

# KRIAT SHEMA 2:13-14

*by Rabbi Yitzchak Etshalom*

**13.** If he had a \*Safek\* (doubt) if he read K'riat Sh'ma or not, he must reread it and say the B'rakhot beforehand and afterwards. However, if he knew that he read [K'riat Sh'ma] but had a Safek if he recited the B'rakhot beforehand and afterwards, he does not repeat the B'rakhot.

If he read and made a mistake [in the reading], he should go back [and read] from the point where he made the mistake. If he is between Parashiot and he is unsure which one he has completed and which one he needs to begin, he should return to the first Parasha which is "v'Ahavta et Y'Y Elohekha etc."

**14.** If he made a mistake in the middle of a Perek (= Parasha) and he doesn't know where he stopped, he should go back to the beginning of that Perek. If he was reading \*uKh'tavtam\* (and you shall write) and he doesn't know if it was the uKh'tavtam of Sh'ma or the uKh'tavtam of v'Haya Im Shamo'a' (the second Parasha), he should go back to the uKh'tavtam of Sh'ma. If the doubt arose after he read \*l'Ma'an yirbu y'meikhem\* (the next verse in the second Parasha), he doesn't have to go back [to the first Parasha], because he is following the routine of his speech.

SAFEK BIKR'IAT SH'MA  
Yitzchak Etshalom

I.

In our Halakha, we are presented with various situations involving "Safek" - doubt - in connection with K'riat Sh'ma. Rambam discusses cases where:

- (a) someone is unsure if he said K'riat Sh'ma at all;
- (b) someone knows he said K'riat Sh'ma but is unsure about having said the B'rakhot;
- (c) someone "lost his place" in the middle of reading and
- (d) someone made a mistake while reading and doesn't know to where he should go back in the reading.

Although this list easily breaks into two groups - where the doubt relates to IF he performed a certain reading and where the doubt relates to a case where he certainly read but is unsure how much, conceptually they are of one piece: Someone who is obligated to read K'riat Sh'ma must

complete the reading without a doubt.

At first glance, all of Rambam's rulings here are seamless - once we lay down two premises: General rules of Safek and Rambam's ruling on K'riat Sh'ma and its B'rakhot and their sources.

## II. SAFEK D'RABANAN vs. SAFEK D'ORAYTA

All laws within the scope of Halakhah are classified as either Rabbinic in origin ("d'Rabanan") or Torahic in origin ("d'Orayta"). Generally we maintain that a law which is explicitly mandated in the Torah - such as avoiding certain labors on Shabbat, honoring parents - is d'Orayta and "anything else" is d'Rabanan. However, this rule is far from consistent; there are many details of Torahic laws which, although not explicitly mentioned in the Torah are either inferred from hermenutical rules of exegesis ("Midot shehaTorah Nidreshet Bahen") or are held to be Sinaitic traditions ("Halakhah l'Moshe miSinai").

However, when a Rabbinic Court establishes a law, be it an ordinance, decree or custom (see MT Mamrim, Chapter 1 for a full treatment), this law has the status of a "d'Rabanan." For example, not mixing (cooking/eating) chicken with dairy is a Rabbinic prohibition; shaking Lulav on the 2nd day of Sukkot and onwards is a Rabbinic ordinance.

The general Halakhic rule is "Safek d'Orayta l'Humra (a doubt regarding a Torahic law is treated stringently; i.e. we err on the side of caution) - Safek d'Rabanan l'Kula" (a doubt regarding a Rabbinic law is treated leniently). (BT Betza 3b)

Since Rambam clearly holds that K'riat Sh'ma is a Mitzva d'Orayta (as he counts it among his list of 613 Mitzvot), and that the B'rakhot beforehand and afterwards are d'Rabanan - he is being consistent by ruling that if someone was in doubt regarding K'riat Sh'ma - any part of it - he must go back and read it; however, if he knew that he read K'riat Sh'ma but was unsure about the B'rakhot, since they are d'Rabanan, he would not go back and say them again.

There are, however, two questions remaining within Rambam's formula: since he rules that b'di'avad, if you only read the first verse, you have fulfilled your obligation (2:3 - see our discussion there) - why does he treat the rest of K'riat Sh'ma as a d'Orayta? In the same vein, once he rules that in case of a doubt about having read K'riat Sh'ma at all, he rereads it with the B'rakhot - why do the B'rakhot seemingly change status by virtue of this doubt?

## III. SAFEK D'ORAYTA INVOLVING A RABBINIC COMPONENT

This second question is a bit easier - but we have to realign our thinking on "Safek d'Rabanan l'Kula". Conventional thinking maintains that our approach to Rabbinic law is less "serious"; not only does the distinction in how we deal with a case of Safek help to reaffirm the primacy of Torah law, but

Rabbinic law is not strong enough to warrant action "just in case" of doubt.

However, the Gemara records several circumstances where the Rabbis empowered certain of their mandates to have equal strength to Torah law (e.g. Ketubot 84a - see MT Ishut 12:9) - or perhaps even greater strength than Torah law (see Ketubot 56a). (See also, e.g. Tosafot Pesachim 108b s.v. she'Af).

According to Rambam, the entire issue of Safek is Rabbinically mandated (see MT Issurei Bi'ah 18:17 - as against Rashba's famous opinion that Torahic doubts are prohibited from the Torah - see the first section in the Shev Sh'ma'ta); they declared that issues of doubt regarding Torahic prohibitions were to be treated stringently - and that issues of doubt regarding Rabbinic prohibitions were to be treated leniently. They also decided, in certain cases, to accord Rabbinic law the same weight as Torahic law. One categorical example is a situation where there is a Mitzvah from the Torah which has been "adorned" by the Rabbis (e.g. the many "movements" of the Lulav). In any case where we are in doubt about having performed a Mitzva d'Orayta, when we go back to redo it, we do it in its "complete" form - as the Rabbis "completed" it. Therefore, if someone is in doubt if he said Birkat Hamazon (blessings after a meal - of which the first three blessings are d'Orayta and the fourth is d'Rabanan) - he says the entire Birkat haMazon, even though part is a Rabbinic addition.

In much the same way, if someone has to reread K'riat Sh'ma due to Safek, it follows that he must do so in the complete way as mandated by the Rabbis - with the B'rakhot.

We could certainly answer the first question in the same way. Once we have to reread K'riat Sh'ma due to Safek, we read the whole thing, even though we could have "gotten away" with much less, b'di'avad.

However, this will still leave us with a difficulty - when Rambam rules that if you are between Parashiot and don't know where, or have made a mistake in a Parasha and don't know where - you must go back. He does not distinguish between the first Parasha or later ones. This would be consistent if Rambam held that all three Parashiot are d'Orayta (R. Hayyim's understanding in the Rambam); however, the Halakha cited above about falling asleep seems to belie that. In any case, the Halakha about confusion within Parashiot - which is explicit in the Gemara (Berakhot 16a), will need be explained according to those who hold that only the first verse is d'Orayta (e.g. Ritba, R'ah, Raaviah, Rashba).

#### IV.

#### TOSAFOT HAROSH AND THE SHE'ILTOT

The source of the Halakha that we reread K'riat Sh'ma if in doubt is the Gemara in Berakhot (21a):

"R. Yehuda said [in the name of Sh'muell] : If he is in doubt as to whether he read K'riat Sh'ma, he does not reread; however, if he is in doubt as to whether he said "Emet veYatziv" (the blessing after K'riat Sh'ma, with explicit references to the Exodus), he must reread; why? K'riat Sh'ma is d'Rabanan and

Emet veYatziv (=commemoration of the Exodus) is d'Orayta...R. Elazar said: If he is in doubt as to whether he read K'riat Sh'ma, he rereads; if he is in doubt as to whether he said Tefillah, he does not redo Tefillah; R. Yohanan said: A person should pray all day."

Note that R. Elazar (whose opinion is accepted) does not state why K'riat Sh'ma deserves a "reread" in case of doubt. Rashi (s.v. Hozer) states that it is because R. Elazar maintains that K'riat Sh'ma is d'Orayta (similarly, Ritba ad loc.).

However, we can immediately see from the Gemara itself that being d'Orayta is not the only status needed to qualify for a re-recitation. R. Yohanan certainly maintains that Tefillah is d'Rabanan, yet he suggests that in case of doubt a person should re-recite the Tefillah. His wording is revelatory - "A person should pray all day" - i.e. praying is a good thing and, if someone is in doubt he should say Tefillah again because it's always a positive thing to do. (The Halakhic development of this approach to Tefillah will be discussed in Hilkhos Tefillah).

We could turn back and apply the same reasoning to R. Elazar. He need not claim that K'riat Sh'ma is d'Orayta in order to obligate a re-reading in case of doubt. Perhaps, just like R. Yohanan's approach to Tefillah, he maintains that K'riat Sh'ma is a significant enough act that even if it is "only" d'Rabanan, it warrants a "certain" reading to erase all doubt.

Tosafot R. Yehuda haChasid (Berakhot 21a) indicates thus, and, even more explicitly, Tosafot haRosh (ibid), who states: "Even if he holds that K'riat Sh'ma is d'Rabanan, it is more severe than Tefillah because it includes Kabbalat Ol Malkhut Shamayim (the acceptance of God's authority)."

R. Achai Ga'on (She'ilta #53) quotes our Gemara and adds the following: "R. Elazar says: If he is in doubt as to whether or not he read K'riat Sh'ma, he should reread it \*on account of honor for the Kingdom of Heaven\*...". Netziv, in his Ha'amek She'elah, understands that R. Achai Ga'on holds that K'riat Sh'ma is d'Rabanan; nevertheless, because of "honor for the Kingdom of Heaven (God)", we reread in case of doubt.

This approach is not limited to those who hold that K'riat Sh'ma is d'Rabanan; even those Rishonim who hold that some part of it is d'Orayta (see Introductory Shiur) will need to rely on this reasoning to explain why possible mistakes and confusion in reading that occur after the first section need be corrected and reread properly.

## V.

### ONE LAST WORD

Someone may wish to challenge this idea within Rambam's thinking - that even Rabbinic ordinances may deserve rereading in case of doubt - from the Halakha at MT Berakhot 4:2. Rambam rules that if someone is unsure if he said "Hamotzee" (the blessing before eating bread), he should not say it again, since it is not from the Torah. Rambam seems to be equating the "stringency" of repetition in case of doubt with the d'Orayta/d'Rabanan distinction. There is another issue at play here; generally,

we say "Safek B'rakhot l'Hakel" - a doubt in case of blessings (with the exception of those few blessings which are d'Orayta) is dealt with leniently. The reason for that is not simply because those B'rakhot are d'Rabanan - there is also an issue of taking God's Name in vain - i.e. in case the B'rakha was really said the first time, the second one is unnecessary and constitutes a "vain" B'rakha. This, of course, is irrelevant to K'riat Sh'ma, where there is no issue of taking God's Name in vain.

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to the questions:

**Q1:** Why does a Safek K'riat Sh'ma necessitate repetition but not a Safek B'rakhot?

**A:** See the shiur.

**Q2:** If he goes back to the point where he made the mistake (as opposed to the beginning), isn't all of the intermediary reading which he made after the mistake an interruption in his K'riat Sh'ma?

**A:** The notion of "Hefsek" - interruption - which sometimes invalidates an action, is not as "black-and-white" as is commonly assumed. For instance, although an interruption between saying a Berakha over food and eating it invalidates the B'rakha and necessitates a new B'rakha (see JT Berakhot 6:1), the Gemara (BT Berakhot 40a) rules that an interruption - even a verbal one - which is necessary for the act in question does not invalidate the first Berakha (See MT Berakhot 1:8 and 4:10).

In the same way, any reading which is begun with intent to read properly, even if a mistake is discovered - that first "mistaken" reading cannot properly be considered a "Hefsek" when the person goes back to (either the beginning or) the point of the mistake to correctly read.

**Q3:** Why is "v'Ahavta" the beginning of the first Parashah for this purpose - and not "Sh'ma..."

**A:** Perhaps because in any case you need full Kavvat haLev for the first verse ("Sh'ma Yira'el..."), you will know if you said that. In other words, if you don't remember if you even said the first verse, you would have to go back to that verse anyways. Our case must refer to someone who knows that he read the first verse properly and his doubt is definitely after that.

**Q4:** What is the meaning of the beginning of Halakha 14? Regarding what is he unsure?

**A:** He was reading and became aware that he had "lost his way" and was reciting something else and couldn't identify when he stopped saying K'riat Sh'ma and deviated. Alternatively, he realized that somewhere he had made a mistake but couldn't pinpoint where - in either case, he goes back to the beginning of that Parasha.

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