

Question: Is there any justification for davening *Maariv* and reciting *Shema* before the emergence of the stars?

Before addressing the question, it must be clear that the discussion divides into two subjects: *Maariv*, i.e. *Shemoneh Esrei*; and *Shema* (with its blessings, i.e. *HaMaariv Aravim* etc.). While we bunch it all together into a collective package that we call “*Maariv*,” they are essentially discrete obligations, each with different parameters. There is a Biblical obligation to recite *Shema* at the time when people go to sleep (based on the verse which states “...and you shall speak these things... when you lie down and when you rise...”). There is a separate rabbinic institution of praying [*Maariv*, i.e. *Shemoneh Esrei*] in the evening. Essentially, *Shema* [with its accompanying blessings] is completely unrelated to *Shemoneh Esrei* of *Maariv*, and the two can be recited at different times. The reason they are recited together is that it is meritorious to preface our prayer with a mention of the redemption from Egypt—i.e. the blessing of *Ga'al Yisrael*.¹ Since that blessing is a part of the “*Shema* package,” we recite *Shema* with its blessings before *Shemoneh Esrei*, in order to have *Shemoneh Esrei* follow *Ga'al Yisrael*. But we must remember that the two are separate precepts with separate parameters; and what is good for one might not be good for the other, for while “night” (which is the time for *Maariv*) and “the time that people go to sleep” (which is the time for *Shema*), generally coincide, they do not necessarily begin at exactly the same time.

The Tannaic opinions of the matter

It seems clear from our Mishnah that the time for *Shema* begins only after *emergence of the stars*. However, we have seen other opinions on the matter. The Gemara (2b) cited the opinion of R' Eliezer that one may recite *Shema* from the beginning of twilight; and that of R' Meir, who maintains that one may recite *Shema* from the time kohanim immerse to eat *terumah*, which is slightly before *emergence of the stars*.

The opinion that the time for *Shema* begins before tzeis hachochavim

Tosafos justifies the custom of reciting *Shema* before *emergence of the stars*, asserting that we follow the opinions that the time for *Shema* is in fact before *emergence of the stars*. *Tosafos* presents two approaches to this effect: Rabbeinu Tam holds the most lenient opinion on the matter. He introduces another Tannaic opinion which was not cited in our Gemara—that of R' Yehudah,² who maintains that the time for *Maariv* begins from *plag haminchah*, which is 1¼ hours before nightfall. Rabbeinu Tam asserts that we follow the opinion of R' Yehudah that the time for *Maariv* is from *plag haminchah*, and that that is the time for *Shema* as well.³ Ri

¹ This idea will be discussed later on in our Tractate (9b).

² His opinion is introduced and discussed later in our Tractate (26a).

³ The authorities raise two main problems with Rabbeinu Tam's approach. First, R' Yehudah named *plag haminchah* as the time for *Maariv*, not as the time for *Shema*. As mentioned above, *Maariv* and *Shema* are two separate precepts, each with its own parameters. Yes, R' Yehudah may maintain that the halachic definition of nightfall is at *plag haminchah*, and that that is therefore the appropriate time for *Maariv*. But that does not indicate that that is the time for *Shema*, for *Shema* does not depend on nightfall per se, but on the time that people go to

disagrees, but maintains that we follow the opinions of R' Eliezer and R' Meir cited above, that the time for *Shema* begins some time before *emergence of the stars*, albeit not as early as *plag haminchah*.⁴

The general consensus of Rishonim, and the conclusive ruling

The vast majority of Rishonim, however, disagree with both of the above approaches. They maintain that while *Maariv* may in fact be davened earlier under certain circumstances (as will be explained below), *Shema* may be recited only after *emergence of the stars*.

However, the phenomenon of early minyanim for the full *Maariv*—including *Shema*—was extant from ancient times, mentioned already in Talmud Yerushalmi (1:1). Yerushalmi itself

sleep! R' Yehudah would presumably agree that people do not go to sleep at *plag haminchah*, but only some time later, as the Tannaim cited in our Gemara maintain. R' Yehudah's opinion regarding the time for *Maariv* therefore has no bearing at all on determining the time for *Shema*. [Rashba adds an additional argument: R' Yehudah might not even maintain that *plag haminchah* constitutes nightfall, let alone the time that people go to sleep. His reasoning might be that since Minchah was instituted to correspond to the afternoon Tamid offering, and *Maariv* was instituted to correspond to the subsequent burning of the offerings on the altar, their timeframes are not dependent on night or day, but on the times that these activities were performed in the Temple. The afternoon Tamid offering was offered until *plag haminchah*, after which the fats and flesh were burnt on the altar. *Plag haminchah* therefore marks the end of the timeframe for Minchah, which corresponds to the Tamid offering, and the beginning of the timeframe for *Maariv*, which corresponds to the burning of the offerings, even though it is still daytime, and is certainly not the time for *Shema*!]

Second, if we indeed follow R' Yehudah's opinion that nightfall begins at *plag haminchah*, and that that is therefore when the time for *Maariv* begins, we must remember that there is a stringent side to his opinion as well—if the day ends at *plag haminchah*, Minchah may not be recited any later than *plag haminchah*! But common practice *is* to daven Minchah until sundown. Clearly, then, we do not follow the opinion of R' Yehudah, but that of the Sages, who maintain that nightfall is at sundown, and that one may therefore daven Minchah until sundown. But that also means that one may daven *Maariv* only after sundown, as the Sages maintain!

[Tosafos, however, provides Rabbeinu Tam's responses to these challenges. Regarding the first, Rabbeinu Tam will argue that R' Yehudah in fact disagrees with the understanding that the time for *Shema* is when people go to sleep. The other Tannaim had inferred from the verse which states, in the context of *Shema*, "and you shall speak of these things... when you lie down and when you rise..." that the Torah requires *Shema* to be recited at the time when one goes to sleep. R' Yehudah maintains that this is not the verse's true intent.

Regarding the second argument, Rabbeinu Tam will respond that the essential halachah in fact does follow R' Yehudah, and that, essentially, *plag haminchah* marks nightfall for all purposes. That is why *Shema* may be recited already then. And essentially, the time for Minchah should end before *plag haminchah*. However, since the obligation of davening Minchah is but Rabbinic, the Rabbis were more flexible about it and allowed people to daven until sundown.]

⁴ It is interesting to note that there is a significant difference between the way Rabbeinu Tam and Ri present their respective approaches. Rabbeinu Tam held his opinion to be the essential halachah in an absolute way. In fact, Mordechai, who follows the opinion of Rabbeinu Tam, states that "those who insist on reciting *Shema* later are acting impudently and arrogantly." In contrast, Ri (as cited by Rosh and Tur) did not maintain that his position was in fact the ideal and preferred halachah. Rather, since the reality was that people were davening *Maariv* early since it would be difficult to gather a minyan again later, he presented his position as an attempt to somewhat justify a less-than-ideal reality. However, as we will see below, the consensus of the authorities is that his arguments nevertheless do not provide sufficient grounds for fulfilling the obligation of *Shema* before *emergence of the stars*.

addresses the question, stating: “If one recites [*Shema*] before [*emergence of the stars*], he has not fulfilled his obligation. If so, why do we recite [*Shema* in shul along with *Maariv*, which we daven yet before nightfall]? In order to pray after engaging in Torah.” In other words, when we recite *Shema* at *Maariv* before nightfall, it does not—and is not meant to—fulfill the obligation of reciting *Shema* at all. It is recited only in order to preface the *Shemoneh Esrei* with Torah, for which we use the verses of *Shema*; but *Shema* must in fact be repeated later, after nightfall, in order to fulfill the specific obligation of reciting *Shema*.

But what about *Maariv* itself?

This is really a separate topic, which will be addressed later on in the Tractate (the full discussion is relevant to 26a; and “early Shabbos” must also be addressed on its own; our discussion here relates to an ordinary weekday). For the purposes of our discussion, we will state briefly, in a general way, that while it is best to daven *Maariv* with a *minyan* after *emergence of the stars*, communities that are concerned that it will be too difficult to gather a *minyan* for *Maariv* at the later time may hold a *minyan* for *Maariv* immediately after *Minchah*. Regarding the individual, in case of necessity, one may daven *Maariv* before nightfall, one may do so provided that:

- a. it is after plag haminchah;
- b. one davened *Minchah* before plag haminchah that day;
- c. one must make sure to repeat *Shema* later, as above.

See footnote for a number of points of discussion.⁵ [Note also that the Vilna Gaon maintains that it is always best to daven *Maariv* at the right time, i.e. after the *emergence of the stars*, even if that means davening without a *minyan*.]

⁵ Points for discussion:

If the obligation of *Shema* is fulfilled only when one repeats it later, and *Shema* at *Maariv* is not the “real thing,” shouldn’t the blessings of *Shema* (*HaMaariv Aravim* etc.) be recited at the later time with the authentic recitation of *Shema*, and not at *Maariv*?

It is legitimate to recite the blessings of *Shema* at *Maariv* even though one is not fulfilling the true recitation of *Shema* then. *Rashba* explains that while these blessings are referred to as the “blessings of *Shema*,” and are generally associated with *Shema*, they are not really blessings on *Shema* per se. Rather, they are independent blessings instituted in their own right, and are appropriately recited once the time for *Maariv* arrives even though *Shema* itself is recited only later. Therefore, on the contrary—it is preferable to recite the blessings at *Maariv*, so as to gain the merit of prefacing the *Maariv* prayer with the blessing mentioning the redemption from Egypt.

[It should be noted, though, that Rav Hai Gaon *did* maintain that the blessings of *Shema* should be recited only when one fulfills the true mitzvah of *Shema*, i.e. when repeating *Shema* after *emergence of the stars*. One who follows his approach would therefore recite *Shema* without the blessings at *Maariv*; and recite the blessings only later, when repeating *Shema* after *emergence of the stars*. This approach, too, is an acceptable option (*Mishnah Berurah* 235:13).]

If the true Biblical mitzvah of *Shema* is fulfilled when one repeats it at night, shouldn’t a blessing be recited then on the mitzvah, as with other mitzvos?

Some authorities in fact rule that a discrete blessing on the mitzvah of *Shema* should be recited when one repeats it at home: Rav Amram Gaon and others rule that one should recite: אשר קדשנו במצוותיו וצוונו על קריאת שמע—“Blessed... Who sanctified us with His commandments, and commanded us regarding *Shema*.”

Does the recitation of *Shema* in bed suffice for this purpose, or must a separate *Shema* be recited for this purpose?

Some authorities⁶ rule that the obligation of *Shema* is fulfilled through the *Shema* recited in bed. Others,⁷ however, cite a number of objections to this position:

- a. The obligation of *Shema* must be fulfilled before eating.⁸
- b. People recite *Shema* in bed for the purpose of protection,⁹ not for the purpose of fulfilling the obligation of *Shema*.
- c. Only the first parshah of *Shema* is recited in bed.¹⁰

These other authorities therefore rule that one should not suffice with the *Shema* one recites when going to sleep; rather, one should repeat a separate *Shema* once *emergence of the stars* arrives for the specific purpose of fulfilling the obligation of *Shema*.

How much of *Shema* must one repeat?

The authorities differ on this point:

Rashi, Rashba: Only the first parashah (see footnote 10).

Rabbeinu Yonah: The first two parshiyos.¹¹

A number of Acharonim,¹² however, conclude that it is best to repeat all three parshiyos.

In conclusion

Rabbeinu Yonah, citing his teacher, rejects this ruling, arguing that we should not innovate blessings that were not mentioned by Chazal. However, he, too, agrees with the premise that this recitation of *Shema* warrants its own blessing; and he therefore rules that one should repeat the blessing of *Ahavas Olam*.

The final consensus on this is, though (based on *Tashbetz* and *Rashbash*), that no blessing at all should be recited when repeating *Shema*. The reason for this is that since *Shema* is generally recited with the blessings of *Maariv*, the Sages did not ordain a separate blessing for those instances in which one recites *Shema* at a later time.

⁶ These include: Rav Amram Gaon, Rashi, Raavad, Ritz Ge'os, Rashba, and others.

⁷ Rabbeinu Yonah

⁸ The Poskim justify eating before reciting kerias shema in bed, explaining that since one has a set time for reciting kerias shema—i.e. in bed, one may in fact eat beforehand (*Taz* 235:3).

⁹ This idea is discussed later on, 5a.

¹⁰ Rashba refutes this objection, stating that only the first parshah of *Shema* is required by Biblical law; the others are but Rabbinic (this is an extensive discussion which we will encounter later on). Therefore, only the first parshah must be repeated at all; those that are but Rabbinically required may be treated more leniently—for them, the recitation at *Maariv* suffices.

¹¹ Rabbeinu Yonah maintains that all three parshiyos are Biblically required. Yet, only with regard to the first two does the Torah state that they must be recited “when you lie down,” i.e. at the time when people go to sleep. The third parashah is based on a separate command to mention the redemption from Egypt in the evening. This can be performed even earlier in the evening, before the time for sleeping arrives. Therefore, the recitation at *Maariv* suffices.

¹² *Maharshal; Shaagas Aryeh*.

It is most ideal to daven *Maariv* with a minyan after nightfall. If one will only be able to daven with a minyan before nightfall, it is acceptable provided that:

- a. It is after plag haminchah;
- b. One davened Minchah before plag haminchah

However, one must be sure to repeat *Shema* later, after nightfall.

Ideally, one should:

- a. not suffice with the *Shema* one recites when going to sleep, but recite a specific *Shema* for this purpose;
- b. repeat all three Parshiyos.