



B'racha Rishoina

R'Saffer B"Yyun Newsletter

Mitzvos Tzrichos Kavana

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With gratitude to *Hashem*, *Bracha Rishoina* is happy to be back, and invites our readership to join us as we embark on a journey through the second *perek* of *maseches b'rachos*.

The first *mishna* in the second *perek* (13a) prompts a gm discussion about whether intent (*kavana*) is required for the fulfillment of a *mitzvah*. The principal issue our gm first mentions is whether intent to perform the *mitzvah for the sake of performing a mitzvah* (*kavana l'shem mitzvah*) is essential for the act to be considered a *mitzvah*. This position is referred to as "*mitzvos tzrichos kavanah*" (MTK). The alternate approach, "*mitzvos ain tzrichos kavanah*" (MATK), is that a *mitzvah* is purely defined by a specific physical act performed under specific prescribed conditions (such as proper place and time etc.). This position contends that the intent to perform the *mitzvah* is not necessary for the *mitzvah's* fulfillment.

Before delving into our *gm*, we must first clarify the dispute over MTK to our vast and rapturous readership.

Consider the performance of *mitzvos* and *aveiros*. Both *mitzvos* and *aveiros* can be performed with varying degrees of intent. Suppose an individual happens to be a professional musician who plays *shofar* in a band that plays the *tekiyos* on *Rosh Hashana*. Does the fact that the individual did not intend to perform a *mitzvah* impact his *mitzvah*?

Believe it or not, there is an even lower level of intent, where the individual does not even intend to perform the action. For example, *Shloime* wants to blow the dust out of his *shofar* that had been sitting on his shelf for a year. Coincidentally, it is *Rosh Hashana*, and *Shloime's* unique blowing pattern yields one hundred perfect *kolos* on the *shofar*! This total lack of intention to perform the *mitzvah*, or **even the action that constitutes the mitzvah**, is called *misaseik*.

The concept of *misaseik* can apply to *aveiros* (*lo sa'asei*) as well. Let us assume for the sake of simplicity that tearing off a paper towel on *shabbos* is a full-blown *melacha deoraisa*. An individual can purposely rip a paper towel on *shabbos*. That would be considered *meizid*. Now, suppose a *Bar-Mitzvah* boy growing up in the US in the 70's goes to use the "facilities" of his shul on his *Bar-Mitzvah* day. After washing his hands, he takes the liberty of performing his first *aveira* of manhood by ripping the paper towel in an effort to dry his hands (to find out who did this, visit the story page on bracharishoina.com). This boy certainly intended to rip the paper towel, but he had no idea that the action was an *aveira*. He is therefore committing the *aveira b'shogeig*. Finally, an individual can reach for his *Talis* on *shabbos* morning, only to realize that he reached for the wrong item and he is clutching a fistful of paper towel that he ripped up. There, the *aveira* lacks not only intent to do the *aveira*, but even the action itself was done with a lack of any awareness. That is *misaseik* in the context of *aveira*.

Let us focus for the moment on the intermediate level of intent, that in which the individual intends the action, but not

the *mitzvah* or *aveira* that emerges from it. In the world of *aveiros*, this would for sure be a *maisah aveira* (even if *b'shogeig*, which for *aveiros* of *kareis* generates an obligation to bring a *korban* as atonement). In the realm of *mitzvos*, this intermediate level of intent is what the gm refers to as a ***mitzvah without kavanah***. It is interesting to note that the position that *Mitvos Tzrichos Kavanah* (MTK) means that, as far as *mitzvas aseï* (positive commandments) are concerned, the intermediate level of intent is not sufficient to constitute a *mitzvah*. In contrast, the intermediate level of intent for *aveiros* would normally obligate the individual to bring a *korban* of atonement even according to those who say MTK. In other words, the notion of MTK has no equivalent in the world of *aveiros*. There are no *aveiros* where the violation is only incurred when there is intent to violate a "*lo sa'asei*" (negative commandment).

Before we dig in to the meat of the *sugya* it is important to be aware of a certain exception to the principle of *misaseik*. The gm in *Kreesos* 19b teaches us that there are two *aveiros* in which the individual is culpable even if he was only *misaseik*. Those two *aveiros* are the *aveiros* of eating forbidden foods and illicit relations (*chalavim v'arayos*). They demand a *korban* even if the individual was *misaseik*! In other words, an individual can be totally unaware of these actions, and still be culpable for the *aveira*! The basis for the exception for *aveiros* of *chalavim v'arayos* will emerge in our coming analysis of MTK.

A critical gm on the subject of *mitzvas tzrichus kavana* (MTK) is *Rosh Hashana* 28a-b. The gm records a famous *halachik* statement of *Avuhah d'Shmuel*: "*K'fao ve'achal matzah, yatzah*", which means that if a man was forced to eat *matzah* on *pesach*, he is credited with having fulfilled the *mitzvah* of eating *matzah* on *pesach*, despite the fact that he was clearly not focusing on performing a *mitzvah*. This *halacha* openly proposes that the intention to fulfill the *mitzvah* is not necessary in the case of the *mitzvah* of eating *matzah* on *Pesach*.

Rava (some say *Rabbah*) then adds on to the statement of *Avuha d'shmuel* with the following *chiddush* of his own. *Rava* maintains that just as there is no need for intent to fulfill a *mitzvah* when eating *matzah* on *Pesach*, so too there should be no such intent required when blowing a *shofar* on *Rosh Hashana*. As *Rava* states "This (*halacha* that no intent to fulfill the *mitzvah* is necessary by *matzah*) comes to say that one who blows for song (and not for the *mitzvah*), is nonetheless given credit for the performance of the *mitzvah* of blowing *shofar* on *Rosh Hashana* (*zos omeres, hatokeah l'shir yataza*)".

Rava's application of the *halacha* of eating *matzah* on *pesach* to that of blowing *shofar* on *Rosh Hashana* is so intuitive that the gm in *Rosh Hashana* exclaims "*P'shita!*", as if to say "of course *Rava* can make the logical inference of *matzah* to *shofar*, the two *mitzvos* are interchangeable for the purposes of this discussion".

The gm then reconsiders the comparison. The gm entertains the possibility that the *mitzvah* of *matzah* might be unique, whereby the only criteria for the performance of the *mitzvah* is the act of eating, irrespective of intent (*echol matza amar rachmana v'ha achal*). *Rashi* (*d'h mahu*) explains why that would be so. He claims that just as a *misaseik* (who has no intention for his actions) is culpable for *aveiros* involving eating (as we explained from *meseches kreesos*), so too, *mitzvos* involving eating should not require any cognitive intent. The gm concludes that because of this potential difference between *matzah* and *shofar*, *Rava's* proposal that the two *mitzvos* should be regarded in the same light is indeed novel.

Interestingly enough, the gm on *Rosh Hashana* 33b when discussing the *mishna* that states a *misaseik* does NOT fulfill the *mitzvah* of *shofar*, deliberates whether a person who intends to blow *shofar* for song (*tokeah l'shir*), but not for the *mitzvah*, would be considered a *misaseik*.

The gms in *Rosh Hashana* and *Kreesos* raise some fundamental bomb questions:

1: Why is a *misaseik* culpable for *aveiros* involving eating and illicit relations? The gm in *kreesos* says that the uniqueness of those *aveiros* lies in the fact that one has physical pleasure (*shekain neheneh*). Still, even if an individual receives pleasure from the *aveira*, how can anyone be held responsible for acts they are not even aware of?

2: How does *Rashi* in 28a extrapolate from the *din* of *misaseik* being culpable for eating violations that *misaseik* would therefore be able to fulfill the positive *mitzvah* of eating *matzah* on *Pesach* without any intent to perform the *mitzvah*? Have we not shown that, at least according to those who uphold the notion of *mitzvos tzrichos kavana* (MTK), that the mere cognitive awareness necessary by *aveiros* will not suffice for *mitzvos asei*? Whatever the reason that eating violations do not require any awareness, it is hard to believe that the same would be true for the *mitzvah* of eating *matza* according to MTK. How could those who believe that *mitzvos* require intent for the *mitzva* (MTK) allow for the *mitzvah* of eating *matzah* to be fulfilled without any intent for fulfilling the *mitzvah*?

3: How can the gm's in *Rosh Hashana* 29b,33b entertain the possibility that blowing a *shofar* for song instead of for the *mitzvah* is an example of *misaseik*? Did we not explain that a *misaseik* has no intention either for the *mitzvah* or even for his action? It would seem that the individual who blows for song, while not intending to perform the *mitzvah*, is certainly fully aware of what he is doing and is intentionally blowing the *shofar*!

As always, these difficulties need to be addressed utilizing definitional nuclear analysis (DNA). (**WARNING:** while this *Bracha Rishoina* has so far been easy to read, the rest of this *Rishoina* should not be read over chulent or in a recliner. To fully appreciate what is to come, it should be read slowly and carefully giving it much thought.)

First, it must be understood that the majority of *aveiros* are characterized by the **raw physical action** (*peulas ha'aveira*) which itself makes up the *maisah aveira* (*aveira activity*). Violating one of the *melachos* of *shabbos*, for example, requires the specific action (*pe'ulah*) that make up the *maisah melacha*. Eating and illicit relations (*chalavim v'arayos*) are different in that those *aveiros* are defined by the

EXPERIENCE of the *aveira*, otherwise known as the "*hana'ah*" of the *aveira* (*shekein neheneh*). The *maisah aveirah* is present with the experience of the *aveirah*, even though there is no *peulas aveira*. Therefore, if someone "seemingly" violated a *melacha* on *shabbos* that they were not even aware of, we regard it as if the the *maisah aveira* (*aveira activity*) was not even performed (*misaseik*), as there is no conscious intent tracing the individual to his *peulas ha'aveira*. In the case of illicit relations and eating, however, it is the experience that is the *aveira*, and therefore only the experience needs to be present for the *aveira* to register. Whatever actions led up to the experience are not relevant to the *aveira*, and therefore the intention with which those actions were performed are equally irrelevant. This explains why *misaseik* would be liable in *aveiros* involving eating and relations, because he experienced those *aveiros*, despite not intending the actions that led to them.

"Now watch this!"

Up until now we understood the concept of *mitzvas tzrichus kavana* (MTK) as follows: everyone agrees that the action that makes up the performance of the *mitzvah* must be intentional, the only dispute of MTK is whether that action must be accompanied by an intent to designate that action for the purpose of performing a *mitzvah*. According to those that hold MTK, an action unaccompanied by such intent cannot "count" as a *mitzvah* fulfilled (*chisaron b"kiyum hamitzva*).

We see from our sources that MTK has to be understood a little differently. According to MTK, a "*maiseh mitzvah* (*mitzvah activity*)" is a composite of two things, the "*peulas hamitzva*" which is the raw physical action of the *mitzvah*, and the *kavana* (intent) to perform that action for the sake of the *mitzvah* (*kavana l'sheim mitzvah*). If one of those components is lacking, **the entire "*maiseh mitzvah*" is lacking**. As a result, an individual who does not intend to perform that *peulas hamitzva* would in effect be lacking a *maisah mitzva*, as a *misaseik* would be. This explains how the gm in *Rosh Hashana* 33b can regard the blowing of a *shofar* for song as a *misaseik*. According to the view of MTK, the lack of intent to blow for the *mitzvah* constitutes a fundamental deficiency in the "*maiseh mitzvah*" equivalent to when one is unaware of the *peulas hamitzva*, and is thus regarded as *misaseik*.

This is true of all *maiseh mitzva* other than eating and physical relations, because those *mitzvos* are defined by their being experienced. Now we understand how *Rashi* can infer the *mitzvah* of eating *matzah* (acc. to MTK) from the *aveirah* of eating *cheilev* (*chalavim v'arayos*). Any and all *kavana* (intent) requirements in a *maisah mitzvah* are only when the *maisah mitzvah* is made up of a person's action (*pe'ulah*). However, when the *mitzvah* is defined by one's having experienced the *mitzvah* then no intent is necessary at all. Instead of having two essential components of action and intent, the *mitzvah* of *matzah* is defined by the eating experience alone, and therefore the only way to cause a defect in that *mitzvah* is by not eating the *matzah*, regardless of intent.

***Bracha Rishoina* is proud to announce the recent arrival of Meira Chaya Kallus (born to the Torah force of BTYA, the great Doc Kallus and family), and Molly Schulman (born to emergency publisher and editor, and bracharishoina.com webmaster, YossiAroma Schulman and family). May Molly and Meira Chaya be a source of nachas to their families and to all of klal yisroel for many years to come.**