

HALOCHOSCOPE ^{TOI}

Ideally, *Mincha* is davened during the afternoon hours, and *Maariv* is davened after nightfall. In a pressing situation, such as on a long summer *Erev Shabbos*, in is common to daven them both close together after *Plag Hamincha* but before dark. Someone is in a town where all the shuls daven them together this way. May he opt to daven one of them alone, either *Mincha* earlier or *Maariv* later, while davening the other with the congregation? Is there a preference for which one he should do with the Minyan?

The issues:

(A) *Plag Hamincha*

(B) *Tartei Desasrei*, when the times contradict each other

(C) Deciding if, when and how one may choose not to participate in a Minyan

(A) *Plag Hamincha; Zmanei Mincha and Maariv*

All three *Tefilos* were initially observed by the forefathers, Avraham emphasizing *Shacharis*, Yitzchok, *Mincha*, and Yaakov, *Maariv*. The formal Rabbinical institution was patterned on the service in the *Bais Hamikdash*. *Mincha* corresponds to the afternoon *Tamid* (daily) offering. It must be offered while it is still considered day. Thus, when the time for *Mincha* ends, the day ends. The ideal time is *Mincha Ketana*, three and a half hours after noon when, in the *Bais Hamikdash*, the blood of the afternoon *Tamid* was thrown on the altar.

The Talmud debates the end of time for *Mincha*. In one opinion it is evening, i.e., sunset, or according to some, nightfall. [Though the blood of the *Tamid* could not be thrown after sunset, some say that if it was begun at sunset it could be completed after sunset until nightfall.]

The other opinion limits it to *Plag Hamincha*, maintaining that the *Tamid* was never brought after this time though, according to one commentary, it could have been. This time is calculated by dividing the time between *Mincha Ketana* and evening in two. The second half is *Plag* (-half). The Talmud gives no basis for this time. Though *Talmud Bavli* links both views to the *Tamid*, some say that this opinion links *Mincha* to the *Ketoress*, incense offering. This was offered after the *Tamid* and it is presumed that it took until *Plag*. Some say the reason the *Tamid* was not brought later was because of the *Ketoress*. However, accord-

ing to the view that it corresponds to Ketoress one must assume that Ketoress was also offered no later than Plag. Others say that this time was deemed too late to be called *Bain Ha'arbayim*, i.e., "between" the beginning and end of afternoon; the *Avodos*, services, that had to be done in the afternoon had to be done by then.

There are two sources for Maariv. The Talmud corresponds it to the burning of the fats of the afternoon Tamid, which could take place by day, but usually took place by night, before daybreak. Poskim also base it on a Passuk in Tehilim referring to serving Hashem "evening, morning, and afternoon". According to one commentary, Maariv corresponds to Ketoress, which was brought at or after Plag. Once it is time for Maariv, it is too late for Mincha. However, the Yerushalmi states specifically that *Mincha* corresponds to Ketoress, which took about one-hour-and-a-quarter to process and offer, immediately following the Tamid.

All this indicates that Plag Hamincha is an arbitrary time. It is not the beginning of night, i.e., the next day. It was the time chosen for parts of the service in the Bais Hamikdash to begin or end. Our Tefilos correspond to that service, so this time is relevant to the timing of Tefilos. For Mitzvos that require a new day or nightfall Plag should, theoretically, be of no consequence. Yet a prominent minority opinion, followed by many, permits saying the evening *Shema*, a Scriptural obligation, at Plag. In addition, *Yaakov Avinu*, the first to daven Maariv, did so before sunset. [The commentaries say that he followed the view permitting this.] Unless he followed, prophetically, the setup in the Bais Hamikdash, the implication is that the opinion allowing Maariv after Plag considers it night.

The idea that night can begin early exists elsewhere. *Tosafos Yom Hakipurim*, extending Yom Kippur by adding time at its onset, is of Scriptural origin. *Tosafos Shabbos* is derived from there, though considered Rabbinical by some Poskim. It is recommended that one bring in Shabbos early enough to recite *Kiddush Mibe'od Yom*, while it is still day on Erev Shabbos. The northern extremes of the hemisphere have days in summer with no sunset. Presumably, one can perform Mitzvos associated with night, such as *Shema*, anywhere. It must be possible to attribute some of the final hours of daylight at least to night, if not to the following day. On Erev Shabbos it is customary to introduce Shabbos early, but one may not begin (light candles, daven *Kabolas Shabbos*, Maariv, or say *Kiddush*) before Plag. [See Brachos 2a-b 26a-27b. Yerushalmi. Melech Shlomo (Mishna). Shabbos 34b-35b Pesachim 58a-59a 93b-94a Rosh Hashana 9a Beitza 30 Poskim. Rambam Hil Tefila 3. Tur Shulchan Aruch Orach Chaim 233-235 261:2-4 263:4 10-14 267:2 commentaries. Minchas Cohen (Mevo Hashemesh) 1:13 2:6-9. Shaagas Arye 17.

Chazon Ish O.C. 13. Halochoscope I:21 49.]

(B) *Tartei Desasrei*

The Talmud does not rule on the timing of Mincha and Maariv, leaving it to the individual to choose between Plag and evening. However, on the same day, one could not daven Mincha after Plag, as if it is still day, and Maariv before sunset. This is called *Tartei Desasrei*, two overlapping, contradictory rulings. Yet, many shuls, especially during the summer, do not wait to daven Maariv after sunset.

The main answer is that it is difficult to gather the Minyan for both Tefilos, and they are already there for Mincha. It is deemed more worthy to daven Maariv right away, following a valid view, albeit somewhat contrary. Some commentaries maintain that the other opinion does not really disagree. Mincha and Maariv are not mutually exclusive. Maariv may always be davened immediately following Mincha (corresponding to the fats of the offering represented by Mincha). The debate is about the latest time for Mincha, not the earliest time for Maariv. Yet, the inconclusive ruling is based on accounts of when authoritative sages davened Maariv. Others suggest that the next day begins at nightfall, but one may usher it in early if he wishes, but no earlier than Plag. In addition, one could claim to follow one opinion until Mincha, then start following the other opinion for the next day.

Some Poskim maintain that the dispensation for davening both Tefilos together only applies to those who do so consistently. Once one follows the view that requires nightfall for Maariv, he may no longer use this dispensation. This poses a problem with regard to Shabbos. Some Poskim mandate an effort to recite Kiddush while it is still day, because of *Tosafos Shabbos*. Others recommend *Borchu*, or in modern times *Kabolas Shabbos*, early. This is fine if one davens Mincha before Plag. However, many Poskim, particularly those who follow *Kabalah*, advocate davening Mincha as late as possible. This is based on a debate in the Yerushalmi, on whether one should be praised or condemned for davening right around sunset.

Some resolve this by saying *Kabolas Shabbos* early, then waiting until later for Maariv. Some Poskim allow the *Tartei Desasrei* only in the Erev Shabbos situation. On Erev Shabbos in the Bais Hamikdash, the fats of the afternoon Tamid were always burned during the day. The corresponding Tefila, Maariv on Erev Shabbos, is thus meant to be early, and does not pose a *Tartei Desasrei*. [See Brachos 2a-b 27a-b (Yerushalmi) Eruvin 7a. Tur Sh. Ar. O.C. 233:1 235:1 267:2 Magen Avraham, Kaf Hachayim 232:7 233:3, 10. commentaries, Poskim.]

(C) *Deciding if and when to separate from a Minyan*

We have mentioned that the practice to daven both Tefilos together was due to the difficulty of assembling a Minyan two separate times. Apparently, it was determined that it is more important to daven with Minyan than to satisfy concerns of Tartei Desasrei. However, the Poskim's reason is, davening Maariv after dark risks the abandonment of Tefila Betzibur due to lack of interest. Less learned congregants might not daven once they go home. Therefore, the communal policy of davening early need not be binding on the individual.

Maariv involves *Krias Shema*, a Scriptural Mitzvah which must be said by night when people "lie down." Some of those who permit early Maariv say that the Rabbis have authority to apply the night status of Plag Hamincha to Scriptural Mitzvos. Most Poskim maintain that Plag truly only works for Tefilah, and that one must therefore repeat Shema after dark. Accordingly some individuals remain silent when the congregation says early *Shema*, and daven with them for *Shemone Esrei*. Some Poskim condemn this practice; it involves showing of one's piety in public. A rarer practice is attributed to the Gaon of Vilna to refrain from davening Maariv at all until dark, even on Erev Shabbos. He would say Kabbolas Shabbos, recite Kiddush and eat, then daven Maariv after dark.

This entire issue conflicts with the general rule of Tefillah Betzibur, to pray with the congregation. One reason suggested for this is that Tefilas Maariv is called *Reshus*. Normally, this means that it is voluntary. However, in this context it means that it was never instituted as formally as Mincha. Some explain it to refer to the timing of Maariv. Thus, one who wishes to delay his Maariv may disregard the Tzibur praying at a time which he personally considers questionable. However, he is adopting a personal piety in the face of the conclusions of the Poskim. The answer to this problem is that the Poskim initially supported the early Maariv time to save the congregation, but not as an ideal.

All of the above considerations apply even when the congregation is davening Mincha before Plag and Maariv after Plag. Apparently, one may follow personal stringencies to disregard Tefilah Betzibur. This would appear to resolve our question. Apparently, one may practice stringency with regard to Tartei Desasrei. However, as we shall discuss in the next issue (sorry, there's no more space to finish in this issue) the comparison does not necessarily work.