YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**TALMUDIC METHODOLOGY**

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**Shiur #15: The Mitzva of Kri'at Shema and Talmud Torah**

The twice daily mitzva of *kri'at shema* is defined as a declaration of basic tenets of belief, a twice daily *kabbalat ol malkhut shamayim* (acceptance of the yoke of the kingdom of heaven). The themes of *shema* range from *yichud* Hashem (God’s exclusivity as well as indivisibility), *ahavat* Hashem (loving God), *talmud* *Torah* (Torah study), mitzva acceptance, and recognizing Divine intervention, as first witnessed during *yetziat Mitzrayim*. In theory, this declaration and elaboration could have been accomplished through a personal text. However, since the Torah states, "*ve-hayu ha-devarim ha-eileh*" – that “these words,” referring to the Torah portions of *shema* – are to be “on our hearts,” we recite the Torah’s formulation.

In fact, the *gemara* in *Berakhot* (14b) records that one *Amora* did not recite the third *parasha* (taken from *Parashat Shelach*), but instead included a personal text to discuss *yetziat Mitzrayim*. Although we do not accept his position – and even his creativity was feasible only regarding the third paragraph of *shema* – his view points to the fact that the essence of *shema* is a theological assertion or declaration. This declaration may be halakhically structured around Torah texts, but the mitzva is defined as *kabbalat ol malkhut shamayim*.

An interesting *gemara* in *Menachot* evokes a different model of the mitzva. The *gemara* (99) discusses the parameters of *talmud* *Torah* and claims that “even if a person only recites *shema* in the morning and evening, he has still fulfilled the mitzva.” An interesting debate emerges between R. Shimon bar Yochai, who cautions against publicizing this “loophole,” and Rava, who encourages it. Obviously, there is merit to each position: broadcasting would lower the standard and deter more intense commitment, but it would also affirm lesser achievements in Torah and there is nothing like validation as a motivating factor! Regardless of which social policy is endorsed, all opinions believe that *shema* recital qualifies as daily Torah learning.

However, this conclusion DOES NOT assert that the mitzva of *kri'at* *shema* is DEFINED as Torah study. Rather, it asserts that INCIDENTAL to the performance of *kri'at shema*, Torah is BEING STUDIED. Since the *shema* mandates reading actual Torah portions, the outcome of *shema* performance is Torah study.

A similar conclusion may be drawn from an interesting *mishna* in *Berakhot* (9b), which limits morning *kri'at shema* recital to the first 3 hours of the day. The *mishna* comments that "after this period, if *shema* is recited, it is not worse than general Torah study." The *mishna*'s consolation is certainly true – Torah verses have been recited, even though *shema* period has elapsed – but it seems too obvious to merit inclusion. What deeper point is alluded to by this otherwise obvious assertion?

One approach suggests that this *mishna* views *kri'at shema* as a Torah legislated moment of Torah study. The theological elements of Judaism (*kabbalat ol malkhut shamayim*) should be embraced specifically through the STUDY OF THE TORAH SECTIONS that enumerate these ideas. Accordingly, Torah study is not INCIDENTAL to *shema* recital; rather, fulfillment of the mitzva of *shema* entails reading PARTICULAR Torah sections DURING PARTICULAR time periods. Discussing someone who neglected THIS type of Torah-based mitzva, the *mishna* still consoles that he has still fulfilled the GENERAL unregulated (by time or content) mitzva of Torah study. If this is indeed the inference of the *mishna* in *Berakhot* (9b), we have located the first source that may identify Torah study as the definition of the mitzva of *shema*.

 This approach would explain a difficulty posed by another *gemara.* The *gemara* in *Shabbat* records that R. Shimon bar Yochai exempted himself from *kri'at shema* because he was immersed in Torah study. This position is difficult, as Torah study does not exempt one from ANY mitzva performance and should not override the mitzva of *shema*. The *gemara*'s only solution is to highlight that for R. Shimon bar Yochai, "*torato umnato*" – his Torah is his profession. In effect, the *Bavli* seems to extend a universal mitzvaexemption to someone who exclusively and exhaustively studies Torah, at least according to Rebbi Shimon bar Yochai.

The Yerushalmi's strategy for explaining R. Shimon bar Yochai’s behavior is quite different. Defending this exemption, the Yerushalmi reasons: "This [*shema*] is study, and this [actual torah study] is study.” Since R. Shimon is already involved in study, he is exempt from a different STUDY-based obligation – namely, *shema.* This is a radically different approach. Evidently, the mitzva of *shema* is defined as Torah study that yields *kabbalat ol malkhut shamayim*. Since *shema* is executed by studying Torah, it does not obligate those who are already studying Torah (at least according to R. Shimon). Keep in mind that according to the Yerushalmi, ONLY *shema* is exempted, NOT OTHER *mitzvot*, as they are not defined as Torah study.

This rationale in the Yerushalmi is perhaps the clearest assertion that the mitzva of *shema* does not incidentally yield Torah study, but is rather defined as Torah study. If Torah study were the incidental yield of *shema* but not its core definition, it would override Torah study in the same way that all other *mitzvot* override Torah study.

A second indication that the mitzva of *shema* is defined as Torah study may stem from a different Yerushalmi. The Bavli (11b), while discussing the *berakhot* recited before Torah study, mentions that the *berakha* of *Ahava Rabba* (recited prior to *shema*) may qualify as a *birkhat ha-Torah*. If the standard *berakhot* were not yet recited and *shema* was already recited, no additional *berakhot* should be performed, since *Ahava Rabba* suffices. Thematically, this is logical, since the *berakha* of *Ahava Rabba* covers most of the themes of the *birkhot* *ha-Torah*. The Yerushalmi conditions this halakha upon the fact that some ACTUAL Torah is studied “immediately.” Practically, the *berakha* of *Ahava Rabba* can only serve as *birkhat ha-mitzva* if Torah is studied immediately after *Shemoneh Esrei.* (Prior to *Shemoneh Esrei*, unrelated Torah study would entail a disruption [*hefsek*] in the *tefila*.)

Interestingly, Tosafot in *Berakhot* (11b) assume that this requirement applies to ALL *birkhot ha-Torah*, even the standard ones; they must be followed with some actual Torah study. This serves as the source for reciting select Torah sections after *birkhot ha-Torah* in our morning *tefila* (*Birkhat* *Kohanim* and the *mishna* in *Pe'ah* known as “*Eilu Devarim*”). According to Tosafot, the Yerushalmi is qualifying *birkhot ha-Torah* IN GENERAL and not addressing *Ahava Rabba* in particular.

However, many *Rishonim* (including “independent” Tosafists, such as Rabbenu Yehuda Ha-Chasid) believe that the Yerushalmi is specifically referring to *Ahava Rabba*. General *birkhot ha-Torah* DO NOT require immediate learning; however, *Ahava Rabba* can only function as a *birkhat ha-Torah* if it is accompanied by immediate learning, as it references Torah study only indirectly.

This qualification makes eminent sense, but for some reason, the Bavli does not impose this condition. The Bavli evidently believed that *Ahava Rabba* can function as a *birkhat ha-Torah* even without immediate Torah study following its recital.

Theoretically, the Bavli may have disagreed with the Yerushalmi's premise that *Ahava Rabba* is too abstract to serve as *birkhat ha-Torah* without actual torah study following. Perhaps the disagreement revolved around the syntax of the liturgy and whether it is direct enough to stand in as a *berakha* or as a *birkhat ha-Torah*. If this is the case, there is no ramification here for the nature of the mitzva of *shema*.

However, the Bavli/Yerushalmi debate may have surrounded the nature of the mitzva of *shema*. According to this approach, all agree that *Ahava Rabba* is too abstract to be considered a *birkhat ha-Torah* without immediate Torah study. The Yerushalmi therefore demanded ACTUAL study; the Bavli claimed that *shema* recital qualifies as Torah study, since the mitzva is structured as Torah study. Since *Ahava Rabba* is naturally followed by Torah study in the form of *shema*,it constitutes a halakhic *birkhat ha-Torah*.

A final expression of *shema* as a mitzva of Torah study can be detected in an interesting comment of the Meiri. The *gemara* in *Berakhot* 13a (as well as several parallel *gemarot*) cites a dispute between R. Yehuda, who required *shema* recital in Hebrew, and the Rabbanan, who allowed it in any language. Initially, the *gemara* assumes that the halakha regarding the language in which *shema* should be recited teaches us something about the proper language of "*kol ha-Torah kula*." Thus, the fact that the Rabbanan learned that *shema* may be recited in any language from a *gezeirat ha-katuv* indicates that “*kol ha-Torah kula*” must be recited in Hebrew; otherwise, there would be no need for a special *pasuk* to indicate the halakha regarding *shema*. Similar logic comparing and contrasting *shema* to "*kol ha-Torah kula*" is developed within R. Yehuda's position. It is unclear from the *gemara* what the phrase "*kol ha-Torah kula*" actually refers to and what type of precedent it sets for *shema* recital.

The Meiri claims that the *gemara* was comparing and contrasting *shema* recital to Torah learning. What can be inferred from this dispute regarding *shema to* the language of *talmud* *Torah*? Must the mitzva of *talmud* *Torah* be performed in Hebrew (loyal to its original delivery), or does any language suffice (since its activity is primarily cognitive)? Although no *gemara* directly addresses this question, the *gemara* wanted to extrapolate this idea from the debate about *shema* and language. Since *shema* is effectively Torah study, its language reflects something about the language of general Torah study; the *gemara* is simply unsure of whether that reflection is direct or inverted. In other words, should *shema's* language be consistent with general Torah study, or, given the need for a special *pasuk* to determine *shema's* language, should it be inconsistent with the language of general Torah study? Either way, *shema* is seen as primarily structured around Torah study, and its language will help determine – in one way or another – the language of torah study.

To summarize – there are three *gemarot* which strongly suggest that the mitzva of *shema* is not merely performed by declaring theological principles through reciting Torah portions, but rather by engaging in Torah study of these portions. R. Shimon bar Yochai exempted himself from *shema* because he was studying Torah and he reckoned that this excused him from the Torah study of *shema*; the Bavli did not require immediate Torah study after reciting *Ahava* *Rabba*, perhaps because *shema* recital filled that role; and according to the Meiri, the determined language of *shema* may help us uncover the required language (if any) of Torah study.

Having established the possibility that *shema* is based upon specific Torah study and not mere theological declaration, we may inspect an interesting phenomenon in the Rambam's list of *mitzvot*. He lists "belief in the unity of God" as the 4th mitzva and the mitzva of *shema* as the 10th mitzva. On the surface, these *mitzvot* would seem to overlap and do not justify separate listing. Isn't *shema* the mitzva to affirm the unity of God, and thus already subsumed under that mitzva? A technical solution may be to divide between the mitzva to BELIEVE (mitzva #4) and the mitzva to verbally declare (mitzva #10). Alternatively, given the aforementioned option of viewing *shema* as a mitzva to study Torah, perhaps a different solution can be raised. The 4th mitzva is to believe in Hashem's unity. *Shema*, however, does not constitute merely internal belief or even verbal articulation, but an act of Torah study centered around theological principles. It is therefore independent of the purely theological mitzva of belief and is listed independently.