



DAVENING MAARIV EARLY

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There are three daily prayers that Jews engage in, *shacharis* in the morning, *mincha* in the afternoon, and *maariv* at night. In this article, we will look at the custom in many shuls (synagogues) to daven *mincha* and *maariv* one after the other. This often entails davening *maariv* before halachic nightfall¹. What is the halachic background to this practice? How about the custom to daven *mincha* and *maariv* much earlier in the summer months or at an early Shabbos *minyan*? Are there any leniencies in this area that should preferably be avoided?

The first mishna in the Talmud (Brachos 2a) teaches that the correct time for reciting the nighttime *Shema* begins at the time that *kohanim* who purified themselves from *tumah* (ritual impurity) are allowed to eat *teruma* (whose consumption is forbidden while in a state of *tumah*). The Gemara explains that this refers to nightfall, or *tzais hakochavim*. For this article, *tzais hakochavim* will be defined as the point when three medium-sized stars are visible in the sky.

The Rishonim (medieval authorities) commentating on the aforementioned passage of Talmud ask, how can one fulfill the obligation of reciting *Shema* and the *maariv* prayer when *maariv* is recited before nightfall, as was common at the time? There are three main approaches in the Rishonim.

1. Rashi (ibid. s.v. *ad sof*) explains that one is not actually fulfilling the obligation to recite *Shema* at that time; it is fulfilled later at the bedtime recital of *Shema*. *Shema* is only said at during the early *maariv* to engage in Torah study before prayer, as stated in the Jerusalem Talmud (Brachos 1,1). Tosafos (ibid. s.v. *me'eimasai*) asks that according to Rashi, one should have to recite *Shema* in its entirety before bedtime, including the blessings normally recited during *maariv* before and after *Shema* (known as *Birchos Krias Shema*, the blessing of the reading of the *Shema*) and all three chapters of *Shema*. The common custom was to recite the first passage of *Shema* only at bedtime. Additionally, points out the Tzlach (Brachos 2a s.v. *Tosafos mai'aimasai*), Rashi does not address how one can recite *Shemone Esrei* of *maariv* before nightfall.

2. Tosafos cite Rabbeinu Tam that the answer to the original question is based on a fundamental *machlokes* (disagreement) found in Brachos 26a. The Chachamim (Sages) say that the latest time to daven *mincha* would be until night. Rabbi Yehuda argues;

he says that *mincha* may only be recited until *plag hamincha*, one and a quarter hours before night (see footnote 1). The Gemara concludes that the halacha does not exclusively follow either opinion. As such, one may choose to follow either opinion. Rabbeinu Tam explains that according to Rabbi Yehuda, the day, for prayer purposes, finishes at *plag hamincha*. As such, halachic nighttime begins immediately following *plag hamincha*. The mishna is following the Chachamim's view that halachic nighttime begins at night. However, our custom to pray *maariv* during daytime is based on the view of Rabbi Yehuda, that night begins immediately following *plag hamincha* and, as we have seen, one may follow either opinion. Tosafos ask that this does not fully answer the question; while following Rabbi Yehuda's opinion can allow us to daven *maariv* following *plag hamincha*, that very same opinion should restrict us from praying *mincha* any time after *plag hamincha*. The custom was to pray *mincha* even after *plag hamincha*, and, as such, would be a *tarti disasri*, two contradicting actions. This would be problematic even for someone switching between the two opinions from one day to another (i.e., davening *mincha* after *plag* one day and davening *maariv* after *plag* another day) and would certainly would be an issue when following both opinions on the same day (Mordechai Mo'ed Katan 923).

3. Tosafos conclude with the opinion of Rabbeinu Yitzchak, who explains that our custom does follow the Chachamim, thus explaining the ability to daven *mincha* after *plag*. The fact that people daven *maariv* before nightfall is because they rely on the other Tannaic opinions mentioned further in the Gemara (ibid. 2b) who are of the opinion that *krias shema* may be recited before *tzais hakochavim*. However, Rabbeinu Yitzchak's approach has its own challenge, as the halacha does not normally follow the opinions of these Tannaim.

As we have begun explaining, the aforementioned explanations do fully answer the question of how our custom conforms to halacha. To summarize: According to Rashi, we need to explain why we do not recite the *Birchos Krias Shema* and the full *Shema* at bedtime, and how we can daven *Shemone Esrei* of *maariv* before halachic night. According to Rabbeinu Tam, we need to explain how we can create a *tarti disasri*, rely on two opinions that are contradictory. Rabbeinu Yitzchak's explanation also needs

¹ There are numerous opinions and nuances regarding halachic hours and halachic day and night, and a discussion is beyond the scope of this article.

clarification, because we do not follow the opinion of those Tannaim that he says the custom is relying upon.

The Rashba (Brachos 2a) takes the approach of Rashi. He explains that Chazal allowed leniency in the case of davening *maariv* early in a case of need. If we were to make people wait for an extended time between *mincha* and *maariv*, they would likely disperse and miss davening *maariv* with a *minyán*. Possibly, they would forget that they had not davened and omit davening *maariv* altogether. Additionally, the *maariv* prayer is only Rabbinic; as such, the Rabbis allowed leniency for this practice even though it does not have clear halachic basis. Reciting *Shema*, however, is a *diOraysa* obligation (Rosh Brachos 3:15; Shaagas Aryeh 1 and 2). As such, there would not be room for leniency and we must rely on the bedtime *Shema* to fulfill our obligation. Reciting the first section of *Shema* suffices, as the other two chapters, says the Rashba, are Rabbinic, and we have explained that in this case of a time of need Chazal were lenient. (Whether the latter two sections of *Shema* need to be recited again is the subject of a great deal of discussion, as can already be seen in the aforementioned Tosafos; see also Sha'agas Aryeh 2,3 and 8). As to not reciting the *Birchos Krias Shema* Brachos at bedtime, those *brachos* are not an absolute requirement for *shema* itself, and their recitation during *maariv* suffices (see Shu"t Rashba 1:47 and 1:69 for a more detailed discussion of this idea).

The Rosh (Brachos 1:1) discusses the approaches of Rabbeinu Tam and Rabbeinu Yitzchak. He answers the questions cited earlier in a similar vein. Since there is a need to allow *maariv* to be recited earlier, one may rely on the two contradictory opinions (according to Rabbeinu Tam) or on the Tannaim who give an earlier time for the recitation of *Shema* (according to Rabbeinu Yitzchak). The Mishna Berura (Orach Chaim 267:3; see also Biur Halacha ibid. s.v. *uviplag*) adds an additional rationale to resolve the *tarti disasri* problem. If one waits to recite *maariv* until after *shekiah* (sundown), during *bain hashmashos* (twilight, a period which may be day and be night), which may be night even according to the Chachamim, one may, in this case, assume that it is already night with regards to the Rabbinically-required *maariv*.² However, the Mishna Berura (ibid.) concludes that a congregation may only rely upon this in a time of need.

Based on the above, the following halachos emerge: Although for many people, it is indeed impractical to wait at length between *mincha* and *maariv* or to leave after *mincha* and return for a later *maariv*, one who has the ability to daven *mincha* and *maariv* at the proper time should follow the baseline halacha and daven *maariv* later. Someone for whom it is impractical to daven at the proper times may daven at a *minyán* which does not conform to

those times. An approach which is more halachically sound would be to daven an early *mincha* before *plag* and daven *maariv* following *plag*, or to daven *mincha* after *plag* and *maariv* after *shkiah*. However, as we have seen, even these approaches involve leniencies and should only be followed when davening *mincha* and *maariv* at the proper times is impractical. Similarly, the above leniencies would not apply to someone who is not davening with a *minyán*. Such a person must be careful to daven *mincha* and *maariv* at the correct times (Magen Avraham ibid. 7, Mishna Berura ibid. 11³). On the other hand, if adhering to the ideal times will mean missing *minyán*, one should daven with the *minyán* (Shulchan Aruch Orach Chaim 235:1).

Another important caveat is regarding *krias Shema*. According to Rashi, one who daven *maariv* early clearly must repeat *Shema* after nightfall. It is also difficult to rely upon the opinions of Rabbeinu Tam and Rabbeinu Yitzchak regarding *krias Shema*. As explained, the leniency was allowed specifically regarding prayer, which is Rabbinic. The obligation to recite *Shema* is a *DiOraysa* obligation. As such, it is difficult to understand how those reasons would apply to *krias Shema* (Mayim Chaim Mishnayos Brachos 1:1; Tosafos Rabbi Akiva Eiger Mishnayos Brachos 1:2, Sha'agas Aryeh 3, and Ma'adanei Yom Tov [to the Rosh] 1:100). Additionally, the Rosh (Brachos 1:1) argues that Rabbeinu Tam's logic would only help for the *mincha* and *maariv* prayers, which are based upon the Temple sacrifices. The afternoon *tamid* offering (which *mincha* parallels) was brought before *plag*, and the remaining sacrifice fats and limbs (which are paralleled by *maariv*) were burned beginning after *plag*. The *mincha* prayer corresponds to the afternoon *tamid*, and the *maariv* prayer corresponds to the burning of the fats and limbs. However, Rabbeinu Tam's reasoning would not be relevant for *krias Shema*, which is dependent upon the regular time for sleeping, not the times of the sacrifices⁴. The Tur 235:1 says that even according to Rabbeinu Yitzchak's explanation, one would not be able to fulfill *krias Shema* very much before *tzais hakochavim*, as the times for reciting *krias Shema* of the other Tannaim being relied upon are not much earlier than the *tzais hakochavim* of the mishna.

Since it is rather difficult to justify fulfilling *krias Shema* before *tzais hakochavim*, the Mishna Berura (235:11) rules that when davening *maariv* before nightfall, one should repeat all three sections of *Shema*.

In conclusion, the custom of many shuls to daven *maariv* before nightfall is an age-old custom that has been discussed by the *poskim* at length. The custom has firm halachic basis, but understanding the background of the custom allows one to utilize this custom in the proper fashion.

² Relying on leniencies for Rabbinic requirements can only be decided by a qualified halachic authority.

³ There are certain situations when someone davening without a *minyán* can daven *maariv* before nightfall; see Mishna Berura ibid.

⁴ In addition, reciting *krias Shema* during the uncertain period *bain hashmashos*, which may be an option for prayer as discussed earlier, would not be applicable for *Shema*, since it is *diOraysa* and one cannot rely on the doubtful status of night for a *diOraysa*.