

# Spreading Holiness

## Exploring the Concept of *Tosefes* Shabbos

Question: In my community, there is an “early Shabbos” *minyana* during the summer months, beginning around Pesach time. During the weeks of counting the *omer*, is it permissible to count once we have brought in Shabbos or do we need to wait until nightfall, as we do for saying the *shema*?

### 1. The Source

The Gemara<sup>1</sup> discusses the concept of *tosefes* Shabbos (refraining from forbidden *melacha* both before and after Shabbos and *yom tov*) and quotes the opinions of two *Tannaim* as to the source of this concept.

R' Akiva: The Torah states,<sup>2</sup> “*becharish ubakatzir tishbos*,” (you shall rest from plowing and reaping) on Shabbos. Plowing and reaping are no different than any of the other forbidden *melachos* of Shabbos. Therefore, singling them out would be unnecessary. It would seem that the entire phrase is redundant. However, the *pasuk* is not referring to the fact that one can't plow or reap on Shabbos, but to plowing *before* the actual time Shabbos starts and reaping *after* Shabbos is over, i.e., a *tosefes*.<sup>3</sup>

R' Yishmael: The Torah<sup>4</sup> refers to the time of the *inuyim* (afflictions) of Yom Kippur as, “on the ninth of the month in the evening.” This is a contradiction in terms, for the evening of Yom Kippur is actually the *tenth* of Tishrei! Rather, the Torah is telling us that the restrictions of the day should in fact begin on the ninth – a *tosefes*.<sup>5</sup>

According to most *Rishonim*, adding to Shabbos and *yom tov* is *de'oraisa*, i.e., it is a *mitzva* from the Torah to refrain from *melacha* during the time of the *tosefes*.<sup>6</sup>

Although the minimum amount of time one is required to add on before Shabbos may only be a couple of minutes,<sup>7</sup> it is possible for a person to accept Shabbos as early as *plag*

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<sup>1</sup> Rosh Hashanah 9a.

<sup>2</sup> Shemos 34:21.

<sup>3</sup> Actually, R' Akiva's original statement was made with regard to plowing and reaping of *shemitta*, however, the Gemara understands that R' Akiva derives *tosefes* of Shabbos and *yom tov* from *shemitta*; see Tosafos there s.v. *verabi*.

<sup>4</sup> Vayikra 23:32.

<sup>5</sup> See further in Gemara Rosh Hashanah there as to how this law is derived regarding *motzai* Yom Kippur specifically, and Shabbos and *yom tov* generally.

<sup>6</sup> See Beis Yosef Orach Chaim 261:2, and Mishna Berura there, sec. 19. See also Rambam Hilchos Shevisas Asor 1:6 with Maggid Mishneh, and Hilchos Shabbos 29:11.

<sup>7</sup> See Sha'ar Hatziyun *ibid.* sec. 21, and Igros Moshe Orach Chaim 1:96.

*hamincha* (one and a quarter *halachic* hours before sunset). Moreover, whereas the Gemara mentioned above only refers to the *tosefes* in terms of refraining from *melacha*, the Gemara elsewhere<sup>8</sup> states that it is also permissible to make *kiddush* during that time.

Having seen some of the background sources to the concept of *tosefes*, let us explore what happens when a person accepts Shabbos or *yom tov* early.

## 2. Between Succos and Shemini Atzeres

The Maharshah<sup>9</sup> cites a *minhag* that on Shemini Atzeres one should not recite the evening *kiddush* during the time of the *tosefes*, but rather wait until nightfall. The Maharshah concurs with this *minhag* and explains why it is necessary to wait. During *kiddush*, one refers to the day as Shemini Atzeres – the day after Succos. If he makes *kiddush* before nightfall, during the time of the *tosefes*, he still has the Torah *mitzva* of *succah*, since it is still also the seventh day of Succos. He would thus have to recite the *bracha* of *leishev basuccah* immediately following the *kiddush* for Shemini Atzeres. The inherent contradiction between these two consecutive *brachos* would be most inappropriate. Therefore, a person should wait until nightfall, when he will no longer have to recite the *bracha* for sitting in the *succah*.

The Taz,<sup>10</sup> quoting the responsa of the Maharshah, notes that he does not see any problem at all with making *kiddush* early. *Tosefes* Shabbos and *yom tov* is *de'oraisa*. This being the case, once one has accepted Shemini Atzeres – even before nightfall – *there is no longer a mitzva of succah!* Therefore, one may make *kiddush* without worrying about the incongruity of the *bracha* on *succah* with the *kiddush* of Shemini Atzeres.

What is at the root of this dispute between the Maharshah and the Taz?

## 3. *Tosefes* – Expansion or Extension?

To understand this matter, let us ask a fundamental question: What exactly is *tosefes* Shabbos? What is one doing by accepting Shabbos early?

Let us consider two possibilities.

1. *Extending* the *kedusha* of Shabbos into the weekday. Shabbos itself will not start until nightfall; until that time it is Friday afternoon. The concept of *tosefes* allows one to extend the *kedusha* of Shabbos into Friday, but it remains Friday. This is similar to conferring the sanctity of a *korban* on an object which is itself not a *korban*, e.g., on money. Now, the money will not turn into a *korban*, but it will possess the sanctity of a *korban*, with its various attendant ramifications. So too, one can extend the *kedusha* of

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<sup>8</sup> Brachos 27b.

<sup>9</sup> Teshuvos sec. 68.

<sup>10</sup> Orach Chaim 668:1.

Shabbos into Friday afternoon. Indeed, the existence of this *kedusha* will allow one to make *kiddush* during this time (for *kiddush* is appropriate whenever there is *kedushas* Shabbos), but it remains Friday afternoon.

2. *Expanding* Shabbos into the week. By accepting Shabbos early, one actually causes Shabbos to start earlier than its natural time. As a rule, every new day naturally begins at nightfall. With regard to Shabbos, however, the Torah provided the wherewithal *to allow the day of Shabbos to begin earlier!* At this point, Shabbos has begun, and it is no longer Friday.

- How might these two possibilities help us understand the dispute between the Maharshal and the Taz?

The Maharshal understands that *tosefes* may allow one to accept the *kedusha* of Shemini Atzeres during the last hour of Succos, but that time will nonetheless remain the last hour of Succos. Thus, if one eats in a *succah* during that time, he must certainly make a *bracha* on the *mitzva* of *succah*. This is why he maintains that it would be inappropriate to make *kiddush* before nightfall.

The Taz, on the other hand, understands that accepting *yom tov* early causes *yom tov* to start at that time, in which case it is no longer Succos. Therefore, there is no requirement to make a *bracha* on the *succah*.

A most fundamental discussion, indeed!

#### 4. Earlier Sources – Of Matzah and Marriage

The Tosafos in Pesachim<sup>11</sup> comments on the fact that the Mishna stresses that a person should not eat matzah on *Seder* night until nightfall, but does not mention anything similar with regard to other Shabbos or *yom tov* meals. The Tosafos explains that on Shabbos and *yom tov* one may indeed have the evening meal before nightfall, during the time of the *tosefes*. Pesach night is the exception, for eating matzah is *halachically* equated with the *korban* Pesach, which may only be eaten at night.

Elsewhere, in *Maseches Kesuvos*,<sup>12</sup> the Tosafos discusses the *halacha* that one may not get married on *yom tov*. This *halacha* is derived from the verse,<sup>13</sup> “*Vesamachta bechagecha*” (you shall rejoice with your festival). The Gemara<sup>14</sup> comments on this, “and not with your wife,” i.e., one may not mix these two joyous events so as not to detract from the focus due to each of them. The Tosafos comments that it would be permissible to get married during the time of the *tosefes*. Even though *melacha* is forbidden at that time, the *mitzva* of *simchas yom tov* (joy on the festival) does not yet apply.

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<sup>11</sup> 99b s.v. *ad*.

<sup>12</sup> 47a s.v. *demasar*.

<sup>13</sup> Devarim 16:14.

<sup>14</sup> Moed Katan 8b.

- What do these two comments tell us about how the Tosafos views the nature of *tosefes*?

From the Tosafos in Pesachim we can see that were it not for the fact that the Torah requires matzah to be eaten specifically at night, the *mitzva* could have been fulfilled during the *tosefes*, even though it is clearly a requirement of the festival of Pesach. Indeed, other *yom tov* meals, where there is no such stipulation that they take place at night, may in fact take place during the *tosefes*. That is to say, the time of *tosefes* is actually considered to be *yom tov*.

It is clear, however, that saying it is already *yom tov* is not the same as saying it is already night, as is evidenced by the fact that matzah, which must be eaten at night, cannot be eaten during that time. Rather, *tosefes* means that *yom tov* starts *before* nightfall.

The Tosafos in Kesuvos, on the other hand, told us that there is no *mitzva* of *simchas yom tov* during the time of the *tosefes*. Now, *simcha* is an aspect of *yom tov*; why would there be no *mitzva* of *simcha* when one has brought in *yom tov* early? We see from here that the Tosafos understands that the *tosefes* may have brought the *kedusha* of *yom tov* into this earlier time, but it is not yet *yom tov*.

And so it emerges that what we initially encountered as a dispute between the Maharshal and the Taz regarding the nature of *tosefes* would seem to be a dispute between the Baalei Hatosafos.<sup>15</sup>

## 5. Friday Night Meal

We have just heard from the Tosafos that when one accepts Shabbos or *yom tov* early, he may have the evening meal during that time. On this matter, the Sefer Chassidim<sup>16</sup> writes that one should nonetheless be careful to eat a *kezayis* of bread after nightfall, for this meal is a requirement of the day of Shabbos. This ruling is quoted by the Taz,<sup>17</sup> who also mentions that the practice of the Maharshal was not to start his *seuda* until nightfall. Regarding this, the Taz comments, “However, it seems to me that since adding on from *kodesh* to the weekday is *de’oraisa*, a person would certainly fulfill the *mitzva* even if they finished before nightfall.”

- In what way does this dispute between the Taz and the Maharshal reflect the different ways that they view the time of the *tosefes*?

As we have seen, the Maharshal understands *tosefes* as extending the *kedusha* of Shabbos into the week, yet Shabbos itself does not begin until nightfall. This being the case, the *seuda*, a requirement of the day of Shabbos, cannot take place until that time.

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<sup>15</sup> See Rema Yoreh Deah 196:1, with commentary of the Shach and the Gra. See also Divrei Yechezkel 45:5, Kovetz Shiurim Pesachim sec. 212, and Kuntresei Shiurim Nedarim 13:9.

<sup>16</sup> Sec. 269.

<sup>17</sup> 291:6.

The Taz, by contrast, understands that *tosefes* initiates the start of the new day. As such, there is no reason why a *mitzva* of the day such as the *seuda* cannot take place during this time.<sup>18</sup>

Thus, in this matter we would say that the Taz and the Maharshal are *leshitasam* – consistent with their opinions – as expressed above.

## 6. Counting the *Omer*

Based on the above discussion, we can now appreciate the background of the answer to our opening question. A person has brought in Shabbos early; can he already count the *omer* for the following day?

- Based on the sources we have seen, how would we formulate the answer to this question?

According to the understanding that the new day has already begun (Taz), it would be permissible to count the *omer* at this point.<sup>19</sup>

According to the approach that it is still the preceding day (Maharshal), one may not count during the time of the *tosefes*. Indeed, the Maharshal states this explicitly.<sup>20</sup>

Actually, there is another side to this question.

The *halacha* is that if one forgets to count the *omer* at night, he may count the *omer* during the day (without a *bracha*) and then resume the count the following night with a *bracha*.

- What if a person forgot to count the *omer* on Thursday night and only remembers on Friday afternoon *after he has already brought in Shabbos early*? Is it too late for him to count for that day?

If *tosefes* entails starting the next day early, then it will indeed be too late for him to count. But if *tosefes* is purely a matter of bringing the *kedusha* of Shabbos into Friday without curtailing the day in any way, then it is still possible for him to count.<sup>21</sup>

## 7. Further Questions – Shavuot Night

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<sup>18</sup> See also Maharal Gevuros Hashem chap. 48 (quoted by Bach Orach Chaim 472), Magen Avraham 267:1, and Mishna Berura there, sec. 5.

<sup>19</sup> In fact, the Taz himself (mentioned above note 10) says that one should wait until nightfall before counting, although his phraseology seems to imply that this is a precautionary measure. See also Bach Orach Chaim 489 who cites one of the *Rishonim*, the Ra'avan, who says that one may indeed count at this point. The Bach himself sides with the Maharshal in requiring one to wait until nightfall.

<sup>20</sup> Teshuvos resp. 13 and 68. This ruling is followed by the Mishna Berura 489:18.

<sup>21</sup> See Kaf Hachaim 489:82, quoted by Shmiras Shabbos Kehilchasa, chap. 46 sec. 8 (footnote 52).

There is a widespread custom on Shavuos night to wait until nightfall before *davening maariv*.<sup>22</sup> The reason for this custom is that the days of the *omer* are referred to by the Torah<sup>23</sup> as *temimos* (complete). Therefore, we do not wish to bring in Shavuos before the days of the *omer* have finished, so as not to render them “incomplete.”

- Would this matter be of concern according to all approaches regarding the nature of *tosefes yom tov*?

It would seem that this would only be an issue if we understand that *tosefes* actually has the effect of starting the next day early. In this case, it would involve prematurely concluding the preceding day, which would be an infringement on the quality of *temimos*. Indeed, the source of this practice is the Taz,<sup>24</sup> who, as we have seen, understands *tosefes* as ending the previous day when we bring in *yom tov*. According to the Maharshal, however, it would seem that accepting Shavuos early would not impinge on the completeness of the *omer* days, for the day remains as it was, with its final hour merely receiving the *kedusha* of Shavuos.<sup>25</sup>

## 8. Becoming *Bar Mitzva*

The Bach<sup>26</sup> quotes the Maharil as saying that if a boy’s thirteenth birthday falls on Shabbos, he may not serve as the *chazzan* for *maariv* if the congregation is bringing in Shabbos early, for he is not yet *bar mitzva* until nightfall.

- Does this ruling represent a specific side in the debate regarding the nature of *tosefes* Shabbos?

It would seem that in this matter the Maharil is in agreement with the Maharshal. According to him, accepting Shabbos early does not turn it into the next day. As such, the boy will remain a *katan* (a minor) until nightfall. The Taz, on the other hand, may be inclined to consider him *bar mitzva* already, for in his view the time of *tosefes* represents the beginning of the next day.

However, it is possible that even the Taz would concur with the Maharil in this case. Even though the Taz understands *tosefes* as bringing in the next day, this effect is the result of the person performing the *mitzva* of accepting Shabbos early. A *katan*, however, does not have such a *mitzva* yet, and therefore does not have the power to usher in the new day any earlier than nightfall.

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<sup>22</sup> See Mishna Berura 494:1.

<sup>23</sup> Vayikra 23:15.

<sup>24</sup> 494:1.

<sup>25</sup> Mishnas Yaavetz Orach Chaim, sec. 29. See also Ha’emek Davar to Vayikra 23:21 for an alternative explanation of the custom of waiting until nightfall on Shavuos.

<sup>26</sup> Teshuvos no. 145.