

# ליקוטי ופסקי הלכות "חוקי היום"

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שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halachos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Sof Zman Kerias Shema, Tefillah | Parshas Vayeshev 5784

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## Kerias Shema in Its Proper Time

### Importance of the Obligation to Say Shema on Time

- In this Winter time of the year, sof zman Kerias Shema and Tefillah is extremely early. Chazal say Yerushlayim was destroyed because people did not say Shema in the morning and evening (שבת קי"ט) on time (מחרש"א). Thus, due to the importance and seriousness of this issue, we saw a need to clarify several relevant halochos. Especially in the days of Chanukah where people often end up going to sleep late due to Chanukah parties and the like. As a result they sometimes wake up late and end up missing sof zman Kerias Shema and Tefillah, whilst celebrating Chanuka is a midrabanan, although a very beloved Mitzvah (לשון הרמב"ם), nevertheless Krias Shema is a Mitzvah Min HaTorah
- One who says Shema in its proper time is greater than one who engages in Torah (ברכות י'). Saying Shema on time is more precious than 1,000 korbonos brought by a fool (אות) (מ"ד קהלת פ"ד). It was worth creating the world solely for the sake of accepting the yoke of Hashem's kingship morning and evening (מ"ב סי' נ"ח סק"א).

### Deoraiso

- Deoraiso.** The obligation to say Shema twice daily – morning and evening – is deoraiso (ש"י סי' ס"א), derived from the posuk, "ודברת בם... ובשכר ובקומך".
- Which parshoh is deoraiso?** Some say only the first posuk, "שמע... ישראל" is deoraiso; others say the first parshoh, i.e., "ואהבת..." is also deoraiso; yet others say the second parshoh, i.e., "והיה אם שמוע..." is also deoraiso (מ"ב סי' ס"ג סק"ז). "ברוך שם" (מ"ב סי' ס"ג סק"ז) is certainly only derabonon (כבוד מלכותו לעולם ועד). To satisfy all opinions, one should try to finish through the second parshoh before sof zeman.
- Saying the **parshoh of tzitzis** is certainly deoraiso, in order to mention Yetzias Mitzrayim. Chazal ruled it should be said together with Shema (מ"ב סי' ס"ג סק"ז).

### Unsure If He Said It

- If one is unsure if he said Shema, he must say it based on the rule of "sofeik deoraiso lechumroh." He should also say the brochos before and after Shema since the basic obligation to say Shema is deoraiso (ש"י סי' ס"ג סק"ז). If one is sure he said Shema but unsure if he made the brochos, he should not say them since the brochos alone are only derabonon (מ"ב סי' ס"ג סק"ז).
- If one is sure he said the first posuk or parshoh but unsure if he said the rest, strictly speaking he does not need to say the rest, but the Shulchon Oruch (סי' ס"ד ס"ג וד') implies he should because part of Chazal's decree was to say it in a situation of doubt (מ"ב סי' ס"ז סק"ד).
- If one is unsure if he said the parshoh of tzitzis, all agree he must repeat it since it is deoraiso. Some say he should also say "Emes Veyatziv" since "Emes Veyatziv" and the parshoh of tzitzis are one unit. Others say he does not need to say "Emes Veyatziv" (אגת) (אריה סי' י"א, מ"ב סי' ס"ג).

## Sof Zman Kerias Shema

### Earliest Time to Say Shema

- "**Misheyakir.**" One may only begin to say Shema and its brochos after it is light enough to recognize a casual acquaintance from four amos away (ש"י סי' נ"ח ס"א). The minhag based on the horizon in Eretz Yisroel is to estimate this time as about 50 minutes before sunrise (see Issue 91, number 38 for various other opinions).

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### Latest Time to Say Shema

- The cutoff time for saying Shema is the end of the third halachic hour ["sho'oh zmanis"] of the day (ש"י סי' נ"ח ס"א) according to most poskim [in contrast with some poskim (מור"ק סי' א'; שלחן הטהור סי"א) who hold one may rely on 60-minute hours, i.e., sof zman Kerias Shema is four 60-minute hours before chatzos and sof zman tefillah is three 60-minute hours before chatzos (ע"י שו"ת מנחת אלעזר ח"א סי' ט"ט)].

### Sho'os Zmaniyos

- To calculate the length of a sho'oh zmanis, divide the number of hours from the beginning of the day until the end by twelve. E.g., a summer day which starts at 5:00 a.m. and ends at 8:00 p.m. has fifteen 60-minute hours. A sho'oh zmanis would be one twelfth of that – one hour and fifteen minutes. A winter day which starts at 7:00 a.m. and ends at 5:00 p.m. has ten 60-minute hours. A sho'oh zmanis would be one twelfth of that – fifty minutes.

### Defining the Start and End of the Day

- There is a machlokes among the major poskim how to define the start and end of the day regarding sof zman Kerias Shema and tefillah. This explains the existence of two times for sof zman Kerias Shema, one earlier and one later.
- One side of the machlokes considers "day" from alos hashachar until tzeis hakochovim. According to this opinion, each hour is longer, but the three hours of zman Kerias Shema are counted from alos, which is much earlier than neitz hachamoh. The result is that this sof zman Kerias Shema is earlier than the next opinion's.
- The other side of the machlokes considers "day" from neitz until shekiah. According to this opinion, each hour is shorter, but the three hours of zman Kerias Shema are counted from neitz. The result is that sof zman Kerias Shema is later than the first opinion's.

### Opinion of the Mogen Avrohom

- The Mogen Avrohom (סי' נ"ח סק"א) holds sho'os zmaniyos are calculated from alos until tzeis (מ"ב סי' רל"ג סק"ד). This is referred to as "the first zman" (above, 13). There is also a machlokes when alos is and when tzeis is, as will be explained.
- When is alos?** Some say alos is 72 minutes before neitz [the amount of time it takes to walk 4 mil, each mil taking 18 minutes] (תרומת הדשן, וסתומת השו"ע י"ב תנ"ט ס"ב וי"ד סי' ס"ט ס"ו, ורמ"א סי' רס"א ס"א). This is the minhag in many places, especially in Chutz Lo'oretz.
- Others say alos is 90 minutes before neitz [four 22.5-minute mil, or five 18-minute mil] (הג' הגר"א שו"ע סי' תנ"ט, חק יעקב שם, הג' חת"ס שו"ע) (סי' פ"ט). This is the minhag in Eretz Yisroel (טוקצינסקי).
- When is tzeis?** There are many opinions as to when tzeis is. There are two primary opinions when it comes to calculating the end of the day regarding Kerias Shema according to the Mogen Avrohom. Some say it is 72 minutes after shekiah, in accordance with Rabeinu Tam's opinion; This corresponds to the opinion that alos is 72 minutes before neitz. Others say it is 90 minutes after shekiah, even for those who have the minhag of Rabeinu Tam (לו"א א"י), so that it is parallel to the opinion that alos is 90 minutes before neitz. [Only if there is the exact same amount of time between alos and neitz as there is between shekiah and tzeis will the sun be exactly halfway across the sky at chatzos.]
- Mogen Avrohom's opinion lechumroh.** Some in Eretz Yisroel use the Geonim's opinion of tzeis – three fourths of a mil, as opposed to 72 or 90 minutes, after shekiah – to calculate the Mogen Avrohom's opinion. Accordingly, sof zman Kerias Shema is even earlier [about 18 minutes earlier than the zman Mogen Avrohom on the Luach Eretz Yisroel]. Some scrupulous people are machmir for this (ליקוטי תשי"ח חת"ס סי"ח בשם רבו הגר"נ אדלר) (בן איש חי ויקהל אות ד'). This is also the minhag of Sefardim.

### Opinion of the Gro and Baal Hatanyo

20. The Gro (סי תנ"ט ס"ב), Shulchon Oruch Horav (סידורו הלי תפילין ס"ז), and Levush hold that "day" is between neitz and shekiah. This is referred to as "the second zman" (above, 14). Although there are several opinions as to when exactly neitz and shekiah are, the discrepancies are so minor that they barely have any effect on sof zman Kerias Shema.

### Bottom Line

- 21. There is no final word on the machlokes about zman Kerias Shema. Some say the Gro's opinion is the main one and only some individuals are machmir for the Mogen Avrohom (אג"מ או"ח ח"א סי) others hold like the Mogen Avrohom based on the rule of "sofeik deoraiso lechumroh" (ס"ב בין השמשות להגרמ"ט שהוא מנהג א"י, אג"מ יו"ד ח"ג סי קכ"ט).
- 22. Thus, one should do whatever he could lechatchiloh to fulfill the mitzvas asei of Kerias Shema according to the Mogen Avrohom as well. In a pressing situation, one may rely on the second zman (א"א בוטשאטש, שו"ת מהרש"ג ח"א סי ל"ח).
- 23. **Birchos Kerias Shema.** Since everyone agrees Birchos Kerias Shema are derabonon, one may rely on the Gro's opinion to be meikel and say them until the second zman (דעת תורה).

### Always Say Shema Earlier

- 24. Sof zman Kerias Shema is for bedieued situations. Lechatchiloh, one should not delay Shema until sof zman; he should say it at neitz (מ"ב סי נ"ח סק"ג). The Mishnoh Beruroh did not rule in the machlokes between the Mogen Avrohom and Gro since one should say Shema earlier in any event (מ"ב סק"ד). Even if one did not say Shema at neitz, he should say it as early as he can to fulfill "zerizim makdimim lemitzvos" (שו"ע סי נ"ח ס"ב).
- 25. **In tefillah.** We say the posuk of Shema Yisroel after "Le'olom yehei odom" before davening. Some minyonim reach Shema after sof zman. Thus, one should say "Boruch sheim kevod malchuso le'olom vo'ed" after the posuk of Shema Yisroel before davening to show he wants to be yotzei his chiyuv of Kerias Shema (שו"ע סי מ"ז ס"א) and is not just saying the words (מ"ב סק"א).
- 26. One should only have kavonoh to be yotzei before davening if he fears the minyan will miss zman Kerias Shema. If they will say Shema on time, it is better to be yotzei Kerias Shema with its brochos together with the minyan (מ"ב שם). Thus, one should have kavonoh not to be yotzei (מ"ב סק"א, סי ו סק"ז) or at least not have kavonoh to be yotzei (ביאה"ל ד"ה ויוצא).

### Condition ["Tenai"] for Kerias Shema

27. If one fears the minyan will miss zman Kerias Shema, some poskim write that he may say Kerias Shema with the following condition: if they will miss the zman, he wants to be yotzei now; if they will not miss the zman, he is not being yotzei now (הג"ר רע"א). Some hold this stipulation exists even if one does not have specific kavonoh for it since a person wants to do Hashem's mitzvos in the best way possible and in accordance with Chazal's guidelines (תשוה"נ ח"ד סי כ"א בשם עמק שאלה).

### Waking Someone Up to Say Kerias Shema

28. Unless one knows that a certain person is always careful to say Shema before the first zman, he does not need to wake him up from his sleep before the first zman (תשוה"נ ח"ב סי נ). Some say one must wake up a sleeping person if he will otherwise miss the second zman (שו"ת קרן לדוד סי י"ח, שו"ת שבט הלי ח"ח סי ל"ח ע"פ השו"ע); others say since he is fast asleep, he is an oneis and one does not need to wake him up. Nevertheless, it is proper to wake him up so that he does not miss the mitzvos of Kerias Shema and tefillah (הליכות שלמה תפלה מלואים סי י"ב).

### Sof Zman Birchos Shema and Tefillah

#### Birchos Kerias Shema

29. The brochos of Kerias Shema are not part of the obligation of Kerias Shema; Chazal decreed one should say them before and after Shema in the morning and evening. Therefore, one can say them until sof zman tefillah, which is at the end of the fourth sho'oh zmanis of the day. If one missed zman tefillah, he should still say Shema (שו"ע סי נ"ח ס"ז) to accept the yoke of Hashem's kingship upon himself (מ"ב סק"ז) but he should not make the brochos (שם). If he does, they are brochos levatolo (מ"ב סק"ז).

30. Some are meikel bedieued and allow one to say Birchos Kerias Shema until chatzos (שו"ת על השו"ע, שו"ת שבט הלי ח"י ס"י ועוד), (מור"ר כ"ק גאב"ד ירושלים) in the same way that one may daven bedieued until chatzos (שו"ע סי פ"ט ס"א).

### Sof Zman Tefillah

- 31. The zman for tefillah extends through the end of the fourth hour of the day, i.e., the first third of the day. If one made a mistake or transgressed by davening after the fourth hour but before chatzos, he still gets the sechar for tefillah, just not for tefillah in its proper time (שו"ע סי פ"ט ס"א).
- 32. **After chatzos.** One may not daven Shacharis after chatzos (רמ"א שם). If he began before chatzos, he may continue after chatzos (א"א בוטשאטש מהדו"ת סי פ"ט ס"א, משמעות ערוה"ש סי ק"י ס"ה). If one mistakenly began to daven within a half hour after chatzos, he does not need to daven Minchoh twice (מ"ב שם סק"ז).

### Women

33. Women, too, should say Birchos Kerias Shema lechatchiloh before sof zman tefillah. If they have no other choice, they may say them until chatzos (גליון חוקי חיים 45 אות כ"ו).

### What Must One Say Before Sof Zman Tefillah?

- 34. **Finish Shemoneh Esrei.** Lechatchiloh, one should finish the entire Shemoneh Esrei before sof zman tefillah (פ"ט סק"ה). If he is davening bedieued before chatzos, he should finish the entire Shemoneh Esrei before chatzos. Lechatchiloh, the chazan should also try to finish Chazoras Hashatz before sof zman tefillah (ע"פ המ"ב סי קכ"ד סק"ז).
- 35. **Begin Shemoneh Esrei.** Some say that bedieued, it suffices to begin Shemoneh Esrei before sof zman tefillah (ערוה"ש סי ק"י ס"ה). One may rely on this. It could be that one is considered to have started his Shemoneh Esrei once he says "Hashem sefosai tiftoch..." since that is part of Shemoneh Esrei (הגר"נ לאנגער) as the Mishnoh Beruroh points out (סי ק"יא ס"א).

### Mogen Avrohom and Gro

36. The machlokes between the poskim as to how to calculate sof zman Kerias Shema applies to the calculation of the end of the fourth hour as well (above, 12 and onward). The consensus of the poskim is that since sof zman tefillah is only derabonon, one may be meikel and rely on second zman if he has a legitimate reason he cannot daven earlier (דעת תורה סי נ"ז ס"ו, כף החיים סי רל"ג סק"ו ועוד).

### Preferences Regarding Shema and Tefillah

- 37. **Alone or after the second zman tefillah?** It is better to daven alone before the second zman tefillah than with a minyan later. Thus, if one is davening in a minyan and sees that they will not make zman tefillah, he should go ahead of them and daven alone (מ"ב סי מ"ז סק"ב). However, davening with a minyan takes precedence over davening alone before the first zman tefillah (שו"ת מנחת ח"ג סי ע"א).
- 38. **Skipping most of Pesukei Dezimroh to daven on time.** It is better to say an abridged Pesukei Dezimroh in order to say Birchos Kerias Shema and Shemoneh Esrei on time than to say all of Pesukei Dezimroh in order but miss the zmanim (מ"ב סי ע"א סק"ד).
- 39. **Without tefillin but within the zman.** It is preferable for one to daven without a tallis and tefillin if that will enable him to daven on time. It is also preferable for one to say Kerias Shema without tefillin if that will enable him to say it on time (מ"ב סי ס"ז סק"מ).
- 40. **Mikveh or tefillah and Kerias Shema on time?** It is preferable for one to rely on the second zman tefillah if that will enable him to tovel before davening. Some say one should not even miss the first zman for Kerias Shema in order to tovel before davening (שו"ת דברי חלקת יהושע מאמר ו אות ה); others say it is better to tovel before davening and rely on the second zman for Kerias Shema (יציב ח"א סי נ"ז הובא בשו"ת משנת יוסף ח"ה סי ט"ז). Everyone agrees one should not miss the second zman for Kerias Shema, which is deoraiso, in order to tovel before davening. Obviously sof zman Kerias Shema and tefillah are more important than having a coffee before davening..

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