

Tractate Brachos

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The Mishnah:

From when may we recite the Shema in the evenings? From the time the Kohanim enter to eat their terumah until the end of the first watch the words of R' Eliezer. But the Sages say until midnight. Rabban Gamliel says until the light of the dawn rises.

It once happened that Rabban Gamliel's sons came from a banquet. They said: **We have not recited the Shema [they obviously arrived late in the evening]. He said to them: If the light of dawn has not risen, you are obligated to recite. And it is not only [to] this that the Sages said [that only until midnight]. Rather, whatever the Sages extend until midnight [any mitzvah which has this time limitation], the mitzvah extends until the light of dawn rises. [It actually may be performed until the dawn].**

The burning of the fats and limbs [sacrificial service], the mitzvah extends until the light of dawn rises, and all that may be eaten for one day [all these sacrifices may be eaten for only one day], the time of the mitzvah extends to the light of dawn [the actual time of permissibility is until dawn]. If so, why did the Sages say until midnight? In order to distance a person from sin.

End of Mishnah

The Explanation of the Mishnah:

From when may we recite [This means to read or to call out. It is usually translated as read, however, since according to Orach Chaim 49:1 there is no obligation to read the Shema from a book and one may recite it from memory, it should be understood as to call out, or say. There is another opinion which states that this word means to recite anything which has been written.] **the Shema in the evenings? From the time the Kohanim enter to eat their terumah** [Terumah is the portion of the crop from the land of Israel which must be given to the Kohen. It may only be eaten by the Kohanim who are tahor (pure). A Kohen who is tamei (impure) may not eat of it until after his immersion in a mikvah (ritual bath) on that very day, and then he awaits nightfall.

Question: Why does the Mishnah not say until nightfall? Why does it need to mention the Kohanim and their terumah? It would be a good idea to read through the two verses of the Evening Shema (siddur p. 107). The verse states: "... when you lie down," thereby telling us that the earliest time for recital is when people go to sleep, and we cannot fulfill the mitzvah before nightfall [Rashi]. Therefore those who recite the Shema at an early minyan, receive the mitzvah of "reciting Torah," but they must repeat the Shema after nightfall to fulfill the mitzvah of the "reading of the Shema."

Rabbeinu Tam says that this custom of praying with an early minyan is not accord with this Mishnah, but rather with the view of R' Yehudah in the Mishnah 26a, which says that the afternoon prayer (Mincha), may be said only up to an hour and a quarter before nightfall (plag hamincha). He therefore reasons that once plag hamincha has passed, one may say the evening prayers (Maariv / Arvit).

Most Sages agree with Rashi, and the Shulchan Oruch rules according to him.] **until the end of the first watch** [There are three watches in the night. The "first watch" is thus the first watch of the night. R' Eliezer understands the verse: "... and when you lie down," to mean the time when people go to sleep. Therefore, he rules that one fulfills with the recital of the Shema only during the first third of the night.] **the words of R' Eliezer. But the Sages say until midnight. Rabban Gamliel says until the light of the dawn rises.** [There is a machlokes (dispute). Does this mean the first rays of dawn on the horizon, or the spread of light across the sky. There are two basic opinions: 72 min. before sunrise, and 90 min. before sunrise.

Rabban Gamliel defines the verse: "... when you lie down," as being the complete time that people sleep. Therefore the entire time for reciting the evening Shema extends through the entire night [Rashi]. The Sages are accord with Rashi. However, they maintain that the Shema must be said before midnight to insure that people will not fall asleep and forget.]

It once happened that Rabban Gamliel's sons came from a banquet. They said: We have not recited the Shema [they obviously arrived late in the evening]. He said to them: If the light of dawn has not risen, you are obligated to recite. And it is not only [to] this that the Sages said [that only until midnight]. Rather, whatever the Sages extend until midnight [any mitzvah which has this time limitation], the mitzvah extends until the light of dawn rises. [It actually may be performed until the dawn].

The burning of the fats and limbs [sacrificial service], the mitzvah extends until the light of dawn [There are certain parts of an animal sacrifice which are burned on the Altar. In the case of a burnt offering (olah), the complete animal is burned. Although the offerings can only be made by day, their fats, as well as the limbs of olah offerings, may be burned during the night that follows their offering, up until the dawn of the next day. Then they become disqualified. This comes from Exodus 34:25: "it shall not be left overnight until morning."

We can assume by this indication in our Mishnah of the sacrificial offerings, that it is teaching us that we derive our time from the biblical law (d'orita) until dawn, and it is a Rabbinical law (d'rabanana) until midnight.

Rashi argues that our Mishnah is not teaching us about d'orita and d'rabanana, but rather, it is listing the law about burning sacrificial fats and limbs only to show us that any mitzvah designated for the night, d'orita, may be performed until dawn.] **rises, and all that may be eaten for one day [all these sacrifices may be eaten for only one day], the time of the mitzvah extends to the light of dawn** [There is a time limit that the Kohanim may eat the offering. Some types, chatas (sin), and asham (guilt), it may be eaten for only one day and night (the day offered and the following night), with others for two days, like with the shelamim (peace). R' Gamliel states that even though the Sages have said that the meat of one-day offerings may be eaten until midnight (in another Mishnah), it may actually, according to Torah, be eaten until dawn. As we learn in Leviticus 7:15: "he shall not leave any of it until morning."] **[the actual time of permissibility is until dawn]. If so, why did the Sages say until midnight? In order to distance a person from sin.** [The Sages were worried that if people were permitted to eat of the sacrifices up until dawn, they may come to forget the time, and come to sin. And this sin is punishable by kares (spiritual separation). This is the reason for the Rabbinical prohibition. Similarly, they applied this reasoning to the Shema as well.

A Question: Why would the Sages worry about this, but R' Gamliel does not seem to be worried about this. He holds that one should recite until before dawn. But this is not the case. According to other Sages, Rashba, Rosh and Tur (in Orach Chaim 235), R' Gamliel agrees that one should recite before midnight.

Nevertheless, if one forgot, he should complete until right before dawn.]

Review:

(a) The earliest time to recite the night Shema is from the time the Kohanim (who were previously Tamei) come in to eat their Terumah - which coincides with nightfall.

(b) According to Rebbi Eliezer, the final time to say the night Shema is at the end of the first night watch (of angels) i.e., the end of the fourth hour (i.e., one third of the night). The Chachamim (Sages) holds until midnight, and Rabban Gamliel until dawn-break.

(c) The custom to recite the Shema evolved because they would Daven (pray) Ma'ariv (evening prayer service) early (presumably because it would be difficult to get a Minyan (ten adult males) together later), and it is a Mitzvah to recite words of Torah before Tefilah (prayer), (as we shall see later - 31a), and the Shema

is appropriate for that purpose. It is however, imperative, that one repeats the Shema when night-time arrives. For that, the recital of the first chapter of Ker'as Shema (reciting the Shema) will suffice.

(d) It is out of concern that a person will fall asleep and miss the Mitzvah altogether that the Sages decreed that all Mitzvos whose duration lasts through the night, should be performed before midnight.