

1. **Beit Shammai vs. Beit Hillel.** Beit Shammai says you must lie down to say the evening Shema and stand up to say the morning Shema, based on the verse "*uveshochvecha uvekumecha*" - when you lie down and when you get up. Beit Hillel says you can say the Shema however you are, because that same verse says "*uvelechtechah baderech*" - and when you travel on the road. But if it doesn't matter whether you're lying down or standing up, why does the verse say *uveshochvecha uvekumecha*? To define the proper time to say Shema: when most people lie down at night and get up in the morning. The halacha is according to Beit Hillel. Rabbi Tarfon was once traveling and decided to stop on the road in the middle of his journey and lie down, as Beit Shammai requires. This was a dangerous move because there were bandits on the road, and the Sages told him he was wrong to have gone against the opinion of Beit Hillel. Usually trying to follow a stricter opinion is not a problem, but debates between Beit Hillel and Beit Shammai are different. When the halacha is ruled according to Beit Hillel, the opinion of Beit Shammai is not even considered a valid halachic teaching. Hillel had an extraordinary ability to break the Torah down to its essence and communicate it to people in ways they could understand and accept. Shammai had a more literal focus and a more impatient attitude. Although it's tempting to define the difference between the two houses as literal vs. conceptual, this understanding is too simplistic to explain the range of their arguments. What Hillel represented was so powerful that Shammai's disagreements with him were given no validity at all. However, we should still try to understand his teachings. Why did he disagree with Beit Hillel in this case? Because if the verse just meant to refer to times of day, different words could have been used. The specific words *uveshochvecha uvekumecha* must refer to something more specific. What, then, does *uvelechtechah baderech* mean? We learn from a *beraita* that *beshivtecha beveisecha* excludes someone who is occupied with a mitzvah, and *uvelechtechah baderech* excludes someone who is getting married. A man who is marrying a *besulah* (virgin) does not need to say the Shema, because he is occupied with a mitzvah, but a man who is marrying a widow does need to say the Shema.
2. **Osek b'mitzvah patur min hamitzvah.** Someone who is preoccupied with one mitzvah is exempt from doing another. Therefore, if a groom is marrying a virgin, he does not need to read the Shema. But marrying a widow is also a mitzvah, so why should a man marrying a widow need to say the Shema? When a man marries a virgin, he's preoccupied with anxiety. A man marrying a widow does not have the same level of anxiety, so he can have the right mindset to say the Shema. The reason doing a mitzvah exempts you from another mitzvah is because it preoccupies you. What if you're preoccupied by other things? If the stock market is tanking and you're stressed about it, do you also not need to say the Shema then? That's not the case, because an *aveil* (mourner) during shiva is still obligated to do mitzvot, aside from tefillin at the very beginning of the mourning period. So how does this principle of *osek b'mitzvah patur min hamitzvah* work? According to Tosfot in Masechet Sukkah, it only applies when you're literally so preoccupied with one mitzvah that you don't have time to do another. You shouldn't stop in the middle of one mitzvah in order to perform another, so the obligation for the second mitzvah gets pushed off in favor of the first. However, as soon as you've completed the first mitzvah and you're no longer preoccupied, the obligation for the second mitzvah returns. According to the Ran, being in the middle of performing a mitzvah actually takes away any other obligations to perform other mitzvot. The obligations aren't simply pushed off; even once you finish the first mitzvah you are no longer obligated in the second. There is a Kabbalistic concept that different mitzvot are connected to different parts of the body and that doing a mitzvah spiritually strengthens a particular part of the body. When you're doing a mitzvah, you are giving vitality to

a part of your body and your soul, and that's enough to spiritually strengthen you so that you don't need to do a second mitzvah that might come up. Since the parts of the body and soul are ultimately connected by bringing in the light of a mitzvah, the soul becomes filled enough that missing the other mitzvah does not harm it. The question arises: if a man marries a virgin and does not daven Maariv or say the Shema that evening while he is *osek b'mitzvah*, does he need to do *tashlumin* (make up the missed prayers) in the morning? It would seem that according to Tosfot, the obligations were only pushed off for the night, and so he might need to do *tashlumin* by davening Shemonah Esrei a second time. But according to the Ran, as long as he was *osek b'mitzvah* no other obligations took hold at all, so there is no need to make anything up. The Ran would fit in nicely with the Kabbalistic interpretation.

3. **A mourner doesn't put on tefillin.** In the book of Ezekiel, tefillin are called *pe'er* (pride). Rashi says that wearing tefillin requires a level of pride. The tefillin represent pride and beauty, and mourning is a physical expression of sadness. The two simply don't go together. Or Zarua says that wearing tefillin requires concentration, and a mourner cannot have the required level of concentration. However, mourners are obligated in other mitzvot. The principle of *osek b'mitzvah patur min hamitzvah* does not apply, because the mitzvah of *aveilut* mostly involves not doing things. The fulfillment of mourning is within one's heart, and in action it means abstaining from comforts such as bathing. So a mourner would not be too preoccupied for other mitzvot. When exactly does a mourner not wear tefillin? Definitely on the day of the death. Some say tefillin are not worn the whole time the mourner is an *onein*, although there might be exceptions if that period lasts a long time. Most authorities hold that tefillin should not be worn on the first day of shiva, even if that isn't the day of death. However, there is a minority opinion that if the burial does not happen right away, the mourner should put on tefillin even on the first day of shiva without a bracha. Today, the generally accepted practice is to put on tefillin starting the second day of shiva. It seems that in the time of the Talmud, when many people kept their tefillin on all day, people sitting shiva would remove their tefillin when a new person came to visit.
4. **We rule like Beit Hillel almost every time, and following Beit Shammai is like doing nothing.** Rabbi Elazar ben Azariah made sure to read the evening Shema lying down, and Rabbi Yishmael didn't. Rabbi Elazar ben Azariah was upset at Rabbi Yishmael, but Rabbi Yishmael told him it was he who was doing the wrong thing. Since Beit Hillel says you can say the Shema however you are, you might think there's nothing wrong with lying down. But if you are standing up and you specifically lie down to say the Shema, you are very clearly following Beit Shammai, and Rabbi Elazar ben Azariah had students who could see that and learn the wrong halacha. Rab Yosef says that following Beit Shammai is like doing nothing. Does that mean that if you make a point to lie down for the Shema, it literally doesn't count and you have to say it again? Maybe, although most hold that though this is the wrong way to do the mitzvah it still counts as doing the mitzvah. The question is, can the Biblical fulfillment of a mitzvah actually be limited by the rabbis? Or are these limitations only Rabbinic in nature, which would mean that following the wrong ruling is a Rabbinic transgression but still fulfills the Biblical requirement?
5. **Mentioning day at night and night in the day.** In the morning there are two blessings before the Shema and one after; in the evening there are two blessings before and two after. The first blessing in the morning is "*yotzer or uboreh choshesh oseh shalom uboreh es hakol*" (Who forms light and creates darkness, Who makes peace and creates all). Why is the word *choshech* used here? Usually the Torah prefers to use positive language. Perhaps we should use the word *noga*, a word that actually means light but is used to mean night. But this blessing is based on a verse in Isaiah, and the verse uses the word *choshech* so we don't change it. However, the blessing is actually not an exact quote of the verse in Isaiah. The verse says "*oseh shalom uboreh ra*" (Who

makes peace and creates evil), which is not what we say in the blessing. Rabba says the reason we don't reword the first part of the verse is that we want to mention the evening in the morning prayer and the day in the evening prayer. Why? Because both night and day are G-d's creations, and while we praise G-d when the night turns to day, we want to make it clear that we are not worshipping the day itself.

6. **Ahavat olam vs. ahavah rabbah.** The rabbis disagree over how to begin the second blessing. Some say it should start with the words *ahavat olam* (love of the universe), while others say it should start with *ahavah rabbah* (big love). For this reason, some people use *ahavah rabbah* in the morning and *ahavat olam* at night. Reb Shlomo Carlebach quotes an earlier source that says that *ahavat olam* is all the love that ever was for all of eternity, put together. That's the love G-d has for us. That sounds better than *ahavah rabbah*, so why would we choose to say *ahavah rabbah*? *Ahavat olam* comes from contemplating the physical world and realizing that all of the world is just an aspect of G-d's light. *Ahavah rabbah* comes from focusing on G-d above and beyond the world and realizing that everything in the world is nothing compared to His infiniteness. Some people have an easier time connecting to G-d through the physical world, and for some it is easier to connect through contemplation of the infinite.
7. **Ahavah Rabbah counts as birchat hatorah.** Rabbi Yehuda says in the name of Shmuel: If you get up early and want to study Torah before you say the Shema and its blessings, you have to make a blessing on the Torah. If you have already read the Shema and its blessings, you fulfilled your obligation in *birchat hatorah* with *Ahavah Rabbah*. We can see that *Ahavah Rabbah* is more than just a simple blessing. It describes how much G-d loves us, and how He gave us the Torah because of that love. When you truly love someone, you want to give them a complete gift. G-d gave us the Torah, and He wants us to understand it. That understanding is necessary for us to love G-d the way that the Shema requires. That's what learning Torah is all about - learning to understand and to love G-d. That makes *Ahavah Rabbah* a fitting blessing to make before learning Torah. According to the Yerushalmi, *Ahavah Rabbah* can only count as *birchat hatorah* if you start learning immediately after you finish davening.
8. **What part of Torah requires birchat hatorah?** Rav Huna says if you're reading a passuk in the Torah, you have to make a bracha first, but if you're reading a midrash you don't need to. The bracha is needed only for the words of *Torah shebichtav*. Rabbi Elazar says you do need to make a bracha on midrash, but not on Mishna. Midrash and Mishna are both *Torah shebe'al peh*, so what's the difference? Midrash is usually connected to a specific verse, while mishna is not. Rabbi Yochanan says you need a bracha for Mishna but not for Talmud, and Rabba says you need a bracha even for Talmud. *Birchat hatorah* is about connecting what we're learning with its Giver. *Torah shebichtav* is what we were given directly by G-d, while *Torah shebe'al peh* is our interpretation of G-d's words. The difference of opinion is whether we need a blessing only when learning G-d's word or even when learning how humans interpret G-d's word.
9. **Different blessings recommended by different rabbis.** What is the actual blessing we should make on learning Torah? Rabbi Yehuda says in the name of Shmuel: *la'asok bedivrei Torah* (to work hard in the words of Torah). Rav Yochanan suggested adding on a longer bracha that begins *veha'arev na*. Rav Hamnuna recommends *asher bachar banu mikol ha'amim*. Today, we actually say all of these blessings.
10. **The morning service in the Beit Hamikdash.** The gemara describes the order of prayers in the Beit Hamikdash, and it's different from what we do today. The assistant to the Kohen Gadol would say, "make one bracha," and they would make the one blessing that is said before the Shema and then say the *aseret hadibrot*. After that they would say the three paragraphs of Shema, then the blessings after Shema, followed by the blessing of the Avoda regarding the Temple service, and then Bircat Kohanim.