

מדור ההלכה

THE LATE FRIDAY NIGHT SERVICE

by Joseph Weiss

Rabbi Norman Lamm is to be commended for dealing boldly and in a Halachic manner with a subject of practical importance to every rabbi. This attests to our frequently affirmed belief that all topical questions must be treated Halachically and must be resolved only within its disciplines.

In the first phase of his exposition, Rabbi Lamm compares the late Friday Night Service with the early Saturday Night Service which is permitted by the Talmud (BROCHOS 27b) but is regarded as an unfitting practice by Tosafos. The fears of the elimination of Tosefos Shabbos and Chashash M'lacha raised by Tosafos should, therefore, equally be applied to the late Friday Service. Rabbi Lamm posits, however, that the tacit approval of the early Saturday Night Service by the Rambam should be carried over to our question.

Now if this approach is correct, it is fair to mention that the *Shulchan Oruch* (O.Ch. 293-3) adopts the view of Tosafos which should be for us *Halacha Lemaseh*. Even when a clear doubt exists the rule is to follow *Sugyon d'alma* (see 33a *Sanhedrin*) and the traditional practice all over is not to hold the Saturday Night Service before it is night.

Rabbi Lamm may be correct in his suggestion that the Rambam does not object to the early *Maariv* on Saturday because he does not require Tosefos Shabbos. Then, it is an oversimplification to resolve our problem into a controversy between the Ashkenazic and Sephardic Rabbis, since the Rambam and the Tur stand alone (see *Bes Joseph* 261) in their silence of Tosefos Shabbos. All the other *Rishonim* including such non-Ashkenazim as Rav HaGaon and Ray Alfasi agree that Tosefos Shabbos is mandatory.

But I think that the "din" of the early Shabbos *Maariv* would apply also to Yom Kippur where even the Rambam admits Tosefos for fasting at least. The reason should rather be found in Rambam Chapter XXIX of *Hilchoth Shabbos* in the 11th *halacha* where he says that the *Mitzvah* of *Kiddush* and *Havdala* is to be practiced at the time of the entrance and departure of Shabbos or a short time prior to that. Accordingly, to the Rambam, recital of *Havdala* does not constitute a statement of release from Shabbos or Tosefos *Hayom*. To Tosefos however, the recital of *Maariv* which includes *Havdala* means an automatic release from Tosefos Shab-

bos. See the response of Rav Hai Gaon quoted by *Ribeinu Yitchok ibn Gens* (*Shaare Simcha* by Bamberger) at the end of *Hilchoth Havdala*, where you will find convincing proof to the above explanation of the Rambam's view.

My comment so far was in line with the thesis of Rabbi Lamm. However, I offer to draw the opposite conclusion from the same passage in *Brochos* 27a. It is obvious that the Talmudic discussion there centers around the permissibility of praying *Maariv* early on Friday night and on any other night. From Rav's practice to pray *Maariv* early on Friday evening the Talmud proves that he agrees with Rabbi Yehuda who maintains that *Maariv* may be said beginning with *Plag Haminchah*. However, it is mentioned, that unlike every other night, Rav made it a custom on Friday evenings to pray *Maariv* at the earliest possible time. *Maariv* may be said on Friday later at night. Of this there is no question at all. According to the *Rabonon*, it can only be said beginning with nightfall and anytime thereafter, while according to Rabbi Yehuda it is tolerated when said earlier but is never demanded (see *Tur* end of 293 also *Mogen Abraham* 267:1). The words of the Rambam chap. III of *Tefilloh halocho* 7

ויש לו להתפלל תפילת ערבית של לילי שבת בערב שבת obviously mean one *may*, not one should! similar to his later words, וכן יתפלל ערבית של מוצאי שבת בשבת. Thus only a favorable proof seems to result from that Talmudic passage.

The attempted comparison between an early Shabbos night *Maariv* and a late Friday *Maariv*, also demands evidence. A *Tefilloh Shel Chol* with אהה הונתני may mean according to Tosefos ushering in the week earlier with the resultant abridgement of Tosefos Shabbos. On the other hand, to say a *Tefillas Maariv shel Shabbos* on the night of Shabbos is a perfectly valid deed with no suggestion of a shortening of the Sabbath. Although Tosefos Shabbos may begin with *Kabalah*, this is no requirement. The stoppage of work during the time of Tosefos constitutes Tosefos Shabbos. See Rambam in *Milchamoth* in the first perek of *Taanith*.

A Talmudic source which has bearing on our problem, I think, is to be found in Sabbath 119a and in Baba Kama 32a. In both places the Talmud relates that on Friday towards evening, Rabbi Chanina and Rabbi Yanai

would be dressed in their robes and call "let us go and receive the Sabbath queen or the Sabbath bride." According to the Rambam we are here taught a 'din' that Shabbos must be welcomed in a positive way by every Jew. The Rabbis mentioned, only gave colorful and warm expression to a *Mitzvah* which is incumbent upon every Jew.

וזה הרמב"ם פ"ל הלכות שבת ה' ב' — איזהו כבוד זה שאמרו חכמים שמצוה על אדם לרחוץ פניו ידיו ורגליו בחמין בערב שבת מפני כבוד השבת ומתעטף בציצית ויושב בכיבוד ראש מוחלל הקבלת פני השבת כמו שהוא יוצא לקראת המלך וחכמים הראשונים היו מקבצין תלמידיהן בערב שבת ומתעטפים ואומרים בואו ונצא לקראת שבת המלך עכ"ל. Accordingly, to consciously receive the Sabbath is a *Halacha* and finds its expression in the words "Let us go out and receive". The *Shulchan Oruch* in 262:3 quotes this *din* which is the source for our own traditional *Kabolas Shabbos*, that includes the *piyut* 'Lecho Dodi'. In the time of the Bais Joseph the *Kabolas Shabbos* was indicated by מזמור שיר ליום השבת (see Sh. O. 261:4). In the time of the Ramah it seems that no special Mizmorim or Piyutim were said for *Kabolas Shabbos*, so that *Borchu* was the formal pronouncement of *Kabolas Shabbos* (see *Mogen Abraham* 261:13). According to the Minhag of the *Remah* it is not the words of בואו ונצא that are important, rather, the *Kabolas Shabbos* can find its expression in any way that the קהל ushers in the *K'dushas Hayom* as *Borchu* does. See also Mishna Brura 261:31 that the *Lecho Dodi* is our formal *Kabolas Shabbos*.

Since *Kabolas Shabbos* is a *din* and it must necessarily be held before the Sabbath has already arrived, it is for that reason that the Sh.O. 267:2 says that it is customary to start *Maariv* early on Friday nights. Those who prefer to pray *Maariv* on time may do this by recessing between *Kabolas Shabbos* and *Maariv* (See *Mishna Brura* 267:2).

Since *Kabolas Shabbos* can only be held prior to the arrival of Shabbos, a late Friday night Service that includes our 'Nusach' of *Kabolas Shabbos* is therefore rendered meaningless as far as that part of the Service is concerned. Furthermore, unless we should delude ourselves and say that each one of the late congregants has done what the Rambam requires of every Jew on the eve of Shabbos, then a late Service formally constitutes a public omission of the *Mitzvah* of *Kabolas Shabbos*, which according to our tradition has definite form and *Nusach*. In this sense, Rabbi Lamm's comparison to the fear expressed by Tosafos about the early Shabbos night *Maariv* would be perfectly justified. A late *Kabolas Shabbos* is perhaps more than an omission of the proper act but is an open misleading expression indicating that Shabbos

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Alumni Profiles

By Emanuel Holzer



Moses I. Goldberg

Moses I. Goldberg assumed his first pulpit in Congregation Aitz Chaim, Danville, Virginia. He next served at Congregation Adath Jeshurun, Newport News, Virginia, until assuming his present pulpit at Congregation Agudath Achim Anshe Sfard—New Orleans, Louisiana.

In addition to his Smicha from RIETS, Moses also received Yoreh, Yoreh, Yodin Yodin from the late Rabbi Joseph Peimer of Shtetzk.

Moses is a member of the Vaad Hapoel of the Mizrahi Organization and First Vice-President of the Seaboard Mizrahi Zionist region. Active in numerous communal organizations throughout the years, he is today President of the New Orleans Zionist Council, and a member of the New Orleans Welfare Fund Board.

Moses was the founder and first editor of the first Yeshiva Hebrew monthly, "Eidenu," and he is author of a biography of Rabbi Shlomo Poliachek (Meitcheter Elui). He has contributed articles to the Rabbinic Monthly "Hapardes," and to the Yiddische Tageblatt and Jewish Morning Journal.

Our hero is married to the former Blanch Sommer. They have three children, Kadish 24, who is a graduate of Beth Medrash L'morim; Hannah 21, recently married to Rabbi Yehudah Berenson, who is a musmach of our Yeshiva; Yaakov Mordecai 12, who attends the local school and cheder.

The overwhelming majority of New Orleans Jewry is Reform; there is little progress in the field of Orthodoxy.

Moses feels the lack of Jewish knowledge on the part of the young adult and young married couples is the most pressing problem today. Education, of course, is the only solution.



Bernard A. Poupko

Bernard A. Poupko was ordained in 1941, and assumed the pulpit of Congregation Shaare Torah in Pittsburgh, Pennsylvania, which is today the largest Orthodox Congregation in Pennsylvania. He was awarded life tenure in 1952.

Academically, Bernard received "Yodin Yodin" in 1948, and received his Ph.D. degree from the University of Pittsburgh.

Bernard has been an executive of the RCA for six years, and is a member of the national executive committee of the Mizrahi Organization. He is a former vice-president of the Yeshiva University Rabbinic Alumni. Locally, he is past president of the Pittsburgh Mizrahi, President and founder of the Mizrahi Tri-State Region, and Chairman of the Rabbinical Board of Greater Pittsburgh. He was co-founder of the Hillel Academy and has been chairman of its faculty since its inception. He is a lecturer at the Hebrew Institute of Pittsburgh—and a visiting lecturer at the University. He is active in numerous communal organizations and institutions.

While in Yeshiva, Bernard edited the monthly "Kochov Machzir" and the Bernard Revel Memorial issue of "Eidenu" and editor of the 1955 Sermon Manual of the RCA. He has contributed to "Horizon," the "Pardas" and other publications.

Scion of a great Rabbinic tradition for many generations, Bernard can trace various members of his family to Gedolim of the past generations, including the Chofetz Chaim.

His Rebbetzin is the former Gilda Twersky-Novaseller, and they have three children. Yechiel Ephraim 10

Programmatic Pearls

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members of the Bar-Mitzvah club ascend the pulpit and lead the Bar-Mitzvah boy to his seat.

By means of this simple ceremony, I am able to do away with the artificial and undesirable teen-age congregation. Sabbath attendance of teenagers thus introduced to the synagogue was close to 100%.

I suggested this to a local colleague who also found the results very gratifying.

Sincerely yours,
Victor Solomon"

Congregation Ezrath Israel
Philadelphia, Pa.

Late Friday Night Service

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is arriving late. Perhaps it is also an open admission that no *Kabalas Shabbos* was held on time and no self deception would help us on this point, even if we so desired to argue the case.

However should the Services begin with the *Maariv* itself, this would eliminate the above objection, and at least formally, it would not give public recognition to late *Kabalas Shabbos* and its accompanying evils. This would also eliminate the question of 'Orach Arah' mentioned by Rabbi Lamm, since halachically *Tefilah* is permitted anytime during the night. 'Orach Arah' is concerned only with the receiving of the Sabbath.

The real question, as Rabbi Lamm put it, is the practical one. Are we encouraging 'Chilul Shabbos' or are

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attends Achei Tmimim Yeshiva, and Yaakov Moishe 8 and Deborah Bluma 5 attend the Hillel Academy.

Traditional Jewish life has made great strides in Bernard's community. He feels the greatest challenge today is the implementation of the Shulchan Oruch in daily life. We must convince our young generation that Torah living and the American heritage can go together. The method must be more of the lecture and less of the sermon. Halacha Judaism in its totality can and must be embraced by our generation.

Orthodoxy in America, led vigorously by Yeshiva University, has achieved new heights. Thus, instead of being on the defensive, we are now, thank G-d, on the offensive. In order to conquer, one must have a very accurate conception of his objective, and our objective is Torah guidance, inspiration, and discipline in every possible area of human endeavor.

ATTEND THE CONFERENCE

Perusing Periodicals

Joseph I. Singer

The 100th anniversary of the birth of Achad Haam will be fully exploited by Jewish publications in popularizing his ideas. Already the September issue of the *Jewish Affairs* had an article by Isaac Gass on Achad Haam — "Is his message valid today"; Trudy Weiss-Rosmarin writes about him in two articles in the December issues of the *Congress Weekly* "Prophet of Jewish Survival."

This centennial will be surely noted by rabbis in sermons and lectures. It is desirable that before rabbis speak about Achad Haam to ascertain what should be their attitude to him. Boruch Kurzweil assigns to Achad Haam an important place in the secularization of the Jewish People. Did Achad Haam consider G-d to be a "decorative relic?" And what role does religion play in his conception of a "Spiritual Center?"

The November issue of the New York University Law Review is devoted mainly to a symposium on the book *Morals and Medicine* by Joseph Fletcher. Rabbi Emanuel Rackman participates in the discussion with an article on "Morality in Medico — legal Problems; a Jewish View." He treats the following challenging problems; patients' right to know the truth, contraception, artificial insemination, sterilization, and euthanasia. Rabbi Rackman presents, on the whole, a balanced approach based on reason and supported by Halachic sources. However, some of his premises and opinions are subjective and require greater study and clarification. He deserves, nevertheless, commendation for his forthright and honest treatment of subjects which did not yet receive any definitive study.

I trust that we shall soon see the day when the rabbis of the Yeshiva and the doctors of the Albert Einstein College of Medicine will undertake fraternal and co-operative studies in order to expound the Jewish attitude on many medical problems.

Mirage over Miami: The National Jewish Post lists in its Miami section the various Synagogues and Temples and indicates the "denomination". I was surprised to see Torah Temple listing itself as "American Judaism." Perhaps Miami became jealous of Moses "a la Hollywood" and decided to go a step further and even make its own brand of American Judaism. I am certain that it is either a printer's mistake or a publicity gimmick. Whatever the cause it is an error. For a Synagogue to designate itself as adhering to "American Judaism" is to express wittingly or unwittingly, its disbelief in the universal and transgeographic character of the Torah which the Seed of Abraham have carried with them from land to land.

Within the Four Ells

By Irving A. Margolies

Yeshiva is experimenting with a new program designed to accommodate students on the college level who have had no previous training in Jewish education. Under the new plan, such students receive a special program of Jewish studies that will qualify them to enter either the Yeshiva or Teacher's Institute within two or three years. Praising this newly created program, Dr. Belkin is quoted as saying: "Nothing could be more beneficial to the Jewish community of America than the process of taking young students with Jewish backgrounds that are almost nil and turning them into well educated Orthodox Jews."

The first two years of the new three-year Smicha plan have just been completed by about 70 candidates for ordination. In addition to Tractate Chulin, Yoreh Deah, Kiddushin with Eben Haezer, the curriculum includes courses in Chumash, Jewish philosophy and Musar. The tape-recording fad is now catching up with Smicha students who find it unnecessary now to take notes during the Rov's Shiur.

Rabbi Moses D. Tendler, newly appointed assistant dean of the College is conducting a class in "Laws Pertaining to Marital Halacha." This course is open to all engaged students, and to seniors who intend leaving Yeshiva upon college graduation.

Among the recent appointments to the college faculty is our own prexy Rabbi Wohlberg as instructor in Bible. In the Graduate Division, Professor Morton Teicher of the University of Toronto has been named Director of the Department of Social Work in our School of Education and Community Administration.

Dr. Irving Agus was promoted to Professor of Jewish History, Dr. Philip Kraus to Professor of Education and Dr. Boris Levinson, whose recent paper on the intelligence of "bums and tramps" drew national attention, was elevated to Professor of Psychology.

Did you know that . . . Yeshiva College has enrolled 137 Freshmen this year and now has a total registration of 430, R.I.E.T. S. leads all schools with 758 enrollment . . . Dr. Belkin opened the new WCBS-TV show "The Way to Go" on Sunday, September 9th. A kinescope of the show which presented the views of Dr. Belkin on many pertinent subjects will soon be available . . . Professor Jekuthial Ginsburg is due to appear on the TV show "Omnibus"; watch for the date . . . athletics at Yeshiva is getting ready for another year of intercollegiate competition. The basketball team, hoping to improve over last year's 16-2 record will visit Scranton and Wilkes Barre in Pa., over the week-end of January 19-20 . . . The College Inn Restaurant located at 1201 Morris Park Avenue, opposite the Medical School, serves excellent dairy and meat meals and is open on Sundays . . . No parking problem.

(Undergraduate information supplied by Seymore Essrog)

RABBINIC WELFARE

By Theo. L. Adams

I feel it is important to bring the following reminder to the attention of our colleagues. The opportunity which the Social Security Law, amended in 1954, gives clergymen to be included in coverages, expires in April 1957. If you are not included by that time you will forfeit your right permanently. This may result in a loss of approximately \$52,000. to your family in the event of your premature death, G-d forbid, or of a life income of \$162.00 per month to yourself on retirement, if G-d spares you. Do not delay! If you have not signed up yet, do so now!

Secure a form from your local Social Security office and send it in to the proper office. When you file your income tax return for 1956, you pay \$128.00 in addition to your regular income tax and you will be protected.

MEMORIAL FUND

Several Alumni have established the Rabbi Murray Tobias Memorial Fund to be distributed yearly to deserving students at Yeshiva. Your co-operation is urgently requested in this venture of memorializing the name of one of the Alumni that passed away at so untimely an age. Send in \$10 to Al Hollander % Chavrusa.

Late Friday Night Service

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we drawing people closer to Judaism. Is it **יצא הפסדו בשכר** or **יצא שכרו בהפסדו**

One can go along with the argument of the duty to draw people to the synagogue by these late services and offer them a Jewish word or thought, only if regular Services are held on time. In functioning the traditional way, the synagogue represents living Judaism, ready to serve each and all. The late Service then is a Service to draw them closer to the living fountain of Judaism. The problem is more acute where the only Services held are late Friday night. Does not the synagogue by its very time schedule lack the active program for "Shmiras Shabbos"? On the other hand in cases like these where there is no choice about it, this may be the battle ground for Orthodoxy, which must not be abandoned, but every effort be made *Lechachzir Atara Le-yoshno*. A serious rabbi with a strong effort and a high goal, with constant reminders and demands, may perhaps produce desired results. It is of course for the highest authorities to decide whether the gains will outweigh the loss and where this cannot be expected. It is noteworthy to mention in this connection the *Braitha* in *Sukka* 31 which says **לא מצא אתרוג לא יביא לא פריש ולא רמון ולא דבר אחר.**