

Reciting מעריב early on Erev Shabbat  
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**This responsum was approved by the CJLS on October 24, 2012 by a vote of eight in favor, nine opposed and three abstentions. (8-9-3). Members voting in favor: Rabbis Pamela Barmash, Elliot Dorff, Baruch Frydman-Kohl, Reuven Hammer, Josh Heller, David Hoffman, Elie Spitz, Barry Starr. Members Opposed: Rabbis Aaron Alexander, Jane Kanarek, Adam Kligfeld, Gail Labovitz, Jonathan Lubliner, Daniel Nevins, Paul Plotkin, Avram Reisner and Jay Stein. Members Abstaining: Rabbis Susan Grossman, Jeremy Kalmanofsky and Loel Weiss.**

#### QUESTION

Is it permissible to recite מעריב (the evening prayers) before פלג המנחה (one and a quarter halachic hours before sunset) on Friday night?

In communities where in the summer months sunset is after 9pm, even the customary “early” time to recite מעריב, פלג המנחה, will be after 7:30pm. This can be a burden for people who want to follow the traditional practice of reciting their prayers before eating the Sabbath meal, but who have children or others who would have a hard time waiting until after 8:30pm to eat dinner. On those occasions, is it possible to recite מעריב earlier than פלג המנחה?

#### RESPONSE

Most traditional sources are clear that in general the earliest time one can recite מעריב is פלג המנחה. Rabbi Gerald Skolnik gives an excellent summary of the halacha in his teshuvah on the latest times for מנחה (the afternoon prayers)/earliest times for מעריב which was approved by the CJLS in 1994.<sup>1</sup> There is a leniency in the Skolnik teshuvah, in that the sources say one should EITHER go with R. Yehuda and recite מנחה before פלג המנחה and מעריב after, or with the rabanan (other rabbis) and recite מנחה before שקיעה (sunset) and מעריב after, but in these times we allow the recitation of both מנחה and מעריב between פלג המנחה and שקיעה.

In northern latitudes, especially at the western end of a time zone, Shabbat may not start until quite late, after 9pm. In extreme cases, such as Anchorage, Alaska, in the summer sunset is 11:41pm, and פלג המנחה is 9:40pm. But this is an issue even in less extreme locations. The author of this teshuvah chose to write it because he took a position with a congregation in Toledo, Ohio, which held Friday night services during the summer at 6pm, a time much earlier than פלג המנחה which in the summer can be as late as 7:40pm.

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<sup>1</sup> Gerald Skolnik. “Two Questions on the Timing of Prayer Services: How Late May One Recite Minhah and How Early May One Recite Maariv,” Responsa of CJLS 1991-2000 p. 50.

This teshuvah came about in an effort to determine whether such a practice can be permitted.

Since the concern is that people do not want to wait until 8:30pm or later to eat dinner, some may suggest eating dinner before davenning, and then after services making Kiddush and have a כזית of bread. This approach is rejected, because Shabbat dinner is a סעודת מצוה, a special festive meal. The Talmud has many examples of the great lengths rabbis would go to in order to honor the Sabbath meal, such as R. Abba who would personally visit thirteen butchers every week.<sup>2</sup> One cannot honor the Sabbath with a meal held before the Sabbath, and while Kiddush and a little bread would fulfill the letter of the law regarding a סעודת מצוה it is clearly not in the spirit of the law. Having a festive meal after Shabbat has come in, or at least after המנחה and davenning late after the meal is possible, although also not a practical solution. In places where plag is after 7:30 it would mean holding services after 9pm.

What to do when Shabbat starts late is not a new problem. Terumat Hadeshen (R. Yisrael Isserlin, 15<sup>th</sup> century Austria) brings the following question: ברוב הקהילות נוהגין, בימים ארוכים בימי הקיץ, לקרות ק"ש של ערבית, ולהתפלל תפלת ערבית, ג' או ד' שעות לפני צאת הכוכבים. אם "Most congregations have the custom of reciting the evening Shema and Amidah three or four hours before nightfall during the long days of summer. Are there any sources to rely on, or reasons to justify this custom? *For there are many rabbinic scholars who follow this custom with the masses* (emphasis added)."<sup>3</sup> And it is worth noting that R. Isserlin lived in Austria, which is not an "extreme" example – during the summer in Austria פלג המנחה is generally no later than 7:30pm, even with daylight savings time. The problem today is no doubt even greater than it was in the time of R. Isserlin: we not only have daylight savings as an additional factor, modern people tend to live their lives by the clock and are less connected to astronomical phenomenon, including when the sun actually goes down, than our more agricultural ancestors.

Terumat Hadeshen says this was a common problem even in generations long before his. Since the day is divided into 12 "halachic hours," each being 1/12 of the daylight hours, in the summer a "halachic hour" can be significantly more than an hour. In cities in North America, a halachic hour can be 75 minutes or more during the summer (and only 45 minutes in the winter). Terumat Hadeshen says that even by working with the definition of "hour" in summer vs. winter, it is still not possible to justify reciting מעריב two hours early, let alone three or four hours early. This fact notwithstanding, he cites many generations, including Rav Hai Gaon (11<sup>th</sup> c. Babylonia), where the communities prayed very early, at a time when the rabbis felt it was not yet the proper time for prayer, and the rabbis did not make the people stop. Terumat Hadeshen concludes נראה דאפילו ת"ח, אם הוא בצבור, שמקדימין להתפלל ולקרוא את שמע בימים הארוכים, אם אין יכול להפרישם, אין צריך להפריש מהם, אלא מתפלל וקורא עמהם ויוצא בזה—"It seems that even a rabbinic scholar, if he is with the community, that prays and recites the Shema early in the long days of summer, if he cannot separate himself from the community, he does not need to separate from them,

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<sup>2</sup> Talmud Bavli, Shabbat 119a

<sup>3</sup> Terumat Hadeshen 1

rather he prays with them and recites the Shema with them, and he has fulfilled his obligation.”

Terumat Hadeshen does not find a basis for why it would be permissible to daven so early, other than it has been a custom for many generations. This responsum relies on minhag and Terumat Hadeshen as the justification for the ruling. As an אסמכתא (support) the following logic could be used:

In the Talmud in Brachot 27a there is a discussion between R. Yehuda and the Sages about the proper time to recite מנחה. R. Yehuda maintains the latest time is פלג המנחה, while the Sages maintain one can recite מנחה until sunset. In Arukh Hashulhan (R. Yehiel Michel Epstein, 19<sup>th</sup> c., Lithuania) this is elaborated on, and it is written “it is a clear and obvious matter that once the time for reciting מנחה has passed, the time for reciting מעריב has begun. On this matter, the Tosafot, the Rosh, and all of the poskim agree.”<sup>4</sup>

It is well known that it is desirable to add “from the profane to the holy,” to extend Shabbat—which is why it is customary to light candles well before sundown.

The Talmud relates a story about R. Joseph’s wife who used to kindle the Shabbat lights late; after being chastised by her husband, she thought to light very early. An old man said to her: It was taught: providing that one is not too early or too late.<sup>5</sup>

It is generally understood that “too early” means not before פלג המנחה. The Shulhan Arukh states that one can light candles and accept Shabbat while it is still day, ובלבד שיהא מבלג המנחה ולמעלה, “as long as it is after המנחה.”<sup>6</sup> Other sources, such as Mishnah Berurah, state the same thing even more emphatically: דאם קבל קודם פלג המנחה אין קבלתו: כלום “if he accepted [Shabbat] before פלג המנחה his acceptance is of no consequence.”<sup>7</sup>

The Shulhan Arukh discussion on adding from the profane to Shabbat is very relevant. First of all the Shulhan Arukh specifies על הקודש ודאי יום מחול על הקודש, “one must add to Shabbat from the time when it is still definitely day.”<sup>8</sup> Having been written in a time when clocks and watches were very rare, the Shulhan Arukh also specifies “one who is not an expert in judging the time should light candles while the sun is still in the top of the trees.”<sup>9</sup> When the sun is still in the top of the trees is a time when it is clearly still day; and depending on the height of the trees and the angle to treetops, quite conceivably earlier than פלג המנחה.

In his commentary on the same section of the Shulhan Arukh, the Rama (R. Moses Isserles, 16<sup>th</sup> c., Poland) brings an indicator that they were not too worried about people

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<sup>4</sup> Arukh Hashulhan Orah Hayyim 235:8; Mapa OH 261:2

<sup>5</sup> Talmud Bavli Shabbat 23b

<sup>6</sup> Shulhan Arukh OH 263:4

<sup>7</sup> Mishnah Berurah OH 261

<sup>8</sup> Shulhan Arukh, OH 261:2

<sup>9</sup> Ibid, 261:3

accepting Shabbat very early. Even though he states what is the normative practice of being allowed to light candles from פלג onward, he also has a comment which says כן מי שקבל עליו שבת שעה או ב' קודם השיכה יכול לומר לאינו יהודי להדליק הנר ושאר דברים שצריך "someone who has accepted Shabbat an hour OR TWO (emphasis added) before dark is able to tell a non-Jew to light candles and other things that are needed."<sup>10</sup> Implying that someone could indeed have accepted Shabbat two hours before dark. Two hours before dark, besides being given as an approximation, is a time that could be earlier than פלג.

The Shulhan Arukh states that the concern about lighting candles too early, i.e., before פלג המנחה, is that שאז אינו ניכר שמדליקו לכבוד שבת "then [while it is still day] it would not be recognized that the candle lighting is being done for the sake of honoring Shabbat."<sup>11</sup>

We can apply the logic that by accepting Shabbat early we are doing it for the sake of honoring Shabbat, adding to the holy from the profane. In these days, when most people do not ordinarily light candles when it is still light out—in fact most people do not ordinarily light candles at all except for Shabbat and holidays—it would be very clear that we are lighting candles (accepting Shabbat) early, even before פלג המנחה, in honor of Shabbat. Therefore it does not seem necessary to prevent people from lighting candles and accepting Shabbat before פלג, as we would not be worried that people will not recognize it as done for Shabbat.

Once Shabbat has been accepted it is no longer the proper time to recite the weekday מנחה Amidah. Following the universally accepted logic described by Arukh Hashulhan, if it is no longer time for מנחה it is permissible to daven מעריב, in this case even though it is before פלג המנחה.

#### PSAK DIN

It is clear from reviewing the teshuvah of Terumat Hadeshen that at one time the preference was given to prayer with the public over reciting the prayers at the proper time. It is also clear from looking at the later sources that at some point reciting the prayers at the proper time came to be seen as more important. We hereby affirm the wisdom of the earlier approach, that in these days when the majority of people, even our observant "elite," are not going to wait until after 9pm to eat, that we should prefer to encourage public prayer even if it means compromising on the proper time for prayer. Therefore, during the summer days it is permissible to recite מעריב early on Erev Shabbat, even before פלג המנחה.

It is clearly preferable to daven at the proper time. If possible, one compromise would be to start services early, have a d'var Torah after Kabbalat Shabbat, and start reciting מעריב right after פלג המנחה. In locations where even this practice would result in services not finishing until well after customary dinner time, we may rely on Terumat Hadeshen and recite מעריב before פלג המנחה.

Related issues:

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<sup>10</sup> Mapa, OH 261:1

<sup>11</sup> Shulhan Arukh, OH 263:4.

- Reciting the Shema. As is always the case when davenning מעריב before dark (צאת הכוכבים), the Shema should be recited again after dark.
- Counting the Omer. Generally speaking, the proper time for counting the omer is after dark (צאת הכוכבים), although some count the omer between sunset and dark (בין השמשות).<sup>12</sup> Since those following the leniency in this teshuvah of davenning מעריב before plag will undoubtedly finish the service before sundown, the proper procedure for counting the omer would be to count the previous day's count without a blessing, and instruct the worshippers to count the omer on their own at the same time they recite the Shema, after dark.
- Kiddush. Once Shabbat has been accepted with candle lighting and prayer, it is also appropriate to make Kiddush.
- Shabbat prohibitions. Once Shabbat has been accepted and the evening prayers recited, all the prohibitions of Shabbat take effect. While it is possible to do a conditional acceptance of Shabbat before sunset, R. Yosef Karo ruled that to daven מעריב one must accept Shabbat without conditions.<sup>13</sup>
- Havdalah. This responsum has no bearing on the end of Shabbat. Accepting Shabbat early does not convey an ability to end Shabbat early. Accordingly, this responsum cannot be used to allow starting a holiday early if the holiday falls immediately after Shabbat.

This leniency only applies on Erev Shabbat; it does not apply to holidays and it does not apply to weekday services. There are unique issues surrounding holidays that this paper does not address, such as whether one can start a seder before dark. The issues of timing for Shabbat dinner are obviously not applicable during the week, so on other days of the week, one should not daven מעריב before *plag* as in ordinary circumstances the time for the evening prayers should be at least close to evening, and the sources are clear that the proper time for מעריב is at the earliest פלג המנחה.

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<sup>12</sup> Tashbetz Katan 394; also see Mishna Berurah 489:16

<sup>13</sup> Beit Yosef, OH 263