

KRIAT SHEMA 1:11-12

by Rabbi Yitzchak Etshalom

11. And what is its time during the day? The Mitzva is to begin reading [K'riat Sh'ma] before *Hanetz haHamah* (lit. "the glittering of the sun" - sunrise) , such that he finishes reading and reciting the final B'rakha with *Hanetz haHamah*. This time is about one tenth of an hour before the sun rises. If he delays and reads K'riat Sh'ma after the sun rises, Yatza; because its time is until the end of three hours into the day - for someone who delays.

12. If someone preceded [the time] and read morning K'riat Sh'ma after Amud haShahar, even if he finished before Hanetz haHamah, Yatza. In times of great need, for instance - if he was leaving early on a trip, he may *leKhat'hila* (before the fact, ab initio) read after Amud haShahar.

Z'man K'riat Sh'ma baYom
(The Time for Daytime K'riat Sh'ma)
Yitzchak Etshalom

I.

The second Mishna in Berakhot states: "From what time is the Sh'ma read in the morning? From the time that one can distinguish "T'khelet" (a blue-purplish dye) from white; R. Eliezer says: "T'khelet" from "Kartei" (a different shade of blue). [It is read] until sunrise; R. Yehoshua says: until three hours, since it is the custom of princes to arise at three hours." Again, as with the first Mishna, we have both beginning and ending times presented. Unlike the first Mishna, however, we find that there are differences of opinion about both time-parameters. We find an apparently minimal dispute (blue/white or blue/green) which seems to be one of degree regarding the beginning time. On the other hand, there is a much greater disagreement (sunrise or three hours) regarding the ending time.

Although the disagreement is much greater with regards to the ending time, most of this shiur will be devoted to the issues associated with the beginning time. The Gemara (Berakhot 10b) rules like R. Yehoshua (that K'riat Sh'ma may be said until "three hours") and there is no authority who disagrees with this ruling.

II.

THE ENDING TIME

There are four issues related to R. Yehoshua's opinion worth mentioning:

Sha'ot Z'maniot

When the Halakha utilizes "hours", that may work in one of two fashions. In some cases, it refers to clock hours, wherein we divide the day into 24 equal parts, calling each one an hour. For instance, according to most codifiers, Mincha (the afternoon Tefilla) may be said after 1/2 hour after mid-day; the 1/2 hour is a "regular" 30 minutes.

However, in most cases, the "hour" is not 1/24 of a day & night cycle; rather it is 1/12 of the daytime. In other words, "Tefilla may be said until 4 hours" means that it may be said until 1/3 of the daytime has passed. Hence, when R. Yehoshua says that K'riat Sh'ma may be said until 3 hours, that means until 1/4 of the day has passed - or exactly halfway between the beginning of the day and mid-day. These type of hours are called "Sha'ot Z'maniot" by the codes, and will remain the "hour" we refer to unless specified differently.

Magen Avraham and Gra

There is a major dispute among the Aharonim as to how to figure Sha'ot Z'maniot - is the day reckoned from Amud haShahar (dawn) until nightfall (Magen Avraham) or from sunrise to sunset (Gra)? Magen Avraham's ending time for K'riat Sh'ma will always be earlier than that of the Gra. For example, if sunrise is at 6:00 a.m. and sunset is at 6:00 p.m., the Gra's ending time for K'riat Sh'ma will be 9:00 a.m., whereas the Magen Avraham's ending time will be 8:24. There are many discussions about these timing approaches, relating to specific details and the reasoning for the dispute; I just wanted to sketch out the two basic approaches and their ramifications.

R. Elazar of Metz

As mentioned above, all authorities rule according to R. Yehoshua. With one exception, they all understand R. Yehoshua's opinion as "until the END of the third hour". R. Elazar of Metz (of the Tosafist school), in his Sefer Yeraim, holds that the intent is "until the beginning of the third hour" - i.e., until two hours into the day. The practical ramifications of his approach are obvious. (For those who are interested: His approach is based on the Gemara in Berakhot 3b, comparing King David's sleeping habits with those of other kings - see there).

Kesef Mishneh

As I mentioned in earlier shiurim, Kesef Mishneh (R. Yosef Karo), in his comments on MT K'riat Sh'ma 1:13, posits that essentially the daytime K'riat Sh'ma may be read all day; the Rabbis restricted it to three hours in order to append it to Tefilla, which must be said within the first four hours of the day. (This might explain Rambam's usage of "day" and "night" in reference to the times - because, fundamentally, the time for K'riat Sh'ma is all day and all night). Kesef Mishneh explains R. Yehoshua's reasoning (princes sleep until three hours into the day) as an "Asmakhta" - appending a Rabbinic ruling to a verse ("when you rise up"). Just as "when you lie down" refers to the entire "lying down" time (nighttime), since we rule like R. Gamliel (that nighttime K'riat Sh'ma is read all night),

similarly, "when you rise up" refers to the entire time we are awake - all day.

III.

THE BEGINNING TIME

The Tosefta (Berakhot 1:4) states: "From what time do we read K'riat Sh'ma in the morning? Aherim say: From the time that you could recognize your friend from a distance of 4 Amot.(app. 6-8 feet). The Mitzva is to read it with sunrise, such that you append "Ge'ula" (the B'rakha after K'riat Sh'ma) to Tefilla and are saying Tefilla during the day.." The Tosefta here brings (arguably) a different opinion - from the time you could recognize a friend from a short distance. This may be the same time as either of the "distinguishing" times in our Mishna (blue - white or purple/blue - green/blue); however, the addition of "the Mitzva is..." indicates that there is an acceptable time and an ideal time - which is not mentioned in our Mishna.

The Gemara (Berakhot 9b) quotes a Baraita which expands on the Tosefta: "R. Meir says: From the time one can distinguish between a dog and a wolf; R. Akiva says: Between a mule and a donkey; Aherim say: From the time you could recognize your friend from a distance of 4 Amot." Rav Huna rules like Aherim - to which Abaye adds: "The Halakha is like Aherim in regards to Tefillin (i.e. the earliest time to put on Tefillin); but [the Halakha is] like Vatikin (Rashi: humble people who love Mitzvot) for K'riat Sh'ma, as R. Yohanan taught: Vatikin would *Gomrin* [K'riat Sh'ma] with sunrise, in order to attach Geula to Tefilla...and be saying Tefilla during the day. R. Zera said: What verse [alludes to this]? "They will fear You with the sunrise]..."

Up until this point, we have two basic approaches to the beginning time:

(1) Sometime between dawn and sunrise, when a certain level of visual distinction is possible (distinguishing between different dyes, shades of one dye, closely related animals or recognizing a friend from a short distance). This may be explained as an interpretation of "when you rise up"; that the Torah commands us to read K'riat Sh'ma from the time that "daytime" activities are possible (which is why we rise up) - the ability to operate in the world with a given level of visual acuity - which is best tested in our ability to distinguish closely related things from each other.

(2) Sometime around sunrise. The pregnant word *Gomrin*, which may mean "finish" or "read", was intentionally left untranslated in the citation from the Gemara above. The Vatikin may have read K'riat Sh'ma just before sunrise, in order to finish (Gomrin in Hebrew = finish) the last B'rakha of K'riat Sh'ma just at sunrise and immediately begin Tefilla at the first possible moment which is also a spiritually uplifting time. On the other hand, they may have begun reading K'riat Sh'ma at sunrise (if *Gomrin* follows the Aramaic meaning of "read"), which is a spiritually uplifting time, appropriate for accepting God's kingdom - and then attached it with the Tefilla. We will see these two approaches adopted by different Rishonim further on.

IV.

AMUD HASHAHAR

In the last posting, we looked at two Baraitot, quoted in Berakhot 8b, which "stretch" the beginning of daytime K'riat Sh'ma further than the above mentioned sources:

- (1) R. Shim'on b. Yohai taught: It is possible for someone to read K'riat Sh'ma twice in one night, once before Amud haShahar and once after Amud haShahar, and thereby fulfill both the night and day obligations.
- (2) R. Shim'on b. Yohai says in the name of R. Akiva: It is possible for someone to read K'riat Sh'ma twice in one day, once before sunrise and once after sunrise, and thereby fulfill both the obligations of night and day."

According to the first Baraita, immediately after Amud haShahar (dawn), the daytime K'riat Sh'ma may be read. According to the second Baraita, nighttime K'riat Sh'ma may be read after Amud haShahar - until sometime before sunrise.

Rif rules according to both Baraitot - leading to the possibility that someone could read K'riat Sh'ma after Amud HaShahar and fulfill the nighttime reading and immediately turn around and read K'riat Sh'ma again and fulfill the daytime requirement. The difficulty with this approach will be examined in the next section.

Regarding Amud haShahar, the Mishna in Megilla (2:4) states that some "daytime" Mitzvot may be done from sunrise, but, if done after Amud Hashahar, it is valid (post facto). The Gemara (Megilla 20b) seems to extend this rule to all daytime Mitzvot. We might posit that K'riat Sh'ma "adopts" the time-barriers here, therefore allowing a reading after Amud HaShahar to stand.

Conversely, K'riat Sh'ma may be unrelated to the general time-boundaries for Mitzvot and, as the Gemara (Berakhot 9a) explains, since some people are already arisen at that hour, it is considered "when-you-rise-up"-time. This is a more likely read, as the time-boundaries for K'riat Sh'ma are not defined by the general day-and-night definitions used for other Mitzvot.

V.

HAMA'OR & MILHAMOT

As mentioned above, Rif rules according to both Baraitot. The Ba'al haMa'or (R. Zerahia haLevi, 12th century Provence) challenges this rule, claiming that it creates an inherent contradiction - either the "window" of time between dawn and sunrise is "when-you-lie-down"-time or "when-you-rise-up"-time. According to him, the two Baraitot are inconsistent with each other and, since the Gemara rules like the second Baraita, nighttime K'riat Sh'ma time extends until sunrise. He also maintains that, since the second Baraita is now in conflict with our Mishna (which ruled that morning Sh'ma may be said from before sunrise), and the Gemara ruled like that Baraita, that our Mishna has been rejected. Therefore, K'riat Sh'ma time begins at sunrise.

Ramban (13th century Spain) composed a defense of Rif's Halakhot against the Ba'al haMa'or's critique. He called this composition "Milhamot Hashem" - lit. "The Wars of the Lord". Some of the most famous and elegant disputes among the Rishonim -and those which inspire much great discussion and debate - are "Mahlokot Ba'al HaMa'or uMilhamot".

In the Milhamot, Ramban defends the "overlapping window" approach as follows: (After citing all of the authorities in the Baraitot and Gemara that support an earlier beginning time - and some technical issues with R. Shim'on b. Yohai and R. Akiva, he argues) Since R. Shim'on b. Yohai was willing to call it "nighttime" until sunrise on account of a minority of people who were still abed, all the more so that he should consider it daytime - since a majority of people have already risen!

Ramban explains that since the Torah referred to "when YOU (singular) lie down and when YOU rise up", the intent is to "stretch" the time for K'riat Sh'ma to include practices of the minority; in other words, since some people are still sleeping after Amud HaShahar, it may be considered "when-you-lie-down"-time, even though it is certainly "when-you-rise-up"-time. There is no inherent contradiction, because this is indeed a time of sleeping for some - although it is also a time of getting up for most.

Accordingly, Ramban rules that Vatikim would perform the ideal Mitzva and that they would "finish" K'riat Sh'ma just before sunrise, in order to finish the B'rakha afterwards with sunrise and immediately begin Tefilla.

The Ba'al haMa'or, for his part, agrees that the Vatikim represent the ideal; he explains "Gomrin" as "read" and says that they would begin reading K'riat Sh'ma at sunrise (the beginning time) and then attach Tefilla to the B'rakha afterwards.

RABBENU TAM

Rabbenu Tam (Tosafot s.v. Amar Abaye, Yoma 37b) agrees that the proper time for K'riat Sh'ma is after sunrise. He interprets Vatikim like Ramban (and Rambam); but claims that the Vatikim read early in order to "beautify" Tefilla - but they were not reading K'riat Sh'ma at the correct time.

In summary, there are two approaches to the beginning time

(1) It follows the standard daytime-Mitzva onset - ideally, from sunrise; stretched back to Amud haShahar.

(2) It begins at sunrise (Ba'al haMa'or)

Within the first approach, there are several possibilities:

(1a) Unlike other Mitzvot, the ideal time for K'riat Sh'ma is just before sunrise; the Vatikim were enhancing K'riat Sh'ma by reading then. (Rambam, Ramban)

(1b) The "ideal" time for K'riat Sh'ma is from the time that some level of visual recognition is possible.

Reading like Vatikin does nothing for K'riat Sh'ma; it is only an enhancement of Tefilla (R. Yitzchak in Tosafot - Yoma 37b)

(1c) After sunrise is still the ideal time - reading like Vatikin is only an enhancement of Tefilla (Rabbenu Tam).

now for the answers:

Halakha 11:

Q1: Why does Rambam refer to "day" (here) and "night" (Halakha 9, above) instead of "morning" and "evening"?

A: According to Kessef Mishneh, this is because the fundamental Mitzva is for K'riat Sh'ma to be read during the daytime - not specifically in the morning. Rambam may also be aligning K'riat Sh'ma with the daily Mitzva of Talmud Torah (see the Introductory shiur) - which is specifically "day and night" ("and you shall meditate upon [Torah] day and night" - Yehoshua (Joshua) 1:8).

Q2: If the time parameter is from after Amud haShahar until 3 hours into the day - why does Rambam make any mention of "right before sunrise"?

A: See Q5, below.

Q3: What is the value of finishing K'riat Sh'ma and its B'rakhot just at sunrise? **A:** See Q5, below.

Q4: What does "3 hours into the day" mean? To what sort of hours is Rambam referring?

A: 1/4 of the day (calculated from dawn to nightfall OR from sunrise to sunset).

Q5: Following Q2, why does Rambam term the time until three hours as "its time", but only for someone who delays and reads late?

A: K'riat Sh'ma is not just a Mitzva of reading certain words at a certain time; it includes themes of God' Unity, our love for God, our commitment to Mitzvot etc. In its Rabbinically expanded form, K'riat Sh'ma (and its B'rakhot) serves as the ideal "lead-in" to Tefilla. In order to capture all of these elements in the most Halakhically, spiritually and aesthetically ideal fashion, the Vatikin would read K'riat Sh'ma just before sunrise (Rashi, Rambam, Ramban) and finish the last B'rakha just at sunrise and immediately begin the morning Tefilla as the sun rose. Since this is the ideal way to fulfill the Mitzva of K'riat Sh'ma, although the "three hours" is still its time, since people are still abed until then, nevertheless, this is only for someone who delays and misses the opportunity to fulfill it in the best way.

Halakha 12:

Q6: Again, if the Mitzva begins at Amud haShahar, why not present this as a primary option?

A: As discussed in the shiur and at Q5 above, K'riat Sh'ma has several dimensions to it; although it

may be said after Amud HaShahar, it has a more ideal fulfillment and "captures" other dimensions if said at around the sunrise - IF we rule like Vatikin (see R. Tam's opinion in the shiur).

Q7: Why is it only permissible leKhat'hila in times of need - if this is a valid time, why should it be restricted to people in need?

A: Just as we "relied" on the minority of people still in bed after dawn to allow nighttime K'riat Sh'ma to be read after dawn (see previous posting), so we rely on the notion that daytime, in its earliest Halakhic form, begins at dawn - but only for those who won't be capable of reading K'riat Sh'ma later (e.g. someone about to embark on a journey).

Q8: Since we learned (previous posting, from Halakha 10) that, in some circumstances, nighttime K'riat Sh'ma may be read AFTER Amud haShahar, aren't we allowing an internal contradiction - defining the "window" between dawn and sunrise as both day AND night? May someone read nighttime K'riat Sh'ma after Amud HaShahar and immediately turn around and read it again for the daytime obligation?

A: Since, according to many Rishonim, the two Baraitot of R. Shimon b. Yohai are not mutually contradictory (as there is a "window" time where some people have already risen and others are still abed), there is no inherent contradiction in reading both K'riat Sh'ma's during that time.

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