
Latest Time for Shema in the Evening

ברכות דף ח' - דף ט'. ושלחן ערוך סימן רל"ה סעיפים ג' וד' וסימן נ"ח סעיפים ג' - ה' [עפ"י פסקי מ"ב]

רמב"ם הלכות קריאת שמע פרק א הלכה י והלכה יא

אי זהו זמן קריאת שמע בלילה מצותה משעת יציאת הכוכבים עד חצי הלילה, ואם עבר ואיחר וקרא עד שלא עלה עמוד השחר יצא ידי חובתו שלא אמרו עד חצות אלא כדי להרחיק אדם מן הפשיעה. הקורא קריאת שמע של ערבית אחר שיעלה עמוד השחר קודם הנץ החמה לא יצא ידי חובתו אלא אם כן היה אנוס כגון שכור או חולה וכיוצא בהן, ואנוס שקרא בעת זה אינו אומר השכיבנו.

What is the latest time for קריאת שמע in the evening?

As discussed elsewhere [see 'Prohibited Activities Before Shema'], one should endeavour to read שמע at the first opportunity after night, due to the principal of 'זריזין מקדימין למצות'. However, if one only reads later, as long as he does so before midnight and was not engaged in forbidden activities, has done no איסור. If midnight comes and he has still not done קריאת שמע, he is now labelled as one who has gone against the words of חז"ל, but nonetheless, unlike the opinion of the רבינו יונה, even if he was negligent, he can still fulfil his obligation until day-break. After that, though he has lost the opportunity to be מקיים the מצוה, he is perfectly entitled to read the שמע, as one would learn חומש.

Is there any instance in which one can knowingly push off the מצוה until after midnight?

The above פסק is in line with the רמב"ם, the סמ"ג and a majority of other ראשונים. However, the רשב"א and the רא"ש both hold that we pasken like רבן גמליאל, allowing anyone to purposely push off the מצוה until after midnight. The שאגת ארי actually sides with the latter opinion. In extenuating circumstances, such as someone who is teaching תורה, the ביאור הלכה entertains the possibility that one may rely upon this lenient opinion.

What if it was not his fault?

In this case, he is not called a sinner, and moreover, he is granted an extension of time in which to fulfil the מצוה; until sunrise, since there are still a minority who have not yet risen from their beds.

Someone who became intoxicated, would he be called negligent or אנוס?

The *שו"ע* rules that, unless he began to drink before nightfall, prior to the onset of the time in which he can read the שמע, becoming inebriated is no excuse. Everyone knows what alcohol can do to a person. However, the *משנה ברורה* sides with the lenient opinion that as long as he didn't leave his drinking until close to day-break, he could always claim that he thought the effects of the alcohol would wear off and would thus be termed an 'אנוסי' and can rely on the extra time.

In this case, if need be, could he read שמע again for the מצוה of the day?

חז"ל say that if absolutely necessary, one may read שמע of the day from עלות השחר. However, in this case, since he has already made the period between day-break and sunrise into night for himself, he must now wait for הניץ [sunrise] in order to read שמע for the day. However, there are those who are lenient on this matter.

Turning to the above הלכה of the daytime קריאת שמע, what is called 'absolutely necessary'?

Someone who is setting out on a journey that will last until after the end of the time for שמע, and come what may, he will not be able to concentrate for even the first פסוק of שמע [or according to others, up until 'על לבבד', may read שמע before he sets out. He should lay תפילין *without* a ברכה [unless it has already reached the earliest time for תפילין], read שמע and daven עשרה שמונה. As for the ברכה of שמע in יוצר אור, some say that he must wait for the time of תפילין. He should keep his תפילין on until it reaches the earliest time for תפילין, move them about and make a ברכה on them.

The *מגן אברהם* mentions another few situations which are classified as absolutely necessary. For example, if he has to attend to a very early funeral or ברית מילה. So too, on הושענא רבא, for one who cannot daven later, he may daven immediately following עמוד השחר. However, with regard to תפילין, since the person is planning to take them straight off, following his davening [as opposed to the above mentioned traveller, who can keep them on], the ביאור הלכה questions the idea of putting them on, even without a ברכה, since it is still considered 'night' with regard to תפילין. Better, he says, that one should daven up until ברכו without תפילין, and when it hits the earliest time for תפילין, put them on with a ברכה and continue on from there.

Can one do this on a regular basis?

No. Once done on a regular basis, he would have read שמע again. However, in extenuating circumstances, when one has absolutely no other choice, then even on a regular basis, it would be effective and he need not read שמע again.

One who was not אנוס and read the שמע straight after day-break, must he read again?

No.