

HALOCHOSCOPE

this regularly, he must repeat *shema* later, after *misheyakir*. Otherwise, he need not repeat at all. This timing is not a matter of debate. All agree that it is sufficient to fulfill the obligation. Therefore, usually, one need not repeat. One who regularly relies on this timing is evading the Rabbinical institution. All agree that he should repeat to satisfy his Rabbinical obligation. [See Brochos 8b-9b, Poskim. Tur Sh Ar OC 58:1-4 89:1, commentaries.]

D) Talis and tefilin for shema

The Talmud says that one who recites *shema* with out his *tefilin* is bearing false testimony against himself. He mentions the *mitzvah* of *tefilin*, yet he himself does not have them on. 'Reading about them and not fulfilling.' It is also compared to offering a *korban* without the accompanying libations. 'An incomplete fulfillment of the *mitzvah*.' The first opinion considers it a deficiency in the fulfillment of *tefilin*, while the second considers it a deficiency in fulfilling the *mitzvah* of *shema*. Therefore, one must wear them, at the very least, for the duration of reciting *shema* on weekdays. If one cannot do so due to circumstances, such as while traveling, when he does wear his *tefilin* later, he should repeat *shema*. This fulfills either or both *mitzvos* properly. Thus, on *Tisha B'av*, when *tefilin* are worn at *mincha*, one recites *shema*. This is totally the wrong time for *shema*, but is within the time for *tefilin*. The *talis* is also worn for *shema* and *shemone esrai*. However, this is not critical for either of these *mitzvos*. Indeed, in many communities unmarried people do not wear a *talis*. One should be wearing at least a *talis katan*. The logic that is mentioned with regard to *tefilin* also applies to *tzitzis*. As part of *shema*, we recite *parshas tzitzis*.

In our case, when he recited *shema* early, he was wearing *tefilin*. It so happens that this was also too early for *tefilin*, for a different reason. One may not don *tefilin* at night, due to the risk of falling asleep and mistreating them. Otherwise, night-time is accepted as a time for *tefilin*, though this is debated in the Talmud. Therefore, he fulfilled his obligation then. [See Brochos 14b, Poskim. Tur, Sh Ar OC 25:4 30 37:2, commentaries.]

In conclusion, one who does not recite it early on a regular basis need not repeat *shema* later. If he repeats it, he should try to repeat when he still has *tefilin* on.

On the parsha ... *Yitzchok was coming from ... Yitzchok went out to converse in the field as it was turning towards evening .. [24:63] to converse, tefila .. [Rashi] Yitzcok instituted mincha [Brochos 26b]* The language indicates that his institution was to *daven* close to evening. Yet, many poskim maintain that the best time is at *mincha ketana*! Perhaps the debate centers on the language of the *pasuk*. It could be read 'to pray [what one prays] when it is close to evening'. It could also be read 'to pray. It was close to evening.' The second reading is somewhat supported by the *trop*. According to this, he did not institute it to be said at this time, but happened to be saying it then on that day. The preceding *pasuk* tells us that he had a busy day traveling. Perhaps it is also telling us why he waited until this late to *daven* on this day.

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Yitzchok halevi z"l, whose *yahrzeit* is on the 25th of Cheshvan. א

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This week's question:

If one davens maariv before dark, it is recommended that one repeat shema after dark. If one said krias shema at shacharis before the recommended time of misheyakir, should he repeat it later, after misheyakir? Should he wear talis and tefilin at the time?

The issues:

- A) The time for *shema* in the evening
- B) Repeating due to the varying views
- C) *Misheyakir* or dawn, the time for *shema* in the morning
- D) Wearing *talis* and *tefilin* for *shema* in the morning

A) Timing of shema in the evening

The Scriptural *mitzvah* of *krias shema* is to recite it 'as you lay down and as you rise up'. One must recite it twice daily, once in the morning hours, when people are arising from their sleep, and once in the evening hours, when people are retiring to bed. The Talmud records various stages of nightfall or of the times that people withdraw from the streets to their homes as the earliest times that one might go to sleep. They are basically times at which the natural light of the sun is no longer detected, to varying degrees.

Maariv is centered around the Rabbinical *mitzvah* of *tefilah*, or the *shemone esrai*. *Shema* and its *brochos* are arranged to precede *shemone esrai* at *maariv*. The *brocha* following *shema* refers to *geulah*, redemption. This should be connected to the beginning of *shemone esrai*. The Talmud debates the timing of *shemone esrai* of *maariv*. It is based on the end of the time for *mincha*, the afternoon service.

Mincha must be said while the natural light of the sun is visible. However, these *tefilos* are also connected to the offerings of the *tamid*, daily communal *korban*. The timing of the afternoon *korban*, to which *mincha* is related, is debated. The earliest time for it is midday. It is not practical to rely on this, so a half-hour is added to this time. At this point it is slaughtered. The blood is thrown on the altar an hour later. The ideal time for the offering is to slaughter it two hours later, and to throw the blood an hour after that – nine and a half hours into the twelve hour day. According to many poskim, this time, known as *mincha ketana*, is the ideal time for *mincha*. Others maintain that the ideal time is to *daven mincha* as close to evening as possible.

There is another *halachic* time, known as *plag hamincha*, or half of *mincha*. This is the half-way point between *mincha ketana* and the end of the day. This is the time, according to some commentaries, that the afternoon *ketorets*, incense, was offered, and the *menora* was kindled. In one view, the blood of the afternoon *tamid* was never thrown past this time, and this is the latest time for *mincha*. Accordingly, this would be the earliest time for *maariv*, which corresponds to the burning of the fats of the afternoon *tamid*. [There is a minority view that since the fats could be offered at any time after the main

tamid was offered, one may *daven maariv* at any time after *davening mincha*, even while the sun is still quite high in the sky!] Then other view allows *mincha* until the end of the day. In this view, the blood could be thrown until night. The poskim debate whether this refers to sunset or nightfall. To complicate matters, nightfall is difficult to define. In practice, most people try to *daven mincha* before sunset, and *maariv* after sunset or preferably after the advent of three average sized stars.

The Talmud does not rule conclusively on which view to follow, but permits one to choose. In practice, we follow the view that one may choose when to *daven maariv* every day, and change his practice daily. However, one who *davens mincha* after *plag* and *maariv* before sunset has not satisfied either view. Therefore, this '*tartei desarei*', self-contradictory practice, should be avoided. Over time, the practice to *daven mincha* and *maariv* together became the norm. In addition, due to the inconvenience of walking around after nightfall, the practice to align the *davening* times with *plag* became prevalent. Thus it was normal to *daven maariv* right after *plag*. This is perfectly satisfactory for the *shemone esrai*. However, it poses a problem with regard to *shema*.

The poskim debate the solution, basing themselves on the presumption that what is practiced must be valid. One solution is to assume that one recites *shema* at bed-time, which is after nightfall. Another solution is that *maariv* is recited at one of the earlier times that people withdraw into their homes. It is assumed that this view is followed. In one view, the timing for *shemone esrai* must be transferable to *shema* as well. Therefore, if one *davens maariv* after *plag*, he satisfies his *shema* obligation for that night. [See references in next section.]

B) Repeating to satisfy another view

In light of the above discussion, one who *davens maariv* early has definitely fulfilled his *tefila* obligation. The Talmud clearly validates this practice. [If he *davens* before *plag*, he only satisfies a minority view. We refer to one who *davened* between *plag* and sunset.] However, his *shema* obligation is the subject of major debate between the poskim. In one view, he has fulfilled the obligation. In other views, he should really recite it later. While the Talmud sides with either view on *maariv*, the poskim tend to follow one view with regard to *shema*. In this case, however, the opinion of *Rabeinu Tam*, who validates the early *shema*, is significant enough that the poskim do not rule it out. They do suggest, however, that one repeat *shema* later anyhow, as a stringency, to satisfy the other opinions. Nonetheless, this is not an outright obligation. Furthermore, if one did not repeat it, he has not lost out on his fulfillment, *bide'eved*, after the fact.

One difference based on this is that one need not refrain from eating or other activities before reciting his repetition. Generally, one should not start an activity before performing a time-bound *mitzvah*. He might be caught up in his activity and forget about the *mitzvah*. If one did begin such activity, such as a meal, in either permissible circumstances, such as much earlier than the time for the *mitzvah*, or even at a time when it was forbidden, he might need to interrupt the activity to perform the *mitzvah* at its time. This depends on the nature and severity of the obligation. For example, one usually interrupts his Friday night *seudah* to count *sefiras haomer*. One need not interrupt for the repetition of *shema*. We are not so concerned about forgetting this repetition. It is also important that when repeating *shema*, one remembers that this is only to satisfy the stringent view.

One should not undertake to follow only that stringent view, invalidating the lenient view. This could comprise a vow, and might make other personal matters more complicated. In addition, it is affront to major the poskim. [See Brochos 2a-b 9b 26a-27a 30a Yuma 28a-b Pesachim 58a Zevachim 56a, Poskim. Terumas Hadeshen 1. Tur Sh Ar OC 235, commentaries. HalochoSCOPE II:22.]

C) Misheyakir or dawn

At *shacharis* the timings of *shema* and *shemone esrai* are also fit together. *Shema* is connected to rising, while *shemone esrai* is linked to the morning *tamid*. The morning *shemone esrai* is also linked to sunrise. Thus, there is an optimum time and an ideal time. There is also a basic fulfillment time. The optimum time for *shacharis shemone esrai* is at sunrise. The morning *tamid* may not be offered while it is still dark. It must be offered by daylight. It was offered as early as the time that the eastern sky was reddened. This is the effect of the sun below the horizon. Some say that this is at or around the crack of dawn, or very soon thereafter. Others maintain that this time is a little later. We will assume that it is about six minutes after dawn. On a clear day, one should see some redness on the eastern horizon at this time. Though this is the time that the offering was made, or as close to this time as possible, it could be made at dawn, according to all views. Therefore, in emergency, one may say *shemone esrai* of *shacharis* at dawn.

The latest time for *shemone esrai* at *shacharis* is also a two tier time. The Talmud debates whether the *tamid* was ever offered past four hours into the day. Nonetheless, this did not necessarily mean that it was forbidden to do so. However, language is used that indicates that it should be offered in the earlier part of the morning rather than the later part. Therefore, one must *daven* before the four hour time is up. If this time has passed, he must still *daven shacharis*, until midday. If midday passes, he may no longer *daven shacharis*. Depending on the circumstances, he might *daven tashlumin*, repeating *mincha's shemone esrai* twice to make up for his lost *shacharis*.

Shema in the morning also has a tiered timing, due to its connection to *shemone esrai*. The optimum is *misheyakir*, at the point that one can discern certain things in the early light. Since one should connect the *brocha* of *geulah* to *tefilah*, and the optimum time for *tefilah* is sunrise, the other optimum time for *shema* is right before sunrise. Thus, there are two optimums. From the perspective of doing a *mitzvah* at the earliest possible moment, the optimum is *misheyakir*. The 'more optimum' is immediately before sunrise. The latest time for *shema* is when idle people who have no work arise. These are the royalty and wealthy heirs, who do not waste more than a quarter of the day in bed.

Since *shema* is really a *mitzvah* connected to the rising from sleep, if one recited it earlier, he fulfills his obligation. Some people arise very early. This early time is debated. Some say it is what we call dawn. Others maintain that it is the same as for *tefila*, the reddening of the eastern horizon. At this time, one fulfills his Scriptural obligation. The Rabbis, however, delayed the time until more people arise. Part of the reason for this is to make sure that no-one makes a mistake and says it too early. Thus, though we normally try to fulfill a *mitzvah* at the earliest opportunity, they formally instituted a later time to begin. If one already read it early, he may rely on the Scriptural timing. Nonetheless, the poskim maintain that one may not rely on this regularly, to fix his usual *shacharis* this early, unless he is *annus*, in circumstances beyond his control. If he decides to rely on