
Shema – Standing or Sitting

ברכות דף י"ז - דף י"א. ושולחן ערוך סימן ס"ג סעיפים א' - ב' [עפ"י פסקי מ"ב]

רמב"ם הלכות קריאת שמע פרק ב הלכה ב

כל אדם קורין כדרכן בין עומדין בין מהלכין בין שוכבין בין רוכבין על גבי בהמה וכו'.

שולחן ערוך אורח חיים הלכות קריאת שמע סימן סג סעיף ב

מי שרוצה להחמיר לעמוד כשהוא יושב ולקרוא נקרא עברין.

One who is sitting, may he stand for קריאת שמע, if it will aid his כוונה?

No. The פרי מגדים learns from the גמרא and the terminology of the שולחן ערוך that although, since his intention is not to follow בית שמאי, he would not be חייב מיתה, he would still be termed an עברין, as with anyone who contravenes the words of the תורה, even those of the רבנן. On יום כיפור, the מהרש"ל says that there is no issue, as it is clear that he is not trying to be over-frum; rather, the מצוה is to act like מלאכים who are called, יעומדים. The פרי מגדים disagrees.

In the evening, he would not even be following the opinion of בית שמאי and therefore, says the בית יוסף, he should also not stand.

If one did stand, must he read קריאת שמע again?

תוספות seem to learn that one would not be יוצא the מצוה of שמע. The פרי מגדים writes that this may be only if he changes position in order to follow the opinion of בית שמאי. If, however, his intention is as above, then although he was wrong to act so, he need not reread שמע. [According to the Vilna Gaon in שנת אלי, in all instances, there is no need to read again.]

If he was standing, may he sit down?

In the morning, unlike the ספק of the פרי מגדים, the משנה ברורה follows the ruling that he most definitely may do so. In the evening, however, he should not do so, for fear that it may look like he is following the opinion of בית שמאי; this is as opposed to the אלי רבה who leans towards permitting it.

What are the general rules for being מחמיר?

The מהרש"ל writes that once something has been widely accepted throughout כלל ישראל as being permitted [as explained by the פרי מגדים], one who is מחמיר, is seen as being proud and should be placed in banishment; unless, that is, his intentions are clear to all, to be לשם שמים. However, in the place of his teacher who rules leniently, even if his teacher lacks solid grounding, unless he can actually disprove the פסק, he may not be מחמיר. If he does so, even with the purest of intentions, he should be put in נדוי.