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TALMUDIC METHODOLOGY  
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## **The Role of Kavana in the Performance of a Mitzva**

The gemara in Rosh Hashana discusses the role of kavana (deliberate intent) within the performance of a mitzva. Must the execution of a mitzva be accompanied by specific intention to fulfill the mitzva or does the mere action, stripped as it were of any corresponding inner intention, entail a complete mitzva? The gemara cites two examples to indicate that indeed mitzvot "ein tzerikhot kavana" (mitzvot do not require intent): One who is forced to ingest matza during Pesach has performed the necessary mitzva despite lacking any will to actually fulfill the mitzva. Similarly, if a person blows the shofar to enjoy the musical sounds (tokei'a la-shir) he is still considered as having fulfilled the mitzva of shofar. In fact, most Rishonim accept this position and rule "mitzvot ein tzerikhot kavana" - no internal will is required. This article will explore the nature of this ruling and examine whether kavana still retains a significant function within the performance of a mitzva.

The simple understanding of this pesak would view a mitzva as a 'stand alone' act. No corresponding, or affiliated kavana is necessary to define it as a mitzva or to ensure its proper performance. Eating matza is just that - physically ingesting the matza. If so, we would not even require kavana le-khatchila. If the kavana in no way bears upon the mitzva's performance, it would have little HALAKHIC significance and could not be required even as the preferred method (of course we might still recognize a mitzva with kavana as superior but not because the MITZVA per se is of a higher caliber. We might claim that the mitzva itself is unchanged but the "religious experience" which is the ultimate purpose of the mitzva is clearly enhanced through the existence of kavana.)

Many positions, however, while accepting the basic stance of einan tzerikhot kavana, do maintain that ideally kavana should be provided. A mitzva performed with kavana is qualitatively better than one performed in a vacuum of kavana. Not only is the experience superior but the actual mitzva

is of a higher grade. In effect, mitzvot do not REQUIRE kavana, but certainly they are AFFECTED by kavana.

Of course the obvious corollary to this question would be the issue of kavana hafukha. What happens if someone performs a mitzva with inverse kavana - he specifically wills NOT to perform or fulfill the mitzva? Would we still view this condition as a fulfillment of the mitzva? The Ritva in his commentary to Rosh Hashana rules that even if the person declares his opposition to the performance of the mitzva he is still 'yotzeh' the mitzva. Evidently, according to the Ritva a mitzva is completely unaffected by the element of kavana. The Ran argues insisting that inverse kavana can potentially torpedo a mitzva. Apparently, kavana DOES affect a mitzva but fulfillment of the mitzva does not DEPEND upon the presence of kavana.

Some suggest that we employ the position of the Ran during Sukkot. Several Rishonim suggest kavana hafukha to solve a classic problem which arises every Sukkot. We raise the lulav and etrog before reciting a berakha. This would generally be problematic because berakhot should precede the performance of a mitzva - over la-asiyatan. In this case some Rishonim suggest that we should maintain kavana hafukha - to declare (internally) our intention to delay the fulfillment of the mitzva until after we have recited the berakha. Of course, the accepted position is not to rely upon the 'destructive' power of kavana hafukha and to hold the etrog upside down until after the berakha has been recited. See Tosafot in Sukka (36a).

A similar example of a potential role for kavana within a mitzva might be the situation of bal tosif - someone who performs an additional mitzva an extra and unnecessary time. Would the issur of bal tosif be violated if an extra mitzva were performed without any intent to 'fulfill' the mitzva. If we really believe that a mitzva is unaffected by human intent, we would expect bal tosif to apply anytime matza is eaten beyond the standard parameters. If, however, kavana DOES affect a mitzva we might adopt different standards for fulfilling a mitzva and for violating bal tosif. We might claim that to fulfill the mitzva properly no human intent is necessary. However, to define the extra action as an add-on (in violation of bal tosif) some degree of intent is necessary. This issue forms the heart of a fascinating dispute amongst the Amoraim cited in the gemara Rosh Hashana 28b.

SUMMARY:

According to the position that mitzvot do not require kavana, do we still admit that in certain circumstances kavana does impact upon the nature of the mitzva? Two examples might be inverse kavana and the intent which might be necessary to entail a violation of bal toshif.

A parallel question about the degree to which a mitzva is independent of other factors might be posed regarding broader peripheral issues which might be necessary for the mitzva to be fulfilled. Indeed, we rule that a mitzva does not require intent for its proper fulfillment. Is there, however, some intent or some factor which is necessary for the fulfillment of the mitzva? The Ran adds that though a person eating matza does not intend to fulfill the mitzva he still must be aware that it is Pesach. If even this minimal recognition is absent the mitzva is meaningless. Evidently, a mitzva is not stand alone but still requires some factor to define it as a mitzva.

The Yefei Einayim (a commentary written by Rav Aryeh Yellin) cites a Yerushalmi which, like the Ritva, rules that the mitzva is valid even if the person declares his opposition. Yet, it is only valid if the matza was eaten with heseiba - while reclining. In this case, though the intent is absent, there exist empirical factors which insure that the matza is not merely being eaten but forms the basis of a mitzva.

A final question might revolve around the issue of differentiating between different types of mitzvot. Are there any mitzvot which require some form of kavana? The gemara considers the possibility that eating matza does not require kavana but blowing a shofar does. Ultimately, the gemara rejects this opinion and rules that even blowing the shofar does not require kavana.

Yet it appears from the Rambam (specifically the manner in which many have chosen to interpret his position) that in the bottom line eating matza does not require intent but blowing the shofar does!!! Is there room to distinguish between these two mitzvot?

In a similar vein the gemara in Berakhot (12a) considers one who began to recite a berakha on wine thinking it was beer. He only discovered the true identity of the drink as he neared the conclusion of his berakha. The gemara debates whether the opening of the berakha is critical or only its conclusion. Does not this suggest that berakhot AS OPPOSED to other

mitzvot require some form of kavana? Many reject this possible distinction but some (see the commentary of the Rabbenu Yona to Berakhot) draw a distinction between physical actions and verbal ones. Certainly, if mitzvot are completely independent of external factors we would not distinguish between different types of mitzvot. If, however, mitzvot do require some form of definition we might allow a distinction between mitzvot of action and mitzvot of speech. We might claim that action mitzvot are more easily defined as mitzvot and do not require additional investment while more intangible mitzvot such as speech require overt kavana to define them as mitzvot.