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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

Eating and Drinking before *Davening Shacharis* Part 1

Rabbi Yosef Melamed

May one drink tea or coffee before davening shacharis?

May one drink orange or apple juice before davening shacharis?

The Shulchan Aruch (Orach Chaim 89:3) rules that one may not eat or drink before *davening* in the morning. There are many details to this halacha which will hopefully be explored in a series of articles on this topic. This article, Part I, will focus on the fundamentals of this halacha and their applications regarding drinking before *davening shacharis*.

Source of the prohibition: The Gemara (Brachos 10b) cites two *pesukim* (verses) to prohibit eating or drinking before praying in the morning: 1) The verse in Vayikra (19:26) warns “do not eat on the blood.” The primary understanding of this verse is the prohibition against eating *eiver min hachai*, a limb taken from a living animal (Rabbeinu Yona Brachos *dapei HaRif* 5a s.v. *lo sochlu*). However, the Gemara expounds the verse as prohibiting eating before praying on behalf of one’s “blood,” or one’s welfare. 2) “And you have thrown me after your bodies.” (Melachim I 14:9) The Gemara presents an alternate, homiletic reading of this verse, “And you have thrown me after your haughtiness,” a rebuke to the one who acts haughtily by gratifying his physical needs and only afterwards accepts Hashem’s reign. According to some opinions, the first verse prohibits eating before *davening* on a *di’Orayso* (Scriptural) level (Ra’ah [Pekudas Halevi’im] to Brachos *ibid.*, Sefer Hachinuch Mitzva 248; see also Minchas Chinuch [Machon Yirushalayim 1985 ed.] *ibid.*:8). However, the majority of opinions rule that this prohibition is *midiRabanan* (Rabbinic), and the verse from Vayikra is an *asmachta*, a verse that the Sages used as support to their enactment (Shu”t Yabia Omer 4:11:4)¹².

Classification of the prohibition: Why is there a need for two separate *pesukim* to deduce this halacha? The Bi’ur Halacha (89:3 s.v. *vilo*) and Shu”t Keren Lidovid (21:1) explain that the language of the Gemara regarding the first verse and *drasha* (homiletic interpretation) indicates a prohibition against eating before praying for one’s welfare, and is thus referring to eating before *davening Shemone Esrei*, during which one supplicates Hashem for his needs. The language of the Gemara regarding the second verse is an admonishment against the one who haughtily eats or drinks “and only afterwards accepts My reign.” This refers to reciting *Kriyas Shema*, through which one accepts Hashem’s kingship. The Pri Migadim (Orach Chaim *ibid.*: 89:Eishel Avraham 12; see Shu”t Keren Lidovid *ibid.*) offers a different approach for the need of the two verses. He explains that the main prohibition is that of haughtiness, which is deduced from the verse in Melachim. The verse in Vayikra is an *asmachta*, as mentioned earlier. Although the verse in Melachim comes from *Navi* (Books of the Prophets) and is considered a part of the written canon of

the Torah, the verse from Vayikra is still necessary because a Rabbinic decree based on a verse in *Navi* does not carry as much weight as a verse from the Torah itself [Yabia Omer *ibid.*]³.

Who is included in the prohibition: The prohibition against eating before *davening* applies to men and women (Shu”t Machazeh Eliyahu 33:1:3), since women also have an obligation of prayer (Shulchan Aruch Orach Chaim 106:2). However, according to some opinions, women are not obligated to recite *Shemone Esrei*, and can fulfill their obligation with a basic prayer that includes a praise of Hashem, a request, and an expression of thanks to Hashem (Magen Avraham *ibid.*:2)⁴⁵. Although the prohibition for a man to eat before *davening* extends until after he has recited *Shemone Esrei* (Shulchan Aruch *ibid.*:89:3), a woman may rely on the lenient opinion and eat once she has recited the aforementioned basic prayer formula, even if she normally *davens Shemone Esrei* (Halichos Bas Yisrael 2:fn. 10 in the name of Rabbi Shlomo Zalman Auerbach; *Ishei Yisrael* 13:30). However, women do not have an obligation to recite *Shema* (Shulchan Aruch *ibid.* 70:1, Mishna Berurah *ibid.*:1). Thus, even though, according to the Keren Lidovid and the Mishna Berura, the verse discussing haughtiness in Melachim requires one to recite *Shema* before eating or drinking, a woman is not required to recite *Shema* before doing so (Halichos Bas Yisrael *ibid.*). However, it is preferable for a woman to recite the first chapter of *Shema* before eating or drinking (*ibid.*; see Shulchan Aruch *ibid.* 70:1 with Rema).

The consensus of the *poskim* is that the prohibition against eating and drinking before *davening* does not apply to minors, even those above the age *chinuch* (the age a child must be trained to perform mitzvos), since eating is necessary for their basic welfare (Magen Avraham Orach Chaim 106:3; Mishna Berura *ibid.*:5; Shu”t Yabia Omer 4:12:15; see Kaf Hachaim 106:11 who argues).

Drinking water: The Shulchan Aruch (*ibid.*:3) rules that one may drink water, as well as eat or drink foods which are medically necessary, before *shacharis*. The reason for this leniency is that since the prohibition is due to the haughtiness associated with eating or drinking before *davening*, water, which is a simple drink, would not show haughtiness. By the same token, food or drink needed due to medical concerns are not considered personal gratification and a display of haughtiness, but rather as taking care of one’s health, and are permitted (Rosh Brachos 1:10 in the name of the Avi Ha’ezri;

³ This approach takes the position that the prohibition is *midiRabanan*.

⁴ This fulfills the Torah requirement of prayer even for a man; the *Shemone Esrei* text was instituted by the Sages (Megillah 17b). According to this opinion, Chazal did not include women in the obligation to recite the *Shemone Esrei* text, and it therefore suffices for them to recite this shorter version of prayer (Magen Avraham Orach Chaim 106:2).

⁵ Two examples of prayers which incorporate this composition are *birkas hatorah* (the blessing over the Torah) and the blessing of *hama’avor shaina*, the last of the fifteen morning blessings (Halichos Bas Yisrael 2:2). Another way to incorporate these elements of prayer can be to recite the *Modeh Ani* prayer, which includes thanks and praise, and to add a personal short supplication, e.g., “Hashem, please help me have a good day.” (*Ishei Yisrael* 7:fn. 19 in the name of Rabbi Shlomo Zalman Auerbach).

¹ This is clearly so according to the opinions that the obligation of prayer is itself Rabbinic; see Sha’agas Aryeh 14 (Minchas Chinuch *ibid.*).

² There is an additional reason not to eat from halachic midnight until after *davening shacharis* based on the Zohar (Magen Avraham Orach Chaim *ibid.*:14 in the name of Rabbi Chaim Vital). However, the Mishna Berura (*ibid.*:28) cites the Acharonim who testify that Rabbi Chaim Vital himself ate and drank before *davening* in order to strengthen himself, and the concern of the Zohar is only regarding someone who eats or drinks for pleasure. See, however, Birkei Yosef Orach Chaim *ibid.*:2.

Bais Yosef [Orach Chaim 89:3] in the name of the Mahari Abuhav⁶.

Tea and Coffee: The Mishna Berura (ibid.22) quotes the Acharonim (later authorities) who apply the reasoning of a lack of haughtiness to drinking coffee or tea, as well. These are not regarded as extravagant drinks. In addition, these drinks will help a person concentrate better during his prayers. It is therefore not considered haughty to drink coffee or the like before *davening* when done so in order to increase one's concentration during *davening*⁷.

However, the Mishna Berura (ibid.) cites the Acharonim who say that one may not add sugar or milk to a coffee or tea to be drunk before *shacharis*, since this makes the coffee into a more elaborate beverage, which would be considered haughty. The Mishna Berura (ibid.) writes that one who wishes to have sugar with a coffee or tea must hold a lump of sugar in his mouth while drinking the coffee. This would be permitted if one's intention is to make the coffee drinkable. The Mishna Berura does not offer a permitted way to drink a coffee with milk. The common custom nowadays, however, is to add sugar or milk to a coffee drunk before *shacharis* (Aruch Hashulchan 89:23; Da'as Torah Orach Chaim 89:3). Several rationales for this custom are offered. 1) In the Mishna Berura's time, it was common to drink coffee while holding a lump of sugar in one's mouth, but mixing the sugar into the coffee or tea was considered a more elaborate preparation. Nowadays, sugar is commonly mixed with the coffee or tea, and, on the contrary, holding sugar in one's cheek is uncommon and would be considered haughty. (Halichos Shlomo 2: Orchos Halacha 7 In the name of Rabbi Shlomo Zalman Auerbach; see also Shu"t Az Nidbiru 12:27)⁸. 2) In the Mishna Berura's times, coffee was commonly drunk without sugar and milk. Nowadays, unless someone is accustomed to drinking coffee without milk and/or sugar, the coffee would be difficult to drink, and so adding these items is not considered a display of haughtiness (Maharsham ibid.)⁹. 3) An additional leniency is discussed by the Hagahus Maimoni (Hilchos Tefila 6:4), who cites the Ravva that the haughtiness inherent in drinking before *shacharis* is only relevant to a drink which is intoxicating, and so adding sugar to a non-intoxicating beverage poses no issue at all. Interestingly, the Gemara (Yoma 76a) classifies milk as an intoxicating beverage, and so milk would still seem to pose a problem. However, Rav Ovadia Yosef (Yabia Omer ibid.:12:13) explains that contemporary milk does not seem to have this quality of intoxication, and so milk would be permitted according to the above opinion of the Ravvah. In the event that the milk is the minority of the coffee, there is additional reason to permit adding the milk, since the milk is nullified in the coffee, which is the majority (Shu"t Yabia Omer ibid. quoting Teshuras Shai). 4) In the event that the person drinking coffee or tea has already recited some of the *birchos hashachar* (morning blessings), it may possibly be considered that he has

⁶ There is also the verse in Vayikra of "not eating on the blood" to contend with and, as discussed earlier, the Keren Lidovid and Mishna Berura understand this to be a separate prohibition not tied to the verse in Melachim that focuses on haughtiness. This approach would have to posit that when Chazal forbade eating before *davening* based on this verse, they did so based on the haughtiness issue mentioned in the verse in Melachim. Thus, both verses are predicated upon haughtiness.

⁷ It seems that according to the Mishna Berura, the *heter* (permissibility) to drink coffee before *davening* is because its status as a simple drink and the consideration that it is being drunk to enhance one's ability to *daven* combine to eliminate the concern of a display of haughtiness.

⁸ This reason only explains the allowance of adding sugar into the coffee as opposed to holding it one's mouth; the other reasons explain adding both sugar and milk.

⁹ According to the first leniency, adding sugar to coffee can be considered haughty, depending on the way it is added. According to the second reason, the method of adding sugar or milk is irrelevant, as these additions are always seen as facilitating drinking the coffee as opposed to making it tastier.

already *davened*, at least for the purpose of eating and drinking. As explained earlier regarding women, reciting *birchos hashachar* fulfills the obligation of prayer on a minimal level, and can possibly suffice regarding the prohibition to eat before *davening* (Shu"t Keren Lidovid 21:4 based on Shulchan Aruch ibid.:2; see also Shu"t Mahari Shteif 41). Although it was mentioned that the Shulchan Aruch rules that one may only eat and drink after reciting *Shemone Esrei*, this factor can be added to the other reasons permitting drinking coffee with sugar and milk¹⁰. Based on this reason, one should preferably recite such a prayer before drinking a coffee which contains sugar or milk (ibid.). 5) Finally, the Keren Lidovid (ibid.) explains that, according to his explanation that there are two separate prohibitions, one against eating before *Shema* and one against eating before *Shemone Esrei*, the prohibition to eat before reciting *Shemone Esrei* is deduced from the verse which states "do not eat on the blood." Possibly, then, this would not include drinking¹¹. As such, once a person has recited *Shema*, one would be permitted to drink any beverage. Although one may not rely on this leniency regarding other beverages, one may rely on this in the case of adding sugar and milk to a coffee, since there are other reasons to permit adding them, as well. According to this approach, one would need to recite *Shema* before drinking a coffee with milk or sugar. Rabbi Moshe Shternbuch (Teshuvos Vihanhagos 1:73) also rules that one should preferably recite *Shema* before having a coffee with sugar¹². The first *parsha* (section) of *Shema* suffices for this purpose (see Mishna Berura ibid.)¹³.

Other Beverages: As mentioned earlier, the Ravva says that the prohibition against drinking before *davening* only applies to an intoxicating beverage. However, the Acharonim who prohibit adding sugar to milk clearly disagree with this position (Shu"t Yabia Omer ibid.:11:8). Although many *poskim* allow drinking coffee with milk or sugar, that is only allowed based on the other mitigating factors above, and the reason of the Ravva is only used as a *tziruf*, a mitigating factor. Accordingly, it would seem that orange or apple juice would be included in the prohibition (see Avnei Yashfei 5:14:7), although there may be room for leniency. A halachic authority should be consulted for practical application.

In conclusion: The prohibition against eating and drinking before *shacharis* is either a *di'Orayso* or *asmachta*-based Rabbinic prohibition and must be taken seriously. There are many reasons to permit drinking coffee with sugar and milk, though, as discussed, some opinions require certain parts of the prayers to be recited beforehand. It is therefore commendable that a *bracha* containing the minimum components of prayer be recited before drinking such a coffee. An additional stringency would be to recite the first *parsha* of *Shema*, as well. The permissibility of other "simple" beverages is questionable, but food may not be eaten, except in special circumstances which will be explored in a coming article.

¹⁰ However, according to the explanation of the Keren Lidovid and the Bi'ur Halacha that the verse from Melachim teaches a separate prohibition against eating before *Shema*, this reason would only resolve the prohibition against drinking before *Shemone Esrei*, and one would still need to recite *Shema* before drinking the coffee; see Bi'ur Halacha (89:3 s.v. *vilu*).

¹¹ Generally, when the Torah prohibits eating, drinking is also included (Yoma 76a). However, there are exceptions to this rule and this case may be an exception as well (Keren Lidovid ibid.).

¹² This preference may be based on the fact that drinking coffee, especially with sugar before *davening*, is allowed because it enhances concentration (see footnote 7), and that reason would only resolve drinking before *Shemone Esrei*, not *Shema*; see Bi'ur Halacha (89:3 s.v. *vilu*).

¹³ It is preferable to recite the blessing on the Torah before reciting *Shema* (Ishei Yisrael 13:fn. 77).

Points to Ponder:

Does artificial sweetener share the status of sugar regarding drinking before shacharis?

May one drink fruit infused water before davening?

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Please consult with a qualified halachic authority for all practical questions of halacha

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