

Halakhot/Laws

Section A -The misva

1. One who sees the periodic reappearance of the moon is enjoined to recite the berakha of praise that begins "אשר במאמר".
2. It is proper that the berakha be recited only when the moon is clearly visible and not hidden by clouds. The custom of many Ashkenazim is to be lenient and recite the berakha even if the moon is covered by relatively thin transparent clouds. The custom of the Sephardim however is to wait until the clouds pass and the moon clear before the berakha be recited. Some Sephardic authorities however do allow it's recital even in instances of thin clouds if there is a likely possibility that an opportunity to recite it in an ideal manner might not become available in the future.
3. In an instance where one begins the berakha and clouds suddenly cover the moon, the berakha should be completed. In the event one sees that clouds will pass over the moon during the recitation of the berakha, it is proper that it not be recited.
4. It is especially ominous to recite the berakha while in a state of happiness in the performance of a misva. Hence some authorities have even suggested (without popular acceptance) that special clothes be worn for the occasion.

Section B - The place to perform the misva.

5. It is proper that the berakha be recited in the courtyard or on the street in the manner one would venture out to greet a king. However, in extenuating circumstances such as sickness of the reciter, problems with the non jews, uncleanliness of the outside location, the authorities permit reciting the berakha at the doorway or thru an open window. However, in the event one cannot open the window due to cold or the like one may even recite the berakha thru a clear glass window.
6. It is proper to recite the berakha while standing, preferably in an open area under the sky. Nevertheless, though not preferred, it is still acceptable if recited while standing under the branches of a tree.
7. If one finds himself in an aircraft, and he is concerned that he might not have sufficient time to recite the berakha subsequent to landing, he is permitted to recite it while airborne.

Section C - Who are obligated to recite the berakha

8. Though many of the early authorities posit that the Talmud clearly allows women to recite at least a shortened version of this berakha, we have not seen the later authorities advancing this position. However, there are contemporary authorities that have suggested that it is proper for them to listen to a man's recital while having in mind to fulfill their obligation.
9. One who is blind should not recite the berakha on his own but should rather listen to another while having in mind to fulfill his obligation. However, if one can see with corrective lenses he may recite it on his own.
10. It is proper that youngsters be educated in reciting birkat halevana before they are bar misva. Notwithstanding, if he is due to become bar misva prior to the final permitted time of the month that the berakha may be recited, he should postpone his recitation as a youngster in order to recite it as an adult.
11. It is proper for a mourner to wait until the conclusion of his seven days of avelut in order to recite birkat halevana. If however, his days of avelut will not avail him to recite it, he may then recite the berakha even within the mourning period.

Section D - The time to recite

12. The berakha may only be recited throughout the night time hours.
13. The misva to recite birkat halevana begins seven complete days (24 hour periods) after the molad in Jerusalem.
14. Some authorities permit it's recital a few hours prior to the completion of seven complete days from the molad if there is sibbour gathered on mos'e shabbat. While others even allow it to be recited after three days in locals where clouds are likely to remain, limiting the likelihood of an opportunity to recite the berakha that month.
15. We have already noted above the time to perform the misva is during the night time hours. Hence, it is proper that one wait until seit hakhavim (the physical appearance of the stars) to recite birkat halevana.
16. Based on a statement in Soferim, Maran and many authorities opine that ideally one should recite birkat halevana on mos'e shabbat.
17. It is preferable to recite the berakha with a minyan as our Rabbis have taught "berov am hadrat melekh" namely, with an abundance of people there is glory for the king. However, this should not be a reason to delay it's recitation as "zerizim makdimim lamisvot" namely the

Rabbinic teaching that zerizim are proactive in performing misvot takes precedence over the former.

18. Many have the custom to wait until mos'e Yom Hakippourim to recite birkat halevana in order to meqadesh halevana of Tishri in a state of happiness. Others are accustomed to recite it prior to Yom Hakippourim in order that this misva assist in weighing down the scale of merits.

19. The custom is to recite birkat halevana in the month of Av after Tish'a Be'av. As prior to the fast we are in a state of avelut as a nation.

20. Based on a statement in the Talmud in the name of Ribbi Yohanan that one may recite birkat halevana "until its cavity or blemish is full" and the ensuing elaboration of the Nehardeans who explain this to be until sixteen (days), we find an array of opinions among the authorities as to the end of the allotted time for its recital. We can summarize three basic opinions of contemporary Sephardic authorities.

A. Until half of 29 days 12 hours 793 parts from the molad of that month. This translates to 14 days 18 hours 22 minutes from the molad. Once this time has passed one may only recite the berakha without mentioning "shem ousalkhut" until the end of the night of the fifteenth of that month.

B. Until 15 days (or 24 hour periods) have passed from the molad.

C. Until the end of the night of the fifteenth of the Hebrew month. This ruling is irrespective of the molad.

21. Birkat halevana is usually not recited on shabbat or yom tov. Hence some suggest that it should never be said at that time. However, the posqim rule that if one finds himself in the predicament that it is the final night of the allotted time, he may then proceed and recite the berakha. Some authorities even allow an additional leniency. Namely, to recite it on shabbat or yom tov when there is an objective concern that one might be prevented from reciting the berakha on a future available night that month.

Section E - preference in misvot

22. The general rule is for the misvot of qeriat shema, havdala and sefirat ha'omer to take precedence over birkat halevana. However, if there exists an objective concern that one might miss birkat halevana due to clouds or time constraint then qiddush halevana should be recited first.

23. A congregation that has before themselves the reading of the megilah and birkat halevana should opt for the former first. The reason being that birkat halevana is tadeer (a misva of more regularity) and is also accompanied with an objective concern that the misva might be missed.

35. We then recite the verse **לב טהור ברא לי אלהי"ם ורוח נכון חדש בקרבי** seven times.

36. Finally we recite peraqim 121 and 150 of Tehillim which are followed by the Beraita of the Academy of Ribbi Yishmael sighted earlier in footnote 7 from perek Hayu Baudqin in Sanhedrin.

37. When a minyan is present Qaddish (derabanan) Al Yisrael is then recited.

38. Some siddourim suggest adding following tefilot or pesuqim from tanakh subsequent to the qaddish.

א. עלינו לשבח
ב. על כן נקוה לך
ג. כדנא תאמרון
ד. ירמיהו מ"ו פסוק כ"ז
ה. ירמיהו מ"ו פסוק כ"ח
ו. שמואל ב' כ"ב פסוק ל"א
ז. ישעיהו ל' פסוק כ"ו
ח. יחזקאל ט"ז פסוק י"ג

39. The posqim comment that it is proper at this point that one shake the edge of their garment.

40. At the close of the order of birkat halevana **ע מליכשלום** is said three times. If others are present they respond in kind.

Footnotes

1. The basic text of the blessing which is known as Birkat Halevana or Kiddush Halevana is given in Sanhedrin 42A and in Soferim 2:1.

2. As according to these authorities a clear sky is only preferable but not mandatory.

3. However those who are lenient in this manner have in retrospect authorities on which to rely upon.

4. For the Talmud in Sanhedrin 42A states in the name of R. Yohanan that all who bless the month (by saying birkat halevana) in its time, it is as if he greets the Divine Presence.

5. The Talmud describes the manner in which Meremar and Mar Zutra would go out on the shoulders of others to recite the berakha.

6. The Talmud sights a Beraita of the Academy of Ribbi Yishma'el. "Had Yisrael been privileged only to greet the countenance of their father in heaven once each and every month it would have sufficed them". Based upon this the amora Abaye said; "Therefore we should recite the berakha while standing". Furthermore some authorities also suggest that the feet should be aligned together, as one stands during the amida. However, as we saw from the ma'aseh in the previous footnote, that those who are exceptionally old or invalid are released from the obligation to stand.

7. Stories are told of men of valor who have secured a pilot with aircraft to fly above the clouds (that were inhibiting their recital of birkat halevana) to recite the berakha.

8. Many reasons have been advanced by the later authorities as to why our women have refrained from reciting birkat halevana. These include that they are not obligated to perform positive time related misvot, or that their soul root is affiliated with the original blemish in the (spiritual and associated physical) moon prior to the creation of Adam on day 4. Some contemporary authorities deflect these reasons and therefore suggest that they fulfill their obligation via a man's recitation.

9. As there is a difference of opinion of whether or not a blind man is required to recite birkat halevana, we follow the dictum "when there is doubt regarding berakhot we are lenient in the matter".

10. If one is to reach 13 years and one day on the 12th of that month, he should refrain from reciting the berakha prior to that date in order to recite it subsequently as one who is obligated to perform a misva, as opposed to reciting it as a youngster who is only obligated from an educational standpoint.

11. As we have a special injunction here to be in a state of happiness, it is preferable for an avel to delay his recitation. Parenthetically, the Yaskil Avdi permits the traditional shalom alekhem blessing that congregates share with one another at the conclusion of the recitation of birkat halevana, even with an avel present.

12. This includes the hours after halakhic midnight. Some authorities even allow it's recitation a little after alawt hashahar if one finds himself in a pressing situation. Namely, only in the event that the time allotted to recite the berakha will expire prior to the subsequent night.

13. This is the ruling of Maran. The molad here is the conjunction (according to the mean rates of movements) of the moon with the sun, when the former lies between the earth and the sun (not on the same plane) and is thus invisible. It should be noted here that this point of reference of the molad is not the first sighting of the new crescent. The latter being the point of reference used by the bet din to determine rosh hodesh.

14. This is in accordance with almost all of the other early authorities who almost unanimously concede that the misvah begins at the latest, three days after the molad. An exception being R. Yosef Giqatalya who is a source for Maran's ruling that one must wait seven complete days from the molad.

15. As opposed to the theoretical seit hakokhavim which is 13.5 halkhic minutes after sunset. It should be noted that Hakham Yishak Yosef rules in accordance with Hakham Ovadya in Yabi'a Omer that if there is an objective concern that one might miss the recitation that month, he can recite the berakha effectively after sunset.

16. Others warn that one should only delay his recital to a mos'e shabbat that precedes the tenth (eleventh) of the month. While another group of authorities state that even though a recital on mos'e shabbat is the ideal misva, one should nevertheless recite it at the earliest time possible in accordance with the dictum "a misva is beloved in it's time" or "zeriziim are proactive in performing misvot". A final group of authorities appear not take mos'e shabbat into consideration as the ideal time to perform the misva and are exclusively concerned with it's recital at the earliest time of seven complete days from the molad.

17. Based upon this, one may only delay the recital to a mos'e shabbat (when it falls prior to the tenth of the month) for the benefit of mos'e shabbat itself. However, one should not delay it's recital in order to wait for the benefits of a minyan (including the ability to hear or recite qaddish al yisra'el).

18. Since both customs have their origins in the mountains of the holy, we use the rabbinic dictum to allow each river to flow in it's respective direction.

19. However, if there is an objective concern that one might miss birkat halevana subsequent to the fast, the authorities would permit it to be recited prior.

20. The first opinion takes into consideration that until that time the moon is still ascending or filling its cavity. The second and third opinions differ in their understanding of the Talmudic reference that the Nehardeans would recite the berakha until 16 (but both agree it does not include 16). While other opinions not sighted above claim that the 16th itself is also to be included in any count.

21. It is important to note that this refrain is not found in the Talmud nor in the cabbalistic writings of Rabenu Ha'ari. Nevertheless many early and later authorities have offered reasons to refrain (according to the peshat and sod) while others have deflected these reasons with both hands.

22. It is clear that the misvot of qeriat shema and havdala are "tadeer" (misvot of regularity as compared to birkat halevana) and therefore should surely take precedence over the misva of birkat halevana. It is not as clear with regards to sefirat ha'omer. For one can hardly say that a

misva that takes place monthly can be considered more regular than a misva that takes place for forty nine consecutive days. Furthermore, some since some consider sefirat ha'omer to be a Torah injunction as opposed to birkat halevana which is surely rabbinic in origin the custom is to recite sefirat ha'omer prior to birkat halevana.

23. However, an individual who finds himself immediately prior to or actually in the middle of the megilah reading should continue with that misva. As pirsume' nisa takes precedence, especially if there is still time to perform the misva subsequent to the reading.

24. Leshem yihud is recited by the pious prior to performing misvot in order to properly formulate their pure intentions in the upcoming speech or action.

25. The peri ets hayyim posits that these verses which hint upon the unity of creation are recited in order to allow us to participate in the unity of the four spiritual worlds known as asilut, beri'a, yesirah, asiya from below to above which takes place during the order of birkat halevana. Some are accustomed to recite pereq 19 in advance of these verses.

26. This is based on the advice of HaRav Hida in his Mo're Be'esba that one should only glance at the moon prior to the berakha.

27. Though it appears from the words of Maran in Shulhan Arukh that one looks at the moon throughout the recitation of the berakha, our custom follows the words of HaRav Hida and others who suggest that one only glance prior to the berakha but refrain from looking during the berakha as noted above.

28. Our rabbis have associated the moon and it's phases with the people of Israel. Hence, the ascent of the moon is an expression that Israel is in a formidable position spiritually. Therefore we declare that this reappearance of the moon is a siman tov for us and all of Israel. It said here three times as a vehicle for spiritual success to be accessed.

29. As the four worlds are mentioned according the acronym יעק"ב, a spiritual influx is released allowing us to uplift our individual souls, the collective mazal of Israel, and the spiritual worlds upwards to their root above.

30. As it is incumbent upon us as the microcosm of the spritual worlds to perform this physical expression to assist in their ascent.

31. There exist the clear impediments associated with the evil inclination such as the midot of jealousy and hatred. Additionally, there are impediments in our avodah itself, such as the desire for honor.

32. It is recited in its forward manner to rescue the Shekhina from the spiritual husks when it is in a lowly state of descent. It is recited backwards to thrust these spiritual husks back onto our enemies to subdue them. It should be noted that the spiritual husks called קליפות impede our avodah to reveal the oneness of the Creator throughout the spiritual worlds.

33. This is the formula sighted in Soferim pereq 20 halakha 2.

34. In his glosses to Shulhan Arukh, the Rama notes in se'if 5 that reference to David is made as his kingship is compared to the moon which will be once again renewed as she. Knesset Yisrael will once again cling to her husband who is Haqadosh Barukh Hu as the moon will renew her relationship with the sun. As it says in Tehillim "a sun and shield is Hashem..". The Maharsha in pereq Din'e Mamonot sights Midrash Rabbah which compares the first 15 days of the month to the 15 kings of the dynasty of David Hamelekh thru Sidqiyahu which will ultimately be renewed. According to Rabenu Ha'ari this phrase has a numerical value of 288 which are the amount of spiritual sparks we are to raise from amongst the spiritual husks (which are called death) in our avodat hashem during our sojourn here on earth. In the future "death will be swallowed up forever" and the spiritual sparks will permanently ascend. Hence, the Shekhina which is associated with King David will no longer find it necessary to descend to the place associated with death where the sparks currently reside, but would rather stay in the highest spiritual world of Asilut and therefore "live" forever. The amen and additional words said three times are an affirmation of unity and truth of the matter.

35. This verse from Tehillim is a request that Hashem purify the heart of the reciter as well as the spiritual channel called Tiferet which is parallel to the spiritual heart above. Seven stages are rectified thru the recital of this verse seven times in order to accomplish this tikun of the heart. According to the siddour of R. Yaakov Kassin these stages begin from the spiritual channel known as Keter and culminate in Tiferet.

36. This teaching of the Academy of Ribbi Yishmael has already been sighted earlier in footnote 7. Its appearance as part of the liturgy testifies to the importance of this rite. It is in essence, a taste of the redemption; where the Shekhina, the reservoir for all of the worlds below, rises into the highest spiritual world of Asilut and unites with her provider above.

37. The qaddish is a testament of praise. It is recited in Aramaic in order to subdue the spiritual husks in order to release 11 aspects of holiness from their grasp. These 11 which are hinted to in the letters ה"ו of הו"ה are raised and become united with the letters ה"י.

38. These verses and sayings are found in the siddour of the Rashash (version of the יר"א). However, it is admittedly strange that Harav Hida writes in his Moreh Be'esbaa that they should not be said.

39. This is done in order to chase away the negative spiritual forces created as a result of the accusation of the moon on the fourth day of creation. The moon as we noted earlier is associated with the Shekhina. The accusation by whom caused access of the spiritual husks to attach to her. Now, through birkat halevana divine flow is sent to the Shekhina and her maidens, thereby assisting her to separate from those husks. The edges of garments and in particular the corners of the talit qatan represent an aspect of the Shekhina. Hence we shake the edges and the corners at the close of the rite in order to separate the husks from their attachment. This custom has its source in the writings of Rabenu Ha'ari and as I recall was also the practice of our Chief Rabbi, Hakham Yaakov Kassin.

40. This is in accordance with Sefer Sha'ar Hakavanot (first derush of shinui hatefilot). It is primarily said to counter this first accusation of the moon on day four of creation " Is it possible for two kings to share one crown ?" (Houlin 60b), and to nullify any future possible accusation.