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לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Davening Shacharis Early

Rabbi Yosef Melamed

How early may one daven shacharis?

What leniencies are there for one pressed for time due to a job?

A common dilemma faced by many Jews in the work force is that of the earliest time one may daven shacharis. This is especially relevant during in late winter/early spring when Daylight Savings Time comes into effect, autumn before DST ends, as well as the winter months. During these periods of the year, the time for sunrise, which plays an integral role in determining the earliest time to daven, can be quite late, especially for those living on the western edge of a time zone, while the workday does not begin any later. This article will explore the different halachos surrounding the timing for shacharis in general, as well as their specific ramifications upon the working person.

Shema: The Shulchan Aruch (Orach Chaim 58:1,3), based upon the Mishna and Gemara Brachos (9b), rules that there are three tiers regarding the earliest timing of reciting the Shema: 1) In a standard scenario, the earliest time to recite Shema is at the time period referred to as "misheyakir es chavairo" (colloquially known as "misheyakir"), when it is light enough that one can recognize an acquaintance of average familiarity from the distance of four amos (cubits; approximately 6-8 feet)¹. 2) The ideal time to recite Shema is shortly before sunrise, allowing for enough time to finish the Shema and subsequent blessing so as to begin Shemone Esrei at sunrise, the ideal time for reciting Shemone Esrei. This ideal time is referred to as "kivasikin," "like the devout ones," a group of people who were vigilant in reciting the Shema and Shemone Esrei in this manner. 3) One who is an onais, a person in extenuating circumstances who is unable to recite Shema after misheyakir, may recite Shema starting from alos hashachar, halachic dawn (colloquially known as "alos"). The classic case of this is a traveler who is departing early and will be unable to recite Shema with the proper concentration after misheyakir.

The Ramban (Milchamos Hashem, Brachos Dapei Ha'Rif 2b) explains the difference between the standard case, in which one may not recite Shema until misheyakir, and a traveler, who may recite Shema starting from alos: He says that the Torah does not give the proper time for reciting Shema based upon day and night, but with the terms uvishachbicha (when you lie down) uvkumecha (when you arise). Thus, the criteria of the timing of the daytime and nighttime Shema is dependent on standard sleeping and waking patterns, not on actual day and night. This is the reason for the striking halacha (Brachos 8b and Shulchan Aruch ibid.: 58:5) that one who, due to extenuating circumstances, could not recite the nighttime Shema until after alos may recite it until sunrise. This is so even though halachic daytime starts from alos (see Megilla 20a with Rashi s.v. vichulan). The Gemara explains that since there are still people sleeping after alos, it is still considered uvishachbicha. At the same time, since there are a minority of people who rise at dawn, one can fulfill the obligation of reciting the daytime Shema starting at that point on a di'Oraysa (Scriptural) level. However, Chazal instituted to wait until misheyakir, since most people do not awaken until misheyakir. Additionally, Chazal instituted that the section of tzitzis be recited together with Shema, and misheyakir is the earliest time to fulfill the mitzvah of tzitzis². However, in a case of an onais, Chazal waived the requirement to wait

¹ The Gemara (Brachos 9b) also refers to the time period where one can tell the difference between blue and white; these two indicators refer to the same time (Bais Yosef Orach Chaim 58:1 s.v. vichen kasav; Mishna Berura 18:9; see, however, Bais Yosef ibid. in the name of the Rashba.)

² The Rashba gives a third reason for the requirement to wait until misheyakir, lest one

until misheyakir and reverted to the original di'Oraysa time of alos. Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 4:6) rules that one who is pressed to get to work on time is considered an onais and may recite Shema from alos.

Birchos Kri'as Shema: An additional consideration regarding the timing of shacharis is the first bracha of Birchos Kri'as Shema, the blessing of yotzer ohr (He Who forms light). The Shulchan Aruch (ibid.:3) rules that in the above case of an onais, one may recite this blessing from alos, just like Shema. However, the Mishna Berura (ibid.17), based on the Magen Avraham and Pri Migadim, rules that yotzer ohr cannot be recited until misheyakir. Since yotzer ohr praises Hashem for the benefit of the light of the sun (see Megilla 24b), the bracha cannot be recited until misheyakir, when there is sufficient light to provide tangible benefit. The Shulchan Aruch could possibly be of the opinion that although the bracha of yotzer ohr praises Hashem for the benefit of the light, one can relate that praise at the first appearance of light, before one can benefit from it, since this is the beginning of the process which will provide that benefit. Rabbi Moshe Feinstein (Igros Moshe ibid.) defends the opinion of the Shulchan Aruch, and one may follow the Shulchan Aruch in a case of need.

Shemone Esrei: As mentioned earlier, the optimal time for Shemone Esrei is at sunrise. The Gemara (Brachos 9b) explains that this is based on the verse "They shall fear you with the sun" (Tehilim 72:5), which is understood to mean that it is appropriate to express our awe of Hashem through the Shemone Esrei prayer at the time of sunrise. However, like Shema, in extenuating circumstances, one may daven Shemone Esrei starting from alos (Shulchan Aruch ibid. 89:8). Here, too, says Rabbi Feinstein, one who is pressed to get to work on time fits this criterion, and such a person can daven Shemone Esrei starting from alos (Igros Moshe ibid.).

Tallis: How early may one don tallis, and when can one recite the bracha upon it? This question is subject to a basic machlokes (disagreement) between the Rishonim (Medieval authorities) concerning how to understand the nighttime exemption of the mitzvah of tzitzis (see Menachos 43a). The Rambam (Hilchos Tzitzis 3:7) understands this to mean that any garment, regardless of type, must have tzitzis when worn by day, and need not have tzitzis when worn by night. However, the Rosh (Hilchos Tzitzis 1) rules that the above exclusion is said regarding the type of garment, not the time it is worn. A garment intended for day use must have tzitzis even at night, and a garment intended for night use need not have tzitzis even if worn by day. However, even the Rambam agrees that one can wear tzitzis before daytime, albeit not as a fulfillment of the mitzvah (Rambam ibid.:8). Based on this, one may don a tallis at any time according to all opinions, but only according to the Rosh may one recite the blessing at night. The Rema (Orach Chaim 18:2) rules that a bracha may not be recited unless the both rulings are met³, and thus a bracha cannot be made when donning a garment

miscalculate the time of alos and end up reciting Shema too early. The Shulchan Aruch Harav (Orach Chaim 58:2) seems to explain that both the explanations of the Ramban and of the Rashba are necessary; the Rashba's reasoning explains why Chazal pushed off the earliest time of Shema from alos, and the Ramban's reasoning explains why they pushed it off specifically until misheyakir.

³ This is based on the general rule that when in doubt regarding a bracha, the halacha is to be lenient and not recite a bracha (Rema ibid.).

with *tzitzis*, including a *tallis*, at night⁴. What is considered “daytime” regarding recitation of the *bracha* on *tzitzis*? The Shulchan Aruch (ibid.:3), based on the Rambam, rules that a *bracha* cannot be recited until *misheyakir*. This is because the nighttime exemption of the mitzvah of *tzitzis* is deduced from the verse that states, in reference to the *tzitzis*, “*uri isem oso*,” “and you shall see it,” (Bamidbar 15:39). This verse teaches that the mitzvah of *tzitzis* applies only when they can be seen, which is limited to daytime. It follows that the earliest time for the *bracha* is when the *tzitzis* can be seen, at *misheyakir* (Glosses of the Vilna Gaon to Shulchan Aruch ibid.)⁵. The Rema, however, cites the opinion of the Mordechai, who allows for a *bracha* to be recited on *tzitzis* starting from *alos*, and he writes that this was the custom in his times. The Vilna Gaon (ibid.) takes issue with the opinion of the Mordechai, and although the Mishna Berura does not issue a conclusive ruling (see Mishna Berura 18:10 and Bi’ur Halacha 58:1 s.v. *zman*), Rabbi Moshe Feinstein (Igros Moshe ibid.) rules in accordance with the Shulchan Aruch and the Vilna Gaon. Therefore, someone who must *daven* before *misheyakir* should don his *tallis* without reciting the blessing (see Mishna Berura 89:40). If by the time one reaches *yishtabach* (the closing blessing of *Pisukei Dizimra*), it is already *misheyakir*, one should move the *tzitzis* strings about and recite the blessing between the end of *yishtabach* and the first blessing of *Shema*⁶ (Rema Orach Chaim 18:3 and 44:3)⁷. In the event that it is not yet *misheyakir* by the time one begins *Birchos Kri’as Shema*, one should wait until after *davening*⁸ and make the *bracha* then, or recite the *bracha* at a later point in the day on his *tzitzis* (Igros Moshe ibid.).

***Tefillin*:** The Shulchan Aruch (Orach Chaim 30:1) rules that the earliest time for donning *tefillin* is *misheyakir*, as well. However, one who arises early to travel may don *tefillin* even at night (Shulchan Aruch ibid.:3 and Mishna Berura ibid.:11). The reason for this distinction is that, unlike *Shema*, *Shemone Esrei*, and *tzitzis*, the mitzvah of *tefillin* may be fulfilled at night on a *diOraysa* level (Tur and Bais Yosef ibid.:1, based on Menachos 36b). However, Chazal forbade one to wear *tefillin* at night, lest one fall asleep while wearing them and not give the *tefillin* proper respect while sleeping (ibid.). However, this concern does not apply to someone who arose early, since he has specifically risen early in order to travel (Tur ibid.:3, Shulchan Aruch ibid.:3). The *poskim* (Magen Avraham ibid.: 5, Mishna Berura ibid.:14), however, limit this to someone who is travelling by foot; since he is walking, there is no concern that he will fall asleep. However, one who is traveling by wagon (or car) may not don *tefillin* before *misheyakir*, since there is a concern of falling asleep on the wagon (ibid.)⁹. Additionally, the Shulchan Aruch (Orach Chaim ibid.) rules that although in this case, one may don the *tefillin* even before *alos*, a *bracha* may not be recited before *misheyakir*¹⁰. Based on

⁴ Regarding a *tallis*, there are additional grounds to rule that a *bracha* cannot be recited at night, even according to the Rosh; see Igros Moshe Orach Chaim 4:6.

⁵ Interestingly, the Shulchan Aruch refers to the earliest time of *tzitzis* as *misheyakir bain ticheiles lilavan sheba*, the time when one can tell the difference between the colors blue and white **in it**; this version of the text (as opposed to a second version which does not include “in it”), refers to the white and blue colors of the *tzitzis* strings (Tosafos Brachos 9b s.v. *ela bain*). Practically, as was explained earlier, this refers to the same timing as *misheyakir es chaviero*.

⁶ When *davening* together with a *minyan*, this begins with the recitation of *barchu*.

⁷ Alternatively, if one calculates that he will reach *yishtabach* after *misheyakir*, he may begin *davening* before donning the *tallis*, don it later after *yishtabach*, and recite the *bracha* then (see Mishna Berura 99:40).

⁸ Once one begins *Birchos Kri’as Shema*, one should not make the blessing on the *tallis* until after *Shemone Esrei*. Regarding *tefillin*, there are places even during *Birchos Kri’as Shema* where one could make the *bracha*; if this is necessary, one should consult a halachic authority. See Mishna Berura 54:13.

⁹ Although one could argue that once one is awake and *davening* prior to traveling, there is little concern that he will fall asleep, it seems Chazal were lenient only where one was engaged in a type of travel where one would not fall asleep, and allowed one to don *tefillin* only in such a scenario.

¹⁰ See Bach to Tur ibid. for the reasoning behind this distinction.

this, it would seem that one who *davens* before *misheyakir* in order to get to work may not don *tefillin* and recite the *bracha* (unless travelling in order to work on foot), and the *bracha* cannot be recited in any case. However, Rabbi Moshe Feinstein (Igros Moshe ibid. 1:10, 4:6) rules that a worker pressed for time may don *tefillin* before *misheyakir*¹¹. Moreover, Rabbi Feinstein rules that if one will be unable to don *tefillin* at a later point and recite the *bracha* on *tefillin*, the *bracha* should be recited even before *misheyakir*. This is based on the opinion of Rabbeinu Peretz (cited in the Tur Orach Chaim 30:3) that in the above case of a traveler who arises before *alos*, a *bracha* can be recited. Although this opinion of Rabbeinu Peretz is not generally relied upon, in extenuating circumstances such as one pressed to arrive at work on time, coupled with the possibility of not reciting the blessing of *tefillin* at all, which can breed a lack of respect toward the mitzvah of *tefillin*, one may rely upon the opinion of Rabbeinu Peretz and recite the *bracha* even before *misheyakir*. If *misheyakir* arrived by the time one completes *yishtabach*, one should move about the *tefillin* and recite the blessing then (Mishna Berura 98:40)¹². If *misheyakir* will only arrive after beginning *Birchos Kri’as Shema*, but before one concludes *davening*, the *bracha* should be recited at that point¹³.

Calculating the Times: A full discussion of the myriad issues regarding determining the different points in halachic times (such as *alos*, sunrise, and *misheyakir*) is well beyond the scope of this article. However, some basic halachos regarding determining those points will be discussed here as they relate to the earliest time for *davening*.

***Alos*:** The Gemara (Pesachim 94a) teaches that *alos* occurs the amount of time prior to sunrise that it takes a person to travel four *mil*. There are various opinions about how to compute the timing of a *mil*. Two primary opinions are that of an 18-minute *mil* and that of a 22.5-minute *mil*. Based on these two measurements, *alos* would either be 72 minutes (18×4) or 90 minutes (22.5×4) before sunrise. Although the majority of *poskim* follow the calculation of 18 minutes per *mil* (see Zmanei Yisrael Ch. 3), Rabbi Moshe Feinstein (Igros Moshe ibid. 4:6) rules that in the case of a worker pressed for time to get to work, one may rely on the 90 minute time for *alos*^{14,15}.

***Misheyakir*:** It is important to note that there are many opinions regarding the timing for *misheyakir*, ranging from 66 minutes before sunrise to only thirty minutes before sunrise (see Zmanei Yisrael Ch. 15 for an in-depth discussion of the various opinions). A halachic authority should be consulted regarding its timing.

In conclusion, there are many details regarding the proper timing of *davening shacharis*. At the same time, halacha gives special consideration for challenging situations, including one who is pressed to get to work on time.

¹¹ Rabbi Feinstein applies the reasoning of the lack of concern of sleeping to someone who arises early for work, but does not explain why this is necessarily so. It would seem that Rabbi Feinstein is explaining that the mere fact that one has risen in preparation of working indicates that one is up and going and will probably not fall back asleep.

¹² Here, too, one may begin to *daven* before donning *tefillin*, don it later after *yishtabach* and recite the *bracha* then (Mishna Berura 99:40).

¹³ See footnote 9

¹⁴ There is a great amount of controversy regarding whether the 72 minutes or 90 minutes are calculated based on a set amount of time, a fluctuating time based on the length of the day, or degrees of the Sun relative to Earth (see Sefer Nabreshes, Zmanei Yisrael Ch. 11, and Sefer Hazmanim Bihalacha, among many others). This matter is beyond the scope of this article. A halachic authority should be consulted when necessary.

¹⁵ See Bi’ur Halacha 58:3 s.v. *mishe’ala* and 89:1 s.v. *vi’im hispallel*, where the Chofetz Chaim discusses whether the earliest time for *Shema* and *Shemone Esrei* is the first ray of light (*alos hashachar*) or the lighting of the eastern sky (*he’ir pnei hamizrach*). However, Sefer Zmanei Yisrael (19:11-12) cites Rabbi Yosef Shalom Elyashiv who explains that this is only relevant where one cannot determine the 72/90 minutes before sunrise, (such as one who is uncertain of the time of sunrise or lacks a clock), and is calculating the earliest time based upon the appearance of the sky; when the 72/90 minutes beforehand can be calculated, everyone would agree that the earliest time is 72/90 minutes before sunrise, as is clear from the Gemara Pesachim (84a).

Points to Ponder:

May one daven at a pre-sunrise minyan if not pressed for time when he cannot attend any other minyan?

How do the above leniencies apply to a traveler, such as someone catching an early morning flight?

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