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Parshas Acharei Mos

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MAKING EARLY SHABBOS

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As the time for the start of Shabbos grows late in the spring and summer, there are many communities and shuls which begin Shabbos early in what has been termed the “Early Shabbos *Minyan*.” For many, it can indeed be difficult to wait until the actual time of nightfall to begin Shabbos and the attendant very late start of the Friday night *se’udah* (meal), and the Early Shabbos *Minyan* is a viable solution. What is the background of this practice? Besides practicality, what are the advantages to davening in such a *minyan*? Finally, are there any halachos that should be adhered to if someone is participating in such a *minyan*?

The Shulchan Aruch (Orach Chaim 267:2) rules that Friday night *maariv* should be recited earlier than during the week. This is based on the Gemara (Pesachim 105b) which dictates that Shabbos should be brought in as early as possible, in order to show that it is beloved to us and that we are eager to herald its coming (Rashbam *ibid.* s.v. *iyulay yuma*; Tur Orach Chaim 267:2). Similarly, the Magen Avraham (*ibid.*:1) explains that Rav, who would daven *maariv* on Friday before nightfall (Brachos 27a), was justified in doing so since he was fulfilling the mitzvah of *tosafos Shabbos*, adding onto Shabbos (by accepting Shabbos before sundown). This is a positive commandment, as recorded in the Gemara (Yuma 81b) and codified in the Shulchan Aruch (Orach Chaim 261:2; see Mishna Berura *ibid.*:19 and Biur Halacha *ibid.* s.v. *yesh omrim*). Additionally, the Aruch Hashulchan (Orach Chaim 267:4) strongly endorses davening early on *Erev Shabbos*, as this is a deterrent against inadvertent desecration of Shabbos; many people abstain from doing *melacha* (forbidden labor) based on Shabbos davening times, and the earlier the Friday night davening begins, the less likely it is that someone will inadvertently perform *melacha* past sundown on Friday.

It thus emerges that the concept of davening at an Early Shabbos *Minyan* is recorded in the Shulchan Aruch, and in fact dates all the way back to the time of Rav. It shows an eagerness to bring in Shabbos, is a fulfillment of the mitzvah of *tosafos Shabbos*, and serves as a precaution against the desecration of Shabbos. At the same time, however, there are various issues that arise with the practice of the Early Shabbos *Minyan*. Four issues will be explored: 1) Davening *maariv* before nightfall. 2) Reciting *kri’as Shema* before nightfall. 3) Eating the Shabbos meal before nightfall. 4) Eating the Shabbos meal before

reciting *kri’as Shema* at the proper time, which is after nightfall.

1) An earlier article discussed the common practice to daven *mincha* and *maariv* together, which may entail davening *maariv* before nightfall. To summarize, this custom is based upon a dispute in Brachos (26a). According to the Chachamim (Sages), one may daven *mincha* until sundown, and *maariv* after nightfall. As such, *maariv* may not be recited before then. Rabbi Yehuda is of the opinion that *mincha* may be recited until *plag hamincha* (colloquially known as “*plag*”), one and a quarter halachic hours before night, and *maariv* may be recited after *plag*. As such, *maariv* may be recited any time after *plag hamincha*. The Gemara concludes that since the final ruling does not clearly follow either view, one may rely on either opinion. Even though one may follow either opinion, it is halachically problematic to switch back and forth from one day to the next. That would be *tarti disasri*, relying on two contradictory opinions.

The Magen Avraham (Orach Chaim 267:1) states that Rav, in the aforementioned Gemara, allowed one to switch to the opinion of Rabbi Yehuda on *Erev Shabbos*, even if one generally followed the opinion of the Chachamim during the week. This is allowed because, as discussed earlier, bringing Shabbos in early is a fulfillment of the mitzvah of *tosafos Shabbos*. Thus, even though one generally follows the opinion of the Chachamim, one may follow Rabbi Yehuda for Friday night *maariv*. Nonetheless, the Magen Avraham, based on the opinion of the Mordechai (Moed Katan 923), says that it is still problematic to combine these two contradictory opinions together for the same day by reciting *mincha* after *plag* and *maariv* before nightfall afterwards. Therefore, the Magen Avraham concludes that one davening at an Early Shabbos *Minyan* needs to ensure that *mincha* is recited before *plag*. The Mishna Berura (*ibid.*:3) cites the opinion of the Derech Hachaim who writes that one may even follow both opinions on the same day at the Early Shabbos *Minyan*. As was explained in previous article, there is an exception allowing *tarti disasri* on one day in a situation where adhering to the proper times for *mincha* and *maariv* could cause the *minyan* to disperse and praying with a *minyan*, or *maariv* itself, to be missed. Although it is still proper to avoid such a situation, one

may follow that lenient practice in the case of the Early Shabbos *Minyan*, which involves the fulfillment of the mitzvah of *tosafos Shabbos*. The Mishna Berura (ibid.) rules that one should only be lenient in a time of need, and only when *maariv* is davened after *shkia* (sunset) during *bain hashmashos* (twilight), a time which may be day and may be night. The Mishna Berura explains that *maariv*, which is a Rabbinic obligation, can be recited during this period of doubtful night. As many Early Shabbos *Minyanim* daven *maariv* well before *shkia*, one davening in an Early Shabbos *Minyan* must be careful to daven *mincha* before *plag* to fulfill the conditions of the Mishna Berura. There are numerous shuls that do not adhere to these conditions, and there are other factors and halachic opinions that they may be relying upon; one should consult with his halachic authority if davening with such a *minyan*.

2) In the previous article it was also explained that although there may be room for leniency for davening *maariv* before nightfall, *kri'as Shema* must be recited after nightfall. Even when *maariv* is recited after *shkia*, one may not rely on *bain hashmashos*, since *kri'as Shema* is a *DiOraysa* (Scriptural) obligation (Mishna Berura ibid.). As such, and as with early *maariv* during the week, it is absolutely essential for anyone participating in an Early Shabbos *Minyan* to recite *kri'as Shema* again after nightfall. All three chapters of *Shema* should be recited (Mishna Berura 235:11).

3) Although when one fulfills *tosafos Shabbos*, Shabbos begins at that point despite the fact that it is not yet sundown, some halachic authorities are of the opinion that the obligation to eat the Shabbos meal cannot be fulfilled until nightfall (Sefer Chasidim 269; Bach, Orach Chaim 472:1, citing the Maharal). The Sefer Tosafos Shabbos (267:3) explains that the Gemara (Shabbos 117b) teaches that the obligation to eat the three Shabbos meals is deduced from the three times the word "*hayom*," "today," appears in the verse discussing the *manna* of Shabbos (*Shemos* 16:25). Since the obligation is predicated upon the word "today," the Shabbos meals must be eaten *bi'itzumo shel yom*, on the actual Shabbos, as opposed to the period of *tosafos Shabbos*. Other authorities say that there is no such requirement (Bais Yosef Orach Chaim 267:1; Magen Avraham ibid.:1 and Taz ibid. 291:6). The Mishna Berura (267:5) concludes that one should preferably eat a *kezayis* (olive's-volume) of bread after nightfall.

4) Finally, we have seen that one davening in an Early Shabbos *Minyan* has not yet fulfilled the *kri'as Shema* obligation until he recites *Shema* again after nightfall. This creates a potential

problem, because the Shulchan Aruch (ibid. 235:2) rules that one may not begin a bread meal starting a half hour before the time of the obligation to recite *kri'as Shema* begins. Chazal were concerned that one may get involved in his meal and subsequently forget to recite *Shema* (Brachos 4b). If one began the meal before this time, he needn't interrupt it (Mishna Berura ibid.:21). In the event that one did not begin the meal before that time, beginning the meal thereafter would be problematic. The Mishna Berura (267:6) concludes that one who has not yet begun his meal before that time should initially be stringent and wait until nightfall, recite *Shema* again, and only then begin his meal. The half hour period discussed here refers to a half hour before *tzais hakochavim* (halachic nightfall) (Mishna Berura 235:21), for which there are varying opinions. Between Pesach and Shavuos, the above issue would occur due to the mitzvah of *sefiras ha'omer* (counting the Omer), as well (Rema, Orach Chaim 489:4, Mishna Berura ibid.:23). It seems, in fact, that *sefiras ha'omer* presents a larger issue, as there is more room to be lenient with *kri'as Shema*: Firstly, there is a minority opinion which holds that one fulfills his *kri'as Shema* obligation during an early *maariv*. We do not rely on this opinion initially, but it can be a mitigating factor when it comes to the prohibition to start a meal before reciting *kri'as Shema*, which only involves a concern of forgetfulness. Secondly, people generally recite *Shema* before going to bed, which mitigates the concern of forgetting to repeat it (see Sha'ar Hatziyun 267:11). *Sefiras ha'omer* does not share either of these mitigating factors. The Mishna Berura rules that one needn't protest another who began the meal prior to reciting *kri'as Shema*, but makes no such distinction when prohibiting starting a meal before counting the Omer. Therefore, in the case of *Sefiras Haomer*, one should be extra careful to begin the meal before the half-hour period begins. Alternatively, one who wants to start the meal during the half hour period can create a reminder to recite *kri'as Shema* and count *sefiras ha'omer*. For example, one can place an item (a *siddur* or written reminder would be ideal) in a location where it will be easily seen before bedtime, such as on one's pillow (see Biur Halacha 375:1 s.v. *li'or haner* and *Ishei Yisrael* Ch. 27 fn. 58). For further details, a competent halachic authority should be consulted.

In conclusion, the custom of the Early Shabbos *Minyan* has firm basis in halacha, and provides certain halachic advantages. However, with a better awareness of the pertinent halachos, one can avoid the potential halachic pitfalls that arise with this practice.