lamp on Shabbos. For a Jew, moving the lamp is forbidden only rabbinically. Is asking a non-Jew to do it then a permitted *shevus de-shevus*, a rabbinic restriction placed on top of another? Or does the rule against instructing a non-Jew apply even to an act the Torah does not forbid, since the act is still rabbinically forbidden?

The Answer from Heaven: Heaven answers that the rabbinic status of the act is no ground for leniency: one may not ask a non-Jew to move the lamp. The answer stresses the authority of the Sages' words and the special strength the Sages gave their own enactments.

How the Answer Is Given: A chain of verses begins with Moshe standing before Hashem and receiving "the Torah and the commandment." The Sages' identification of these terms with Scripture and Mishnah establishes the weight of rabbinic teaching. The prohibition against touching Mount Sinai then supplies a warning against breaching protected boundaries. The image of touching the apple of an eye reinforces that warning, and the answer concludes explicitly that the Sages sometimes strengthen their enactments more than Torah prohibitions.

Halachic Background: The Shulchan Aruch (Orach Chaim 307:5) permits asking a non-Jew to do an act that is only rabbinically forbidden when there is some illness, great need, or a *mitzvah*. Rabbi Yaakov's question concerns a general permission, without any such need.

עוֹד שָׁאַלְתִּי עַל שְׁבוּת דִּשְׁבוּת
וּבֵאַרְתִּי שְׁאֵלָתִי עַל טִלְטוּל נֵר הַדּוֹלֵק בְּשַׁבָּת שֶׁהוּא אָסוּר מִשּׁוּם שְׁבוּת אִם מֻתָּר לוֹמַר לַגּוֹי לְטַלְטֵל מִמָּקוֹם לְמָקוֹם אַחֵר שֶׁאֲפִילּוּ לְיִשְׂרָאֵל אֵינוֹ אָסוּר אֶלָּא מִשּׁוּם שְׁבוּת אוֹ אִם נֹאמַר אֲמִירָה לַגּוֹי שְׁבוּת אֲפִילּוּ בְּדָבָר שֶׁאֵינוֹ אָסוּר לְיִשְׂרָאֵל מִן הַתּוֹרָה הוֹאִיל וְאֵית בֵּיהּ אִיסּוּר דְּרַבָּנָן

I further asked about a double rabbinic restriction. *Shevus de-shevus* means that instructing a non-Jew, itself a rabbinic Shabbos restriction, concerns an act whose underlying prohibition is also rabbinic. **And I specified my question concerning moving a lamp burning on Shabbos. Which is forbidden as a rabbinic Shabbos restriction.** Rabbi Yaakov takes the prohibition against moving this lamp to be rabbinic rather than a Torah prohibition. **Whether it is permitted to tell a non-Jew to move it from place to place. Since even for a Jew it is forbidden only as a rabbinic Shabbos restriction.** This is the proposed basis for permission: the act requested of the non-Jew does not itself violate Torah law. **Or whether we say that instructing a non-Jew is a rabbinic Shabbos restriction. Even concerning an act that is not forbidden to a Jew by Torah law. Since it nevertheless involves a rabbinic prohibition.**[1] On this alternative, the restriction against instructing a non-Jew still applies because the underlying act remains prohibited, albeit rabbinically.

וְהֵשִׁיבוּ: וְאַתָּה פֹּה עֲמוֹד עִמָּדִי
וְאֶתְּנָה לְךָ הַתּוֹרָה וְהַמִּצְוָה אֲשֶׁר כָּתַבְתִּי לְהוֹרוֹתָם לֹא תִיגַּע בּוֹ יָד כִּי סָקוֹל יִסָּקֵל אוֹ יָרֹה יִיָּרֶה וְכָל הַנּוֹגֵעַ בִּדְבָרֵיהֶם כְּנוֹגֵעַ בְּבָבַת עֵינוֹ וּבְכַמָּה מְקוֹמוֹת עָשׂוּ חֲכָמִים חִיזּוּק לְדִבְרֵיהֶם יוֹתֵר מִשֶּׁל תּוֹרָה כָּל זֶה הֵשִׁיבוּ

And they answered: "But you, stand here with Me."[2] This is Devarim 5:31, Hashem's instruction to Moshe. The answer opens with Moshe standing before Hashem to receive His teaching. **"And I shall give you the Torah and the commandment that I have written, to instruct them."**[3] This draws on Shemos 24:12. The Sages interpret "Torah" as Scripture and "commandment" as Mishnah, teaching that all were given to Moshe at Sinai. The quotation thus underscores the authority of rabbinic teaching. **"No**

[1] Shulchan Aruch, Orach Chaim 307:5 permits instructing a non-Jew to perform a rabbinically prohibited act where there is some illness, substantial need, or a *mitzvah* need.

[2] Devarim 5:31 (5:28 in some Hebrew editions). Shabbos 87a derives from this verse that the Holy One agreed with a step Moshe took on his own.

[3] Shemos 24:12 — quoted in abridged form. For the interpretation of "Torah" and "commandment," see Berachos 5a. The Königsberg 1858 printing reads: וְהַמִּצְוֹת, "and the commandments."

hand shall touch it, for he shall surely be stoned or cast down."[4,5] This is Shemos 19:13, the warning associated with approaching Mount Sinai. In the answer, it serves as a warning against breaching the boundaries established by the Sages. **And whoever touches their words is as one who touches the apple of his eye.**[6] This adapts the imagery of Zecharyah 2:12. Interference with the Sages' enactments is portrayed as touching the most sensitive part of the eye: their rulings require scrupulous protection. **And in several instances, the Sages reinforced their enactments more than those of the Torah.**[7] This supplies the answer's explicit rationale: rabbinic safeguards can remain binding even when the underlying act is itself prohibited only by the Sages. **All this they answered.**

סימן ה

Immersion Before Prayer

Divine Service > Kriyas Shema • *Purity and Impurity > Immersion*

Summary

The Question: Rabbi Yaakov asks whether the abolition of the immersion requirement for a *ba'al keri*, a man who has experienced a seminal emission, extends to prayer. The Geonim distinguish prayer from *Kriyas Shema* and Torah study: before prayer, they require immersion or washing with nine *kav* of water. The lenient position applies the abolition to prayer as well, drawing support from the Yerushalmi's recognition of places where immersion is not practiced.

The Answer from Heaven: Heaven upholds the stringent position and affirms that Ezra institutes his enactment through *ruach hakodesh*. The reply attributes the prolongation of exile to improperly prepared prayer. A further answer acknowledges that purifying all the Jewish people together is not possible, but declares that purification by communal prayer leaders hastens redemption. Rabbi Yaakov then asks whether these messages truly come from Hashem and whether he should disclose them. The final reply confirms their Divine origin.

[4] Shemos 19:13.
[5] Other printings read: יוֹרֶה. The Königsberg 1858 printing reads יִיָרֶה, as in the verse.
[6] Zecharyah 2:12 — the wording is adapted to the Sages' enactments; see also Shemos Rabbah 30:15.
[7] Kesubos 56b.

How the Answer Is Given: "You shall serve Hashem, your God" identifies prayer as Divine service; the reply then asks how an impure person can offer a sacrifice. It rejects the lenient inference from the Yerushalmi and links purified communal prayer with the "pure offering" of Malachi and Hashem's promise of blessing. The concluding answer employs the Torah's warning against deliberately refusing to heed the serving Kohen, followed by Hashem's assurance of protection.

Halachic Background: The question accepts that the immersion requirement no longer governs *Kriyas Shema* and Torah study. The dispute concerns whether prayer remains subject to purification and whether the Yerushalmi establishes an enduring exemption where immersion is not customary.

וְעוֹד נִסְתַּפַּקְנוּ עַל טְבִילַת בַּעֲלֵי קְרָיִין דְּאָמְרִינַן בִּטְלוּם לִטְבִילוּתָא כְּרַבִּי יְהוּדָה בֶּן בְּתֵירָא וְכָתְבוּ הַגְּאוֹנִים דְּהָנֵי מִילֵּי לִקְרִיאַת שְׁמַע וּלְדִבְרֵי תוֹרָה אֲבָל לִתְפִלָּה צָרִיךְ טְבִילָה אוֹ תְּשְׁעָה קַבִּין וְיֵשׁ מְקִילִין וְאוֹמְרִים דַּאֲפִילּוּ לִתְפִלָּה בִּטְלוּם וְסוֹמְכִים עַל הַיְרוּשַׁלְמִי דְּאָמַר בְּפֶרֶק יוֹם הַכִּפּוּרִים דְּאָסוּר בְּרָחִיצָה וּבְתַשְׁמִישׁ הַמִּטָּה וּמַקְשֵׁי הַשְׁתָּא בְּרָחִיצָה אָסוּר בְּתַשְׁמִישׁ הַמִּטָּה מִבַּעְיָא שֶׁהֲרֵי צָרִיךְ לִרְחֹץ קֹדֶם שֶׁיִּתְפַּלֵּל וּמְשַׁנֵּי תִּיפָּתֵר בְּמָקוֹם שֶׁנָּהֲגוּ שֶׁלֹּא לִטְבֹּל אִי נַמִי קֹדֶם תַּקָּנָה וְעַל זֶה שָׁאַלְתִּי אִם יֵשׁ לִסְמֹךְ עַל הַיְרוּשַׁלְמִי וְלוֹמַר כִּי תַּקָּנַת עֶזְרָא לֹא נִתְקַבְּלָה בְּכָל הַמְּקוֹמוֹת וּבְמָקוֹם שֶׁנָּהֲגוּ נָהֲגוּ וּבְמָקוֹם שֶׁלֹּא נָהֲגוּ

We were also uncertain about the immersion of men who have experienced a seminal emission. Such a man is called a *ba'al keri*. **For we say that they abolished the immersion requirement, in accordance with Rabbi Yehudah ben Beseira.**[1] Rabbi Yaakov asks how broadly this abolition applies. **The Geonim write that this applies to the recitation of Shema and to words of Torah.**[2] **For prayer, however, one requires immersion or nine kav of water.** The latter means having that quantity of water poured over the body, rather than immersing. **Some are lenient and say that they abolished the requirement even for prayer. They rely on the Yerushalmi, which says in the chapter Yom HaKippurim.**[3] **That washing and marital relations are forbidden. It asks: Now that washing is forbidden, need marital relations even be mentioned?** If relations necessitate subsequent washing before prayer, the prohibition of washing would already preclude them. **For one must wash before praying. It answers: Interpret this as referring to a place where the practice is not to immerse.** There, the prohibition of washing would not itself establish a prohibition of marital relations. **Alternatively, it refers to the period before the enactment.** On this explanation, the Mishnah states the prohibitions as they stand before Ezra establishes the immersion requirement. **Concerning this, I asked whether one may rely on the Yerushalmi. And say that**

[1] Berachos 22a.

[2] Rif, Berachos, chapter 3 — The Rif records both approaches and cites Rabbeinu Hai Gaon as requiring washing before prayer in accordance with the prevailing practice.

[3] Yerushalmi, Yoma 8:1.

Ezra's enactment was not accepted in every place. Where they adopted the practice, they adopted it; but where they did not adopt it.
One may pray without immersion and without nine kav of water. Or whether the halachah follows the Geonim, who are stringent and say. That immersion or nine kav of water is required for prayer.

מָתָר לְהִתְפַּלֵּל בְּלֹא טְבִילָה וּבְלֹא תִּשְׁעָה קַבִּין וְאִם הֲלָכָה כְּדִבְרֵי הַגְּאוֹנִים שֶׁמַּחְמִירִים וְאוֹמְרִים שֶׁצָּרִיךְ טְבִילָה אוֹ תִּשְׁעָה קַבִּין לִתְפִלָּה

They replied: You shall serve Hashem, your God.[4] This is Shemos 23:25. The command to serve Hashem supplies the description of prayer as Divine service. **You must say that this means prayer.**[5] The identification provides the basis for comparing prayer to sacrificial service. **Can a person be impure and yet offer a sacrifice?** The rhetorical question supports requiring purification before prayer. **And if you raise the objection of other forms of impurity.** The objection challenges why this particular impurity should obstruct prayer when other forms do not. **Impurity arising involuntarily is not comparable to impurity arising knowingly.** Heaven distinguishes the circumstances in which impurity arises. **Impurity that comes from elsewhere is not comparable. To impurity that issues from one's own body.** This distinction addresses the particular bodily source of the impurity under discussion. **When Ezra instituted the enactment, he perceived through Divine inspiration and instituted it.** Heaven affirms that Ezra's requirement rests on *ruach hakodesh*. **Regarding the Yerushalmi, know: had he been with them in the house of study.** The reply invokes Ezra against the lenient inference drawn from that discussion. **They would have found no answer.**[6] The idiom means that they would have been unable to sustain their argument. **Furthermore, he retracted and said.** Heaven treats the subsequent explanation in the Yerushalmi as a

וְהִשִּׁיבוּ: וַעֲבַדְתֶּם אֵת ה' אֱלֹקֵיכֶם הֲוֵי אוֹמֵר זֶה תְּפִלָּה וְאֶפְשָׁר טָמֵא וּמַקְרִיב קָרְבָּן וְאִם תֹּאמַר שְׁאָר טֻמְאוֹת אֵינוֹ דּוֹמֶה טֻמְאָה מְאוֹנֶס לְטֻמְאָה מִדַּעַת אֵינוֹ דּוֹמֶה טֻמְאָה הַבָּאָה מִמָּקוֹם אַחֵר לְטֻמְאָה הַיּוֹצְאָה מִגּוּפוֹ וְעֶזְרָא כְּשֶׁתִּיקֵּן בְּרוּחַ הַקֹּדֶשׁ רָאָה וְתִיקֵּן וְעַל הַיְרוּשַׁלְמִי דַּע אִלּוּ הָיָה עִמָּהֶם בְּבֵית הַמִּדְרָשׁ לֹא מָצְאוּ יְדֵיהֶם וְעוֹד הֲרֵי חָזַר בּוֹ וְאָמַר קֹדֶם תַּקָּנַת עֶזְרָא נִשְׁנֵית מִשְׁנָה זֹאת

[4] Shemos 23:25.
[5] Bava Kamma 92b.
[6] Yevamos 77b.

withdrawal of the earlier explanation. **This Mishnah was taught before Ezra's enactment.** On this reading, the Mishnah supplies no exemption from the enactment once it is instituted.

וְדָבָר זֶה גּוֹרֵם אֹרֶךְ הַגָּלוּת כִּי אִם הָיְתָה תְּפִלַּת יִשְׂרָאֵל כְּתִקּוּנָהּ כְּבָר נִתְקַבְּלָה תְּפִלָּתָם זֶה יָמִים רַבִּים אַךְ סִבְלוֹת הַגָּלוּת וְתַלְמוּד תּוֹרָה וּמַעֲשִׂים טוֹבִים הֵם הָעוֹמְדִים לְיִשְׂרָאֵל

This matter causes the prolongation of exile. The reply connects neglect of purification before prayer with the continued exile. **For if the prayer of the Jewish people were properly prepared. Their prayer would already have been accepted long ago. Nevertheless, the sufferings of exile, Torah study, and good deeds. Are what sustain the Jewish people.** These merits sustain the Jewish people even though their prayer is lacking.

וְאַחַר זֶה הֵשִׁיבוּ: שָׁמַעְנוּ מֵאַחוֹרֵי הַפָּרֹכֶת לְטַהֵר כָּל יִשְׂרָאֵל יַחַד אִי אֶפְשָׁר אַךְ אִם יִטָּהֲרוּ שְׁלִיחֵי צִבּוּר בְּכָל מָקוֹם יְמַהֲרוּ בִּיאַת הַגּוֹאֵל וּבְכָל מָקוֹם מוּגָּשׁ לִשְׁמִי וּמִנְחָה טְהוֹרָה אָבוֹא אֵלֶיךָ וּבֵרַכְתִּיךָ

After this they replied: We have heard from behind the curtain.[7] The imagery presents the ensuing message as a disclosure from the heavenly realm. **It is impossible to purify all the Jewish people together.** The further reply acknowledges the practical difficulty of universal observance. **But if the communal prayer leaders purify themselves in every place. They will hasten the coming of the redeemer.** What cannot be asked of everyone can be asked of the prayer leaders, and it brings the redemption closer. **And in every place an offering is presented to My Name, and a pure meal-offering.**[8,9] This is a fragment of Malachi 1:11. "In every place" echoes the call for prayer leaders everywhere to purify themselves, while the "pure offering" expresses the purity sought in their prayer. **I shall come to you and bless you.**[10] This is Shemos 20:21. The promise of Divine blessing follows the call for pure service.

[7] Chagigah 15a.

[8] Malachi 1:11 — The quotation omits מֻקְטָר, "burned."

[9] Compare *Menachos* 110a, which applies this verse to Torah scholars who study in every place: they are regarded as though they burn incense and present offerings to Hashem's Name. "A pure meal-offering" is expounded there as one who studies Torah in purity.

[10] Shemos 20:21.

From the Teachings of the Rebbe

Immersion, Prayer, and the Redemption

Writing to a rabbi who had built a new mikveh, the Rebbe wishes that it purify the Jewish people. He notes that the plain purity of a mikveh is first of all the family purity of Jewish women, but also the purity of Jewish men, and here he points to our siman. He recalls the known words of the Rambam that this immersion was never given up, above all for prayer. In the view of all, he writes, prayer is better received with immersion (Rif, in Talmidei Rabbeinu Yonah on Berachos ch. 3, in the name of Rav Hai Gaon; Likkutei Torah, Ki Savo 43b). Through this, he adds, our true redemption will also come closer (Tosfos Yom Tov at the end of Yoma; Rambam at the end of Hilchos Mikvaos). This is the same promise that Heaven gives here: if the prayer leaders purify themselves, they will hasten the coming of the redeemer.

Igros Kodesh vol. 13, letter 4591; see also vol. 4, letter 1065

אַחֲרֵי רְאוֹתִי כָּל אֵלֶּה שָׁאַלְתִּי לֵיל שְׁלִישִׁי תִּשְׁעָה עָשָׂר לְחֹדֶשׁ כִּסְלֵו אִם בָּא אֶל פִּי מֵאֵת ה' אִם לָאו וְכָךְ הָיְתָה שְׁאֵלָתִי אָנָּא מֶלֶךְ עֶלְיוֹן הָאֵל הַגָּדוֹל הַגִּבּוֹר וְהַנּוֹרָא שׁוֹמֵר הַבְּרִית וְהַחֶסֶד לְאוֹהֲבָיו שְׁמֹר בְּרִיתְךָ וְחַסְדְּךָ עִמָּנוּ וְצַוֵּה לְמַלְאָכֶיךָ הַקְּדוֹשִׁים הַמְמוּנִים עַל תְּשׁוּבַת שְׁאֵלַת חֲלוֹם לַהֲשִׁיבֵנִי עַל מָה שֶּׁאֶשְׁאַל מִלִּפְנֵי כִּסֵּא כְבוֹדְךָ תְּשׁוּבָה אֲמִתִּית וּנְכוֹנָה דָּבָר דָּבֵר עַל אָפְנָיו בָּרוּר וּמְבֹרָר בְּפָסוּק אוֹ בַּהֲלָכָה בְּלֹא שׁוּם סָפֵק הִנְנִי שׁוֹאֵל עַל כָּל אֵלֶּה הַדְּבָרִים אֲשֶׁר בָּאוּ אֶל פִּי בִּתְשׁוּבַת הַשְּׁאֵלָה אֲשֶׁר שָׁאַלְתִּי בְּעִנְיַן טְבִילַת בַּעֲלֵי קְרִיין אִם נֶאֱצְלוּ הַדְּבָרִים מֵרוּחַ הַקֹּדֶשׁ וְאִם יֵשׁ בָּהֶם תּוֹעֶלֶת וְאִם טוֹב לְגַלּוֹתָם לַחֲתָנִי הָרַב יוֹסֵף וּלְצַוּוֹת עָלָיו לְהוֹדִיעָם לְחַכְמֵי הָאָרֶץ

After seeing all this, I asked on the night preceding Tuesday. On the nineteenth of the month of Kislev. Whether what had come to my mouth was from Hashem or not. Rabbi Yaakov now seeks confirmation of the origin of the preceding answers. **This was my question. Please, Supreme King. The great, mighty, and awesome God, Who keeps the covenant and kindness for those who love Him.**[11] **Keep Your covenant and Your kindness with us. Command Your holy angels appointed over the answering of a dream question.** Rabbi Yaakov asks that the angels charged with answering a *she'elas chalom* provide a reliable response. **To answer me concerning what I ask from before Your Throne of Glory. With a true and correct answer. A word spoken in its proper setting.**[12] The phrase from Mishlei 25:11 asks for an answer appropriately framed and directly suited to the question. **Clear and fully clarified, through a verse or a halachic teaching, without any doubt.**[13] Rabbi Yaakov asks for an unambiguous answer, whether expressed in Scriptural language or in a halachic formulation. **I hereby ask about all these matters. Which came to my mouth in the answer to the question. That I asked concerning the immersion of men who have experienced a seminal emission. Whether**

[11] Devarim 10:17; 7:9 — The prayer combines phrases from these verses.

[12] Mishlei 25:11.

[13] The Königsberg 1858 printing reads: "Clear and elucidated, through a verse and through a halachic teaching," rather than "through a verse or a halachic teaching."

these matters emanated from Divine inspiration and whether they are beneficial. And whether it is good to reveal them to my son-in-law, Rabbi Yosef. And to charge him to make them known to the sages of the land. The question concerns disseminating the answers beyond Rabbi Yaakov's immediate circle.

אוֹ אִם בָּאוּ אֶל פִּי מֵרוּחַ אַחֶרֶת וְאֵין בָּם תּוֹעֶלֶת וְטוֹב לִי לְהַסְתִּירָם וּלְהַעֲלִימָם

Or whether they came to my mouth from another spirit. Rabbi Yaakov explicitly distinguishes Divine inspiration from another spiritual source. **And they contain no benefit, so that it is better for me to conceal them and keep them hidden.**

וְהֵשִׁיבוּ: בֶּאֱמֶת הָיָה דְבַר ה' וְהַדְּבָרִים עַתִּיקִים עַתִּיק יוֹמַיָּא אֲמָרָן וְהַיּוֹם יוֹם בְּשׂוֹרָה וְחִכִּינוּ עַד אוֹר הַבֹּקֶר וְאַחַר שָׁעָה הֵשִׁיבוּ וְהָאִישׁ אֲשֶׁר יַעֲשֶׂה בְזָדוֹן לְבִלְתִּי שְׁמוֹעַ אֶל הַכֹּהֵן הָעֹמֵד לְשָׁרֵת שָׁם וּמֵת הָאִישׁ הַהוּא וְהִנֵּה אָנֹכִי עִמָּךְ וּשְׁמַרְתִּיךָ בְּכֹל אֲשֶׁר תֵּלֵךְ

They replied: It truly was the word of Hashem. The answer directly confirms the Divine origin of the preceding messages. **The matters are ancient; the Ancient of Days has spoken them.**[14] The reply attributes these teachings to God, designated by the title "Ancient of Days." **And today is a day of good tidings.**[15] This adapts Melachim II 7:9, where good news calls for announcement rather than silence. Here it supports making the answers known. **And we waited until the light of morning.**[16] These words also come from Melachim II 7:9. **After a while they replied. And the man who acts presumptuously, refusing to heed.**[17] This begins the warning in Devarim 17:12. It answers the request for verification with a solemn demand for obedience. **The Kohen who stands to serve there.**[18] The serving Kohen may allude to Ezra HaKohen, whose enactment is at issue. **That man shall die.**[19] This completes the selected warning from Devarim 17:12, underscoring the gravity of deliberate refusal to heed. **Behold, I am with you, and I shall guard you wherever you go.**[20] This is Bereishis 28:15, Hashem's promise to

[14]Bava Basra 91b.
[15]Melachim II 7:9 — Adapted from "This day is a day of good tidings."
[16]See footnote 15 above.
[17]Devarim 17:12.
[18]Devarim 17:12. Rabbi Reuven Margalios (*Mekor HaBerachah*, Hilchos Ba'alei Keri) brings this responsum and explains that the Kohen is Ezra the Scribe.
[19]See footnote 17 above.
[20]Bereishis 28:15.