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{ TOPIC }

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Select Halachos Relevant To The Workplace Part 2

When working one is usually faced with many questions surrounding *mincha* and *maariv*. Below we will discuss these questions.

Mincha

One should be very careful with *davening mincha*. *Rabbi Chalbo*¹ notes that *Eliyahu* was answered when *davening* this *tefillah*.² What is so unique about *mincha*? *Shacharis* is recited first thing in the morning, before one gets involved with his daily business. So too, *maariv* is recited at night, after the bustle of the day has ended. *Mincha*, however, is in the middle of the day, when one is middle of his work. It requires much more effort to make time to *daven mincha*. If one does so his reward is great.³ One should not be lazy, and be sure to *daven mincha* (and *maariv*) with a *minyana*.⁴

Lunch Before *Mincha*⁵

Businessmen routinely eat lunch and then *daven mincha*

1. Meseches Berachos 6b.

2. Melachim 1:18:36. Refer to Aruch Hashulchan 232:1 who says he was answered at *mincha* because it is comparable to *neilah* on Yom Kippur.

3. Tur 232, Levush 232:1, Ben Ish Chai Vayekhel 1:1, Kitzur Shulchan Aruch 69:1, Lekutei Maharich 1:page 276 (new).

4. Mishnah Berurah 90:52.

5. We are not referring to any other *tefillah* than *mincha* during the week. However, the *halachos* quoted here apply to doing them before *maariv* as well (see later regarding eating before *davening maariv*). In addition, this applies to working before *mincha* as well as other activities. (Refer to Magen Avraham 232:6, Shiurei Beracha 2, Mishnah Berurah 9, see Biur Halacha "lebursiki").

in the office or a different *minyán* nearby. The question arises if one is allowed to eat (or do any other work) before he *davens mincha*.

The *Mishnah*⁶ lists many actions that are prohibited when the time for *mincha* nears.⁷ One of those items is starting a meal. The reason is we are concerned that one may continue his meal and forget to *daven mincha*.⁸ The *Mishnah* does not clarify whether this applies to a small meal or a large meal, nor does it explain whether it means *mincha gedolah* (six and a half hours in to the day)⁹ or *mincha ketana* (nine and a half hours into the day).¹⁰

The *Gemora* offers two different explanations for the *Mishna*, and the *poskim* have a big dispute regarding the *halacha*.¹¹ For those who follow the *Rama*,¹² the custom is that one is allowed to eat a small meal (one that he eats everyday)¹³ before he *davens mincha*, (even after the time for *mincha ketana* has arrived),¹⁴ and one is allowed to eat a

6. Meseches Shabbos 9b. Refer to Shulchan Aruch 232:2.

7. This is half an hour before *mincha gedolah* and *mincha ketana* (Magen Avraham 4, Elya Rabbah 1, Birchei Yosef 5, Kitzur Shulchan Aruch 69:3, Mishnah Berurah 232:7, Kaf Hachaim 16). In regard to *mincha gedolah* this time means *chatzos* (Kitzur Shulchan Aruch 69:3, Mishnah Berurah 7). Refer to Aruch Hashulchan 232:1. why this is said at *mincha* as opposed to *shacharis*.

8. Meseches Shabbos 9b, Magen Avraham 8, 11, Chai Adom 332, Mishnah Berurah 11.

9. Rashi Meseches Shabbos 9b “*mincha gedolah*.”

10. Ibid “*mincha ketana*.” Refer to Mishnah Berurah 232:5.

11. Refer to Shulchan Aruch and Rama 232:2, Mishnah Berurah 5, Aruch Hashulchan 8-14, Minchas Aron 5741:pages 312-317.

12. 232:2, Mishnah Berurah 232:27. According to the Sefardim one would not be able to start even a small meal once it is close to *mincha gedolah* (Shulchan Aruch 232:2). However, the Kaf Hachaim (34) says the custom is to permit even a small meal before *mincha ketana* and if one follows the *Shulchan Aruch* then *beracha* will be on him. Refer to Minchas Aron 5741 pages 312-317. Some say it is preferable to *daven mincha gedolah* before eating even a small meal to go in accordance with the *poskim* who hold that one may not start a small meal before *mincha gedolah*. Therefore, many *Yeshivas* and *Kollels* *daven mincha gedolah* before serving lunch (Refer to Minchas Aron 5741:pages 312-317).

13. Magen Avraham 11, Mishnah Berurah 11.

14. Mishnah Berurah 26.

כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הנא... (גדה עב)

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large meal (wedding, *bris milah*¹⁵ or *pidyon haben*)¹⁶ close to *mincha gedolah*.¹⁷ One of the reasons is that we can rely on the *shamash* who will summon us to *daven* close to the time of *mincha*¹⁸ (This only works for eating a small meal before *mincha ketana*).¹⁹ However, one should be stringent and not start a large meal before *mincha gedolah*.²⁰ The *Aruch Hashulchan*²¹ notes that most places do not have a *shamash* today. If so, how can we be lenient and start a small meal near *mincha ketana* and a large meal near *mincha gedolah*?²² Below are some explanations.

The *Aruch Hashulchan*²³ quotes some opinions that one can *daven mincha* until the night, so “near *mincha*” means near nightfall. Therefore, one can eat lunch and even dinner before *mincha* if it is before night.

The opinion of some *poskim* is that if one is accustomed to *daven* with a *minyán*, then it is permitted to start a small

15. Rama ibid, Elya Rabbah 4, Chai Adom 33:2, Mishnah Berurah 11.

16. Elya Rabbah 4, Chai Adom 33:2, Mishnah Berurah 24. So too an engagement (Kaf Hachaim 26). A meal where there are a lot of people is considered a big meal (Kaf Hachaim 26). *Shabbos* and *Yom Tov* meals are not considered large meals if eaten in ones home (Bais Yosef, Magen Avraham 16, Mishnah Berurah 24). Refer to Shar Hatzion 21 who asks on those who hold (Chai Adom 33:2) otherwise regarding *seudas Yom Tov*.

17. Mishnah Berurah 27, Aruch Hashulchan 14-15. Refer to Shar Hatzion 29. The reason why *mincha gedolah* is called *gedolah* is because there is a lot of time left in the day (Taamei Haminhagim 234).

18. Refer to Magen Avraham 232:15, Igros Moshe O.C. 4:99:1.

19. Chai Adom 33:2, Mishnah Berurah 29. The reason is because it is common to serve drinks which one can get drunk on at large meals (Magen Avraham 15, Malbushei Yom Tov 3, Elya Rabbah 5, Chai Adom 33:2, Mishnah Berurah 30). However, if one does not drink those drinks this would be permitted. (However, see Nekius V'kovod B'tefillah page 85:footnote 62 who argues).

20. Rama 232:2, Levush 2, Chai Adom 33:2, Kitzur Shulchan Aruch 69:22, Mishnah Berurah 30. Refer to Shar Hatzion 22. Some communities have weddings close to *mincha ketana* since no bread, wine was eaten they just tasted some food (Ben Ish Chai Vayekhel 1:13).

21. 232:15-16.

22. Refer to Aruch Hashulchan 15.

23. 232:15. See Oz Nedberu 9:45, Betzel Hachuchma 3:4.

איזן על להקדיף ה בעולמו אלא די אמות של הלכה בלבד... (ברכות ח')

כל השנה הלכות בכל יום מובטח להשתדל לא עולם הפא... (מדנה עב)

meal before *mincha ketana* and a large meal close to *mincha gedolah* even if there is no *shamash*. However, this does not apply when *davening* alone.²⁴

If one is accustomed to *daven* at a set time then we are not concerned that he will forget to *daven*.²⁵

Another option for eating a small meal near *mincha ketana*²⁶ is to have a *shomer* (someone to remind you) to make sure you *daven* with a *minyán*.²⁷ Some say that one's wife who is eating with him helps for this purpose as well,²⁸ while others disagree.²⁹ One should follow the latter opinion.³⁰ Making a sign on your garments (tying a knot) as a reminder is not sufficient.³¹

Meals are served in *Yeshiva* at a set time, and are not available at any other time. Some say that this is also considered as a *shomer*.³² Therefore, in an office where *mincha* is *davened* at 1:45 and everyone takes a lunch break from 12:30-1:30 we are not concerned that one will prolong his meal and forget to *daven mincha*.

The *Ketzos Hashulchan*³³ says working people are lenient and eat a small meal even close to *mincha ketana* because when one is paid to work they have to return to their job after they have eaten and the meal would not extend past

24. Magen Avraham 8, Machtzis Hashekel 232:8, Mishnah Berurah 28, Aruch Hashulchan 16.

25. Kaf Hachaim 34, Igros Moshe O.C. 4:99.

26. This does not help for a large meal near *mincha gedolah* and for sure not near *mincha ketana* (Ohr L'tzyion 2:15:1:footnote 1).

27. Mishnah Berurah 325:18. One's wife can be a *shomer*. However, a child under *bar* or *bas mitzvah*, and a non-Jew do not work for this purpose (Aruch Hashulchan 275:10).

28. Ohr L'tzyion 2:15:1:footnote 1.

29. Halichos Shlomo Tefillah 2:14:footnote 22. Refer to Mishnah Berurah 18, Shar Hatzzyion 22.

30. Ben Ish Chai Vayekhel 1:13.

31. Halichos Shlomo Tefillah 2:12.

32. Ohr L'tzyion 2:15:1:footnote 1.

33. 26:footnote 15.

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the *zeman*. In this situation we are not concerned that they will come to forget about *davening*. This is comparable to the summoning of a *shamash*. The same is true if one is going out to eat. The owner will not let you stay for an extended period of time since other people want to come to the restaurant as well. Therefore, those who wish to eat lunch or go out to eat once the time of *mincha ketana* arrives are permitted to do so.

In addition some *poskim* say that one can set an alarm clock if he will not press the snooze button.³⁴ (This would not help for taking a nap, because one tends to turn off the alarm clock).³⁵

One who improperly started eating a meal before *mincha* does not have to stop.³⁶ This only applies if there is still time in the day to *daven*, but if there is not enough time then one has to stop and *daven*³⁷ (This only applies to a small meal).³⁸ One may start a small meal even once the time for *mincha ketana* arrives since a *shamash* will remind him to *daven*.³⁹ If one started a large meal near *mincha ketana* one has to stop.⁴⁰ Therefore, if one is attending a wedding and

34. Shevus Yitzchok (on Shiah and Chazarah) pages 287-288, Halichos Shlomo Tefillah 2:12:footnote 20, Ohr Letzyion 2:15:1:footnote 1.

35. Refer to Mishnah Berurah 29 who says when the *shamash* calls to *daven* one has to stop or else what does it help. See Kitzur Shulchan Aruch 69:3.

36. Mishnah *ibid*, Rambam Hilchos Tefillah 6:5. One who does not have to stop and stops is called a "hedyit." (Biyur Halacha 232 v'im). Refer to Matei Ephraim 596:4 Elef Lemeteh 1 regarding eating on Rosh Hashanah close to *mincha ketana*. The reason is because *seudas* Rosh Hashanah is not called a large meal and even without calling of a *shamash* it is permitted since there is holiness to the day one will not forget about *davening* and stretch out the meal.

37. Shulchan Aruch 232:2, Rama. See Biur Halacha "v'afilu."

38. Refer to Mishnah Berurah 33.

39. Mishnah Berurah 33.

40. Magen Avraham 9, Mishnah Berurah 33.

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the time of *mincha ketana* arrives, he should *daven mincha* before eating.⁴¹

Eating Before *Mincha* Without Washing

The entire discussion involves eating bread⁴² as part of a set meal. However, it is permitted to eat a lot of fruit⁴³ or a *beiza* worth of bread.⁴⁴ Non-alcoholic beverages are permitted.⁴⁵ *Mezonos* foods made from the five grains that are eaten as a snack are also permitted.⁴⁶ Others say that since people routinely eat these foods as a meal, one should treat them like bread,⁴⁷ but the custom is not like this opinion.

Traveling

The *Mishnah Berurah*⁴⁸ maintains that just like travel is forbidden before *shacharis* (see above), one may also not travel before *mincha* or *maariv* once the time has arrived to *daven*. Many are not convinced with this.⁴⁹ Some *poskim* say that this refers to a journey of an hour and fifteen minutes.⁵⁰

Mincha Gedolah or *Mincha Ketana*

During the summer months, one has the option to *daven*

41. Kaf Hachaim 30.

42. Refer to Aruch Hashulchan 18.

43. Birchei Yosef 11, Mishnah Berurah 34, Aruch Hashulchan 18. Refer to Elya Rabbah 7.

44. Shulchan Aruch 232:3, Levush 3, Elya Rabbah 7.

45. Mishnah Berurah 35, Aruch Hashulchan 18. Refer to Machtzis Hashekel 17.

46. Mishnah Berurah 34, Aruch Hashulchan 18.

47. Piskei Teshuvos 232:5. Refer to Kitzur Shulchan Aruch 69:3.

48. 89:3.

49. Shulchan Aruch Harav 89:4, Ohr L'tzyion 2:7:6, Shevet Ha'Levi 8:18, Nekius V'kovod B'tefillah page 87:footnote 73 quoting the opinion of Horav Elyashiv zt"l, Ohr Yisroel 30:pages 138-139. Refer to Nekius V'kovod B'tefillah page 87:footnote 73 who quotes the opinion of Harav Chaim Kaninevesky Shlita that going on the way help if one has a *shomer*.

50. Ohr L'tzyion 2:7:6.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב.)



mincha early (*mincha gedolah*) at work, or later in the day after he comes home (*mincha ketana*). Which choice is more preferable? As we learned in the previous section, it requires a leniency to eat a meal before *mincha*. Maybe it is better to *daven mincha gedolah* before eating a meal? This will be discussed below.

The *anshei knesses hagedolah* established that the time for *mincha*⁵¹ corresponds to the time when the afternoon *tamid* was brought.⁵² The usual time of the *korban* was nine and a half hours into the day (*mincha ketana*),⁵³ which provided enough time to bring private *korbanos* before bringing the *tamid* (the *korban tamid* is the final *korban* of the day, with the exception of *korban Pesach*).⁵⁴ The earliest time for *shechting* it is any time after *chatzos*, but we wait an additional half hour. Therefore, when *Erev Pesach* fell out on *Erev Shabbos*, (and we need the maximum time available, since the *korban Pesach* has to be roasted before nightfall), the *korban tamid* was sacrificed at the beginning of the *zeman* (six and half hours in to the day).⁵⁵ This means that one can *daven mincha* from *chatzos*;⁵⁶ however, since we are not experts in these calculations, we add a half hour to the starting time of *mincha*.⁵⁷

51. Rashi Meseches Berachos 26b "keneged."

52. Meseches Berachos 26b, Rashi "mincha ketana," Rambam Hilchos Tefilla 2:3, Levush 232:1, Ben Ish Chai Vayekhel 1:3, Chai Adom 33:1, Mishnah Berurah 1, Aruch Hashulchan 13.

53. Levush 232:1, Chai Adom 33:1.

54. Magen Avraham 2, Mishnah Berurah 1.

55. Rambam Hilchos Tefillah 2:3, Levush 233:1, Magen Avraham 2, Mishnah Berurah 1.

56. Magen Avraham 89:5, Shulchan Aruch Harav 2. Regarding if the half an hour added to *chatzos* is thirty minutes or according to *sha zemanios* refer to Mishnah Berurah 233:4, Shar Hatzion 8, Yisroel V'hazemanim 1:page 184, Halichos Shlomo Tefillah 13:1, Orchos Rabbeinu 1:page 96:126, Ohr Letzion 2:15:2, Shulchan Hatohar 233:1 (it is always 12:30pm). Regarding if one is *yotzei* if he *davens* at *chatzos* see Magen Avraham 233:1, Birchei Yosef 3, Mishnah Berurah 2, Kaf Hachaim 2.

57. Magen Avraham 233:1, Shulchan Aruch Harav 89:2. Refer to Yisroel V'hazemanim 1:page 183:footnote 91 if today should be different since we know when *chatzos* is because we have

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Therefore, the main time to *daven mincha* is from nine and a half hours into the day.⁵⁸ We do not apply the concept of *zirizim makdimin lemitzvos* in this regard, which would require us to *daven mincha* from six and a half hours into the day.⁵⁹ One who *davened mincha* after six and half hours was *yotzei*.⁶⁰ Therefore, one who wishes to eat⁶¹ or travel⁶² should *daven mincha gedolah*.⁶³ The same is true if one needs to do work.⁶⁴

The *Aruch Hashulchan*⁶⁵ says *davening mincha ketana* is preferable if one *davens mincha* before *plag hamincha*. However, if one plans on *davening mincha* close to *shekia* then there is no concern and one may *daven mincha gedolah* as well.

Latest Time For *Mincha*

In many cases *mincha* and *marriv* are *davened* one after the other (common in the winter months, when it gets dark during working hours). In addition many times one does not have time to *daven mincha* at work and wishes to *daven*

watches etc. See Rashi Meseches Taanis 26b "keivan," Rif 320, Rosh klal 4:9, Ritvah Meseches Yoma 28b, Ginas Veradim O.C. 1:34, Gra 233, Divrei Torah 1:104, Shar Hatzion 233:3, Aruch Hashulchan 12, Shulchan Hatohar 233:1.

58. Rambam Hilchos Tefillah 2:3, Radvaz 2:676, 3:580, Orchos Chaim Hilchos Mincha 1, Mieri Meseches Yoma 28b, Shibuley Haleket 46, Bais Yosef 233, Shulchan Aruch 233:1, Magen Avraham 2, 286:3, Pnei Yeshoshua Meseches Shabbos 9b, Pesach Hadvir 2:233:1, Chai Adom 33:1, Shabbos 1:11, Kaf Hachaim Palagi 19:23, Mishnah Berurah 233:1. Refer to Divrei Yatziv O.C. 98.

59. Levush 232:1.

60. Bais Yosef 233, Rambam Hilchos Tefillah 2:3, Levush 233:1, Birchei Yosef 233:4, Kaf Hachaim 233:1, Ohr Letzion 2:15:2, Orchos Rabbeinu 1:page 96:123 (because the Steipler zt"l did not eat before *mincha gedolah* so he *davened* first).

61. Magen Avraham 233:2, Mishnah Berurah 1.

62. Kitzur Shulchan Aruch 69:2, Mishnah Berurah 1.

63. Aruch Hashulchan 12, Yechaveh Daas 4:19, Halichos Olom 1:pages 254-255, Ohr L'tzion 2:15:2.

64. Ben Ish Chai Vayekhel 1:3, Chesed Lalafim 233:1, Chai Adom 33:1. See Yisroel V'hazemanim 1:pages 185-186.

65. 232:13.

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mincha and *maariv* when he gets home. Is this proper? In order to answer this we will begin to discuss the latest time one can *daven mincha*, which will lead us to the earliest time one can *daven maariv*.

The *Mishnah*⁶⁶ brings a dispute between *Rabbi Yehuda* and the *Chachamim* regarding the latest time for *mincha*.⁶⁷ *Rabbi Yehuda* says one can *daven* only until *plag hamincha*,⁶⁸ while the *Chachamim* maintain that one can *daven* until “night.” This dispute is brought in *Shulchan Aruch*.⁶⁹ The word “night” is very vague, as it can mean *shekia* (sunset) or *tzeis hakochavim*.⁷⁰ The *Rambam*⁷¹ says that one can *daven mincha* until *shekia*. The custom of the *Arizal* was to *daven mincha* at *shekia*.⁷² The opinion of many *poskim* is that one should *daven* close to *sheika*.⁷³ However, most *poskim* maintain that “night” means *tzeis hakochavim*, which would mean that one does not have to *daven mincha* before *shekia*.⁷⁴ Although many *chassidim* *daven mincha* after *shekia*, they are not relying on this opinion. Rather, they rely on the opinion that *shekia* does not start until much later than sunset.⁷⁵

Those who follow the ruling of the *Mishnah Berurah* and do not follow the custom of the *chassidim* should be very

66. Meseches Berachos 26a.

67. Refer to Aruch Hashulchan 233:6.

68. Some say this is an hour and fifteen minutes before *shekia* (Refer to Yisroel Vehazemanim 1:12). However, many say this is an hour and fifteen minutes before *tzeis* (ibid:1:12:1).

69. 233:1. Refer to Tur 233.

70. Rashi Meseches Berachos ibid “ad,” says night. For a list of *poskim* on this topic refer to Yisroel V’hazemanim 1:pages 189-192 in great depth.

71. Hilchos Tefillah 3:4. Refer to Hago’es Mamonies Hilchos Tefillah 3:2.

72. Ben Ish Chai Vayekhel 1:2.

73. Mishnah Berurah 8, 14.

74. For all the opinions on this refer to Yechaveh Daas 5:22.

75. On this topic refer to Yisroel V’hazemanim 1:pages 203-204 in great depth.

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careful to *daven mincha* before *shekia*.⁷⁶ Although some *poskim* allow *mincha* until twenty minutes after sunset, one should not *daven mincha* more than nine minutes after *shekia*.⁷⁷

Sometimes, one is faced with the option of *davening mincha* after *shekia* with a *minyán* or by himself before *shekia*. What is the preferred method? The *Mishnah Berurah*⁷⁸ says that it is better to *daven* by himself. Most *poskim* do not agree with this.⁷⁹

Davening Mincha and Then Maariv

Based on the dispute between *Rabbi Yehuda* and the *Chachamim*, one can either *daven mincha* until *plag hamincha*, and then *maariv*, or *daven mincha* until *shekia*, and then *maariv*.⁸⁰ One should not *daven* both *mincha* and *maariv* after *plag hamincha* since this is a contraction.⁸¹ However, it is permitted in case of need.⁸² One example is if it difficult to assemble a *minyán* at a later time.⁸³

Most *shuls* *daven mincha* before *shekia* and *maariv* after *shekia*. If one is too tired to return for a later *maariv*, he may stay for *maariv*.⁸⁴ This is especially true since according to many opinions, this is the proper time to *daven maariv*.

76. Mishnah Berurah 14, Aruch Hashulchan 9.

77. Opinion of Harav Moshe Feinstein zt"l as related by Harav Yisroel Belsky Shlita. Refer to Igras Moshe O.C. 1:24.

78. 233:14.

79. Yisroel V'hazemanim 1:pages 207-208 (he also quotes the opinion of the Be'er Moshe who questions the ruling of the Mishnah Berurah), Yechaveh Daas 5:22.

80. Mishnah Berurah 233:5.

81. Shulchan Aruch 233:1, Mishnah Berurah 6, Aruch Hashulchan 2.

82. Shulchan Aruch 233:1.

83. Mishnah Berurah 11,13.

84. Harav Yisroel Belsky Shlita.

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Eating Before *Maariv*

During the winter, the time for *maariv* arrives while many people are still in the office. The question arises whether one may eat or drink before he *davens maariv*.

The rules are generally the same as we discussed concerning *mincha*, with the following addition. One who started a meal⁸⁵ within a half hour of *tzeis hachochavim*⁸⁶ has to stop to read *krias shema* without *birchos krias shema*. When he finishes his meal he should *daven* and say *krias shema* with the *berachos*.⁸⁷ One is allowed to continue if he started before a half hour prior to *tzeis hachochavim*, providing there is enough time to *daven maariv* before the final time (daybreak).⁸⁸

The rules of a *shomer* are the same as for *mincha*.

Traveling and Sleeping Before *Davening Maariv*

It is very common to travel home from work before *davening maariv*. Is this permitted? In addition, is it permitted to sleep on the bus or train while commuting?

The *Mishnah Berurah*⁸⁹ maintains that just as one may not travel before *shacharis* (see above) one may not do so before *mincha* or *maariv* either, but many argue with this.⁹⁰

Sleeping is not permitted before one *davens maariv*.⁹¹

85. Refer to Biur Halacha 'v'im."

86. Mishnah Berurah 21, Aruch Hashulchan 12, see Shar Hatzion 27 in depth. If *maariv* was *davened at plag hamincha* one does not have to refrain from eating beforehand (Shar Hatzion 23). Refer to Kaf Hachaim 13.

87. Shulchan Aruch 235:2.

88. Aruch Hashulchan 12. Refer to Kaf Hachaim 16.

89. 89:3.

90. Shulchan Aruch Harav 89:4, Ohr L'tzyion 2:7:6, Shevet Ha'Levi 8:18, Nekius V'kovod B'tefillah page 87:footnote 73 quoting the opinion of Harav Elyashiv zt"l, Ohr Yisroel 30:pages 138-139. Refer to Nekius V'kovod B'tefillah page 87:footnote 73 who quotes the opinion of Harav Chaim Kanievesky Shlita that going on the way helps if one has a *shomer*.

91. Taz 3, Mishnah Berurah 235:17, Aruch Hashulchan 14.

איך ללמוד להלכה של המאמר הזה? (ברכות ח)

One who wishes to fall asleep on the way home should follow the guidelines above regarding *shomer*.⁹² A cab driver is considered a *shomer*.

Krias Shema at Tzeis Hachochavim

When one is at work during the winter, *tzeis hachochavim* can pass before reciting *krias shema* with the *berachos*.

The earliest time for *krias shema* with the *berachos* is at *tzeis hachochavim*.⁹³ Based on the concept of *zirizim makdimin lemitzvos*,⁹⁴ it is preferable to *daven maariv* as close to *tzeis hachochavim* as possible.⁹⁵ The *Aruch Hashulchan*⁹⁶ says that the custom in any event is to be lenient with this.⁹⁷

Even according to the stringent opinion, one who has a specific need and cannot *daven* right away may say *krias shema* later on.⁹⁸ Therefore, one who is working and cannot stop and recite *krias shema* / *daven maariv* may do so at a later time.

92. Nekius V'kovod B'tefillah pages 211-212.

93. Shulchan Aruch 235:1, Levush 3, Taz 1, Magen Avraham 1, Sharei Teshuva 1, Mishnah Berurah 1, Aruch Hashulchan 9.

94. Levush 3, Mishnah Berurah 26.

95. Shulchan Aruch 235:3, Ketzos Hashulchan 27:3. Refer to Kaf Hachaim 23. One does not have to say *krias shema* with the *berachos* at *tzeis ha'kochavim* and then *daven maariv* at a later time and repeat *krias shema* (Piskei Teshuvos 235:footnote 64).

96. 235:18.

97. Refer to Nemukey Orach Chaim 235.

98. Sharei Teshuva 7, Biur Halacha "vezmano."



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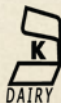
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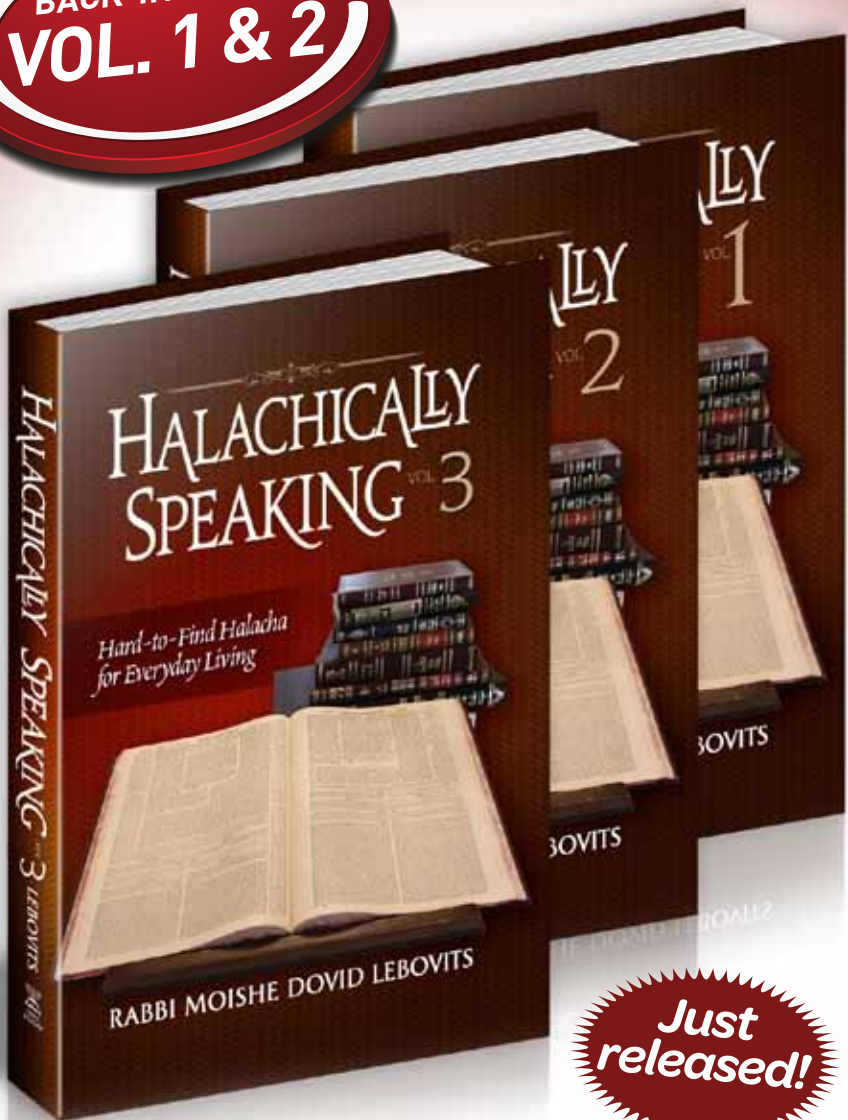
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