The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Thurs, Dec 29 2022 ■ ה' טבת, תשפ"ג
סימן רל"ה סעיף ג'-ד'

Overview

Siman 235 Seif 3:

L'chatchila one should read shema immediately after the appearance of stars and the time continues until midnight. If one delayed and did not read it at that time but it is still before amud hashachar he has fulfilled his obligation.

- Chazal enacted a barrier that one should not read shema after midnight so that one should not miss reading shema. One who read after this time is considered one who violated the words of the Sages but before midnight one is not quick to fulfill the mitzvah but he hasn't violated the words of the Sages. (M.B. 27)
- When a person was negligent he may not read after amud hashachar but if he did not read shema due to circumstances beyond his control as long as it is before sunrise he may still read shema and fulfill his obligation. (M.B. 29)

Siman 235 Seif 4:

One who read the nighttime shema after amud hashachar but before sunrise has not fulfilled his obligation unless he was not able to read earlier due to circumstances beyond his control, e.g. he was drunk, ill, etc. One who will read during this time does not recite השכיבנו since once it is past amud hashachar it is no longer the time when people go to sleep. The other berachos may be recited which are the two before shema and the beracha of אמת ויציב until השכיבנו.

- If a person is not an אונס Chazal annulled the mitzvah and he does not fulfill his obligation. (M.B. 30)
- Even if he became drunk after the time for shema arrived he is not a מזיד since he figured that he had time for the effects of the alcohol to wear off. (M.B. 31)
- In other words, it is not the time that people are going to sleep that it would be appropriate to recite השכיבנו. (M.B. 33)
- He should not recite ברוך ה' לעולם or shemone esrei since they were enacted to be recited at night and once amud hashachar arrived it is no longer night. (M.B. 34)

Halacha Highlight

Reading shema immediately after night-fall

Shulchan Aruch Siman 235 Seif 3

לכתחלה צריך לקרות קריאת שמע מיד בצאת הכוכבים

L'chatchila one must read shema immediately after nightfall

Aruch HaShulchan (סע' י"ז וי"ח) cites Tur who asserts that halacha follows R' Gamliel's opinion that one may even l'chatchila wait until amud hashachar to read shema. He also relates that Rosh maintains the same opinion and rules that one may not eat or drink before reading shema but there is no obligation to read shema immediately after nightfall or even before chatzos. Rambam and Semag disagree and rule that the mitzvah to read shema begins immediately after nightfall and at the latest before chatzos. If one delayed his reading to after chatzos he fulfills his obligation as long as he reads shema before amud hashachar.

Aruch HaShulchan then expresses surprise that Shulchan Aruch (סע' ג') rules that one should l'chatchila read shema immediately after nightfall. He has no issue with the fact that he rules in accordance with Rambam that one should read before chatzos because he maintains that this is the correct opinion in halacha. However, his ruling that one should l'chatchila read shema immediately after nightfall is surprising. Rambam never wrote that l'chatchila one should read shema immediately after nightfall and other Rishonim write explicitly that it is not necessary. Although Talmidei Rabbeinu Yonah does maintain that l'chatchila one should read shema immediately after nightfall, that is a minority position and it is surprising that Shulchan Aruch would not even mention the dissenting opinion which, in fact, is the majority opinion. He notes that this position is especially important since it justifies the common practice of people to not daven immediately after nightfall. Other Poskim suggest other circumstances in which it is not necessary for one to read shema immediately after nightfall. One circumstance is one who is learning immediately after nightfall. Another circumstance is one who wants to daven at a later minyan which will allow him to have better concentration or to daven with a larger group of people (פסקי תשובות אות ט).