

KRIAT SHEMA 1:13

by Rabbi Yitzchak Etshalom

13. If someone reads [K'riat Sh'ma] after three hours into the day, even if he was *Anoos* (compelled -i.e. unable to read earlier), he has not fulfilled the obligation of K'riat Sh'ma in its time. Rather, he is like one who is reading Torah. He recites the B'rakhot beforehand and afterwards all day, even if he delayed and read after three hours.

Dimensions of K'riat Sh'ma
Yitzchak Etshalom

I

The Mishna (Berakhot 1:2) states that K'riat Sh'ma is read until three hours (1/4 of the day - see previous shiur) - and that one who reads afterwards "Lo hifsid, k'adam hakoreh batorah" - (he does not lose out, as [he is] like a person who is reading the Torah). The intent of the Mishna seems to be that although one has missed the proper time for K'riat Sh'ma, nevertheless, he loses nothing by reading it later, as such a reading still carries the value of reading words of Torah. This might be in anticipation of a challenge from the world of B'rakhot. B'rakhot are not "neutral" - if we are not obligated to say them, it is forbidden to do so, as it involves bearing God's Name in vain. Someone might think that this rule applies to Sh'ma (as it is normally said in the context of B'rakhot); therefore, the Mishna states that it is not so - that there is nothing wrong with saying K'riat Sh'ma independent of the fulfillment of the Mitzva.

However, at first glance, it seems that the Mishna is worded a bit strangely. The Tanna could have said: "Lo hifsid, sheharei korei batorah" - (he does not lose out, as he is reading from the Torah). The formulation "like a person who is reading the Torah" implies that he isn't exactly the same as one who is "just" reading Torah - but, he should be excused because he is certainly no worse than someone who is reading another section of the Torah.

II

"SPECIFIC" TALMUD TORAH

In the Introductory Shiur and at the Shamash, I presented various approaches to the Mitzva of K'riat Sh'ma as presented by the Rishonim.

Among them, the Tosafot, Raavan and Rabbenu Yonah all suggested (in different formulations) that K'riat Sh'ma is essentially a specific "kiyyum" (fulfillment) of the Mitzva of Talmud Torah - using a

specific text. There are several Gemarot (Nedarim 8a, Menahot 99b) which I quoted there which support this approach to K'riat Sh'ma. Keep in mind that the elementary obligation of Talmud Torah is "day and night" - e.g., at least one "Parasha" during the day and one at night.

As I mentioned, this represents a "specific" piece of Talmud Torah. Usually, when we speak of the Mitzva of Talmud Torah, we do not demand specific content - you can fulfill this Mitzva by studying a chapter of Rambam, a commentary of the Netziv on the Humash or a detailed discussion of the K'tzot haHoshen. The "Talmud Torah" dimension of K'riat Sh'ma is more specific. Depending on the approach, either the Torah or the Rabbis mandated that twice a day, we read certain sections from the Torah (the 3 paragraphs of the Sh'ma). This is, no doubt, due to the "fundamental" content of these sections - affirming God's unity, our commitment to loving God, studying His Torah and keeping his Mitzvot etc.

There may be room to consider a general question with regard to Talmud Torah. It is true that the Mitzva of study is fulfilled regardless of which Massekhet of Gemara or Sefer of T'nakh is being studied. Nevertheless, we may wish to posit another "level" of Talmud Torah, at which the content, along with the depth of study and pursuant application, affects the "kiyyum". For instance, the Rabbis consider study which is deliberately detached from action in an unfavorable light (JT Berakhot 1:2; Shabbat 1:2). The Gemara considers someone who is engaged in the laws of certain offerings as if he has brought them to the Beit HaMikdash (BT Menahot 110a). The value of "Torah liShma" - Torah for its own sake - is well documented (e.g. BT Ta'anit 7a), as is the value of Torah which is studied with intent to teach it (BT Sukkah 49b). Perhaps K'riat Sh'ma should be considered a "higher level" of Talmud Torah, on account of the content of the Parashiot. Something to consider.

III

K'RIAT SH'MA AT THE BEGINNING OF THE DAY

There are several references in the Gemara and Midrash to the "immediately upon waking up" nature of K'riat Sh'ma. The Gemara in Shabbat (119b) states: "R. Abbahu says: Yerushalayim was destroyed because they (the residents) neglected K'riat Sh'ma in the morning and evening, as it says: 'Ah, you who rise early in the morning in pursuit of strong drink' (Yeshaya [Isaiah] 5:11)." The implication is that instead of arising and immediately reading the Sh'ma, they arose and immediately ran after drink.

The Midrash (Bamidbar Rabbah 20:20 and Tanhuma Balak #14) makes this point in a stronger fashion: " 'Look, a people rising up like a lioness' (Bamidbar [Numbers] 23:24) - there is no nation in the world like [Israel]; although they sleep from Torah and Mitzvot; they arise like lions and grab K'riat Sh'ma, crowning God..."

Here, the Midrash depicts a component of Israel's greatness, as seen by the heathen Bil'am, in the immediacy of our declaration - upon waking - of God's kingdom.

There is good reason for this notion - as well as support from the Mishna. In Berakhot (2:2), R.

Yehoshua b. Korha explains the order of the three Parashiot: We begin with Sh'ma, because that includes "Kabbalat Ol Malkhut Shamayim" - accepting God's kingdom. That is followed by the second Parasha, because it includes "Kabbalat Ol Mitzvot" - the commitment to fulfilling Mitzvot. The sense here is that the declaration of God's rule is a necessary prerequisite to accepting Mitzvot (see Ramban, Shemot 20:2); it follows that K'riat Sh'ma is the beginning of the day (or perhaps the preface to the day) of Mitzva fulfillment. We find a similar approach in R. Yohanan's description of the ideal start of the day (Berakhot 14b-15a).

This approach - K'riat Sh'ma as the "kickoff" of the day, may explain why the Rabbis "expanded" K'riat Sh'ma to include the B'rakha of Yotzer, in which we praise God for the daily light of the sun.

When we consider this approach, we are immediately drawn to the primary source - "when you lie down and when you rise up." In spite of the Rabbinic interpretations which utilize this verse to define the times for K'riat Sh'ma, the simplest sense of the verse is that we should recite these words immediately upon arising (and directly before going to sleep). The general time boundaries - from the first time that visual acuity is possible in the morning until the last group of people has risen - is the "generalization" of this concept. (See the previous shiur).

IV

K'RIAT SH'MA AS A PREFACE TO TEFILLA

We have already dealt with "S'mikhat Ge'ula liT'filla" (attaching Sh'ma to Tefilla) in previous Shiurim - and it will get a fuller treatment in Hilkhos Tefilla - but there is one component of that law which directly affects us here. According to many Rishonim (including Rambam), the ideal time for Tefilla is immediately at sunrise. Since K'riat Sh'ma must be said directly before Tefilla - in order to attach the two - it follows that, in order to say Tefilla in its most ideal fashion, K'riat Sh'ma should be said just before sunrise. I dealt with the various approaches to this in last week's shiur; however, this Halakha points to K'riat Sh'ma serving an ancillary function - as the preface to Tefilla.

V

DIMENSIONS AND TIMES

Depending on which dimension of K'riat Sh'ma we are viewing, the time-boundaries may differ.

If we see K'riat Sh'ma as being the minimalistic "kiyyum" of Talmud Torah - then it is simply a "daytime" Mitzvah, bounded by dawn and dusk (see Mishna Megilla 2:4,6). As the "bottom-line" Talmud Torah, however, Sh'ma is still the necessary content piece; it would not be sufficient to read "Beresheet" or study "Tokfo Kohen" sometime during the day to fulfill the minimal Talmud Torah demanded of us, which we fulfill through reciting K'riat Sh'ma.

Since this component of K'riat Sh'ma is clearly found in the Gemara, Rambam rules that the essential Mitzva may be performed all day - hence, the B'rakhot, which are (according to Rambam) the

Rabbinic extension/expansion of the Mitzva, are said along with the Sh'ma, up until the end of the day. (It should be noted that R. Hai Ga'on's approach is that the time for Birkot K'riat Sh'ma is consistent with that of Tefilla - 4 hours or 1/3 of the day.)

Once we discuss K'riat Sh'ma "in its time" - we are now connecting with the basic presentation of the Torah - "when you rise up"; defined as the general "rising time" of people. Nevertheless, there is, within the "time" for Sh'ma, a minimal and an ideal; the ideal is for Sh'ma, with all of its power and glory, to be a preface to Tefilla, said at its proper time. Hence, Rambam utilizes the terms "K'riat Sh'ma in its time" and "the Mitzva of K'riat Sh'ma" - i.e. the ideal form, in which all three dimensions - Talmud Torah, Kabbalat Ol Malkhut Shamayim and preface to Tefilla - are realized.

now, to the questions:

Q1: Why would we think that if someone was *Anoos*, the time for K'riat Sh'ma would be extended?

A: We extended nighttime K'riat Sh'ma past dawn for someone who is Anoos - we might have thought to do the same here. The reason we don't is because past dawn, there are still some people (a reasonable percentage of the population) in bed. Therefore, it may be considered "when-you-lie-down" time. Here, on the other hand, once we have passed the time when everyone is arisen, it is in no way considered "when-you-rise" time.

Q2: What is the obligation of "K'riat Sh'ma in its time"?

A: To say K'riat Sh'ma at the beginning of the day - as a preface (and maybe a necessary prerequisite - in Kodashim language, a "Matir") to the other Mitzvot we perform during the day.

Q3: If the time for K'riat Sh'ma has passed, is there any value to reading it? What if he substituted other words of Torah?

A: Although any Torah study is valuable, these words form the foundation of our relationship with God and our commitment to belief and Mitzvot. Therefore, these words must be recited, even if later in the day.

Q4: Why should the B'rakhot still be recited if the time has passed?

A: Rambam views K'riat Sh'ma at any time during the day as a minimal kiyyum of the Mitzva. Since Rambam (unlike Rashba and R. Hai Ga'on) understands Birkot K'riat Sh'ma to be part and parcel of K'riat Sh'ma (Rabbinically), the B'rakhot may be said whenever the most basic component of the Mitzva is realized.

Rambam, Copyright (c) 1999 Project Genesis, Inc.