



OVERVIEW of the Daf

1) The time for Krias Shema (cont.)

The gemara begins by clarifying how Beis Hillel and Beis Shamai explain the relevant pesukim and digresses into a discussion of עוסק במצוה פטור מן המצוה.

2) The proper position for reciting Krias Shema

We are told the story of R. Yishmael and R. Elazar ben Azarya who were together when the time to recite קריאת שמע arrived and how each one conducted himself.

A disagreement is presented as to whether a person who follows the opinion of Beis Shamai still fulfills the mitzvah, doesn't fulfill the mitzvah or perhaps is even liable to death.

3) MISHNA: A brief description of ברכות קריאת שמע is offered.

4) ברכות קריאת שמע

The gemara starts with a clarification as to the precise נוסח of the brachos said before קריאת שמע in the morning.

We are told that after reciting ברכות קריאת שמע it is no longer necessary to say ברכות התורה.

5) ברכות התורה

There is a disagreement as to what Torah study requires ברכות התורה and as to the precise נוסח which must be recited.

6) Kohanim saying ברכות קריאת שמע

A Mishnah in Tamid is quoted that mentions that the Kohanim in the Beis HaMikdash would recite only one brocha before קריאת שמע in the morning and there is a disagreement in our gemara which of the two brachos they recited. ■

REVIEW and Remember

1. What is the source in the Torah for עוסק במצוה פטור מן המצוה?
2. Where do we find that a person who follows the opinion of Beis Shamai does not get credited with the mitzvah?
3. For what reason did Chazal decide to include the phrase עוסק במצוה פטור מן המצוה in the first brocha of קריאת שמע?
4. Why does one not say ברכות התורה after reciting ברכות קריאת שמע?

Distinctive INSIGHT

Conducting Oneself According to בית שמאי

רב יוסף אמר: עשה כדברי בית שמאי לא עשה ולא כלום

Tosafos (here, and Sukka 3a) explains that one has not fulfilled his obligation at all if he conducts himself according to בית שמאי. When the sages rule according to בית הלל, it then becomes prohibited to accept the opinion of בית שמאי, and doing so, even with the intention of fulfilling a mitzvah, results in a מצוה הבאה בעבירה and it is as if he has accomplished nothing (עונג יום טוב).

Some say (פסקי תוספות, פמ"ג) that in all situations where the חכמים establish precisely how a mitzvah must be done, anyone who deviates earns no credit at all. There are others that say that although the mitzvah is not perfect, we do not disregard the mitzvah totally if it is done without the rabbinic requirements. According to them, the strict ruling of our Gemara – לא עשה ולא כלום – only applies when the Gemara states that this is the case explicitly. ■

Gemara GEM

Hashem Has Chosen Us

אשר בחר בנו מכל העמים וכו'

The Nesivos, in the introduction to his sefer Nachalas Yaakov, asks how we can say in Birchos HaTorah that Hashem chose us from all the nations, when we know that Hashem went to each nation and offered them the Torah? Only after the other nations refused the offer did Hashem approach Klal Yisroel to offer us the Torah, and even then it was given to us only because of our declaration, נעשה ונשמע. Why, then, in the brocha do we say that Hashem chose us?

The Nesivos answers by pointing out that there are three differences between the mitzvos given to Klal Yisroel and the seven mitzvos given to the other nations. The first difference is that we fulfill a mitzvah when we study the Torah as opposed to the other nations who do not fulfill a mitzvah when they study the seven Noahide laws. Secondly, we were given the inner dimensions of the Torah and the non-Jews were not. Lastly, we were given the authority to decide halacha according to our understanding, and

(Continued on page 2)

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By Mr. & Mrs. Dennis Ruben in memory of their parents
ר' אברהם וואלף בן ר' בערל ז"ל
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HALACHAH Highlight

Following The Opinion of Beis Shamai

"תני רב יחזקאל: עשה כדברי בית שמאי - עשה, כדברי בית הלל - עשה. רב יוסף אמר: עשה כדברי בית שמאי - לא עשה ולא כלום."
"Rav Yechezkal taught: One who does like Beis Shamai has fulfilled his obligation, and if one does like Beis Hillel he has fulfilled his obligation. Rav Yosef said that if one did like Beis Shamai, it is as if one did nothing..."

There is a disagreement between Beis Hillel and Beis Shamai regarding the correct position to be in when reciting Krias Shema. Rav Yosef says that we follow Beis Hillel's opinion and one who does like Beis Shamai has done nothing. There are differing opinions as to the scope of Rav Yosef's opinion.

Tosafos¹ holds that if one intentionally reads the Sh'ma lying down at night or standing in the morning as is the opinion of Beis Shamai, the Rabbis penalize him, and declare that it is as if he has not read the Shema at all. The purpose of this penalty is to prevent others from being misled by this person's manner of performing the Mitzvah. The mechanics of this penalty is explained² as מצוה הבאה בעבירה - a Mitzvah performed by transgressing a prohibition, being that person intentionally disregarded the words of the Rabbis in order to follow the opinion of Beis Shamai.

There is another opinion³ that the end result is that the person does fulfill his responsibility, however he is regarded as a sinner. Therefore, the meaning of Rav Yosef is that he has not benefited by trying to follow the stringency of Beis Shamai. Quite the opposite, he is reckoned as a sinner.

Interestingly, the Rambam does not bring Rav Yosef's

(Gem...continued from page 1)

that becomes binding halacha even in shamayim. Non-Jews do not have that authority even for the mitzvos they keep.

The three Birchos HaTorah correspond to these three features. The first brocha, "אשר קדשנו...לעסוק בדברי תורה" emphasizes that we were given the Torah to study. The second brocha, "המלמד תורה לעמו ישראל" refers to the inner dimensions of Torah which can not be understood by man without a spirit from Above. The last brocha, "אשר בחר בנו" highlights the fact that only Klal Yisroel was given the Torah to decide issues according to our understanding and even had the other nations agreed to accept the Torah they would not have been granted that authority. It is with this idea in mind that we say, "Hashem chose us from all the nations." ■

opinion. In fact, the Rambam⁴ appears to permit reciting the Sh'ma as one would wish⁵.

The Shulchan Aruch⁶ seems to hold like those that say that the Mitzvah was fulfilled, however the individual has transgressed the words of the Rabbis. ■

1. ד"ה תני רבי וכן בתוס' סוכה (ג. ד"ה דאמר) ובריטב"א כאן.
2. ע"י עונג יום טוב (סי' ט"ו) וראה בדבר אברהם ח"ב (סי' כו אות י).
3. ע"י כאן בס' המכתם בשם הראב"ד. וכן ראה שיטת הריטב"א (סוכה כח.) והר"ן (פסחים קטז ע"א - דף כה ע"ב בדפי הרי"ף).
4. פ"ב מהל' ק"ש ה"ב.
5. ע"י בשו"ת מהרשד"ם ח"א ס"ס קצב בניאור דעת הרמב"ם. ע"י בעינים למשפט כאן משי"כ לפרש דעת הרמב"ם.
6. סי' סג ס"ב. ע"י במשנ"ב (ס"ק ה') שגם בדיעבד אינו צריך לחזור ולקרוא. ע"י הלכה ברורה (שם בבירור הלכה אות ג') שכדאי להחמיר ולחזור ולקרוא ק"ש לאחר התפלה כדי לחוש לדעת המחמירים. ■

STORIES Off the Daf

With Great and Everlasting Love

אמר רב יהודה אמר שמואל אהבה רבה...
 ורבנן אמרי אהבת עולם

A close friend of, R' Meir Simcha of Dvinsk, the author of the Or Sameach, once received a letter from R' Meir Simcha which was signed off with the following unusual phrase: "The one who signs like Shmuel and the Rabanan, Meir Simcha of Dvinsk." The recipient was perplexed by this phrase and was unsuccessful

at interpreting its meaning. Some time later, this man ran into R' Ephraim Borodienski and asked him if he could interpret the puzzling closing of the Or Sameach's letter. After spending an hour thinking about its meaning, R' Borodienski finally determined what he felt was the correct meaning of the puzzling phrase.

R' Borodienski explained that in all of Shas, we find only one machlokes between Shmuel and the Rabanan. In Brachos 11 we find Shmuel and the Rabanan disagreeing whether the correct wording of the second brocha of krias shma is

"Ahavas olam" or "Ahavah rabah." R' Borodienski explained that when R' Meir Simcha closed his letter with this phrase, he was expressing his great love and affection for the person being addressed. However, for some reason he did not wish to write this explicitly, and he instead decided to hint to you his feelings with the expression, "who signs like Shmuel and the Rabanan." You now have the choice to follow either opinion and you will come to the same conclusion. The Or Sameach loves you either with an everlasting love (Ahavas olam) or with great love (Ahavah Rabah). ■