SHIURIM

ON

MAKING AN EARLY SHABBOS

Insights and practical
applications of
MAKING AN EARLY SHABBOS
delivered in the Night Kollel of
Bais Medrash Ohr Chaim,
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1. EARLIEST TIME FOR HADLAKAS NEIROS

❁ The Earliest Time To Accept Shabbos

The Shulchan Aruch (O"C 263:4) states that one should not light the Shabbos candles too early, because then it is not obvious that the candles are meant for the purpose of having light on Shabbos. However if one is already accepting Shabbos at that time, it is fine, because then we do see that it is being done for Shabbos. The Shulchan Aruch also stipulates that the earliest time that one can light the Shabbos candles and be mekabel Shabbos is no earlier than plag haminchah.

❁ When Is Plag Haminchah?

As we mentioned, the ear1iest time one can be mekabel Shabbos and light the Shabbos candles is after plag haminchah. When is plag haminchah? A day is split into 12 hours, with each segment considered "an hour." These are known as sha'os z'manios, halachic hours. Plag haminchah is an hour and a quarter before the end of the day.

There is a major difference of opinion among the Rishonim and the Acharonim how to calculate the halachic day for sha'os z'manios.

The Shulchan Aruch follows the opinion of the Terumas Hadeshen, who opines that we calculate the hours based on a standard halachic day, from alos hashachar (dawn) until tzeis hakochavim (nightfall). Others – including the Levush, the Gra, and the Shulchan Aruch Harav – assert that we calculate sha'os z'manios from netz (sunrise) until shkiah (sunset), although not the beginning and end of the halachic day.

Thus, according to the Shulchan Aruch, plag is one and a quarter hours before nightfall. For example, on a day that has exactly 12 hours, with alos being at 6:00 AM and tzeis being at 6:00 PM, the time of plag would be at 4:45 PM. That is quite problematic, because according to Rabeinu Tam shkiah is 72 minutes before nightfall, which would mean that shkiah on such a day is at 4:48 PM, leaving only a 3-minute window to light the candles. Furthermore, there are times that the day is even shorter, causing the plag to be after shkia, which would not leave us any time to light the Shabbos candles.

However, according to the others, the time of plag is much earlier, an hour and a quarter before sunset. Thus, on the equinox, a day that has exactly 12 hours from sunrise until sunset, the time of plag would be exactly an hour and a quarter before sunset.

❁ Who Should Accept Shabbos?

As mentioned, one can only light candles earlier than the normal time for lighting if accepting Shabbos at that time, making it clear that the candle lighting is being done for Shabbos. At first glance, one would assume that the one lighting the candles needs to be mekabel Shabbos. However,

the Shulchan Aruch Harav posits that since the one lighting is an emissary of the household, any family member accepting Shabbos at that time is also sufficient to make it clear that the candles are for Shabbos. However, Rav Shlomo Zalman Auerbach zt"l was in doubt about having others being mekabel Shabbos to validate the early candle lighting.

The Shulchan Aruch HaRav adds that in order to make it clear that the candles are for Shabbos it is not necessary to mekabel Shabbos at the very moment of the lighting. Being mekabel Shabbos within a few moment of the lighting is also fine. He does not give an exact time, but he does write that it is definitely much less than 15 minutes.

There is a custom in many cities in Eretz Yisroel to light 40 minutes before shkiah. Is that considered lighting early, and one must be mekabel Shabbos at that time? Rav Shlomo Zalman Auerbach zt"l rules that since this is the time that everyone in that community lights, then it is obviously meant for Shabbos and it is not necessary to be mekabel Shabbos at the time of the candle lighting. (Women, however, are usually mekabel Shabbos at the time of the lighting).

❁ Other Opinions For The Earliest Shabbos

What is the halachah if someone lit earlier than plag hamincha, has the mitzvah been fulfilled? For example, as mentioned in a previous shiur, according to some opinions, the wife should light before the husband reaches the part of davening when he is mekabel Shabbos. If she also must light after plag hamincha, she is left with only a small window of

lighting time (between plag and bo'ea v'shalom). Can we allow her to light before plag?

A similar scenario happened to a man who was home alone and was eating out, planning to return to his home to sleep. As the halachah requires, he wanted to light the Shabbos candles at home and have the benefit of their light upon his return that evening. However, since his host was davening at the early minyan which takes place before plag, the question was posed if he can light the candles before Mincha, which is earlier than plag.

Up until this point we have assumed that the earliest time for accepting Shabbos is at the time of plag haminchah, which is an hour and a quarter before the end of the day, as codified in the Shulchan Aruch, both by the Mechaber (O"C 267:1) and by the Rama (O"C 261:2). However, interestingly, the Rama himself also gives a different earliest time to accept the Shabbos. Earlier, in that same Siman (O"C 261:1) the Rama mentions that one can accept Shabbos 2 hours before nightfall. This seems to be strange: where does 2 hours come from? Furthermore, the Biur Halachah asks that this would seem to contradict the aforementioned timeframe of plag, which is an hour and a quarter before the end of the day, and much less than 2 hours.

The Biur Halachah suggests that the 2 hours is based on the opinion of the Yerai'im. The Yerai'im holds that bein hashmashos starts ¾ of a mil (approximately 15 minutes) before sunset and lasts until sunset, with sunset being the *end* of the halachic day. Hence, Shabbos begins, according to the Yerai'im, at ¾ of a mil before sunset.

Furthermore, as we know, the time of nightfall according to Rabeinu Tam is 4 mil after sunset. Generally, it is assumed that a mil is 18 minutes. This is the source for the well-known time of Rabeinu Tam being 72 minutes after sunset. However, there is an opinion in the Rishonim that a mil is actually 24 minutes. According to that opinion, Rabeinu Tam's nightfall is 96 minutes after sunset. If we add to that another 18 minutes (¾ of a 24 minute mil) – the halachic time of sunset according to the Yere'im – we will arrive at the sum total of 114 min. This brings us to approximately 2 hours, which can be what the Rama meant that it is possible to be mekabel Shabbos 2 hours before nightfall.

Another possibility to allow lighting before plag is based on the position of the Aruch Hashulchan. He suggests that if one accepted the Shabbos earlier, even if it was before plag, it is a valid kabalas Shabbos. He maintains that when the Shulchan Aruch gives the timeframe of plag hamincha it is only a recommendation. However, if done earlier, it is valid.

Thus, if someone lit earlier than plag, there are opinions to rely on that the candle lighting and kabalas Shabbos are valid.

❁ If Someone Lit Earlier, But After Plag

As discussed earlier, the Shulchan Aruch states that one can only light earlier in the day, even if it is after plag, if accepting Shabbos at that time. But, is this only preferable or does it mean that if one lit after plag without being mekabel Shabbos it is a brocha livatalah and one must relight?

This is a case of dispute between the Acharonim. The Shulchan Aruch Harav and the Derech Hachaim opine that it

is, indeed, worthless, even if lit after plag haminchah, and if one did light without being mekabel Shabbos it is a brocha livatalah and one must relight. Rav Akiva Eiger, however, maintains that this regulation is only lichatchila, the recommended practice. But, if one did light earlier than normal, as long as it was after plag, even if he was not mekabel Shabbos, it is valid. The Biur Halachah accepts the opinion of Rav Akiva Eiger.

The sefer Elef Hamagen (in his glosses on the Mateh Efraim), adds that even if one lit earlier than plag, it is valid, as long as the person was mekabel shabbos at the time of the lighting. This would seem to be similar to the aforementioned opinion of the Aruch Hashulchan, who opines that if one accepted the Shabbos before plag, it is a valid kabalas Shabbos.

❁ Summary

One can only light Shabbos candles earlier than the normal time if it is after plag hamincha and someone in the family is accepting Shabbos at around that time. If one lit before plag, according to some opinions, it is still valid.

2. CORRECT TIMES FOR MINCHA & MAARIV – AVOIDING A HALACHIC CONFLICT

❁ Time For Davening Mincha And Maariv

If one wishes to make an early Shabbos, it is important to understand the correct time one can daven Mincha and Maariv. This is something to clarify for every night of the week, not only Friday night.

There is a dispute in the Gemara (Brochos 26b) between Rabi Yehuda and the Chachamim, as to when the time period for davening Mincha ends and the time for davening Maariv begins. According to the Chachamim, one can daven Mincha the entire day and Maariv only after nightfall. Rabbi Yehuda rules that the cutoff point is Plag HaMincha (a halachic hour and a quarter before the end of the day), and one must daven Mincha before plag and Maariv after plag.

The Gemara tells us that this difference of opinion continued into the times of the Amoraim and being that there is no concrete ruling on the matter one can follow either opinion.

According to many Rishonim (including Rabeinu Yonah, the Rosh, and the Tur) although one can choose which opinion he would like to follow, one must be consistent. Consequently, if one would like to daven Maariv occasionally after plag and before nightfall – following the opinion of Rabi Yehuda – he would be required to *always* be sure to daven Mincha before

plag. Conversely, if one davens occasionally Mincha after plag – following the opinion of the Chachamim – he cannot daven Maariv at that time, even on a different day.

However, other Rishonim (including the Mordechai in Meseches Brochos) rule that one must only be consistent on a specific day, not from one day to another. According to this opinion, on a day that one davens Mincha after plag, he would be required to wait until nightfall to daven Maariv, and in order to daven Maariv after plag, he must be sure to daven Mincha before plag, on that day. But from one day to the next is not an issue and one can still daven Maariv before nightfall on one day and Mincha at that time on a different day.

Thus, we have a machlokes if one must always be consistent, never davening Mincha and Maariv after plag, or just on a specific day. The Shulchan Aruch (233:1) rules like the former opinion and maintains that one must always be consistent, even from one day to the next. Consequently, if one occasionally davens Mincha after plag, he can never daven Maariv at that time.

The Rama adds that although it is preferable not to be contradictory, if someone did daven Maariv at that time, he has fulfilled his obligation. He adds that b'shaas ha'dechak, in extenuating circumstances, one can, indeed, daven Maariv after plag and before nighfall, even if he usually davens Mincha at that time. The Mishna Berura, however, points out that if one is davening Maariv after plag and before nighfall, he must still be consistent on that specific day and not daven Mincha during the same time period. Therefore, if one plans to daven Maariv after plag, he should be sure to daven Mincha on that day before plag.

❁ Dispensation For Friday Night

Based on the above, if one generally davens Mincha after plag, it would seemingly not be allowed to daven an early Maariv, even on Friday night. Yet, when it comes to making an early Shabbos, there seems to be a widespread proliferation of early minyanim, even amongst those who generally daven Mincha after plag. That does not seem to comply with the regulations set down in the Shulchan Aruch, requiring that one always be consistent, even from one day to the next.

However, halacha does in fact condone this practice. The Shulchan Aruch (267:2) himself spells out clearly that on Friday night – unlike the rest of the week – one is allowed to daven Maariv early. The Mishna Berura spells this out clearly: even if one usually davens Mincha after plag, on Friday night, he can daven Maariv at this time.

The poskim point to the Gemara (Brochos 27a), which records the Amora, Rav, who would daven early on Friday night. In fact, this concept of an early Maariv may actually date back to the very first Maariv. Tosfos (Brochos 26b) adds that Yaakov Avinu, the one who instituted Maariv, actually davened that very first Maariv before nightfall, which would be a source for davening early, like the opinion of Rabi Yehuda. Tosfos wonders how the Chachamim – who do not allow davening so early – explain Yaakov's "early-bird" Maariv. The Chasam Sofer answers their question by proving that Yaakov Avinu's sojourn took place on Friday evening and being that he made an early Shabbos he was allowed to daven early.

Additionally, the Pri Megadim (Siman 268) shows another source for davening Maariv early on Friday night. He quotes the well-known statement made in the Gemara: "One who says

"Vayechulu" on Erev Shabbos is considered like a partner in the creation." The Gemara does not use the expression of Leil Shabbos, Friday night, but rather Erev Shabbos, which is usually a reference to Friday afternoon. The Pri Megadim suggests that the Gemara is referring to one who makes an "early Shabbos" and is reciting "Vayechulu" on Friday, thereby turning Friday evening into Shabbos and considered an exceptional accomplishment. This is a source that even the Chachamim – who usually hold that one must wait until after nightfall to daven Maariv – agree one can daven earlier on Friday evening.

❁ Why Is Friday Night Different?

We have shown from various sources that there is a special dispensation for Friday night, and one can daven early, even if contradicts his practice during the week. We still need to explain why this is so. Why is Friday night different, that we allow davening Maariv at a time that one usually davens Mincha? There are a number of reasons that are given for this dispensation for the "early-bird" Maariv on Friday night. The Pnei Yehoshua offers three reasons:

1. This practice is allowed because of the mitzvah of Tosfos Shabbos. The Magen Avraham (as well as the subsequent poskim) also mentions this reason.
2. Rav had this practice because one cannot start eating until after davening Maariv and reciting krias shma, and he did not want to wait until nightfall to start his Shabbos meal.
3. As we know, Shachris and Mincha correspond to the Korbanos Tamid that were offered each

morning and afternoon. Maariv, on the other hand, corresponds to the leftover fats and limbs that were put on the mizbe'ach during the rest of the day and through the night. On Friday evening, they would make sure to burn everything before Shabbos, since they were not allowed to be burned on the mizbe'ach once Shabbos commenced. Since the Friday evening fats and limbs were burned before Shabbos, we can also daven Maariv on Friday evening before nightfall. The Magen Avraham also mentions this reason.

These are some of the reasons for allowing one to daven Maariv on Friday night after plag hamincha, even if, during the week, one usually davens Mincha at that time. But, as the poskim point out, one must still be consistent on that day and if one wishes to daven Maariv after plag, he should be sure to daven Mincha, on Friday afternoon, before plag.

❁ Early – But No So Early – Shabbos

As mentioned in a previous shiur, a halachic day is split into 12 hours, with each segment considered "an hour," known as sha'os zmanios (halachic hours), and plag hamincha is an hour and a quarter before the end of the halachic day. There is a major dispute how to calculate the halachic day for sha'os zmanios. According to some we calculate from alos (dawn) until tzeis hakochavim (nightfall), and according to others from sunrise until sunset.

Generally, the custom is to follow the earlier time for plag – a halachic hour and a quarter before sunset – which would

mean that one who is making an early Shabbos would be required to daven Mincha on that day before plag, which can be pretty early. Therefore, some choose to follow the later plag, which is almost an hour later. That can be also problematic, since it gets pretty late, almost defeating the purpose of making an early Shabbos.

Is there any way that one can make an early Shabbos, which is somewhere in the middle – not too late and not too early? For example, some shuls like to have a 7:00 minyan throughout the summer, starting with Mincha, followed by Kabbalas Shabbos and Maariv. Is that a halachically viable option?

The Mishna Berura quotes the Derech Hachaim, who allows for a shul to be lenient on Friday night, and daven both Mincha and Maariv after plag, and before nightfall, although this inconsistency is usually not allowed. Since there are those that sanction these minyanim, even during the week, in places where it would be too hard to get the people to come back for Maariv, we can rely on that, at least in regards to Erev Shabbos.

He points out that this will only hold true for a Tzibur, for whom we are generally more lenient, since it is hard to get the people to come back for Maariv. But, for a single person, who is not coming back for a minyan, there is no such allowance. Since there is no such precedent during the week, the same would be true for Friday night and he would not be allowed to daven both Mincha and Maariv during this time frame.

However, the Mishna Berura is not happy with this ruling, and rules that one should not rely on this leniency, as there is no source to allow davening both Mincha and Maariv during this time frame. Additionally, he adds, since we don't rely on

this to daven both Mincha and Maariv after plag during the week, we should also not rely on it for Shabbos.

What can be done if one wishes to daven a little earlier than the regular minyan, but not so early?

1. One can follow the 2nd opinion for plag, which is almost an hour later than the first zman of plag. They can start Mincha much earlier, and just be sure that Maariv will be after that plag.
2. Another option would be to daven a little earlier than the time printed on the calendar for the 2nd plag. This is based on a slightly earlier version of calculating the 2nd opinion for plag. Instead of calculating nightfall at 72 minutes after sunset, this option uses 50 minutes, the correct time for nightfall according to many opinions. This would move the plag about 20 minutes earlier, making it more of a viable option. In fact, based on this calculation, there are many weeks that a 7:00PM minyan will have Mincha before plag, and Maariv after plag.
3. There is another possibility, which is to be mekabel shabbos and then eat the meal, before davening Maariv. Then, after the meal, one can daven Maariv. This idea is mentioned by the Magen Avraham (271:5).

However, not all agree with this idea. The Gra rules that one must daven Maariv first before the meal. He points to the aforementioned Gemara, where Rav would daven Maariv and then eat the meal. He obviously did not want to eat before he davened.

Additionally, the Kaf Hachaim quotes the Arizal that, kabalistically speaking, one must follow a specific order, with the davening first and then reciting kiddush over the wine.

In Conclusion

There is an allowance for one to daven early on Friday night, even if one usually davens Mincha at that time. One should, however, try to daven Mincha on that day before plag and Maariv after plag, in order to avoid the issue of being inconsistent.

3. RULES AND REGULATIONS FOR EARLY SHABBOS KIDUSH AND THE SEUDAS SHABBOS

❁ Part I – Making Kiddush Before Nightfall

The Shulchan Aruch tells us that one may make an early Shabbos, go home immediately to recite kiddush, and start his meal without any waiting time. Although this practice of reciting kiddush before nightfall is, indeed, allowed according to the Shulchan Aruch, it is worth noting that not all agree and there is a discussion in the Rishonim as to whether this is halachically sanctioned.

In order to properly understand the scope of this discussion, we must step back for a moment and understand what is happening when someone "makes an early Shabbos." When one makes an early Shabbos he is sanctifying part of Friday, giving it kedusha of Shabbos.

The concept of adding on to the Shabbos is not just something done for convenience; it is actually a requirement. The Torah tells us – in regards to Yom Kippur – that one must start fasting on the eve of the ninth day of Tishrei. Yet, we know that the fast commences on the tenth. The Gemara deduces from this expression that one must actually start the fast at the end of the ninth day. The Gemara continues that, in addition to starting the fast on the ninth, one must also continue the fast into the beginning of the eleventh. This is

known as Tosfos Yom Kippur, adding on, both at the beginning of the fast, as well as at the end. The Gemara then applies this requirement to every Yom Tov, as well as to Shabbos.

According to most Rishonim this is a Scriptural requirement, known as Tosfos Shabbos and Tosfos Yom Tov, meaning that one is required to add on a few minutes of keeping Shabbos, both at the commencement of Shabbos, as well as at its conclusion. The Rambam, omits this requirement; however many commentators posit that he agrees that rabbinically speaking one is still required to add on a few minutes to the Shabbos.

Getting back to the recitation of Kiddush before nightfall, according to the majority of the Rishonim, since it is a scripturally recognized part of Shabbos, we can understand how one can fulfill the Scriptural mandate of reciting Kiddush at that time. However, according to the opinion of the Rambam, inasmuch as it is not a scripturally recognized part of Shabbos, how can one fulfill his requirement to recite Kiddush at that time?

Furthermore, the Pri Megadim writes that even according to the Rishonim that adding on to the Shabbos is a Scriptural requirement, it is only true for the minimum few minutes before Shabbos. However starting Shabbos as early as plag – which is more than the Scriptural requirement – is only of a rabbinical nature. If "Early Shabbos" is not a scripturally recognized part of Shabbos, how one can fulfill his Torah requirement to recite Kiddush at that time? In fact, the Biur Halacha points out that there are Rishonim, who although sanction the early Shabbos,

do not allow reciting Kiddush before nightfall (or possibly sunset).

This question is discussed by the Magen Avraham, who quotes the Mordechai (one of the Rishonim) who explains that since the Scriptural mandate is looming ahead, one can, indeed, fulfill his requirement even earlier.

The Magen Avraham asks: how does this differ to a child reciting bentching for a grown person? We know that a child's requirement to bentch is of only of a rabbinical nature and therefore he cannot recite the bentching for a grown person who has a Scriptural requirement, a higher-level requirement. Presumably, the same should hold true for reciting Kiddush at a time that is only rabbinically considered a part of Shabbos.

The Chachmos Shlomo (Rav Shlomo Kluger) in his glosses on the side of the Shulchan Aruch explains that there is a fundamental difference between the two cases. Someone who accepted Shabbos early will have the requirement to do the mitzvah imminently and we can therefore apply the Talmudic concept that anything which will be coming on that very day is as if it is already here and is not considered "too far away." However, a child will remain a child until his bar mitzvah and consequently cannot be the one to recite the bentching for a grown person.

Based on this understanding, a child who is becoming bar mitzvah that very night should be able to recite the bentching for a grown person.

The Chayei Adam suggests another answer to the Magen Avraham's question. The child has no Scriptural requirement at all to recite the bentching; he, therefore, cannot be the one to perform the mitzvah for the grown person who does have a

Scriptural requirement. However, the person who accepted an early Shabbos, does have a Scriptural requirement to recite the Kiddush and he can recite it even before the time that the Scriptural requirement has begun.

The Netziv in his classic sefer on Chumash, Haamek Davar, as well as in his sefer Haamek Sheila on the She'iltos, has a different take on why one can recite Kiddush before nightfall. He posits that even according to the aforementioned opinion of the Rambam that there is no Scriptural requirement to add on to the Shabbos, one can daven and recite Kiddush.

He points to the pasuk – in regards to the yom tov of Shavuos – that uses the expression "b'etzem hayom," (on the actual day). He explains that the Torah is stressing that only the yom tov of Shavuos requires one to daven and recite Kiddush at nightfall. That is the reason, says the Netziv, for the minhag of not making early Shavuos. On the other hand, when it comes to Shabbos as well as many other yomim tovim, this expression is not used. We can infer from this omission that the Torah does sanction davening and reciting Kiddush prior to nightfall. Consequently, when it comes to Shabbos, the Rambam will agree that one can daven and recite Kiddush prior to nightfall.

In conclusion, there are those who will refrain from reciting Kiddush before nightfall and the Biur Halachah does mention that this is preferable. However, the Shuchan Aruch does sanction the recital of Kiddush before nightfall and that is indeed the prevalent custom.

❁ Part II – Eating Bread After Nightfall

There is another discussion when making early Shabbos, in regards to the finishing of the meal. The Sefer Chasidim (written by Rav Yehuda Hachasid – one of the Rishonim) writes that even if one is making an early Shabbos and commencing the meal before nightfall, one should still make sure to also eat some more bread at the end of the meal, the size of an olive (a k'zais) after nightfall.

Many others take issue with this suggestion. If an early Shabbos is halachically considered Shabbos, and one can daven Maariv and make kiddush, why should one not fulfill the obligation of partaking in the Shabbos meal? Why should it be necessary to eat more after nightfall?

The Eliyahu Raba, among others, explains that the Sefer Chasidim agrees that the Shabbos Queen, in her full glory, has indeed arrived. However, it is the requirement for the Shabbos meals that is an exception. The requirement to partake of three meals on Shabbos is learned from the expression "hayom," used three times in the Torah – in regards to the man. Since the Torah specifically requires one to partake of three meals on the actual day of Shabbos, for that requirement, merely turning Friday in to Shabbos will not suffice, as it is still, technically, not considered the actual day of Shabbos. The Maharal – in his commentary on the hagadah, Gevoros Hashem – also concurs with this ruling.

In fact, the Pri Megadim explains that according to this opinion, since this is learned from the aforementioned pasuk it is considered a Scriptural requirement and therefore eating the

extra piece of bread must be done after nightfall, and even eating during twilight (bein hashamashos) will not suffice.

There is another question raise by the commentators: In general, one is required to eat bread for a Shabbos meal which is greater than the size of an egg, which constitutes an established meal; the size of a a k'zai's is sometimes eaten as a snack. That being the case, one should be required to eat – at the end of the meal – bread which is greater than the size of an egg.

Rav Shlomo Zalman Auerbach zt"l explains that to create a meal one needs to eat bread the size of an egg. But once the meal has started, any eating which is done is considered significant and it is suffice to continue the meal with bread the size of a k'zais.

However, not all concur with this notion of the Sefer Chasidim; there are many Rishonim who assert that one can finish the entire meal before night has arrived. In fact, the Terumas Hadeshen, also one of the great Rishonim, in discussing the rules of early Shabbos, discusses the custom of many early sages, who would make an early Shabbos and even finish their meal way before the sun went down. In fact, he tells of one great rabbi, who used to take a walk after the meal, with all of the great members of the congregation, along the Dunai River, returning from their stroll, when it was still light outside.

Halachically speaking, the Magen Avraham and the Mishna Berura recommend that one should try to eat a k'zais after nightfall.

❁ In Conclusion

There are opinions for both sides – requiring the consumption of another k'zais after nightfall and others who opine that it is unnecessary. It is therefore preferable to eat a k'zais after nightfall.

4. KRIAS SHMA & BENTCHING

❁ Part I – Starting The Meal Before Repeating Krias Sh'ma

We are all familiar with the early Shabbos minyan, which takes place after Plag, but before nightfall. The Beis Yosef raises the question: The halachah states clearly that one may not start a meal at night before reciting krias sh'ma. Furthermore, even within a half hour of nightfall one may not start his meal, since the time to fulfill the mitzva is "around the corner." Hence, if by the time one is finished davening and ready to start the meal it is almost nightfall, how can one start eating if he did not fulfill his obligation of krias sh'ma?

He answers that there is actually a machlokes whether one has fulfilled his obligation with the sh'ma recited earlier. Although we pasken that one must, indeed, repeat the krias sh'ma (as per the announcement in shul after davening – "Everyone should remember to repeat krias sh'ma!"), for starting the meal one can rely on the other opinion – that he did fulfill his obligation and he can eat – as long as he will repeat the sh'ma later.

The Shulchan Aruch, in fact, sets down the rules and codifies that one may make an early Shabbos, go home immediately, and start his meal without any waiting time. The Taz concurs with the Mechaber and allows one to start his meal.

However, the Magen Avraham takes issue with this suggestion. He states emphatically that since we pasken that one has not fulfilled his obligation with the krias sh'ma recited before nightfall, that will not add to the equation and one may still not commence his meal. The Magen Avraham rules that the only viable option is to ensure that one commences his meal prior to a half hour before nightfall, which is before the time to recite krias sh'ma is "on the horizon"; once that time has arrived it is forbidden to start the meal.

Interestingly, those who always daven Maariv at the early plag minyan – every day of the week – may be better off in this regard. The Magen Avraham himself earlier – in hilchos maariv – affirms that one who davens at the early minyan can eat supper every night as long as he will recite sh'ma before retiring for the night.

The Acharonim (Machatzis Hashekel, Shulchan Aruch Harav, and Yad Efraim) point out that if someone davens early on a steady basis, he is relying on the opinion that allows one to fulfill the mitzva of reciting krias sh'ma earlier and can therefore eat as well. Furthermore, he is "programmed" to repeat the full krias sh'ma before retiring for the night and we are not concerned that he will forget. However, someone who generally davens after nightfall and is only davening early on Friday night, is obviously not following the opinion that he has fulfilled the mitzvah. Furthermore, since he usually davens after nightfall, and is not necessarily used to repeating krias sh'ma before going to sleep, he may actually forget to repeat krias sh'ma. We are, therefore, more concerned about such a person starting the meal.

The Shaar Hatziun takes this a step further and points out that the Taz – who is the one that allows starting the meal – may agree that such a person cannot start the meal. The Taz may be only referring to someone who davens early on a steady basis; for such a person there would be an allowance to start the meal. However, for someone who generally davens maariv after nightfall and only davens early on Friday night, even the Taz may agree that one cannot start his meal.

Practically speaking, the Mishna Berura affirms that the consensus of the poskim is that one should commence the meal prior to the half hour time period before nightfall, as per the concern of the Magen Avraham. However, he concludes, if one was running late and by the time he was ready to start the meal it is already within the half hour of nightfall, one can rely on the Beis Yosef and the Taz and start the meal. Of course, he must make sure to repeat the sh'ma later. But, he does add that this is only true within the half hour before, but once nightfall has arrived – whichever time one holds is halachically nightfall – and the actual time has arrived that one is required to recite the sh'ma, one should not start the meal without first repeating the sh'ma.

In conclusion, there is a machlokes if one can start the meal within a half hour of nightfall and should try to avoid starting the meal at that time. But, if necessary, one may rely on the opinions that allow starting the meal. However, if it is already nightfall, one must first recite sh'ma before starting the meal.

This question is actually applicable for many throughout the year, even when not davening at the early minyan. Many shuls start Maariv during bein hash'mashos – which is a halachic question mark if it is night or day. Does the same rule

apply and one must recite krias sh'ma before beginning the meal?

On the one hand, since it is questionable if krias sh'ma was recited at the proper time, one is definitely required to repeat krias sh'ma and it should be necessary to fulfill this requirement before eating. On the other hand, there is a possibility that he has already fulfilled his obligation, so there may room to allow starting the meal and repeating krias sh'ma afterwards.

This is a question in the poskim and it is therefore recommended that if one recited krias sh'ma during bein hash'mashos, he should repeat krias sh'ma before starting the meal, especially if by the time one is ready to start eating it is already nightfall and the time to recite krias sh'ma has arrived.

❁ Part II – *Mitzvos Tzrichos Kavanah* (Intention To Fulfill The Mitzvah)

There is another important point that comes up – when someone sometimes makes an early shabbos – in connection to the fulfillment of the mitzvah to recite krias sh'ma.

The Gemara tells us that when fulfilling a mitzvah, one must have in mind that he is doing this action in order to perform Hashem's command. The Shulchan Aruch sets down the rule that in fulfilling a Scriptural mitzvah it is indeed a prerequisite for fulfillment of the mitzvah. Therefore, if one did not have in mind that he is performing this action specifically because Hashem commanded us, he would be required to do over the mitzvah with the proper intent. For example, if one was practicing shaking his *daled minim* on the first day of Sukos and then realizes that he "did it," since he did not have

intention to fulfill the mitzvah, he must shake them again with the proper intention. However, if this took place on the other days, which are only rabbinically mandated, he will not have to shake again.

However, the Mishna Berura quotes the following novelty of the Chayei Adam. He posits that in a case that it is self-understood and quite obvious that the only reason one would be doing this action is for fulfillment of the mitzvah, then we say that it is as if he had the proper intention and he has indeed fulfilled the mitzvah. This is known as *maasav mochichim*, his action is proof of his intention. Therefore, ordinarily, if one says *sh'ma* during *maariv*, it is quite clear that he is trying to fulfill the mitzvah and not just practicing. Hence, even if one forgot to have the proper intention prior to his recital of *sh'ma*, we can say that he has fulfilled the mitzvah.

Here, however, is where davening early can have repercussions: If one often davens *maariv* early – e.g., at the *plag minyan* – when he is not fulfilling the mitzvah of saying *sh'ma* (and must therefore repeat the *sh'ma* after nightfall), then even if tonight he is davening after nightfall, the fact that he is saying *sh'ma* during *maariv* is no longer a clear proof that he is doing so for fulfillment of the mitzvah. That being the case, the Biur Halachah points out that even on the occasion that he does daven after nightfall, his action is no longer proof of his intention to fulfill the mitzvah of krias sh'ma, since he will often daven at a time that he does not fulfill the mitzvah. Consequently, if he does not have the proper intention to fulfill the mitzvah, even according to the Chayei Adam he will have to repeat krias sh'ma.

❁ Part III –*Sh'ma* Or *Bentching* – What Takes Precedence?

There is one more question that comes up in regards to the recital of sh'ma. Someone reaches the end of his meal and is ready for *bentching* when he realizes that nightfall – along with the requirement to recite *krias sh'ma* – has arrived. What is the correct order: should one first *bentch* or first recite *krias sh'ma*?

The Shaagas Aryeh asserts that *krias sh'ma* takes precedence. This is based on the Talmudic principle of *tadir v'sheino tadir, tadir kodem*, a mitzvah done on more frequently takes precedence to a mitzvah done less often. Since one is required to recite *krias sh'ma* twice a day, it takes precedence to *bentching*, which is not necessarily recited on a constant basis.

The Shaagas Aryeh adds that even if someone faithfully eats three bread meals a day and therefore *bentches* thrice daily, it will still not qualify as *tadir*. He bases this on a Gemara that differentiates between *tadir* and *matzui*. In order for a mitzvah to qualify as *tadir* it must be something that one is required to fulfill consistently; if it is just something that one does often, but is not because he is required to do so, that will not qualify as *tadir*. That is halachically known as *matzui*, an event that occurs often, but not because one is required to do so.

The only time one is required to eat a bread meal and *bentch* is on Shabbos and Yom Tov, which is less frequent than the twice daily requirement to recite krias sh'ma. In conclusion, if one is ready to bentch and it is already after nightfall, *krias sh'ma* should be recited before bentching.

❁ Part Iv – Reciting *Yaaleh V'yavoh* When It Is Still Day

Another interesting question comes up with davening early, if Shabbos is Rosh Chodesh, in regards to the recital of *yaaleh v'yavoh*. Does one recite *yaaleh v'yavoh* in davening of an early Maariv? On the one hand, it is still, technically speaking, the previous day, which is not yet Rosh Chodesh; on the other hand, he is davening Maariv of the upcoming evening, which is Rosh Chodesh. Conversely, the opposite question will arise, if Rosh Chodesh is Friday: Should one add *yaaleh v'yavoh* in davening if it still technically Friday, which is Rosh Chodesh?

This same question mark would apply to Chanuka and Purim as well, in regards to adding Al Hanisim. If one davens Maariv after Plag on Erev Chanuka or Purim, or on the last day of Chanuka and the end of Purim, does he say Al Hanisim?

The answer to all of these queries can be found in the Mishna Brura of Hilchos Purim. The Shulchan Aruch in Hilchos Purim states that one adds the recital of Al Hanisim in Maariv. The Mishna Brura adds that this applies even if one davens before nightfall. In Shaar Hatziun, the Mishna Brura proves this from on the fact that the poskim all affirm that one may daven Maariv as early as Plag, and yet we do not find any clause stating that if it is the evening of a Yom Tov, where a special tefilah is added (e.g. Chanuka, Purim or Rosh Chodosh) then one should omit the addition. Therefore, we can assume that if one davens the evening going into Purim, from Plag and onwards, he would indeed say Yaaleh V'yavoh and Al Hanisim.

The reason for this, says the Mishna Brura, is that someone who is davening Marriv after Plag is following the opinion of

Rabbi Yehudah, who considers this time as night in regards to davening Maariv and, therefore, one should follow the regulations of a tefilah which is said at night, and should add Yaaleh V'yavoh or Al Hanisim.

Based on this understanding, the flip-side would apply to the early Shabbos minyan (or technically any day) when Rosh Chodesh is Friday. One who davens Maariv after Plag is considering it the next day, and would no longer say *yaaleh v'yavoh*.

5. HUSBAND & WIFE, YOCHID & TZIBUR – DO ALL HAVE TO KEEP THE SAME TIME?

❁ Majority Accepting Shabbos Obligates The Rest

The Shulchan Aruch tells us that when the majority of a city accepts Shabbos, even if it is before the required time that one must start Shabbos, the entire city must also stop doing melacha. However, this only applies if all of the members of the town are part of one kehilla, one congregation. However, if there is another minyan within the confines of the city – or even within the techum, where one can go on Shabbos – the shul with more congregants will not obligate the nearby residents to stop doing melacha. But, this only applies if it is a separate kehilla. If someone has a private minyan in his house – even if they meet every Friday night to daven at a later time – they are still subservient to the main shul and must stop doing melacha, once the shul is mekabel Shabbos.

The same is true if there is a hotel or a bungalow colony with only one minyan. As soon as they have accepted Shabbos, no one is allowed to do melacha after that. Furthermore, the Shulchan Aruch states, if one arrives in such a town or bungalow colony after the time that they accepted Shabbos, he must immediately stop doing melacha and, according to some opinions, must even drop any muktza items that he is carrying.

There are three basic questions that need to be clarified:

1) Does this apply to a husband and wife, as well? If a husband accepted Shabbos, must the wife stop all melacha, even if it is a while until he comes home from shul? If she does, that would mean that a woman would be required to light the candles before the time her husband recites kabalas Shabbos, wich is the time he is accepting Shabbos. Since, according to most poskim, she cannot light the candles before plag, she would be left with only a small window of time to light – in between plag and the time that the shul reaches bo'ee vishalom.
2) Does this apply only to an official, established shul, or does it apply even to a Shabatton, taking place in a town or place that has no other minyan, where they are just gathered for one specific Shabbos?
3) If a shul has two minyanim – an early minyan and a late minyan, and most of the members daven at the early minyan, will that obligate all of the others to accept Shabbos, as well?

❁ Husband And Wife

In regards to the first question, Rav Moshe Feinstein, in Igros Moshe, opines that a husband's acceptance of Shabbos does not obligate his wife, and she is allowed to continue to do melacha. He asserts that it is not stricter than a case of a husband who makes a neder, which does not obligate the wife.

He points out that there is an additional reason to allow the wife to continue to do melacha. It is possible that only when

one accepts an early Shabbos because he wants to add to the kedusha of Shabbos or in order to stay away from desecrating Shabbos – such as if he makes an early Shabbos even in the winter – the husband's kabala would affect the wife. But, more often than not, one is only accepting the early Shabbos simply for convenience in the long summer afternoons, as we see that hardly anyone makes an early Shabbos in the winter. It therefore may not have the severity of a full-fledged minhag and would not obligate the wife to refrain from melacha.

Rav Moshe adds that this can be taken a step further. It is possible that when accepting Shabbos for convenience, even the majority will not affect the moinority. In a later teshuva, he seems to accept this as a final ruling. He discusses a scenario of a shul that has two minyanim – an early minyan and a regular minyan – and rules that since the early minyan is only held for convenience, even if they are the majority, they will not obligate the others to refrain from melacha.

In general, one who was not mekabel Shabbos is allowed to do melacha for someone who did. Can a woman do melacha for her husband, as well? Rav Moshe writes that a wife should not do melacha for her husband, once he accepted Shabbos. He explains that there is a fundamental difference between others doing melacha and one's own wife.

The prohibition for others to do melacha on one's behalf is only a rabinical prohibition, such as asking a non-Jew to do melacha. Consequently, for someone who did not start Shabbos yet, it is allowed. For a wife to do melacha for her husband, on the other hand, involves a Scriptural mandate. This, he maintains, is similar to asking one's slave to do work for him on Shabbos, which is clearly prohibited in the Torah. Since a

husband has certain authority over his wife – she is obligated to do certain work for him – the same restriction should apply.

Rav Yonasan Shteif, in his teshuvos, also concurs with this ruling, allowing a wife to continue to do melacha, even after the husband was mekabel Shabbos. He points out that we only find in Shulchan Aruch a precedent for a kehila obligating the others, but not that a wife is obligated to follow her husband. But, unlike Rav Moshe, he allows her to do melacha, even if she is doing it for her husband.

The Shevet Halevi, however takes issue with the psak of the Igros Moshe, arguing on all his points.

1. He posits that a wife should be just as obligated to her husband as the minority is to the majority, or even more, because ishto k'gufo, a wife is considered one unit with her husband. In addition, a husband is the boss of the house and he sets the rules and regulations for the household.
2. As far as Rav Moshe's comparison of a wife to a servant – not allowing a wife to do melacha for her husband – he maintains that one cannot equate the two. Although a wife does have certain responsibilities to her husband, it is still not comparable to a servant and, according to Rav Moshe – who allows a wife to continue doing melachah – she should be allowed to do melacha for her husband, as well.
3. As far as differentiating between why a person is making an early Shabbos – whether it is for convenience or for adding on to the sanctity of Shabbos– he feels that there should be no

difference. As long as one made an early Shabbos, for whatever reason, that should obligate both a wife and the minority to follow suit.

❁ Bungalow Colony And Hotel

The next question was in regards to a bungalow colony and hotel, which is only temporary. Does the ruling that the majority obligates the minority apply only to an official, established shul, or will it apply even to a Shabatton, where they are just gathered for one specific Shabbos?

The Shevet Halevi writes that this halacha applies there, as well, and the majority affects the others. He explains that the reason the minority must follow the majority is because it would be a great source of confusion – with some people keeping Shabbos and some not – which would cause a disgrace to Shabbos. If that is the rationale, the same should apply even for a one-time minyan.

He adds that this should apply even if the Tzibur is making an early Shabbos at a time that someone holds is not halachically acceptable. For example, if a shul follows the earlier opinion of plag and this person follows the later plag. Although, according to his opinion, they are taking in Shabbos before the proper time, he would still be obligated to refrain from melacha, in order not to cause a disgrace to their Shabbos.

On the topic of avoiding a disgrace to the Shabbos, it is interesting to note that this was a reason that Rav Shlomo Zalman Auerbach zt"l gave for why he was against the early

Shabbos in Eretz Yisroel. If not everyone is making Shabbos at the same time, it is a disgrace to Shabbos, with some people walking home from shul, while others are still driving around.

❁ One Shul Having Two Minyanim

As far as the last question, with one shul having two minyanim – an early minyan and a late minyan, and most of the members daven at the early minyan – will that obligate all of the those who daven at the later minyan to stop doing melacha from the time that the earlier minyan was mekabel Shabbos?

The Minchas Yitzchok discusses this at length and posits that since they are essentially one kehilla and the rest of Shabbos they all daven together, it is very possible that the minority would, in fact, be obligated by the majority. The Igros Moshe mentioned earlier also seems to concur with this ruling, in theory. However, the Igros Moshe maintains that, in practice they will not obligate the later minyan, since it is done for convenience.

The Pri Megadim and Biur Halacha point out that this whole discussion is only in regards to refraining from melacha. Davening Mincha after the majority accepted Shabbos is not an issue. Therefore, a later minyan can still daven mincha, although they can no longer do melacha.

❁ In Summary

There is a machlokes if a husband's kabalas Shabbos, obligates his wife to refrain from melacha.

The Shevet Halevi rules that the kabalas Shabbos of the majority applies even to a one-time minyan.

A shul that has two minyanim, according to the Minchas Yitzchok, if the early minyan is the majority, the others can no longer do melacha. However, the Igros Moshe maintains that, in practice they will not obligate the later minyan, since it is done only for convenience.

6. WHAT IS PERMISSIBLE TO DO BY YOURSELF, BY ANOTHER JEW, AND BY A GOY

❁ What Can Be Done After Kabbalas Shabbos

If a person makes an early Shabbos, can he still do any melacha? Generally speaking, as Shabbos begins, there are certain melachos that may still be done. The Shulchan Aruch (O"C 261:4) states that during bein hashmashos – the twilight zone at the brginning of Shabbos – one can still do certain melachos, which are only of rabbinical nature. However, after one accepted Shabbos, it is considered Shabbos, and one can no longer do any melachah, even melachos which are of rabbinical nature.

The Shulchan Aruch teaches us that Shabbos begins by saying Borchu, or saying Mizmor Shir, which is the equivalent to Borchu. The Mishna Berura adds that, according to our custom of reciting Lecha Dodi, when we reach the conclusion and recite the words Bo'ee Challah, "the bride (i.e., the Shabbos) shall enter," that is also considered ushering in Shabbos, and one can no longer do any melachah.

During the winter weeks, this will usually not have any practical implications. Since most shuls daven mincha right before sunset, and Mizmor Shir or Lecha Dodi after sunset, all melachah has stopped regardless. However, in the summer months when people make early Shabbos, and reach Lecha

Dodi when it is still Friday, this can make a big difference. Once the shul has reached the words Bo'ee Challah, Shabbos has arrived, and one can no longer do any melacha – even melachos which are of rabbinical nature – although it is still light outside.

The Acharonim raise an important question in regards to this halachah. As mentioned, the Shulchan Aruch (O"C 261:1) states that during bein hashmashos one can still do certain melachos. The reason for this is since this time period is a halachic doubt if Shabbos has commenced, Chazal did not forbid one to perform certain rabbinical prohibitions. However, this seems to be strange. During bein hashmashos, it is possible that Shabbos has begun. Since it is a safeik sekilah – a possibility that one who does melacha deserves capital punishment – one would assume that this time period should be stricter than the time period of Tosfos Shabbos, which is only the "extra time" that one added to Shabbos, and is not punishable in beis din. Yet, strangely enough, the opposite is true. During bein hashmashos there is leeway for certain rabbinical prohibitions, but when someone accepts on himself Shabbos, there is no such leeway.

To answer this question, the Biur Halacha quotes many Acharonim (Eliyahu Raba, Pri Megadim, Machazik Bracha, and others) who maintain that there is a difference between one who accepted Shabbos privately, and if the entire kehilah accepted Shabbos. The only time that accepting Shabbos is stricter, is in the case when the entire kehilah accepted Shabbos. In that case, it is considered like Shabbos itself and one can no longer do any melacha. But if a private person decided to make early Shabbos, it will not be stricter than the time period of bein

hashmashos, and there is, indeed, leeway for certain rabbinical prohibitions, just as during bein hashmashos.

The Dagul M'revavah and the Shulchan Aruch Harav (Siman 393, in Kuntres Acharon) offer another explanation and suggest that there are two levels of kabalas Shabbos. There is a full-fledged acceptance of Shabbos, which brings along with it all of the rules and regulations of Shabbos itself. Thus, if someone davens Maariv or says Bo'ee Challah, "the Shabbos shall enter," that is ushering in Shabbos itself and one can no longer do any melacha, even a rabbinical prohibition. On the other hand, if one just adds on to Shabbos, it will not be considered stricter than the bein hashmashos time period.

According to this explanation, the only time that accepting Shabbos is stricter, is in the case when one accepted the Shabbos itslef. In that case, one can no longer do any melacha. But if a person is just adding on to Shabbos, it will not be stricter than the time period of bein hashmashos, and there is, indeed, leeway for certain rabbinical prohibitions, just as during bein hashmashos.

❁ Asking A Non-Jewish Neighbor To Do Melacha

We have established that if one davened early and accepted Shabbos, he can no longer do any melacha. Is one allowed to ask a neighbor – Jewish or non-Jewish – to do melacha? We know that one is not allowed to ask a non-Jew to do melacha on Shabbos. What about when it is not actually Shabbos, but it is after one made an "Early Shabbos"?

The Rama (261:1) maintains that, although one can no longer do any melachah himself, there is an allowance to ask a

non-Jew. As the Mishna Berura (261:17) explains, since it is not Shabbos proper, there is no problem with asking a non-Jew to do melacha.

❁ Asking A Jewish Neighbor To Do Melacha

What about asking a fellow Jew, e.g., a next door neighbor who is making "late Shabbos"? The Shulchan Aruch (263:17, and quoted by the Mishna Berura, 261:18) rules that one can ask even a fellow Jew, who was not yet mekabel Shabbos, to do melacha. For example, if Reuvain made an early Shabbos and forgot to turn on the air conditioning, he can ask his neighbor Shimon, who is making a late Shabbos, to turn it on for him. Why is this so? There are two basic reasons given for this allowance.

The Taz explains that since for Shimon it is not Shabbos, he can be asked to do melacha, even if it is being done for Reuvain, who already accepted Shabbos. The Magen Avraham gives a different justification. Since this time period is not part of Shabbos proper, and Reuvain did not have to start Shabbos, there is no prohibition to ask others to do melachah.

This heter of asking someone who was not mekabel Shabbos to do melach is based on a Gemara. The Gemara tells us that if one lives too far away from his field to guard it over Shabbos, he may ask his friend to guard it for him. Although this is something the owner himself cannot do, being that it is out of his Techum – the distance that one may walk on Shabbos – he is still allowed to ask his friend to do so for him. Since he lives nearby, and it is something permissible for him to do, he can do so for his friend, as well. The Rashba says that we can

apply the same for one who makes an early Shabbos. Since for the other person it is not Shabbos, he is allowed to do melacha even for someone who was mekabel Shabbos.

The Ran, however, takes issue with this comparison. In the aforementioned case of the field, there is a different reason it is allowed. Since it is technically possible to get there on Shabbos – by building small huts along the way, thereby extending the city limits – he can ask his friend to go instead. But in the case of early Shabbos, once one accepted Shabbos, he can no longer do melacha.

The Beis Yosef agrees with the Rashba, and asserts that the comparison is correct. In the case of the field, there are no huts built, but the mere possibility that one can build huts is sufficient. So, too, in the case of early Shabbos, the fact that one did not have to accept Shabbos is sufficient. The Magen Avraham concurs with the Beis Yosef and maintains that one can ask his neighbor to do melacha for him, even though he cannot do it himself, due to the fact that one did not have to accept Shabbos at this time.

However, the Acharonim still do not like the comparison. The reason is as follows: In the case of the field, there remains a remote possibility that a non-Jew will build small huts, rendering the trip permissible, but in the case that one was already mekabel Shabbos, it is too late.

For this reason, the Taz posits that the real reason to allow asking a neighbor to watch his field is not because of the possibility that one can extend the city limits, and one did not have to be mekabel Shabbos. Rather the reason one may ask another Yid to do something for him, is because for that person there is no prohibition involved. That being the case, says the

Taz, the same would apply to early Shabbos, and that is why the Rashba compares the two cases. Since for Shimon, who is making late Shabbos, there is nothing wrong with doing melacha, he can even do it for Reuvain, even though the latter already was mekabel Shabbos.

Thus, we have a machlokes why one can ask a fellow Jew to do melacha after being mekabel Shabbos. According to the Magen Avraham, it is because he did not have to accept Shabbos at this time and according to the Taz it is because the one doing the melacha has no issur.

❁ Nafka Mina Between The Reasons

The Machatzis Hashekel points out a beautiful nafka mina (practical difference) between these two reasons. What is the halacha in a case that one did not accept Shabbos on his own volition, but rather because his kehillah was mekabel Shabbos?

As discussed elsewhere, when the majority of the kehilah is mekabel Shabbos, the others are required to join. In this case it was not a voluntary decision, but a requirement to accept Shabbos. Since one had no choice in the matter, according to the Magen Avraham, one would no longer be allowed to ask someone else to do melacha. However, according to the Taz, who holds that the allowance is based on the fact that it is something permitted for the person doing it, in this case it would also be allowed.

Another nafka mina is mentioned in the Igros Moshe and the Dovev Meisharim, in regards to the second day of Yom Tov. They discuss a scenario of someone who owns a factory in Eretz Yisroel and wants to ask an Israeli worker to do work in

the factory, on the 2nd day of yom tov, which is a regular weekday for the worker. A similar case would be if someone is visiting Eretz Yisroel, and keeping two days of yom tov. Can he ask an Israeli to do melacha for him? Once again, according to the Magen Avraham, since one has no choice in the matter (as keeping the second day of Yom Tov is not optional), he would not be allowed to ask them to do melacha for him. However, according to the Taz, since the allowance is based on the fact that it is allowed for the person doing it, it would be allowed.

❁ Halachically Speaking

The Igros Moshe rules that since for someone who made an early Shabbos to ask another Yid to do melacha for him is a machlokes, it is preferable not to. (However, in the case of asking an Israeli to do work for you on Yom Tov Sheini, he writes that there is room to be more lenient, since there is a sfeik sfeika, a double doubt: the machlokes Magen Avraham and Taz and, in addition, Yom Tov Sheini is considered a halachic safeik.)

There is another reason to be more lenient in regards to one who made early Shabbos in asking others to do melacha. The Levush posits that one who accepts early Shabbos, only had intention to refrain from doing melacha himself, but not to forbid asking others to do melacha.

❁ Reciting Kiddush For Someone Who Made An Early Shabbos

On this topic of two people, one who made early Shabbos and one who did not, there is a fascinating twist, in a reverse

scenario. If Reuvain was already mekabel Shabbos, and Shimon was not, can Shimon, who was not mekabel Shabbos recite kiddush for Reuvain?

Rav Shlomo Zalman Auerbach zt"l points out that this is not a new question. This question was addressed by Rav Akiva Eiger, in his glosses on Shulchan Aruch. At first glance, since for Shimon it is not yet Shabbos, he cannot recite kiddush for Reuvain, who was mekabel Shabbos.

The rule of thumb is that in order to recite a brocha for someone else, one must be a mechuyav, obligated to recite that brocha. Since Shimon was not yet mekabel Shabbos, he is not required to recite kiddush, and he should not be able to recite the kiddush for Reuvain, who was mekabel Shabbos. On the other hand, Shimon does have the option to accept Shabbos if he wants, so perhaps that would suffice to consider him obligated in the mitzvah of kiddush.

Rav Shlomo Zalman rules that since the requirement of reciting kiddush on wine is of rabbinic nature, if there is extenuating circumstances one can rely on using someone who was not yet mekabel Shabbos to recite the kiddush.

❁ In Summary

After one accepted Shabbos – at least when done by the entire tzibbur – one can no longer do any melachah.

After one was mekabel an "early Shabbos" a non-Jew can definitely be asked to do melacha.

According to some, one can also ask a Jew who was not mekabel Shabbos to do melacha. We have a fundamental

machlokes as to what is the reason for allowing a fellow Jew to do melacha for someone who was mekabel Shabbos, either because he did not have to accept Shabbos at this time or because the one doing the melacha has no issur.

The nafka mina between these two reasons will be in a case that one did not accept Shabbos on his own volition, but rather because his kehillah was mekabel Shabbos and in regards to asking an Israeli to do melacha the second day of Yom Tov for him. Since it is a machlokes, it is preferable not to.

Rav Shlomo Zalman rules that if there is extenuating circumstances someone who was not yet mekabel Shabbos can recite the kiddush for someone who was already mekabel Shabbos.