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## **Mishna**

The *Mishna* cites a dispute about how one reads *Shema* at night and day. Beis Shammai says that one must read them as the verse describes them. The nighttime *Shema*, which the verse calls *bashachbecha* – *when you lie down*, must be read lying down, while the daytime one, which the verse calls *bekumecha* – *when you get up*, must be read standing up. Beis Hillel says that one may read either one in any position, as the verse continues to say that one should read it when you going on the road, indicating that even reading it when traveling is permitted. The verse’s use of the phrases *bashachbecha* and *bekumecha* simply teach us that *Shema* must be said *at the times* that people lie down and get up. Rabbi Tarfon said that he once was on the road, and he lay down to read the night *Shema*, in accordance with Beis Shammai, even though this put him at risk of harm from bandits. The Sages told him that he would have deserved any harm for doing this, as he violated the words of Beis Hillel. (10b)

## **Position to Recite Shema**

The *Gemora* asks: All is well according to Beis Hillel, for they explain their own reason and they also state the reason why they reject the opinion of Beis Shammai; but why, asks the *Gemora*, do Beis Shammai not accept the view of Beis Hillel?

The *Gemora* answers: Beis Shammai can reply that if this is so (*that the verse is only discussing the times that Shema should be recited*), let the Torah simply say: *in the morning and in the evening*; why does it say: *bashachbecha* and *bekumecha* (*when you lie down and when you arise*)? It must be to show that in the time of lying down there must be an actual lying down, and

in the time of arising there must be an actual rising up (*standing*).

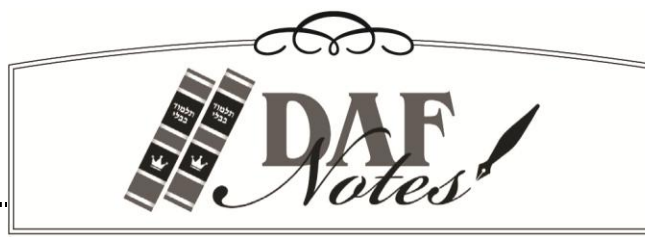
The *Gemora* asks: And how do Beis Shammai explain the words ‘*and while you are going on the way*’?

The *Gemora* answers: They need it for that which has been taught in the following *braisa*: *When you are sitting in your house*: this excludes one who is engaged in the performance of one *mitzvah* (*oseik bimitzvah patur min hamitzvah*; *one who is occupied with the performance of one mitzvah* is exempt from performing another *mitzvah*). *And while you are going on the way*: this excludes a bridegroom (*for he is also preoccupied with the performance of a mitzvah*; *Rashi explains why a special exclusion is necessary for this*). Therefore they ruled that one who marries a virgin is exempt (*from the obligation to recite the Shema in the evening*), whereas one who marries a widow is obligated (*as the Gemora will proceed to explain the distinction*).

The *Gemora* asks: How is the lesson (*that one who is occupied with the performance of one mitzvah is exempt from performing another*) implied (*from the verse*)?

Rav Pappa said: [*It is written: ‘the way.’*] The circumstances must be similar to ‘*the way*.’ Just as (*journeying on*) ‘*a way*’ is optional, so too whatever is optional (*is when the obligation of reciting the Shema applies*; *this excludes a case where one is occupied with performing a mitzvah – a non-discretionary act*).

The *Gemora* asks: But doesn’t the verse refer as well to one who is going (*on ‘the way’*) to perform a *mitzvah*, and even so the Torah said that he is obligated to recite (*the Shema*)?



The *Gemora* answers: If that were so, the Torah should have simply written: *while sitting and while walking*; what is the necessity to write: *when you are sitting and when you are walking*? It must be to teach that when you are engaged in 'your sitting' or 'your walking' – that is when you are under the obligation, but when you are engaged in the performance of a *mitzvah* (which is not 'your' sitting or walking), you are exempt.

The *Gemora* asks: If that is so, one who marries a widow should also be exempt?

The *Gemora* answers: This one (*who marries a virgin*) is preoccupied (*for he is worried that he will not be able to rupture the hymen and complete cohabitation*); the other (*who is marrying a widow*) is not.

The *Gemora* asks: If a state of preoccupation is the cause of exemption, it should apply also to the case of one's ship sinking at sea (*where he is preoccupied with his loss*)! And you cannot say that this is so, for surely Rabbi Abba bar Zavda said in the name of Rav: A mourner is required to observe all mitzvos except for *tefillin* which is called *pe'er*, glory, and a mourner is not allowed to glorify himself. [*The source for this ruling is from a verse in Yechezkel, where HaShem instructed Yechezkel regarding the laws of mourning and HaShem told Yechezkel explicitly that he should don his Tefillin. This commandment implies that all other mourners are not permitted to don Tefillin. A mourner, although he is thinking about his sorrow, he is not preoccupied with performing a mitzvah and for this reason he is still obligated to observe mitzvos.*]

The *Gemora* answers: In that case (*when he is marrying a virgin*) the preoccupation is over a *mitzvah*; here (*regarding a mourner*) it is over an optional matter.

The *Gemora* asks: And Beis Shammai? [*How does he expound the verse 'on the way'?*]

The *Gemora* answers: They require it to exclude people who are on a mission to perform a *mitzvah* (*that they are exempt from reciting the Shema even though they are not yet performing the mitzvah*).

The *Gemora* asks: And what about according to Beis Hillel? [*How can they derive their view from this verse, seeing that it is*

*required to exempt one who is occupied in performing a mitzvah?*]

The *Gemora* answers: They may reply that (*while it's true that the verse teaches us these exceptions, but*) incidentally it tells us that one may recite the *Shema* while he is on the way (*and it is not necessary for him to assume any particular position*).

The *Gemora* cites a *braisa*: Beis Hillel say that one may recite the *Shema* standing, one may recite it sitting, one may recite it lying down, one may recite it walking on the road, and one may recite it at one's work. There was once an incident where Rabbi Yishmael and Rabbi Elozar ben Azaryah were resting at the same place, and Rabbi Yishmael was lying down while Rabbi Elozar was standing upright. When the time came for reciting the *Shema*, Rabbi Elozar lay down and Rabbi Yishmael stood upright. Rabbi Elozar ben Azaryah said to Rabbi Yishmael: Yishmael, my brother, I will tell you a parable to what your conduct is compared to: It is like that of a man to whom people say (*in praise*), "You have a fine beard," and he replies, "Let this go to meet the destroyers" (*a razor and scissors – to be cut off*). So with you as well: As long as I was upright you were lying down, and now that I lay down (*as if I am praising you*), you stand upright!? He replied: I have acted according to the rule of Beis Hillel and you have acted according to the rule of Beis Shammai. And furthermore, (*I had to act in such a manner*) lest the students should see and establish the *halachah* like that for future generations.

The *Gemora* asks: What did he mean by 'and furthermore' (*wasn't the first answer sufficient*)?

The *Gemora* answers: He meant as follows: Should you argue that Beis Hillel also allows lying down, I would reply that this is true only where one was laying down from the beginning; here, however, since at first you were upright and now you lay down, the onlookers might say: This demonstrates that they both hold like Beis Shammai, and perhaps the students will see establish the *halachah* like that for future generations.

Rav Yechezkel taught the following *braisa*: If one followed the ruling of Beis Shammai, he has performed the *mitzvah*, and if one followed the ruling of Beis Hillel, he has performed the *mitzvah*.



Rav Yosef said: If he followed the ruling of Beis Shammai, he has performed nothing, as we have learned in a *Mishna*: [*The Mishna there cites a dispute between Beis Shammai and Beis Hillel regarding the minimum dimensions that are required for a sukkah to be valid. Beis Shammai maintains that the sukkah must be large enough to accommodate one's head, most of his body and his table. Beis Hillel maintains that it is sufficient even if the sukkah cannot accommodate the table.*] If a man has his head and the greater part of his body in the *sukkah*, while the table is in the house, Beis Shammai declares that the *sukkah* is invalid, whereas Beis Hillel declare it valid. Beis Hillel said to Beis Shammai: Once the Elders of Beis Shammai and the Elders of Beis Hillel went to visit Rabbi Yochanan ben Hachoranis, and they found him with his head and the greater part of his body in the *sukkah*, whereas the table was in the house, and they made no objection. They replied: Do you bring a proof from this? The truth is that they also said to him: If such has been your regular conduct, you have never performed the *mitzvah* of *sukkah* in your lifetime.

Rav Nachman bar Yitzchak said: One who follows the rule of Beis Shammai is subject to death, as we have learned in a *Mishna*: Rabbi Tarfon said: I was once walking on the road and (*when the time to recite the evening Shema came*) I lay down to recite the *Shema* in the manner prescribed by Beis Shammai, and I endangered myself from bandits (*who could have attacked me on account of the position I was in*). They said to him: You deserved to come to harm, for you acted against the opinion of Beis Hillel. (11a)

## Mishna

In the morning, two blessings are to be recited before the *Shema* and one after it, and in the evening, two are recited before it and two after it – one long and one short (*referring to the two that follow the evening Shema*). Where the Sages ruled that a long blessing should be recited, it is not permitted to recite a short one. Where they ruled that a short one should be recited, it is not permitted to recite a long one. A blessing which they said should be concluded with a blessing (*Blessed are You, Hashem etc.*) must not be left without such a conclusion. One which they said to be left without such a conclusion must not be so concluded. (11a)

## Blessings of Shema

The *Gemora* asks: What blessings does one recite (*in the morning before Shema*)?

Rabbi Yaakov answered in the name of Rabbi Oshaya: [*Blessed are you*] *Who forms light and creates darkness.*

The *Gemora* asks: Let us say rather: *Who forms light and creates twilight (which is more pleasant of a praise)*?

The *Gemora* answers: We keep the language of the Scripture.

The *Gemora* asks: If that is so, what about the next words in the verse: *Who makes peace and creates evil*; do we recite them as they are written? [*No, we do not!*] It is written '*evil*' and we recite '*everything*' as a euphemism. Then here too, let us say '*twilight*' as a euphemism (*for darkness*)!?

Rather, Rava answers, it is in order to mention the distinctive feature of the day (*light*) by night and the distinctive feature of the night (*darkness*) by day.

The *Gemora* asks: It is well that we mention the distinctive feature of the night by day, as we say: *Who forms light and creates darkness*; but where do we find the distinctive feature of the day mentioned by night?

Abaye answers: [*It is in the words (of the first blessing before Shema):*] *Who rolls away the light from before the darkness and the darkness from before the light.*

The *Gemora* asks: And which is the other blessing (*before the morning Shema*)?

Rav Yehudah answered in the name of Shmuel: "With an abundant love" (*ahavah Rabbah*). And so also did Rabbi Elozar instruct his son Rabbi Pedas (*to say*): "With an abundant love."

The *Gemora* notes: It has been taught in a *braisa* to the same effect: We do not say, '*With an eternal love*' (*ahavas olam*), but rather, "With an abundant love."



The Rabbis, however, say that 'With an eternal love' is recited; and so it is also written: *And with an eternal love I have loved you; therefore with kindness I have drawn you.* (11a – 11b)

## ***Blessings on the Torah***

Rav Yehudah said in the name of Shmuel: If one rose (*in the morning*) to study Torah before he had recited the *Shema*, he must recite a blessing (*over the study of Torah*), but if he had already recited the *Shema*, he does not need to recite a benediction, because he has already become exempt by saying (*the blessing of*) "With an abundant love" (*which contains passages that may be regarded as a blessing over the Torah*).

Rav Huna said: For the studying of Scripture it is necessary to recite a blessing, but for the study of the Midrash (*the exposition of the Scriptural verses*), no blessing is required.

Rabbi Elozar, however, says that for both Scripture and Midrash a blessing is required (*for that is the Written Torah*), but not for the study of *Mishna* (*for that is the Oral Torah*).

Rabbi Yochanan says that for the *Mishna* as well a blessing is required, but not for the study of Talmud (*which is the explanations of the Mishna's reasoning, and the answers to contradictions between two Mishnayos, and the emendation of the text of the Mishna*).

Rava said: For the study of Talmud as well it is necessary to recite a blessing (*for through its study halachic rulings are issued*), for Rav Chiya bar Ashi said: Many times I stood before Rav to learn our section in the Sifra of the School of Rav, and he first would arise and wash his hands and recite a blessing, and then, he would teach us our section.

The *Gemora* asks: What blessing is recited (*before the study of the Torah*)?

Rav Yehudah answered in the name of Shmuel: [*Blessed are You, Hashem*] Who has sanctified us with His commandments and has commanded us to involve ourselves with words of the Torah.

Rabbi Yochanan used to conclude (*this blessing*) as follows: Now sweeten, Hashem, our God, the words of Your Torah in

our mouths and in the mouths of Your nation, the House of Israel, and that we may be – we with our grandchildren, and the grandchildren of Your nation, the House of Israel, may we all know Your Name and involve ourselves with Your Torah. Blessed are You, Hashem, who teaches Torah to His nation Israel.

Rav Hamnuna said: [*Blessed are You, Hashem*] Who has chosen us from all the nations and gave us His Torah. Blessed are You, Hashem, who gives the Torah.

R. Hamnuna said: This is the finest of the blessings (*for it includes praise to Hashem, the Torah and to Israel*).

The *Gemora* concludes: Therefore let us recite all of them (*all the blessings mentioned above*). (11b)

## **INSIGHTS TO THE DAF**

### ***Performing a Rabbinical Mitzvah Exempts One from Performing a Biblical Mitzvah***

Rav Elchonen (*Kovetiz Shiurim* 2:32) and the *Sdei Chemed* (*maareches oseik* page 436) discuss whether the principle of one being exempt from one *mitzvah* when engaged in another *mitzvah* applies when the *mitzvah* one is engaged in is rabbinical in nature and the other *mitzvah* awaiting him is biblical in nature.

The *Sdei Chemed* quotes the *Rashba* who writes that from the *Gemora* in *Sukkah*, it is evident that one who is engaged in a rabbinical *mitzvah* is exempt from a biblical *mitzvah*.

The *Mitzpei Aisan* wonders why one who is going to receive his teacher, which is only a rabbinical *mitzvah*, should be exempt from dwelling in a *sukkah*, which is a biblical *mitzvah*. The *Mitzpei Aisan* quotes a Ran in Shabbos who writes that a rabbinical *mitzvah* does not override a biblical *mitzvah* even by saying *sheiv vaal taaseh*, sit and do nothing. Rather, a biblical *mitzvah* will override a rabbinical *mitzvah* with *sheiv vaal taaseh*.

Reb Dovid Goldberg quotes the *Bikkurei Yaakov* who writes that receiving one's teacher on Yom Tov is a biblical *mitzvah* of es



HaShem elokecha tira, fear HaShem your G-d, which comes to include Torah scholars.

## **Ahavah Rabbah as a Brachah on the Torah**

by: Meoros HaDaf HaYomi

Our *Gemora* explains that he who didn't pronounce *birkas haTorah* is exempted by *Ahavah rabbah* said in *shacharis* before the *shema*'.

Tosfos (s.v. *Shekvar niftar*) cite the Yerushalmi: "...providing that he learns immediately." In other words, one can fulfill the obligation of *birkas haTorah* by saying *Ahavah rabbah* only if he learns immediately afterwards.

***Kerias shema*' regarded as learning:** The obvious question is that at any rate the person learns Torah immediately after *Ahavah rabbah* as this *brachah* precedes *kerias shema*', which is comprised of verses from the Torah. Why, then, does the Yerushalmi need to instruct us about something performed at any rate?

*Beis Yosef* raises this question (O.C. 47) and offers two different answers; the difference between them produces a most practical halachic implication.

At first he replies that the Yerushalmi concerns a person who already said *kerias shema*' and now pronounces its *brachos*. Since he doesn't have to say the *shema*' again, he should learn immediately to juxtapose *Ahavah rabbah*, with which he fulfilled *birkas haTorah*, to learning. In his other answer he undermines his previous assumption that one can observe learning Torah with *kerias shema*' "as *kerias shema*' and prayer are not considered learning for this matter as supplications are apart and words of Torah are apart and *kerias shema*' is like prayer." In other words, *kerias shema*' is regarded as prayer and should not be considered learning after *birkas haTorah*.

As *Beis Yosef* remains with the doubt as to if one can observe learning Torah by saying the *shema*, when he rules this halachah in *Shulchan 'Aruch* he writes (O.C. 47:8): "...and there is an uncertainty as to if it suffices to say the *shema*' right after it without an interruption."

*Mishnah Berurah* mentions (S.K. 17) that the Vilna Gaon and, before him, *Eliyah Rabbah* discussed this question but ruled with certainty that *kerias shema*' is not like learning and therefore we cannot consider *Ahavah rabbah* as *birkas haTorah*, as he doesn't learn after the *brachah* as required.

However, the Acharonim present a serious question on this approach from the *Gemora* in Menachos 99b, which says "Even if a person only learnt *kerias shema*' in the morning and evening, he observed the *mitzvah* of '...this book of the Torah shall not leave your mouth'." It is thus evident that one observes the *mitzvah* to learn Torah with *kerias shema*' (*Even Ha'Ozer*).

*Magen Giborim* explains (O.C., *ibid*) that we must differentiate between a case where the person has in mind to fulfill the obligation of learning Torah by saying the *shema*', and a person who has no such intention. According to all opinions, he who intends to fulfill the obligation has fulfilled it and the difference of opinions only concerns a person who has no such intention.

While reading the Megillah one can't fulfill the *mitzvah* of learning Torah: However, other *poskim* explain that according to *Eliyah Rabbah* and the Vilna Gaon, one can never observe the *mitzvah* of learning Torah by saying the *shema*' during prayer as one cannot observe two mitzvos with one act and they even offered some fascinating proof. The *Gemora* in Megillah 3a says that we forgo the *mitzvah* of learning Torah in order to fulfill the *mitzvah* of reading the Megillah. Apparently, doesn't a person who reads the Megillah observe the *mitzvah* of learning Torah? Why does the *Gemora* say that he who reads the Megillah forgoes the *mitzvah* of learning Torah? This is proof that one cannot observe two mitzvos with one act (*Sefer HaChayim* by HaGaon Rav S. Kluger; see *Peiros Teeinah*, Menachos 99b).

If this is true, we must clarify why he who says the *shema*' observes the verse "...this book of the Torah shall not leave your mouth."

HaGaon Rav Y. Perla zt"l solves the question in an original way (in his commentary on *Rav Sa'adyah Gaon, 'asin*, 14, and see *Responsa Beis Yitzchak*, O.C. 12). Indeed, he who says the *shema*' during prayer doesn't fulfill the obligation of learning



Torah. The *Gemora* only said that he observed the verse "...this book of the Torah shall not leave your mouth" as we cannot deny that when he said the *shema'*, the words of Torah didn't leave his mouth...

We should mention that the answer common in the Acharonim (see *Chayei Moshe* on *Shulchan Aruch*, O.C., *ibid*) is that though he who says the *shema'* observes the *mitzvah* of learning Torah, *Ahavah rabbah* was instituted as a *brachah* for *kerias shema'* and not as a *brachah* for the Torah. Therefore, only he who performs an act proving that he intends to become exempt from *birkas haTorah* by saying *Ahavah rabbah*, fulfills the obligation of *birkas haTorah* (and so it seems from the phrasing of Tosfos on our *sugya*).

As we conclude, we mention another halachic implication stemming from the Beis Yosef's doubt as to if *kerias shema'* is regarded as learning. If a person woke late and, due to the lack of time, must say the *shema'* before praying, must he pronounce *birkas haTorah* before saying the *shema'*? Indeed, if *kerias shema'* is considered learning, he must do so but if *kerias shema'* is regarded as prayer, he may say the *shema'* immediately (Responsa *Betzeil HaChochmah*, I, 1).

## DAILY MASHAL

### ***The different names of Tefillin-pe'er, tiferes, and oz***

Rav Dovid Goldberg quotes *Rabbeinu Avraham min HaHar* who writes that Tefillin are referred to as *pe'er* because it is said *vrau kol amei haaretz ki sheim HaShem nikra olecho veyaru mimeka*, then all the peoples of the earth will see that the Name of Hashem is proclaimed over you, and they will fear you, and the *Gemora* in *Brachos* states these are *Tefillin shel Rosh*.

Rav Goldberg wonders then why a mourner is exempt from *Tefillin shel yad* which does not seem to be classified as *pe'er*.

He suggests that the verse that states *and they will fear you* refers to *Tefillin shel Rosh* because they are visible, whereas the *Tefillin shel yad* are not visible.

Rav Goldberg concludes that in reality, even *Tefillin shel yad* are referred to as *pe'er*.

The *Meshech Chochmah* at the end of *Parashas Bo* writes that we say in the prayer of *Vehu Rachum* on Monday and Thursday *ad masai uzcho bashvi vsiferatecho beyad tzar*, until when will your strength be in bondage and Your Splendor in the hands of the enemy? *Oz* refers to *Tefillin shel yad*, and *tiferes* refers to *Tefillin shel Rosh*.

The *Meshech Chochmah* seems to imply that *tiferes-pe'er* only refers to the *Tefillin shel Rosh*. Yet, the *Meshech Chochmah* himself in *Parashas Beshalach* writes that both *oz* and *pe'er* refer to Tefillin.

Perhaps when *oz* and *tiferes* are written together, one can distinguish between the *Tefillin shel yad* and the *Tefillin shel Rosh*. Rashi in *Ta'anis* 16a and other Rishonim in *Moed Katan*, *Kesuvos* and *Bava Basra* seem to imply that *pe'er* refers only to *Tefillin shel Rosh*. It is also possible that there is a distinction between *tiferes* and *pe'er*.

The *Mishna Berurah* in *Hilchos Tisha B'Av* quotes the *Medrash* that states that the verse that states *hishlich mishamayim erez tiferes Yisroel*, He cast down from heaven to earth the glory of Israel, refers to Tefillin, and that is why we do not wear Tefillin on *Tisha B'Av* morning.