



Overview

Halacha Highlight

Siman 60 Seif 3:

The order of the *berachos* is not essential, therefore, if one recited the second *beracha* before the first he has fulfilled his obligation.

- ❖ The same *halacha* is true if one read *אמת ויציב* before *shema* or if one read the other *berachos* after *shema*, the *mitzvah* is fulfilled. (M.B. 5)
- ❖ If one reads one *beracha* without the second he at least fulfilled his obligation to read the *beracha* that he read. (M.B. 6)

Siman 60 Seif 4:

Some say that *mitzvos* do not require intent and some say that intent is necessary for one to fulfill the *mitzvah* and *halacha* follows the latter opinion.

- ❖ There are two types of intent: The first is to concentrate on what one is doing or saying and the second is the intent to fulfill the *mitzvah* with what one is doing or saying. *L'chatchila* one should certainly concentrate on what he is doing but the topic of this *seif* is whether it is necessary to have intent to fulfill the *mitzvah*. All opinions would certainly agree that intent to fulfill the *mitzvah* enhances the fulfillment of the *mitzvah*. (M.B. 7)
- ❖ According to the stringent opinion if one did not have intent to fulfill the *mitzvah* he must repeat the *mitzvah*. Even if he is uncertain whether he had the proper intent he must repeat the *mitzvah* but in such a case he should not repeat the *beracha*. (M.B. 8)
- ❖ According to Taz if one recites a *beracha* for a child he does not fulfill his obligation since it is considered as though he had explicit intent to not fulfill his obligation. (M.B. 9)
- ❖ There is a dispute whether Shulchan Aruch's ruling that *mitzvos* require intent is limited to Biblical *mitzvos* or extends even to Rabbinic *mitzvos*. It seems that there is no distinction between Biblical and Rabbinic *mitzvos*. (M.B. 10)
- ❖ In the event that a person repeats a *mitzvah* because he did not have proper intent he does not repeat the *beracha*. (M.B. 10)
- ❖ According to Chaye Adam a *mitzvah* must be repeated only if it is possible that it was done for some purpose other than the *mitzvah* e.g. reading *shema* for Torah study. When it is evident that the action was done to fulfill a *mitzvah*, e.g. taking a *lulav*, the *mitzvah* is fulfilled even if he did not have explicit intent for the *mitzvah*. (M.B. 10)

Proper intent before fulfilling a *mitzvah*

Shulchan Aruch Siman 60 Seif 4

ויש אומרים שצריכות כונה לצאת בעשיית אותה מצוה וכן הלכה

And some say that intent is necessary for one to fulfill a mitzvah and this is the halacha

Shulchan Aruch (סעי' ד') presents a disagreement whether *mitzvos* require intent. After presenting the two positions, he declares that *halacha* follows the opinion that maintains that *mitzvos* require intent. Mishnah Berurah (סק"יז) explains that the dispute does not relate to the concentration on what one is doing while fulfilling a *mitzvah* or while reciting a *beracha*. The intent debated here is the intent one should have before performing a *mitzvah*, namely that the *mitzvah* that he will do is with the intent to fulfill his obligation. According to the stringent opinion, one who did not have the required intent before fulfilling a *mitzvah* is required to repeat the *mitzvah* with the correct intent (מ"יב סק"יח).

Mishnah Berurah (סק"יז) cites Chaye Adam who suggests that the necessity to have proper intent before fulfilling a *mitzvah* is necessary only when it is possible to assume that he may have performed that action without the intent to fulfill the *mitzvah*. When a person's action clearly indicates his intent to fulfill a *mitzvah* he fulfills the *mitzvah* even if he did not have explicit intent to fulfill the *mitzvah*. Thus, for example, if one takes a *lulav* and *esrog* without intent to fulfill the *mitzvah*, the *mitzvah* is fulfilled since there would be no other reason to take the *lulav* and *esrog*. Sefer Piskei Teshuvos (אות ז) writes in the name of Ritva that certainly when a person recites a *beracha* before fulfilling a *mitzvah* it is as though he had the correct intent before fulfilling the *mitzvah*. This leniency, however, applies only to the one who recites the *beracha*; if one merely listens to another person recite the *beracha* and then performed the *mitzvah* without proper intent he must repeat the *mitzvah*. It must be stressed that these leniencies reflect the *halacha* for one who performed a *mitzvah* without proper intent and the question is whether it must be repeated. Mishnah Berurah (סק"יז) emphasizes that according to all opinions it is preferable for one to have correct intent before fulfilling a *mitzvah*.

When this question reached Rav Elochonon Wasserman he ruled that this action has no spiritual effect. "This is the same as someone who does an action for another reason without intent to discharge his obligation. Just like מתעסק without kavanah does not take effect, the same is true regarding a self-declared unbeliever who fulfills a mitzvah!"

מובא בקובץ שיעורים, ח"ב, ס' מ"ז, אות י"ד

But when someone asked Rav Shlomo Zalman Auerbach about this ruling he disagreed. "It is exceedingly difficult to understand the reasoning of Rav Elchonon in this instance. Although it is true that this person claims not to believe, it is not simple to brush off such a *mitzvah* as spiritually ineffective. In the case of an action which is obviously only done for a *mitzvah*—such as tefillin, *lulav* or *chalitzah*—it seems clear that despite his claim to the contrary, he does have some kind of intent to fulfill a *mitzvah*. Once he does such an action he reasons that if the Torah is true this action should discharge his obligation. It is certainly much better than one who is not thinking about the *mitzvah* at all. Of course if he is clear that he is not interested in doing the *mitzvah* with this action it is like מתעסק. But claiming disbelief is not enough in itself to establish that his action did not fulfill the *mitzvah*!"

הליכות שלמה, פ"ד, אות ט"ו, ודבר הלכה אות כ'

Stories to Share

The Atheist's Tefillin

מ"יב ס' ס' ס"ק י': "כגון שאכל מצה או תקע ונטל לולב אעפ"י שלא כיון לצאת יצא..."

A certain professed atheist had stopped observing *mitzvos* long ago but his relatives never gave up on him. One time they begged him to put on tefillin but he protested. "I don't believe, so what's the point?"

Nevertheless, when they insisted, he acquiesced and put on the tefillin. But they wondered if their disaffected young relative had discharged his obligation with this action. After all, as we find on today's *amud*, if one doesn't at least have a thought to discharge his obligation with a *mitzvah* act—even if he believes in Hashem and *mitzvos*—he does not discharge his obligation.