

# מרור ההלכה

Conducted by Joseph Weiss

## THE LATE FRIDAY SERVICE IN THE LIGHT OF HALACHA

By Norman Lamm

The institution of Late Friday Services in American Synagogues, even in a number of otherwise strongly Orthodox ones, is a comparatively recent phenomenon. It is for that reason that, to my knowledge, the matter has not yet been analyzed with a view to testing its Halachic permissibility and, as a result, recommending either its acceptance, rejection or modification. Yet the introduction of this innovation into our own synagogues places upon us the responsibility, which we cannot escape, of developing just such a critique.

This problem to which we address ourselves, like others of its kind on the contemporary scene, must be treated on two levels: the purely Halachic and the "trans-halachic." By the latter term I mean those matters which cut across technical lines, and are questions of policy that are primarily subjective value judgments in which we look at the picture in its totality, and take into consideration such elements of basic principle and public psychology as *Pruzas Geder*, *Eis Laasos* the comparative worth of *Tefilah Betzibor* and *שינוי מסבך שטבעו חכמים*.

While the purely Halachic issues require more scholarship, these trans-halachic matters call for more wisdom, and will ultimately be as decisive as the purely Halachic in determining our future practice. Of course, this dichotomy cannot be taken too literally, for the Halacha must necessarily deal with these larger "gestalt" issues as well, in the formulation of a final decision. But in this study I shall attempt to concentrate, insofar as possible, on the Halachic material per se. I shall do so, of course, without attempting to be comprehensive or presuming to offer my *Psak*. This is merely a first attempt to present some of the aspects of the problem for consideration.

### Description and Origin of Problem:

The Late Friday Service is usually held during the winter months, when candle lighting takes place in the early afternoon. At about 8 or 8:30 P.M., the *Kabolas Shabos* and *Maariv* is held. This may be either a complete service, as we know it, or abridged. Frequently, a different form of abbreviated service is held on different Fridays of the month, in order to add variety for our bored worshippers. They are characterized by the use of a good deal of English readings, in unison or responsive, with the addition of some traditional *Zemiros*. After the service, an "Oneg Shabbat" is held, generally in a different part of the synagogue building. In some cases the chanting of the

*Zemiros* is reserved for this epilogue to the Late Friday Service.

The pathogenesis, the unfortunate reason for the holding of such services at this late hour, is obvious. A number of our people are *Mechalolei Shabos*. Many of them, let it be said in their favor, would be more observant if "economic conditions" would permit them to follow their better inclinations. Thus, not being able, or sufficiently willing to attend regular Saturday morning or regular early Friday night services, they demand the Late Friday Service as the sole way of maintaining a spiritual link with what the synagogue stands for. If this accommodation were denied to them, they would neither visit a synagogue at all during the year, nor would they say these same prayers in the privacy of their own homes.

In the Halachic part of this paper we shall restrict ourselves to an analysis of three phases of the time-problem per se, including the possibility that a late service might indirectly encourage *Chilul Shabos* between the time of *Shkiyah* and the beginning of these services.

### The Time Element A:

As I mentioned previously, there is to my knowledge no source in the literature dealing directly with the matter of a service regularly held several hours after the beginning of *Shabos*. The source material most relevant to our problem concerns the question whether the Friday night *Maariv* service can be prayed earlier—before the sunset on *Shabos* itself. The latter is particularly pertinent since the praying of *Maariv* of Saturday night during *Shabos* itself involves, as it were, a shortening of the *Shabos* by an untimely prayer, in the same manner as that of the Late Friday Service. These questions are taken up in *Brochos* 27b where we read as follows: *א"ר חייא בר אבין: רב צלי של שבת בע"ש רבי יאשי' מצלי של מוצ"ש בשבת. רב צלי של שבת בע"ש. אומר קדושה על הכוס או אינו אומר קדושה על הכוס? ת"ש דאמר רב נחמן אמר שמואל מתפלל אדם של שבת בע"ש ואומר קדושה על הכוס. והלכתא כוותי'. רבי יאשי' מצלי של מוצ"ש בשבת אומר הבדלה על הכוס או אינו אומר הבדלה על הכוס? ת"ש דא"ר יהודה אמר שמואל מתפלל אדם של מוצ"ש בשבת ואומר הבדלה על הכוס.*

In essence, then, *Rav* usually prayed the *Maariv* on the Sabbath before sunset, and R. Yoshiah did the same with the *Maariv* of Saturday night. *Shmuel* maintains that in both cases of convenient prayer one can also recite the *Kidush* or *Havdalah*. Mention should also be made of the fact that, according to a prior discussion in the Talmud, when *Rav* prayed the *Maariv* before *Shabos*, he therewith desisted from all *M'locho*, i.e. his prayer initiated a subjective, voluntary extension of the sanctity of *Shabos* prior to its astronomical beginning, and thus became an authoritative *Kabolas Shabos*.

It would seem therefore, that there is no in-principle objection to a change in the hour of *Maariv* relative to the beginning and end of *Shabos*, and that therefore the time element in the Late Friday Service is beyond Halachic reproach.

However, such a conclusion is not warranted according to a number of *Rishonim*. Thus, *Tosafos* (ד"ה צלי שם) restricts the permissibility of an early Saturday night service to cases of *Letzorach Mitzvoh*, or, according to *Rabeinu Asher* and others, an occasion of *אונס*. This stricture is necessary, according to *Tosafos*, and otherwise the change in the timing of the prayers would be unacceptable, *דודאי צריך להוסיף מחול על הקודש מדאורייתא*.

because of *Tosafes Shabos* which *Tosafos*, especially *Rabeinu Tam*, hold to be *אונס*. An early Saturday night service would thus make the observance of *Tosafes Shabos* on Saturday nights impossible. The same stricture would apply to the equivalent case of the Late Friday Service. Since normalizing the service at a late hour makes it obvious that *Tosafes Shabos*, perhaps even *Shabbos* itself, at the onset of the day will not be observed, it should be forbidden except in cases of *Oiness Ultzorech Mitzvoh*, i.e. extenuating circumstances. It would be an exercise in casuistry to assert that such extenuating circumstances are present in our case. We must proceed on the assumption (and a correct one, it seems to me) that the reasons for our institution of a Late Friday Service correspond neither to *Tzorech Mitzvoh* or *Oiness*.

There is a second opinion of *Rishonim*, however, which is more permissive than that of *Tosafos* and R. Asher and those who share their view. This is the decision of *Maimonides* who writes:

ויש לו להתפלל תפילת ערבית של ליל שבת בע"ש קודם שתשקע החמה וכן יתפלל של מוצ"ש בשבת לפי שתפילת ערבית רשות אין מדקדקין בזמנה וכי' — פ"ג הלכות תפילה ה"ז

*Maimonides* thus codifies the Talmudic discourse without the strictures demanded by *Tosafos* and the others. Furthermore, *Raavad* (ibid), who disagrees with *Maimonides*, and would restrict his decision to cases of *Letzorech Shoh*, does so only because of the necessity of *סמיכות גאולה לתפילה*.

(*Raavad* assumes *Maimonides'* decision to refer only to *Tefilah*, i.e. the *Shmoneh Esrei*, and not to the *Shma*). Therefore, in our case of the Late Friday Service, as we have presented it, *Raavad* would agree with *Rambam* as to its unrestricted permissibility. (It is obvious from *Raavad's* comment that he disagrees with the commentators on *Maimonides* who imply that *Maimonides's* decision is a statement of principle without ramifications which he could well accept as does *Tosafos*.)

What we may conclude, therefore

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## Friday Night Service

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with regard to the time element in our Late Friday Services, is that it can be reduced, in very general terms, to a difference between *Chachmei Ashkenaz* and *Chachmei Sforad*, with *Tosafos* and *Rabeinu Asher* and most Ashkenazic authorities prohibiting, and *Maimonides* and some Sephardic authorities permitting.

This controversy becomes clearer when we recognize that it is further reducible to another disputation between these same *Rishonim* as to whether *Tosefes Shabos Mdoireisoh*. The Ashkenazic authorities, led by *Rabenu Tam*, maintain that the *Tosefes Yom Hakipurim* includes not only עינוי but also *Issur M'Lachah* and hence is operative at every occasion where the sanctity of the day implies a prohibition against work, such as *Shabbos*. *Maimonides*, however, restricts the *Tosefes M'Doireisoh* to *Eenui* and insists that it does not include *M'Lochah*. Hence there is no *Tosefes Shabbos M'Doireisoh*.

We can go even further in this process of reduction and refer our contemporary problem of the Late Friday Service not only to a difference among the *Rishonim*, but to a difference of *Amoraim*. While *Tosafos* make their comments concerning *Tosefes Shabos* and *Letzorech Mitzvah* on the opinion of *R. Yoshiah* and *Shmuel* that מתפלל של מוצ"ש בשבת thus indicating that their strict opinion is in accord with all the Talmudic sages engaged in this Talmudic discourse, the *Netziv* of *Volozhin* has another approach. In his מרומי השדה he points out that *Rav* permitted only the convenience of Friday night *Maariv* on Fridays, not the Saturday night prayers on Saturdays. This latter view is expounded by *Shmuel* and *R. Yoshiah*. The question of then falls into the של מוצ"ש בשבת familiar pattern of *Rav* versus *Shmuel*, and is further reducible to the same matter *Tosefes Shabos Mdoireisoh* or *Drabonon* with the Ashkenazic sages deciding in favor of *Rav* and thus forbidding של מוצ"ש בשבת (except in extenuating circumstances or occasions of *Mitzvah*) and *Maimonides* following *Shmuel* in an unconditionally lenient decision in favor of the early Saturday night service. [1] See notes of editor.]

Our Late Friday Service, from the point of view of its time-element and its effect on the problem of *Tosefes Shabos* is thus in issue in the controversy between *Rav* and the Ashkenazic *Rishonim* on one hand, and *Shmuel* and the Sephardic *Rishonim* on the other.

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## EDITOR'S NOTES

1) The accepted rule is הילכתא כרב

*Norman Lamm's* article will be continued in the next issue.