

Light, Love and Redemption

The Nature of the Brachos Surrounding Kriyat Shema

Question: I have noticed that in my Shul, when the Chazan gets to the conclusion of the bracha which precedes kriyat shema, everyone finishes the bracha together with him. I am wondering why this is so, especially as by doing so we seem to be missing out on the opportunity to say amen to the chazan's bracha. Isn't it a mitzvah to say amen to the chazan's brachos?

1. "The Brachos of Shema"

Every morning and evening, the reading of shema is accompanied by brachos both before and after it. These brachos are indeed known as "The brachos of Shema". Now we should not be surprised to find brachos accompanying a mitzvah. As a rule we make brachos over mitzvos. So it is with shofar, megilah and lulav, and kriyat shema – itself one of the 613 mitzvos – should be no different.

However, we do note that the brachos of kriyat shema do not seem to be typical of the brachos over other mitzvos, in that:

- a. They make no actual mention of kriyat shema, and
- b. There are 3 (or 4) of them.

Indeed, we should be aware that the Rashba¹ has a fundamental statement regarding the "brachos of shema", namely, they are not brachos over the mitzvah of shema, rather, they are brachos for which there exists a self-contained obligation to say, except they were instituted by the Rabbis to be said before and after shema.

Are there any practical differences as to whether we view these brachos as bircos hamitzva or not?

2. Timing – Before...

Rashi, in the beginning of maseches brachos² rules that the earliest time to fulfill the mitzva of evening shema is nightfall, i.e. when the stars come out. Rashi does note, however, that there existed a practice to recite the shema – with its brachos – before nightfall, but this is not in fulfillment of the mitzvah shema. Other Rishonim question Rashi's position. If it is true that the brachos of shema can be said before nightfall, isn't that an indication that it is already the time of the mitzvah of shema?³

¹ Responsa vol. 1 resp. 47

² 2a s.v. ad

³ See Tosafos ibid s.v. me'emasai

To this the Rashba responds that since the brachos are not actually brachos over the mitzvah of shema, there is ultimately no reason why they cannot be said before the time of shema has arrived, as long as one may daven maariv. For ultimately, these brachos have more in common with maariv than they do with shema.

3. ...and After

Not only does this approach explain Rashi's words, the Rashba demonstrates that it is stated plainly in the Gemara. The Mishna⁴ rules that the time for the morning reading of shema is until the end of the third hour. The Mishna then states:

“One who reads after this time has not lost”.

What is the meaning of these words? What has he not lost? Considering that he actually has already lost the mitzvah of shema, what else would we think there is for him to lose?

The Gemara⁵ explains that the intent of the Mishna is that he has not lost the opportunity to say the brachos, rather, he may say them even after the time of the shema has passed.

Here we find ourselves in a similar situation to that discussed by Rashi. The time for shema itself has passed. How then is it possible to recite its brachos?

The answer, says the Rashba, is as per above. The brachos are essentially their own mitzvah. It is true that they were instituted to be said accompanying the shema, but ultimately they are not exclusively brachos over the shema, and thus can be said even after the time for shema had passed.

Indeed, although the Gemara does not say for how long after the time of shema one may still say the brachos, many Rishonim quote Rav Hai Gaon as stating that the brachos of shema can be said until the end of the fourth hour, which happens to be the end of the time for davening shacharis. Where does this specific time come from?

The Vilna Gaon⁶ explains that this is a corroboration of the Rashba's approach. Namely, the brachos of shema are essentially part of tefilah, and thus their timing will be governed by the time for davening shacharis in the morning, and maariv in the evening.

3. Rambam: Do Not Interrupt

However, we should note that it seems not all Rishonim concur with the Rashba in this matter. The Rambam writes:⁷

⁴ Brachos 9b

⁵ Ibid 10b

⁶ Biur Hagra to Shulchan Aruch siman 60

⁷ Hilchos brachos 1:17

“And why does one not say amen after the bracha of ahavas olam... and similarly with regards to all brachos that are said before something, such as the brachos recited before reading the megilah or lighting Chanukah lights? In order not to interrupt with “amen” between the bracha and the matter that he is reciting the bracha over.”

- What do these words of the Rambam tell us about the way that he views the nature of brachos shema?

The Rambam has described the relationship between the bracha and the shema as that of a bracha recited ‘over the shema’, so much so that one does not interrupt between the two even to say amen! The Rambam clearly understands that the brachos of shema are actually brachos over the mitzvah of shema, as is further evidenced by his mentioning these brachos in the same vein as brachos over other mitzvos such as reading the megilah and lighting the menorah on Chanukah.

In fact, it should be noted in this respect that the Beis Yosef⁸ quotes a teshuva of the Rosh who holds that one *should* say amen after the bracha which precedes the shema. The Beis Yosef explains that the Rosh understands – like the Rashba – that these brachos are not bircos hamitzva, hence there is no issue of interrupting between them and the shema itself⁹.

4. All for One?

At this point, we need to consider just how broad is the dispute between these two approaches to brachos shema. The Rashba has stated that the brachos are not brachos hamitzva, but rather independent brachos instituted to be said around the shema.

- Can we tell if the Rashba maintains this regarding all of the brachos?

The Rashba demonstrated his understanding of the nature of the brachos by the fact that they can be said outside of the time of shema. The fact that they can all be said at that time is evidence that he understands that they are all independent.

- Can we tell if the Rambam maintains the same position regarding all of the brachos of shema?

Actually, we cannot. All we have seen from the Rambam is that he considers the bracha immediately preceding the shema to be a bracha over the shema. We have no definite idea regarding what he holds about the other brachos. It is certainly possible that he understands that specifically the second bracha is bircas hamitzva – exactly like most other mitzvos which have only one bracha preceding them – with the other brachos being self-contained obligations

⁸ Orach Chaim siman 59

⁹ The proof of the Re’ah from mishna 13a – bein haprakim.

Indeed, this is the position of the Ramban¹⁰, who writes:

“It is known that ahavas olam is a bracha over the mitzvah of Shema, for all mitzvos require a bracha prior to their fulfillment... but the brachos of yotzer ohr and maariv aravim are brachos of praise.”

5. The Ohr Zarua

As a rule, every mitzvah is accompanied by a bracha recited beforehand. The question arises: if, for some reason, one did not make the bracha before doing the mitzvah, can he do so afterwards?

On this matter opinion is divided among the Rishonim. One of the Rishonim who says you can make the bracha afterwards is the Ohr Zarua¹¹, and his proof is from the following Gemara in Brachos:

The Mishna tells us that the Koahnim who were performing the avodah in the beis hamikdash did not have time to say all of the brachos of shema at the time. Therefore, they would leave the recitation of the bracha of Yotzer ohr until later on. The Ohr Zarua comments:

“We see from here that if one did not make the bracha before doing a mitzvah, then bedieved he may do so afterwards.”

- What do these words tell us about how the Ohr Zarua views the brachos of shema?

If the Ohr Zarua were to agree with the Rashba that the brachos of shema are not essentially birchos hamitzvah over the shema, but rather independent brachos, then he would not be able to conclude anything regarding brachos over mitzvos from the fact that they would say yotzer ohr after the shema. The fact that he draws this conclusion indicates that he indeed sees the brachos as birchos hamitzva, and if they can be recited afterwards, then so can any other bircas hamitzvah!

Moreover, we see from the Ohr Zarua that not only does he consider the bracha immediately preceding the shema to be a bircas hamitzvah, but also the first bracha as well!

6. Reading Between the Lines of Tosafos

We can gain much insight into how Tosafos view this issue by considering their words in the beginning of Maseches brachos. The first Mishna in the masechta discusses the time for the reading of the evening shema. The Gemara asks: why did the mishna discuss the

¹⁰ Chiddushei Haramban brachos 22b

¹¹ Hilchos kriyat shema sec. 25.

evening shema before discussing the morning shema? To this the Gemara gives two answers:

- a. The order in the Mishna is modeled on the order in the verse “Be’shachbecha U’vekumecha – and when you lie down and when you get up”, which are the times for the reading of shema.
- b. The Mishna takes its cue from the verse “Va’yhi erev va’yhi boker – and it was evening and it was morning”, which represents the way the Torah views the order of the day.

The Gemara then asks: “If so, why does the next Mishna, which discusses the brachos of shema, deal with the brachos of the morning first? Let it first deal with the brachos of the evening!” To this the Gemara responds that having moved to the subject of the morning shema, the mishna wishes to finish dealing with the subject of the morning before returning to the subject of the evening.

Tosafos understand that by the Gemara introducing it’s question with the words “if so”, it is implying that this follow up question is a response specifically to the *second* answer of the Gemara [va’yehi erev etc.] Why would this question only be relevant to the second answer? Tosafos state:

“If you say that the Mishna takes its cue from the verse regarding shema, then the pasuk has only been particular about kriyat shema [and hence the Mishna only needs to mention evening first with regards shema, and nothing else]. But if you say that the mishna relied on the fact that the torah *generally* puts evening before morning, then we must be particular to do so regarding *everything*, in which case [the Gemara asks] why when it came to the brachos did the mishna mention the morning brachos first?”

- Is there any way we can glean some insight from these words of Tosafos regarding how they view the nature of the brachos of shema?

If the Tosafos understood that the brachos are birchos hamitzva, it is difficult to see how the Gemara would not have its follow-up problem even based on the first answer, for even if the pasuk has been particular only with regards the mitzvah of shema, the brachos are brachos *of that mitzvah*! If, however, Tosafos understand like the Rashba, that the brachos are ultimately a separate entity, then the Torah’s ordering of the times of the shema should indeed have no impact on the Mishna’s ordering of the brachos.

7. The Shulchan Aruch

The Shulchan Aruch rules¹²: “One should not answer amen after the conclusion of the second bracha, since it is an interruption”

¹² Orach Chaim 59:4

However, elsewhere¹³ the Shulchan Aruch rules that if one did not say the brachos during the time of shema, he may say them until the end of the fourth hour.

And with regards the evening brachos, the Shulchan Aruch rules¹⁴ that even though the time for shema is not until nightfall, nonetheless he may say shema with the brachos as soon as one may daven maariv, and then say shema without its brachos when night falls.

- What apparent difficulty emerges when one considers all three of these ruling of the Shulchan Aruch?

From the fact that the Shulchan Aruch rules that one may not answer amen between the second bracha and the shema, he clearly understands that it has the status of bircas hamitzvah for the shema. If so, then why does he codify Rav Hai Gaon's ruling that the brachos can be said until the fourth hour specifically, a ruling which we have seen reflects the understanding of the Rashba that these brachos are essentially part of shacharis. And what's more, how can he permit saying the brachos before the time for evening shema, a practice which the Rashba explained is based once again on his understanding that these brachos are not bircas hamitzvah for shema?

The resolution of this matter would appear to be as follows: Even those who identify birchos shema as bircas hamitzvah cannot avoid the fact that they can be said beyond the time of the mitzvah. This is explicit in the Gemara mentioned above [sec. 3]. We are forced to conclude that these brachos exist in two capacities.

- a. They serve as bircas hamitzvah for the shema
- b. They have a further self-contained purpose as brachos of praise in the morning and evening.¹⁵

Therefore:

One the one hand it is possible for one who is davening either before or after the time for saying shema to say the brachos as well, for they do exist beyond their role as brachos on the mitzvah of shema. That said, if one is saying the brachos at the time of shema, they then assume the additional element of brachos in the mitzvah, and one may not interrupt on between the second bracha and the shema.

8. The Heart of the Matter

Indeed, perhaps this may explain why, if these brachos are actually birchos hamitzva, then why do they not follow the classic formula for such brachos, "*asher kidshanu...al kriyas shema*"? Perhaps it is to allow them to function in their additional capacity as brachos of praise, beyond their role as brachos over the mitzvah of shema.

¹³ Ibid 58:6

¹⁴ Ibid 235:1

¹⁵ Heard from Harav Chaim Kanievsky shlit"a

On the other hand, if we are to understand that these brachos are not bircas hamitzvah, then the question to be asked will be quite different, for it will emerge that the mitzvah of shema has no bracha accompanying, and thus we ask: Why is this so? Why does the mitzvah of shema not receive a bracha.

The Avudarham¹⁶ answers this question by saying that the basic goal of making a bracha over a mitzvah is in order to accept the yoke of heaven before engaging in that mitzvah. It is for this reason that every bracha contains a reference to Hashem as *Melech ha'Olam* – King of the World, and indeed a bracha which did not contain such a reference is invalid. This being the case, the mitzvah of shema is exceptional, for its *entire essence* is that of accepting the yoke of heaven¹⁷, and hence there is no requirement for a bracha to achieve that effect.

9. In Practice

As we have mentioned, the Shulchan Aruch says that one does not answer amen after the second bracha. The Rema¹⁸, on the other hand, says that the accepted practice is to answer amen. This is in line with the Rashba's approach that they are not birchos hamitzvah for shema. This would seem to be a classic Shulchan Aruch / Rema divide, which would translate into differing practices for Sefardi and Ashkenazi communities. However, a numerous poskim¹⁹ quote the Shelah who recommends that even Ashkenazim take the Shulchan Aruch's opinion into account.

How can this be done? One either says amen or one doesn't!

The answer is to conclude the bracha at the same time as the chazzan. The halacha is that one does not say amen after his own brachos, even if he heard someone else conclude their bracha at the same time. Therefore, by finishing the bracha together with the chazzan, one effectively avoid having to answer amen even if they need to.

That said, it should be borne in mind that this is a lechatchila recommendation to cater to both opinions. The baseline Ashkenazi approach is to say amen. Therefore, if for some reason one did conclude the bracha before the chazzan, then he would certainly say amen upon hearing the chazzan [or anyone else for that matter] conclude the bracha.

Moreover, we will appreciate that this recommendation to finish the bracha together with the chazzan is only appropriate when the brachos are being said during the time of the mitzvah of shema. If, for example, one were to be davening maariv before nightfall, then there would be no issue of interrupting between the bracha and shema, and hence no reason to avoid finishing before the chazzan and answering amen.²⁰

¹⁶ Even Yisrael ed. P. 91

¹⁷ see Mishna Brachos 13a

¹⁸ Orach Chaim 61:3

¹⁹ See Mishna Brura 59:25 citing Eliyahu Raba and Shaarei Teshuva

²⁰ Eshel Avraham (Buchach) siman 59