

# KRIAT SHEMA 2:7

*by Rabbi Yitzchak Etshalom*

**7.** Someone who went into [a Mikveh] to perform ritual ablution; if he can get out, get dressed and read [K'riat Sh'ma] before the sun rises, he should get out, get dressed and read. If he was concerned that the sun may rise before he reads, he should cover himself with the water in which he is standing and read. He should not read in foul waters which have a bad smell, nor in laundry waters, nor in clear waters - because his \*Erva\* is seen (in) (through) them. He may, however, cover himself in dirty/muddy waters which have no bad smell and read in his place.

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## STRUCTURE AND INSTRUCTION

The Implicit Curriculum of Hilkhos K'riat Sh'ma, Chapter 2

Yitzchak Etshalom

I.

The Halakha which we are presently studying (2:07) seems to be out of place, as indicated by the last question which accompanied the text. In addition, there are a few other difficulties in this Rambam (e.g. why the concern with reading before sunrise - since Rambam ruled that the time for morning K'riat Sh'ma extends to three hours into the day; why the restriction of reading while naked is assumed here and only presented later) which make a "local approach" to explaining the text difficult. By "local approach", I mean addressing the particular issue(s) which are raised in a given text and analyzing them per se.

I would like to take a different approach for this shiur, one which views the entire chapter (#2) as an instructive model. First, a few words about implicit teaching and instructive models.

As teachers, we know that as much as we impart information explicitly, we teach ideas, values and perspectives implicitly. The way we set up a classroom, how we react to disturbances, how we respond to challenges, how we coordinate cooperative learning etc. are all educational (and, often, ethical) statements. The way that I refer to a great teacher and saint, such as Rambam, tells my students much more than his name - it places him in a particular orbit in the life of the class. Along with that, it teaches much about respect, about scholarship etc.

The same can be said about the structure of written instruction. Several of the traditional

methodological tools for textual interpretation employ context as informative. For instance, the traditional understanding of "Thou shalt not steal", recorded as one of the statements in the Decalogue, is that it refers to kidnapping. Since all the other prohibitions in the Decalogue include capital crimes - and the only capital offense associated with stealing is kidnapping - it follows that the "stealing" mentioned here is kidnapping. (BT Sanhedrin 86a).

Without going further into this idea on a biblical level (and there are several books' worth of material on this), suffice it to say that the high level of organization which Rambam (patterning himself after the editor of the Mishna, R. Yehuda haNassi) put into the Mishneh Torah is itself informative. This may be the key to helping us unravel the mystery of our Halakha.

II.

It will be instructive to list the major point of each of the 17 Halakhot in this chapter:

- 1: Kavvanat haLev - (paying attention to the meaning of the words); minimally required during the reading of the first verse.
- 2: Reading in (almost) any body position. Lying flat on the back or front is excluded.
- 3: Standing still (if you were walking) for the reading of the first verse. Disturbing someone's sleep for the first verse alone.
- 4: Interrupting work to read the first Parasha - even reading atop a (dangerous?) work site.
- 5: Interrupting study - but not communal affairs - to read K'riat Sh'ma.
- 6: Not interrupting "engaging" activities to read K'riat Sh'ma (as long as there is time to read afterwards).
- 7: Reading in a Mikveh (in order to read at the ideal time); but not in foul or clear waters (for different reasons).
- 8: Not communicating with someone during K'riat Sh'ma; the requirement of hearing your own reading.
- 9: Careful reading.
- 10: Reading K'riat Sh'ma in any language.
- 11: Reading out of order/repeating phrases or words.
- 12: Reading in unconventional ways (with silent breaks during the reading or reading half-asleep).
- 13&14: Cases of doubt (did he read K'riat Sh'ma? did he say the B'rakhot? did he finish a given Parasha?)
- 15-17: Interrupting K'riat Sh'ma to greet others & to return their greetings.

I will analyze two features about this chapter: the contents (which Halakhot are presented here) and the order of presentation. The thesis here is that both inclusion/exclusion of specific Halakhot of K'riat Sh'ma in this chapter is intentional, as is the order - all aimed at solving a general thematic problem inherent in K'riat Sh'ma. Hence, the claim here is that, although the Halakhot included in this chapter address many disparate issues related to K'riat Sh'ma - there is an underlying theme which ties them together. Once we discover this theme, we will be able to understand the placement of Halakha 7 - as well as which components are introduced there - in this chapter.

### III. THE PROBLEM

\*And these words that I am commanding you today shall be in your heart. Teach them diligently to your children and talk about them when you are at home and when you are away, when you lie down and when you rise. (Devarim [Deuteronomy] 6:6-7).\*

There is a dichotomy here: "These words" must be on our heart, suggesting focus and single-mindedness - yet we are to speak of them when we walk, when we lie down etc., implying an integration of K'riat Sh'ma into "normal" life, speaking these words while engaged in other activities.

The Halakha reflects this dialectic. On the one hand, we may read K'riat Sh'ma while walking (after the first verse), even while engaged in work (after the first Parasha) - integrating K'riat Sh'ma into our daily (and mundane) lives.

Contradistinctively, the phrase \*VeDibbarta Bam\* ("talk about them") is interpreted: "Make them \*Keva\*" (fixed, permanent - the mainstay of your speech) and do not make them \*Arai\* (fleeting words) (BT Yoma 19b). Although this exhortation is directed chiefly at Talmud Torah (Torah study), the notion of reciting K'riat Sh'ma with great focus - even trepidation - is found in Halakhic literature (see BT Berakhot 22a).

There are two ways to solve this seeming contradiction:

(a) Assign different levels of "focus" to different sections of K'riat Sh'ma - divided either on textual lines - or on levels of obligation. We might posit that the first verse, the first two or three verses or the entire first Parasha demand greater focus than the rest, in decreasing amounts; that is indeed borne out by the Halakha (see previous shiurim). However, the notion of "reading with great trepidation" etc. is applied, apparently, to the entire K'riat Sh'ma - as is the restriction of "winking" etc. (Halakha 8).

(b) Analyze each component of the "integrated" vs. "focussed" dichotomy as an individual piece and reorient our understanding of K'riat Sh'ma, guided by the combination of all of these Halakhot.

I would like to suggest that Rambam is adopting the latter approach, as exemplified by those Halakhot which he included in this chapter. Note that the Halakhot are presented in a near-perfect

pendulum-swing between each of the poles presented here: For example, the first Halakha mandates focus, to the point of invalidating K'riat Sh'ma if the first verse is said without Kavvanat haLev; the next Halakha allows for almost any body position. Organized differently, the Halakhot in our chapter lay out as follows:

Emphasizing focus: #1, 3,5,7-9, 11, 13-14

Emphasizing "integration" #2, 4, 6, 10, 12, 15-17

IV.

#### "TA'AMEI HAMITZVOT" - A (LIMITED) UNDERSTANDING OF GOALS

In the first chapter, Rambam established the text (Halakhot 2-8) and times (Halakhot 9-13) of K'riat Sh'ma. In the second chapter, Rambam is defining the nature of K'riat Sh'ma - along with the method in which this special text, with all of its implications and commitments - should be integrated into our life.

I would like to suggest that K'riat Sh'ma has a unique "Keva" aspect which, if properly understood, will enlighten us as to the goal of this Mitzvah.

A word about goals: We can never fully understand the goal of a particular Mitzvah, as it represents the interaction between Divine Will and human action; nevertheless, we can often hypothesize as to one or several of the goals of a given Mitzvah. For instance, there may be a great "hidden agenda" buried in the Mitzvah of Tzedaka; however, we are fairly certain that a specific social agenda (helping the poor), as well as a "character-building" component (developing sensitivity for those less well-off) are part of the Torah's "interests" in this Mitzvah. We would never claim to have mastered "Ta'amei haMitzvot"; that should not deter us from inquiring as far as we can, to understand why we are obligated and restricted in such a manner, and how to more fully integrate the stated goal into our lives.

This can be done most directly where the goals are stated in the Torah or, secondarily, in (chiefly Midrashic) Rabbinic literature. It can also be accomplished, with more work and less "solid ground", by analyzing the various Halakhot which govern the performance of that Mitzvah and inferring a goal which is met by all of these guidelines. That will be our direction here.

#### V. K'RIAT SH'MA - A UNIQUE TYPE OF "KEVA"

The thesis: K'riat Sh'ma is a (twice-) daily verbal affirmation of a basic principle of our faith - that we have a constant and complete relationship with God at all times. Averring God's Unity leads us to recommitting to loving Him with all we have (including our life) and to fulfilling His Mitzvot. This affirmation is intended not to remove us from the mundane world (as is the case with Tefillah), rather to inform our every moment of operation in the mundane world.

Hence, it follows that:

#1 - We need to have mental focus and awareness of the meaning of these words - "on our hearts" - at the very least for those words which are the foundation of the entire commitment;

#2 - We may say K'riat Sh'ma in any body position (informing our mundane lives) - as long as that position does not compromise proper focus;

#3 - We need to avoid other actions (even walking) and be totally focussed (not half-asleep) -again, at the very least for the first verse;

#4 - Workers may read K'riat Sh'ma at their normal workplace (integrating it into their everyday lives); but need to break from the actual labor to complete the first Parasha;

#5 - Since there is no "end" to Talmud Torah, we must interrupt study for K'riat Sh'ma - which recommits us to that very study (and reminds us of the relationship with God which is the goal of that study);

#6 - K'riat Sh'ma does not require us to "drop everything"; if we are involved in our own business, as long as there will be time for K'riat Sh'ma later, we need not interrupt the activity;

#7 - If we can say K'riat Sh'ma at the aesthetically perfect time (sunrise), we should do so. In addition, since K'riat Sh'ma is the attempt to have our "higher selves" inform the rest of our lives and beings with the awareness of God and our relationship with Him, it must not be said in a setting which interferes with our ability to concentrate on that relationship - either foul-smelling or physically revealing.

#8-9 - We must read carefully and aloud (so that our words are heard by our own ears - thus informing ourselves) and be totally focussed on what we are reading, not trying to communicate with someone else WHILE WE ARE READING (compare with Halakhot 15-17).

#10 - K'riat Sh'ma may be said in any language (this one's easy!)

#11 - K'riat Sh'ma must be said in the proper order - as it is not just "reading all these words" but confirming a set of ideas and principles.

#12 - It may be read slowly, with long breaks in between sections - since that in no way interferes with total focus WHILE READING, nor does it blur the message.

#13-14 - This affirmation is significant enough that in case of doubt, it must be (re-)read - and the B'rakhot are treated (for all of these purposes) like the actual Parashiot of K'riat Sh'ma.

#15-17 - Since K'riat Sh'ma is not intended to remove us from this world, if we encounter someone worthy of a greeting or of a response, we break from our reading to do so (conditions listed there) - but this is a break away from what we are reading; we do not greet them WHILE READING.

In summary:

We read K'riat Sh'ma with total focus, verbalizing (and hearing) the words carefully and in proper order, in such a situation as allows us to properly declare our commitment to our relationship with God. We do so in every possible (non-contradictory) corner of our lives, integrating that commitment into our daily existence.

We will continue to examine the specific Halakhot after this, beginning with Halakhot 8-9 (next week). I hope to return to the more conventional type of shiur at that time.

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Responses:

**Q1:** Why does he need to be covered to read K'riat Sh'ma?

**JM** (Joachim Mugdan): It is generally forbidden to recite words of Tora when not adequately covered. The Rambam's source is the Mishna in Berakhot 22b, whose wording he follows closely. - One of the reasons for this halakha seems to be that nakedness would be sexually stimulating (this is how the Soncino Talmud understands *erva* in Berakhot 24a) and would thus turn one's mind away from what one is reading.

**YE** (Yitzchak Etshalom): This will be dealt with, in detail, at 3:16-19.

**Q2:** (following Q1) How much of a person's body needs to be covered to read K'riat Sh'ma?

**JM:** According to Berakhot 24b/25a, it is sufficient for K'riat Sh'ma if the heart doesn't "see" the sexual organ, i.e. if only the part below the waist is covered; for the Amida, the chest must be covered as well because it is as if he were standing before a king.

**YE:** This will be dealt with, in detail, at 3:16-19.

**Q3:** Why are concerned with reading before sunrise - Z'man K'riat Sh'ma lasts until three hours into the day (KS 1:11)?

**JM:** The same question was raised by the Amoraim in Berakhot 25b. Two possibilities are suggested: (a) The Mishna follows R' Eliezer, who holds that the morning Sh'ma may be said \*until\* sunrise; (b) it follows R' YOSHUA, who says the time for K'riat Sh'ma is until the third hour, but it applies to the vatikin who finish with sunrise (cf. 9b). - Doesn't this imply that those who are not vatikin could stay in the Mikve until after sunrise as long as they get out early enough to finish before the end of the third hour? Or are the Mishna and the Rambam saying that someone who gets up before sunrise mustn't miss the opportunity of reciting the Sh'ma at the optimal time? On the other hand, you pointed out in connection with the previous halakha (2:6) that according to the RAN someone who starts eating "legally" needn't interrupt for K'riat Sh'ma when the time arrives; I had found the same ruling in MB 23 to OC 70:5. If one may finish a meal which one started before daybreak, why shouldn't the same

apply to immersion in the Mikve?

**YE:** As the Gemara points out, even R. Yehoshua (who rules that K'riat Sh'ma may be said until three hours), accepts the greater "value" of reading K'riat Sh'ma like the Vatikin - just before (or, according to the Ba'al haMa'or, just at) sunrise. Therefore, even though you can read K'riat Sh'ma until 1/4 of the day has passed and fulfill the Mitzvah of "reading K'riat Sh'ma in its time", the ideal time for this Mitzvah is at "Vatikin-time". The only reason someone would not read it at this time is if he is asleep or engaged in one of those activities (listed in the immediately previous Halakha) which we do not interrupt for K'riat Sh'ma. Since he is in the Mikveh, he is obviously awake and not engaged in any of those activities; hence, there is no reason not to read K'riat Sh'ma at the ideal time.

Regarding Joachim's question: Rambam's list in the previous Halakha (e.g. eating, entering a bathhouse) includes activities which are engaging and engrossing and which would demand a "pull-out" in order to read K'riat Sh'ma; this is not true about being inside a Mikveh, which takes no concentration, nor is it excessively focussed on something away from K'riat Sh'ma.

Alternatively, Rambam may be teaching us something here which should then apply to the previous Halakha - that the demand to interrupt the activity and then read K'riat Sh'ma may not just mean "read it before three hours" but even "at sunrise". In other words, Rambam's ruling here, that we need to interrupt in order to read K'riat Sh'ma at its ideal time, may apply to the previous Halakha as well.

**Q4:** Why may he not read K'riat Sh'ma in foul-smelling waters?

**JM:** It is generally forbidden to recite words of Tora in the presence of a foul smell (cf. Berakhot 25a). - As in the case of nakedness, this might divert one's attention in addition to being disrespectful.

**YE:** Again, this will be discussed in chapter 3.

**Q5:** Why didn't Rambam place this Halakha after 3:16-19, where he presents the restrictions of reading K'riat Sh'ma in the presence of nakedness (his own and that of others)?

**JM:** The Rambam is primarily talking about activities that must be interrupted for K'riat Sh'ma. He mentions covering the nakedness only as an aside when explaining what someone should do who can't get out of the Mikve and dress before sunrise. In this, he seems to have been influenced by the text of the Mishna (Berakhot 22b); unlike the Gemara, which discusses the problems of nakedness and foul smell here (24a-25b), he does try to be more systematic and to deal with these issues in a separate Perek (3), but a certain amount of overlap is inevitable.

**YE:** See the shiur above.

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