YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

For easy printing go to:
[www.vbm-torah.org/archive/metho72/14metho.htm](http://www.vbm-torah.org/archive/metho72/14metho.htm)

**Shiur #14: The Rabbinic Prohibition of Reciting the Evening *Shema* Before Eating**

The first *mishna* in *Berakhot* (29a) lists the starting times for the recitation of the evening *kri’at* *shema*. Although the ensuing *gemara* provides a number of alternate options, the *halakha* accords with the view that *shema* can only be recited beginning at *tzeit ha-kochavim*. Similarly, the *mishna* lists different options for the time AFTER which *shema* cannot be recited. Although Rabban Gamilel allows its recitation until *alot ha-shachar*, the *Chakhamim* maintain that it should not be recited past *chatzot*; allowing delayed recitation might encourage indulgence in eating and sleeping, ultimately resulting in forgetting to recite *kri’at shema*. The *mishna* effectively delimits the *zeman* of *kri’at shema*, designating its point of commencement and conclusion.

The *gemara* in *Berakhot* (4b) provides a third layer of timing that governs evening *kri'at shema*. Out of concern that a person would get TOO INVOLVED and forget to say *shema*, the Rabbanan prohibited ANY eating prior to its recitation. At first glance, this halakha seems to parallel a *mishna* in *Shabbat* (9b), which forbids eating “*samuch le-mincha*" because the meal may distract attention from *tefilla*, whose time will ultimately elapse. Although we might have thought that there is less danger of missing the time for *shema* (primarily because the time window is longer than that of late-afternoon *mincha*), our *gemara* in *Berakhot* equates the two situations and establishes the parallel prohibition for *kri’at shema* as well.

R. Akiva Eger challenges this approach. Why is there a need for a separate and distinct *gezeira* governing *shema*? If this *gezeira* were modeled after the *mincha*-precaution cited in *Shabbat*, the *gemara* in *Berakhot* would not have presented what, appears to be, a distinct *gezeira*, as the prohibition of eating before the evening *shema* could be easily extrapolated from the prohibition of eating prior to *mincha ketana*. In fact, the same *mishna* in *Shabbat* discusses the requirement to interrupt Torah learning in order to recite *shema*, a directive intended in part to prevent forgetting *shema* due to absorption in study. Why does the gemara in *Berakhot* introduce a redundant *gezeira*? Rather, R. Eger suggests, the assertion of a separate *gezeira* suggests not merely the application of an established precedent, but the introduction of a new halakha.

Not only is the reiteration of this already documented *gezeira* intriguing, its syntax is as well. The *gemara* states:

The *Chakhamim* established a *chumra* to prevent a scenario whereby a person returns from work, eats, and rests, with full intention to ultimately recite evening *shema*. He faces the danger of unintentionally falling asleep and omitting *shema*. INSTEAD, a person should return from work, visit a *shul* or *beit* *midrash*, learn Torah, recite *shema*, *daven*, and ONLY SUBSEQUENTLY eat …

It is extremely unusual for the *Chakhamim* to RECOMMEND behavior or DICTATE a schedule – such as, "a person should return from work, visit a *shul*, study, recite *shema*, etc. A *gezeira* typically FORBIDS an activity (eating before *shema*) and assumes that we will properly formulate our schedule to accommodate the prohibition. Why was the *gezeira* articulated in terms which not only designate a prohibition but depict expected behavior?

These questions provoke a completely different model toward understanding this *gezeira*. *Mi-de’orayta*, *shema* can be recited at ANY point during the window between *tzeit ha-kochavim* and *alot* *ha-shachar*. Concerned that it would be forgotten, however, the *Chakhamim* tethered *shema* – at least *le-chatchila* – to dinner! They did not merely impose a PROHIBITION to eat before reciting *shema*, but rather reformulated the timing and schedule of *shema*. Instead of being associated with an extended time period, the *gezeira* affixed *shema* to the moment a person begins a meal. At that moment, he is obligated to recite *shema*.

This view would explain the need for a separate injunction. The *mishna* in *Shabbat* describes a classic prohibition of eating BEFORE an event we do not wish to forget – in THAT case, eating before reciting *mincha.* This model, however, MAY NOT apply to the evening *shema* at all, in part because its time frame is so extended. Because *shema* can be recited all night the practical fear of forgetting its recital is diminished. Hence the *chakhamim* could not issue the standard "prohibition of eating" before the event of *shema*. However, *Chazal* designed a different *gezeira* for *shema*, one whose mechanism works differently from the classic method of prohibiting an activity before the performance of a *mitzvah*. In this instance, they reshaped the time schedule of the *mitzvah*, thus demanding separate legislation, as it could not be inferred from the *gezeira* regarding pre-*mincha* eating.

This approach also explains the unique syntax of the *gezeira*. *Chazal* did not impose a prohibition upon eating, but rather designed a new timing schedule with triggers for *shema* recital – eating. The description of a person's evening schedule reflects *Chazal's* rescheduling the recitation of *shema*.

If this distinction is correct and the *gezeira* regarding *kri’at shema* is not, in fact, the standard prohibition of EATING BEFORE, but is rather a rescheduling of the obligation of the mitzva, we may identify unique details in the parameters of the *gezeira*.

One important resulting distinction pertains to the RANGE of the prohibition. The aforementioned *mishna* in Shabbat is clear that eating is forbidden from a half hour before *zeman* *mincha*. This extension is logical: commencing a meal within a half hour of *mincha* time creates a peril of forgetting *mincha* by indulging in the meal. But the *gemara* in Berakhot, addressing *shema*, apparently prohibits eating ONLY from *tzeit ha-kochavim*, when *zeman kri’at shema* has actually begun. Indeed, the Rashba in *Berakhot* equates the two *gezeirot* and assumes that eating is prohibited a half hour before *tzeit ha-kochavim* as well, but the simple reading of *Berakhot* (adopted by Tosafot, 4b, s.v. *ve-korin*) indicates that eating a half hour before *tzeit* and *shema* recital is permitted. The distinction in the details of the prohibition may result from the different models of the *gezeirot*. The classic *gezeira* against EATING BEFORE begins “*samuch*,” a half an hour prior to the onset of the mitzva. However, the *gezeira* of *shema* did not PROHIBIT eating, but rather dictated when *shema* should be recited *le-chatchila*. This scheduling (and the related avoidance of food) can only be demanded once the actual *zeman* of *shema* has begun. Beforehand, *shema* cannot be recited, so the recital cannot be obligated even if a person begins to eat.

A second distinction relates to performing *melakha* or other activities. The *mishna* in Shabbat discusses avoiding any *melakha* or activity (bathing, visiting a barber) which may cause one to forget *mincha*. The *gemara* in *Berakhot*, in contrast, only discusses EATING, making no mention of other activities. Again, the Rashba equates the two *gezeirots* and prohibits ANY sustained activity prior to *shema* recitation as well; by equating the details of the two prohibitions, he seems to assume that they are essentially the same. However, once again, the simple reading of *Berakhot* indicates that only eating was addressed, not other activities, and again, the discrepancy in details may be based on the logic of the legislation. Unlike the prohibition against eating prior to *mincha*, this *gezeira* tethered *shema* recital to eating. Since nothing was actually prohibited, *melakha* should not be problematic!

A third issue surrounds the potential prohibition against “tasting food” prior to *shema*. Is snacking prohibited, or only a meal? In this instance, the *gemara* in *Shabbat* is silent, so we have little baseline of comparison.

If the *gezeira* were a prohibition against eating, the application to tasting would be debatable. After all, tasting is far less distracting than a meal. However, the *Terumat Ha-Deshen* (*siman* 109), who clearly viewed this *shema gezeira* in the classic mold as a prohibition against eating, inferred that even tasting is forbidden, and in fact extrapolated a general prohibition of tasting food before the performance OF ANY MITZVA. He applies our *gemara* to *Megilla* reading and forbids even a taste of food prior to hearing the *Megilla*.

If, however, our *gezeira* schedules *shema* recital immediately prior to eating, it may not apply to tasting. Eating was mentioned in the *gezeira* not because it is distracting, but because it is an EVENT OR ACTIVITY that launches the evening and to which *kri’at shema* was bound. Tasting food, which isn’t a permanent fixture of evening, cannot form the schedule anchor for *shema*, and is therefore permitted prior to *shema* recital. The Magen Avraham (275) does allow tasting, but he does not discriminate between *shema* and other *mitzvot*.

This novel view of the *gezeira* is not clearly articulated by the *Rishonim* who comment on the *gemara*. However, there are two *Rishonim* whose comments seem to reflect this approach. The Talmidei Rabbenu Yona claim that the *le-chatchila* timing of *shema* requires recitation AT *tzeit ha-kochavim*, and not immediately prior to eating. Practically, even if a person delays eating, he would still be obligated by *Chazal* to recite *shema* as soon as possible after *tzeit*. This also reflects the intriguing syntax of the *gezeira*, whereby the *Chakhamim* did not merely prohibit eating, but also established a night schedule. Rabbenu Yona's *chiddush* is that the schedule affixed *shema* to *tzeit* and not to eating. According to this view, it is clear that eating as an activity was not prohibited; rather, *shema* was locked in to a specific moment – one unrelated to eating.

A second interesting element within Rabenu Yona is his willingness to extend the *gezeira* to recite *kri’at shema* at *tzeit* EVEN according to Rabban Gamilel, who never accepted the *gezeira* limiting *shema* until *chatzot*. Logically, the *Chakhamim* who accept the *gezeira* establishing *chatzot* as the endpoint of *shema* would also embrace a *gezeira* about not eating before *shema*; Rabban Gamliel, who rejected the *chatzot* *gezeira*, would reject the prohibition against eating before *shema*. Rabbenu Yona disagrees and effectively severs the two *gezeirot*; one who rejects the *chazot gezeira* can still embrace the *gezeira* to recite *shema* before eating/at *tzeit*. This severance may indicate a structural difference between the two *gezeirot*.

The second *Rishon* to allude to this method of understanding the *gezeira* is the Ra'avan. In his sweeping commentary to the timing of evening *shema* and the various opinions regarding it, he makes several statements that are suggestive of this novel approach to the *gezeira*. The most stunning statement surrounds his attempt to defend reciting *shema* BEFORE *tzeit*, as was the *minhag* of Western European Jewish communities. The struggles of *Rishonim* to justify or even apologize for this practice are well documented (see Tosafot, *Berakhot* 2a, s.v. *Mei'eimatai*). The Ra'avan claims that since people begin eating at this early pre-*tzeit* stage (especially when making an “early” Shabbat), *shema* can be recited. Since the *Chakhamim* established their *gezeira* to recite *shema* before eating, it may be recited EVEN before *tzeit*. Effectively, the *gezeira* does not only limit behavior (prohibiting eating BEFORE *shema*), it also permits otherwise unacceptable behavior (reciting *shema* PRIOR to *tzeit*). It is clear that the *gezeira* did not impose *issurim*, but rather re-landscaped *shema* by attaching it to eating. This redesigning yields a *chumra* (not to eat before *shema*) AS WELL AS A *KULA* – allowing *shema* recital ANYTIME eating has commenced, even before the accepted start point of *shema* at *tzeit* *ha-kochavim*.