Spreading Holiness
Exploring the Concept of Tosefes Shabbos

Question: In my community, there is an “early Shabbos” minyan 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\(^1\) 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,\(^2\) “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.\(^3\)

R’ Yishmael: The Torah\(^4\) 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.\(^5\)

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.\(^6\)

Although the minimum amount of time one is required to add on before Shabbos may only be a couple of minutes,\(^7\) it is possible for a person to accept Shabbos as early as plag

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\(^1\) Rosh Hashanah 9a.

\(^2\) Shemos 34:21.

\(^3\) 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.

\(^4\) Vayikra 23:32.

\(^5\) 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.

\(^6\) 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.

\(^7\) 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\(^8\) 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 Maharshal\(^9\) 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 Maharshal 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,\(^10\) quoting the responsa of the Maharshal, 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 Maharshal 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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\(^8\) Brachos 27b.

\(^9\) Teshuvos sec. 68.

\(^10\) 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 Maharash and the Taz?

The Maharash 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\(^\text{11}\) 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,\(^\text{12}\) the Tosafos discusses the halacha that one may not get married on yom tov. This halacha is derived from the verse,\(^\text{13}\) “Vesamachta bechagecha” (you shall rejoice with your festival). The Gemara\(^\text{14}\) 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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11 99b s.v. ad.
12 47a s.v. demasar.
13 Devarim 16:14.
14 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.15

## 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 Chassidim16 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,17 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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16 Sec. 269.

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.\footnote{See also Maharal Gevuros Hashem chap. 48 (quoted by Bach Orach Chaim 472), Magen Avraham 267:1, and Mishna Berura there, sec. 5.}

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.\footnote{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’av, who says that one may indeed count at this point. The Bach himself sides with the Maharshal in requiring one to wait until nightfall.}

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.\footnote{Teshuvos resp. 13 and 68. This ruling is followed by the Mishna Berura 489:18.}

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.\footnote{See Kaf Hachaim 489:82, quoted by Shmiras Shabbos Kehilchasa, chap. 46 sec. 8 (footnote 52).}

7. Further Questions – Shavuos Night
There is a widespread custom on Shavuos night to wait until nightfall before *davening maariv.*\(^{22}\) The reason for this custom is that the days of the *omer* are referred to by the Torah\(^{23}\) 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,\(^{24}\) who, as we have seen, understands *tosefes* as ending the previous day when we bring in *yom tov.* According to the Maharash, 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.\(^{25}\)

### 8. Becoming Bar Mitzva

The Bach\(^{26}\) 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 Maharash. 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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\(^{22}\) See Mishna Berura 494:1.

\(^{23}\) Vayikra 23:15.

\(^{24}\) 494:1.

\(^{25}\) 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.

\(^{26}\) Teshuvos no. 145.