



בית הוראה Halacha Hotline

of the Five Towns and Far Rockaway Community

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PRACTICAL HALACHA

Making Early *Yom Tov Sheini*¹

We are familiar with the concept of “making early Shabbos.”² In past years we have presented several articles on the topic. Two questions arise: a) May one “make early *Yom Tov*” on the first day of *Yom Tov*? b) In *chutz la'aretz*³ (and also on *Rosh Hashanah* in Eretz Yisrael), may one make “early *Yom Tov*” on the second day of *Yom Tov*? Before we address these questions, we must note that when discussing early *Yom Tov*, there are two components, each of which has its own *halachic* parameters. One component is *davening Ma'ariv* early; the second is eating the *Yom Tov se'udah* (meal) early. Practically speaking, however, for most people, the motivation for wishing to accept *Yom Tov* early would be to eat earlier in the day, such that they would wish to both *daven* early and eat early. Accordingly, we will address primarily one who wishes to both *daven* early and eat the *Yom Tov se'udah* early.

Let us begin by addressing the first question: May one “make early *Yom Tov*” on the first day of *Yom Tov*? In theory, the same *halachic* principles that allow one to make an early Shabbos would allow one to make an early *Yom Tov*. However, due to various requirements of individual days of *Yom Tov*, eating the *se'udah* early on the first day of *Yom Tov* is often not permitted. Specifically, one may not eat an early *se'udah* on the first

¹ *Yom Tov Sheini* refers to the second day of *Yom Tov* (in *chutz la'aretz* – the diaspora - outside of Eretz Yisrael, or the second day of *Rosh Hashanah* even in Eretz Yisrael).

² That is, accepting Shabbos earlier than required by *halacha*. Although making early Shabbos is a well-established custom, it should be noted that there is an old custom amongst many Ashkenazim in Yerushalayim to never make an early Shabbos. See beginning of *Bi'ur Halacha* 271:1 s.v. *Miyad* with note 3 in *Dirshu Mishnah Berurah* n.e., and *Dirshu Mishnah Berurah* n.e. 267:3 note 6. (See a brief presentation in section B in note 46, below.)

³ The diaspora – outside of Eretz Yisrael.

night of *Sukkos*, on *Shemini Atzeres* (which is also *Simchas Torah* in Eretz Yisrael), on the first night of *Pesach*, and on the first night of *Shavuos*; see note for explanation.⁴

On the remaining two first days of *Yom Tov*, however, namely, on the first day of *Rosh Hashanah* and on the seventh day of *Pesach*, the *halachic* principals that allow making an early Shabbos and eating an early Friday night *se'udah* would also allow making early *Yom Tov* and eating an early *se'udah* on these days (see note).⁵ Indeed, there does not seem to be any indication in the *Poskim* (*halachic* authorities) that doing so would not be allowed (but see note 37); see also note 6.⁶

Let us now address the second question: May one “make early *Yom Tov*” on the second day of *Rosh Hashanah*, and may one “make early *Yom Tov*” in *chutz la'aretz* on the second day of *Sukkos*, on *Simchas Torah*, on the eighth day of *Pesach*, and on the second day of *Shavuos*” That is, may one *daven Ma'ariv* for the second day of *Yom Tov* – and eat the *se'udah* for the second day of *Yom Tov* – while it is still daytime on the first day of *Yom Tov*? This question has been addressed by several *Poskim* over the last number of centuries. In this article, we will present some of the major positions and include a novel approach *BE”H*.⁷ It should be noted first that the question arises only when the first day of *Yom Tov* is not on Friday; when the first day of *Yom Tov* is Friday – which is possible for *Shavuos* and the seventh day of *Pesach* – one may certainly make an early Shabbos

⁴ 1) One may not eat the *se'udah* early (before nightfall) on the first night of *Sukkos* since one may not recite the *b'rachah* of *leishev basukkah* (to sit in the sukkah) until after nightfall. 2a) In Eretz Yisrael: One may not eat the *se'udah* early on *Shemini Atzeres* since doing such would present a dilemma with regard to sitting in the *sukkah*: on the one hand, it is still daytime (and *Sukkos* has not ended) so one is required to eat in the *sukkah*; on the other hand, one has already *davened Sh'moneh Esrei* and recited *Kiddush* of *Shemini Atzeres* and thereby declared that *Sukkos* has ended, so one may not sit in the *sukkah*. (In Eretz Yisrael, one may generally not eat in the *sukkah* on *Shemini Atzeres*.) 2b) In *chutz la'aretz*: The *Gemara* and *Shulchan Aruch* rule that in *chutz la'aretz* we must eat in the *sukkah* on *Shemini Atzeres* – due to the principle of *s'feika d'yoma* (a *halachic* doubt as to which day is really *Yom Tov*) – but not recite the *b'rachah* of *leishev basukkah* – due to the principle of *safeik b'rachos lehakeil* (we refrain from reciting *b'rachos* in cases of doubt). Thus, one may not eat the *se'udah* early on *Shemini Atzeres* since doing such would present a dilemma with regard to the *b'rachah* of *leishev basukkah*: on the one hand, it is still daytime (and *Sukkos* has not ended) so one should be required to recite the *b'rachah* of *leishev basukkah*; on the other hand, one has already *davened Sh'moneh Esrei* and recited *Kiddush* of *Shemini Atzeres* and thereby declared that *Sukkos* has ended, so one may not recite the *b'rachah* of *leishev basukkah*. 3) One may not eat an early *Pesach Seder* on the first night of *Pesach* since the *kos* (cup) of *Kiddush* is the first of the four *kosos*, which must be drunk at night. (The same would apply to the second night of *Pesach* in *chutz la'aretz*.) 4) One may not eat an early *se'udah* on the first night of *Shavuos* since *Kiddush* of *Shavuos* must be recited at night due to the obligation that the seven weeks counting of *sefiras ha'omer* be *temimos* (complete).

⁵ When one makes early Shabbos, one should preferably eat a *k'zayis* (olive size) of bread after *tzeis hakoachavim* (*Mishnah Berurah* 267:5; *Sh'miras Shabbos K'hilchasah* vol. 2, 46:8). It would seem that when one makes an early *Yom Tov* one should do the same.

⁶ Perhaps there would be a reason not to accept *Rosh Hashanah* early so as not to bring the *Yom Hadin* (Day of Judgment) early upon oneself.

⁷ *B'ezras Hashem* (with Hashem's help).

(and, hence, second day of *Yom Tov* in *Chutz la'aretz*). In fact, the *Poskim*⁸ cite the *Levush* who writes that there was a custom specifically to accept Shabbos early on those Fridays.⁹ Similarly, when the second day of *Yom Tov* in *chutz la'aretz* is on Friday, one may certainly make an early Shabbos; and the custom was to specifically do such, as above.

Returning to our second question: In addressing this question, three separate issues are discussed by the *Poskim*, as follows: 1) It could appear that by *davening Ma'ariv* early on the second night of *Yom Tov* one is de facto declaring that the first day of *Yom Tov* – which is Biblical in origin – has ended, and the second day of *Yom Tov* – which is Rabbinic in origin (**see note**)¹⁰ – has begun. If so, perhaps doing so would be tantamount to downgrading the sanctity of the first day and should thus be prohibited. 2) We know that *halacha* permits cooking and many food preparations on *Yom Tov* for needs of that day of *Yom Tov*. However, one may not do *melachah*¹¹ or *hachanah*¹² on the first day of *Yom Tov* for the second day of *Yom Tov*.¹³ (“First day” for this matter refers to the first night of *Yom Tov* and the ensuing daytime; “second day of *Yom Tov*” for this matter refers to the second night of *Yom Tov* and the ensuing daytime.) Perhaps one can argue that if one *davens Ma'ariv* early on the second night of *Yom Tov*, one has not actually truncated the sanctity of first day of *Yom Tov* (despite the argument mentioned in #1); and that after *davening Ma'ariv*, it is still considered the first day of *Yom Tov*. Accordingly, after *davening Ma'ariv* early (near the end of the first day of *Yom Tov*) for the second night of *Yom Tov*, it should follow that one should not be permitted to do *melachah* or *hachanah* for purposes of the second day of *Yom Tov*. For example, after *davening Ma'ariv*, one would not be permitted to cook food or do food preparations for the *se'udah* on the second night of *Yom Tov* if the food will be eaten after nightfall (or perhaps even after *sh'kiah* – *halachic* sunset), since by doing so one would effectively be cooking/preparing on the first day of *Yom Tov* for the second day of *Yom Tov*. 3) Perhaps there is an issue per se with *davening Ma'ariv* early on the second day night of *Yom Tov*. This issue will be explained near the end of the article.

⁸ *Eliyah Rabbah, Magen Avraham, and Mishnah Berurah.*

⁹ The custom was instituted to ensure that people not come to cook too late in the day on Friday of *Yom Tov* for Shabbos when they made an *Eiruv Tavshilin*. Further discussion is beyond the scope of this article.

¹⁰ Despite being Rabbinic in origin, the *halachos* of the second day of *Yom Tov* are virtually the same as the *halachos* on the first day of *Yom Tov*, and are generally treated as if they were Biblical in origin. The Sages instituted this severity to the second day of *Yom Tov* to prevent people from denigrating the second day of *Yom Tov*. See *Shulchan Aruch Orach Chaim* chapter 496.

¹¹ Labor prohibited on Shabbos or *Yom Tov*.

¹² Preparation.

¹³ See *S.A. O.C.* chapter 503.

Let us address issue #1: The *Shulchan Aruch*¹⁴ discusses the proper order of counting *sefirah* (from *Pesach* until *Shavuos*) and reciting *Kiddush* or *Havdalah* in *shul* on the last days of *Pesach*.¹⁵ The *Taz*¹⁶ rules that after *Ma'ariv* on the seventh day of *Pesach* leading into the eighth night of *Pesach*, we should first count *sefirah* and then recite *Kiddush*. He reasons that since the first day of *Yom Tov* is *d'oraysa* (Biblical in nature), whereas the second day of *Yom Tov* is *d'rabanan* (rabbinic in nature), by delaying the recitation of *Kiddush* one thereby extends the Biblical sanctity of the first day *Yom Tov*. The later commentators¹⁷ understand the *Taz* to mean that were one to recite *Kiddush* earlier, one would effectively downgrade the Biblical sanctity of the first day of *Yom Tov* to the rabbinic sanctity of the second day of *Yom Tov*. The *Poskim*, however, take issue with the ruling of the *Taz*. Several reasons are offered for their opposition to the *Taz*'s position. The *Chok Yaakov*¹⁸ notes that the *Taz*'s ruling seemingly contradicts the ruling of the *Shulchan Aruch*, who rules – without qualifying his ruling – that we recite *Kiddush* in *shul* before counting *sefirah*. Moreover, by specifically delaying the recitation of *Kiddush* in order to extend the a Biblical sanctity – and thereby ensuring that one does not downgrade it to a rabbinic sanctity – one is calling attention to the fact that the second day of *Yom Tov* is less important than the first day of *Yom Tov*; doing such might cause people to treat the second day less seriously than the first day and cause them to thereby disgrace the second day of *Yom Tov*.¹⁹

The *K'sav Sofer*²⁰ also disputes the *Taz*'s ruling, arguing that since the *Kiddush* of the eighth day is the same as the *Kiddush* of the seventh day, and does not contain *Havdalah* in any form, by reciting *Kiddush* earlier one is not downgrading *Yom Tov* from a Biblical sanctity to a rabbinic sanctity. Accordingly, it would stand to reason that according to these *Poskim* who disagree with the *Taz*, one would be permitted to *daven Ma'ariv* early on the second day of *Yom Tov* since *Ma'ariv* on the second day of *Yom Tov* is the same as the *Ma'ariv* on the first day of *Yom Tov*. (See note regarding a scenario in which one of the days falls on Shabbos, such that *Ma'ariv* and *Kiddush* of the second night are

¹⁴ *O.C.* 489:9.

¹⁵ In those *shuls* in which they recite *Kiddush* on Friday evenings and on *Yom Tov* evenings (except on the nights of the *Pesach seder*).

¹⁶ *O.C.* 489:10.

¹⁷ See *M.B.* 489:43.

¹⁸ 489:21.

¹⁹ See *Sha'ar Hatziyun* 489:51.

²⁰ In glosses of his father, the *Chasam Sofer*, on the *Taz* 489:10.

different than *Ma'ariv* and *Kiddush* of the first night.)²¹ See also note 22 for further study.²²

Let us now address issue #2: The *Levush*²³ writes – with regard to the first days of *Pesach* – that we wait between *Minchah* (of the first day) and *Ma'ariv* (of the second night) so that one will not come to do *melachah* for the needs of the second night of *Yom Tov* before nightfall (while it still is – or might be – *halachically* the first day of *Yom Tov*; see

²¹ Perhaps one will suggest that the *K'sav Sofer's* argument is convincing in the case in which the two days of *Yom Tov* both fall on weekday (as do the seventh and eighth days of *Pesach* this year), such that the *Kiddush* of both nights is identical. But when one of the days falls on Shabbos, such as when the seventh day of *Pesach* falls on Shabbos and the eighth day falls on Sunday (as it will next year), perhaps the *K'sav Sofer's* argument will not apply, since *Ma'ariv* and *Kiddush* of the seventh day include Shabbos-related text, whereas *Ma'ariv* and *Kiddush* of the eighth night do not, so perhaps one would not be permitted to make early *Yom Tov Sheini*. It would seem, however, that the difference in *Kiddush* should not be a reason to prevent one from making early *Yom Tov Sheini*, based on the following proof: As mentioned above in the text, there was a custom to *daven Ma'ariv* early on the second day of *Yom Tov* when the first day of *Yom Tov* is on Friday. In such a scenario, *Ma'ariv* and *Kiddush* of second night are different than the *Ma'ariv* and *Kiddush* of the first night, since the latter contains Shabbos-related text. It would seem that this custom indicates that making early *Yom Tov* is not considered downgrading from Biblical sanctity to rabbinic sanctity even when *Ma'ariv* and *Kiddush* of the two nights are different. [Although Shabbos is Biblical in nature, such that one could argue that one is merely shifting from one Biblical sanctity to another Biblical sanctity (the second of which is even stricter than the first, since Shabbos is stricter than *Yom Tov*), in actuality, when one accepts Shabbos early, the sanctity at that time (until Shabbos officially begins) is only Rabbinic in nature (see *M.B.* end of 259:26). Accordingly, if accepting *Yom Tov Sheini* early in general would be considered downgrading from Biblical sanctity to Rabbinic sanctity, when the first day of *Yom Tov* is Friday, accepting Shabbos early on the second day of *Yom Tov* should be tantamount to downgrading from Biblical sanctity (first day of *Yom Tov*) to a two-fold Rabbinic sanctity (second day of *Yom Tov* and early Shabbos), which should also be problematic. Moreover, in Eretz Yisrael, where there is no second day of *Yom Tov* (except on *Rosh Hashanah*), when *Shavuot* or the seventh day of *Pesach* falls on Friday, and one accepts Shabbos early per the aforementioned custom, one should effectively be considered to have downgraded from a Biblical sanctity (the first day of *Yom Tov*) to a single Rabbinic sanctity (early Shabbos). Since there was a custom to accept Shabbos early in those scenarios, it would seem that accepting Shabbos (or *Yom Tov*) early is not considered downgrading from Biblical sanctity to Rabbinic sanctity.] It should be noted, however, that when Shabbos precedes *Yom Tov*, *Minchas Shlomo* (1:3) was doubtful whether or not one may accept *Yom Tov* early due to the declaration of *Vatodi'einu* (which is a form of *Havdalah*) in *Sh'moneh Esrei* of *Ma'ariv* on *Yom Tov*. [Perhaps his doubt emanates from the *halacha* recorded in *S.A. O.C.* 293:3 that one may only *daven Ma'ariv* of *Motz'ei Shabbos* after *plag haminchah* in situations in which one is “forced” to do. Alternatively, perhaps he was concerned with issue #3, which will be discussed below in this article.] Presumably he would hold it to be similarly doubtful if one may accept *Yom Tov Sheini* early in the case in which the first day of *Yom Tov* is Shabbos and the second day is Sunday, such that one says *Vatodi'einu* in *Sh'moneh Esrei* of *Ma'ariv* on the second night. The matter requires more study.

²² The *Taz* (beginning of *O.C.* chapter 494) rules that on the first night of *Shavuot* one may not *daven Ma'ariv* or recite *Kiddush* early due to the obligation that the seven-week counting of *sefiras ha'omer* be *temimos* (complete). This ruling is basically universally accepted by the *Poskim* (see *M.B.* 494:1). One might be tempted to derive from that ruling that *davening Ma'ariv* early on the second night of *Yom Tov* should similarly be truncating the first day of *Yom Tov*. Based on what has been presented in the text from the *K'sav Sofer*, a distinction can be made between the two aspects. Further discussion is beyond the scope of the article.

²³ End of *O.C.* 488:3.

note),²⁴ which is forbidden.²⁵ Similarly, the *Mateh Ephraim*²⁶ writes – with regard to the second night of *Rosh Hashanah* – that we delay the start of *Ma'ariv* somewhat since people will need to kindle fire for the *se'udah* and they are focused on the start of *Ma'ariv* to indicate when the first day of *Yom Tov* is over. The *Ben Ish Chai*,²⁷ however, rules – with regard to the second night of *Shavuos* – that one need not wait until nightfall before reciting *Kiddush* – and that one may recite *Kiddush* while it is still daytime. (In fact, he recommended doing such in his locale since, due to the extreme heat, people would eat outside even at night and they could not see if bugs had flown into their food.) He explains that since they are eating the meal during the daytime, any *melachah* they do for that *se'udah* is permitted. For although the *se'udah* is intended to be the *se'udah* for the second night, since it is *halachically* still the first day of *Yom Tov*, they would effectively be cooking on the first day of *Yom Tov* for their needs on first day of *Yom Tov*. He asserts that even kindling the *Yom Tov* lights would be permitted since the lights are supposed to be lit when eating the *se'udah* [even if it is daytime – just as when making early Shabbos].

However, one who does such must be careful not to do *melachah* (and possibly not *hachanah*)²⁸ before nightfall for the ensuing daytime, for that would effectively be considered doing *melachah* (or *hachanah*) from the first day for the second day. Moreover, it would follow that one would not even be permitted to do *melachah* or *hachanah* during the daytime for needs for the end part of the *se'udah* (for example) if the end part of the *se'udah* will be after nightfall, and perhaps even if the end part of the *se'udah* will be after *sh'kiah* (since that time might be considered nighttime *halachically* (see note 24) and, hence, the second day.²⁹

The *Sefer His'orerus Teshuvah*³⁰ writes unequivocally that one may make an early second day of *Yom Tov*, but writes (as above) that one must be careful not do *melachah* or *hachanah* on the first day for any part of the *se'udah* that will be after *sh'kiah* (see note).³¹

²⁴ If it is before *sh'kiah* (*halachic* sunset), it is definitely *halachically* still the first day of *Yom Tov*. If it is after *sh'kiah* and before *tzeis hakochovim* (*halachic* nightfall), *halachically* there is a doubt whether it is classified as daytime or as nighttime or as part daytime and part nighttime (see *Gemara Shabbos* 34b).

²⁵ As explained near the beginning of the article.

²⁶ 559:2.

²⁷ *Year 1, Bamidbar* #2.

²⁸ See *M.B.* 289:40 with note in *Dirshu Mishnah Berurah*; see also *Teshuvos V'hanhagos* 3:150.

²⁹ See *Bi'ur Halacha* chapter 503:1 s.v. *B'Yom Tov* and *Dirshu Mishnah Berurah* n.e. note 7. See also *Teshuvos V'hanhagos O.C.* 3:150.

³⁰ Old printing 2:39; new printing #299. It is interesting to note that on the top of every page in the old edition he includes a disclaimer: “One should not rely on this *halachic* ruling whatsoever; see introduction.”

³¹ See therein where he presents a workaround: One may cook (for example) on the first day even if the *se'udah* will be at night if one eats a *k'zayis* of each type food while it is still daytime on the first day (before *sh'kiah*). An explanation is beyond the scope of this article.

More recently, the *Minchas Yitzchak*³² also sided with the *K'sav Sofer* and ruled that one may act leniently and accept the second day of *Yom Tov* early on the eighth day of *Pesach*, on *Simchas Torah*, on the second day of *Rosh Hashanah*, and on the second day of *Shavuos* (see note).³³

It is possible to advance an argument that even the *Levush* and *Mateh Ephraim*, who disallowed *davening Ma'ariv* early on the second night of *Yom Tov* out of concern that one would do *melachah* for the second day before nightfall, would not be so concerned nowadays. The reason is that nowadays we have calendars that list the *z'manim*,³⁴ such that people generally do not focus on the start time of *Ma'ariv* to determine when the first day ends *halachically*. (For example, calendars and *shul* schedules list the time for candle lighting on the second night, which is after *tzeis hakochovim* (*halachic* nightfall), and people know not to do *melachah* for the second day of *Yom Tov* before that time.)

Despite the strength of the above arguments, some contemporary *Poskim*³⁵ have ruled that while one is permitted to make an early *Yom Tov*, one should not do so unless it is a *sha'as hadechak*.³⁶ Interestingly, however, they do not explain why doing such should be permitted in a *sha'as hadechak*, and should not generally be recommended. Perhaps they are concerned with the issues raised by the *Levush* and *Mateh Ephraim* (see also note).³⁷ It is possible, however, to suggest a completely different reason for not making early *Yom Tov Sheini* – issue #3, which has nothing to do with a concern of *melachah* or *hachanah* on the first day for the second day, but with *davening Ma'ariv* early on the second day night of *Yom Tov*.

³² 10:41.

³³ The questioner was seeking guidance for patients in a hospital, for whom staying up late would be quite difficult. The response of the *Minchas Yitzchak's* lenient ruling is quoted by some as allowing such only for such situations – or other pressing needs. A careful examination of his responsum will indicate that such is not the case. He concludes as follows: "...if it is fine to act leniently and make *Kiddush* while still daytime, especially in a case of difficulty as relevant in a hospital." Clearly, he holds that one may act leniently in all cases; he just added that one may certainly act leniently in a hospital. See also *Minchas Shlomo* (1:3) who takes it for granted that one may make an early *Yom Tov Sheini* (see, however, end of note 21).

³⁴ *Halachic* times for performing *mitzvos*.

³⁵ See sources cited in *Yom Tov Sheini K'hilchasah* (1998) in chapter 1 note 59*.

³⁶ Loosely translated as "a pressing (or significant) need."

³⁷ The *Aruch HaShulchan* (O.C. 668:6), in discussing whether one may accept *Shemini Atzeres* early writes: "...besides, on every *Yom Tov* we do not eat before nighttime," but he does not explain the reason. Perhaps he was concerned with the issue raised by the *Levush* and *Mateh Ephraim*. Or perhaps he was concerned with issue #3, which will be discussed below in this article. Or perhaps he was referring specifically to eating early on the first day of *Yom Tov*, and people were not accustomed to accept it early not due to *halachic* reasons, but due to practical reasons – such as that they were unable to accept *Yom Tov* early due to all the necessary preparations for *Yom Tov*.

Let us now address issue #3: The *Mishnah* in *B'rachos*³⁸ presents a dispute between Rabbi Yehudah and the *Chachamim* (Sages) regarding the proper time for *davening Minchah* (and *Ma'ariv*). According to Rabbi Yehudah, one may *daven Minchah* until *plag haminchah*, and one may *daven Ma'ariv* immediately after *plag haminchah*.³⁹ The *Chachamim* disagree and maintain that one may *daven Minchah* even after *plag haminchah* – up until the end of daytime, and one may *daven Ma'ariv* after the end of daytime. (Click [here](#) for elaboration.) According to the *Mishnah Berurah*⁴⁰ and *Aruch HaShulchan*,⁴¹ nowadays, since we regularly *daven Minchah* after *plag haminchah* up until *sh'kiah*, one must *daven Ma'ariv* on weekdays after tzeis hakochavim⁴² (even if one *davened Minchah* before *plag haminchah*) unless it is a *sha'as hadechak* (or one personally always *davens Minchah* before *plag haminchah*). However, they qualify that according to all,⁴³ one may *daven Minchah* on *Erev Shabbos* before *plag haminchah* and *Ma'ariv* after *plag haminchah* – and before *sh'kiah* – as is generally done when making early *Shabbos*. The reason is that since there is a *mitzvah* of *Tosefes Shabbos*,⁴⁴ one may accept *Shabbos* – and *daven Ma'ariv* – any time after *plag haminchah*.

Now there is also a *mitzvah* of *Tosefes Yom Tov*.⁴⁵ Accordingly, just as one is permitted to *daven Ma'ariv* before *sh'kiah* on *Shabbos* due to *Tosefes Shabbos*, so would one be permitted to *daven Ma'ariv* early on *Yom Tov* due to *Tosefes Yom Tov* (except on *Shavuos*, as explained in note 4). It would seem that this allowance would apply only if by *davening Ma'ariv* early one would actually fulfill the *mitzvah* of *Tosefes Yom Tov*. However, when one *davens Ma'ariv* early on the second day of *Yom Tov*, when it is already *Yom Tov* beginning from the first day, one would not actually be fulfilling the *mitzvah* of *Tosefes Yom Tov*! Accordingly, according to the *Mishnah Berurah* and *Aruch HaShulchan*, since we regularly *daven Minchah* until *sh'kiah*, it would be forbidden to *daven Ma'ariv* early on the second night of *Yom Tov* unless it is a *sha'as hadechak*. This

³⁸ 26a; see also *Gemara* 26b.

³⁹ *Plag haminchah* is halfway between *minchah ketanah* (which is 2 ½ proportional hours before the end of daytime) and the end of daytime. Thus, *plag haminchah* is 1 ¼ proportional hours before the end of daytime (*Rema O.C.* 679:1; *M.B.* 679:2). One proportional hour is calculated by dividing the hours of daytime into twelve equal portions. There is a dispute amongst the *Poskim* whether *halachic* daytime for this purpose is defined as beginning at *alos hashachar* (daybreak) and ending at *tzeis hakochavim* (nightfall – when three stars medium are visible) (*Magen Avraham*), or as beginning at *haneitz hachamah* (sunrise) and ending at *sh'kiah* (standard sunset, also known as astronomical sunset) (*GR" A*). See *M.B.* 233:4.

⁴⁰ 267:3 and 293:9.

⁴¹ *Aruch HaShulchan O.C.* 233:3.

⁴² Or after *sh'kiah* in certain cases; see elaboration.

⁴³ See elaboration; but see note 2.

⁴⁴ A Biblical requirement, requiring individuals to add time to *Shabbos*, every week, both at its commencement and at its conclusion; that is, to begin *Shabbos* before *sh'kiah* on Friday and to end it later than *tzeis hakochavim* on *Motz'ei Shabbos* (Saturday night). For elaboration, see article emailed on April 22, 2021.

⁴⁵ *Gemara Yoma* 81a-b; see *Tosefes Shabbos K'hilchasah* chapters 36-37.

reasoning could explain why contemporary *Poskim* are opposed to making early second day of *Yom Tov*. See note for further study.⁴⁶

Based on all the above, and per the ruling of the contemporary *Poskim*, it would seem that one should make an early second day of *Yom Tov* only in situations of *sha'as hadechak*. In such cases, one must be careful not to do *melachah* and *hachanah* during daytime on the first day for needs that are for after *sh'kiah*, or *melachah* (and possibly *hachanah*) after *sh'kiah* but before nightfall for needs that are for after nightfall.

⁴⁶ A) In fact, although *Minchas Yitzchak* ruled leniently, his responsum addressed only reciting *Kiddush* early; perhaps he would have agreed that *davening Ma'ariv* early on the second night is not permitted unless it is a *sha'as hadechak*. B) **If** we will accept that we must be concerned only with this last issue (#3) of *davening Ma'ariv* early, but that we need not be concerned with the other issues (#1 and #2), perhaps there could still be an avenue for making early *Yom Tov* even when not a *sha'as hadechak*, as follows: Despite ruling that one may *daven Ma'ariv* early on Friday night, the *Bi'ur Halacha* (271:1 s.v. *Miyad*) is concerned with the opinion of the *Magen Avraham* that one should not *daven Ma'ariv* before *tzeis hakochavim*. Elsewhere (*M.B.* 271:11, citing the *Eliyah Rabbah*) he suggests an avenue that will allow one to make early Shabbos yet still take into account the opinion of the *Magen Avraham*: he writes that one may accept Shabbos early, and make *Kiddush* and eat one's *se'udah* before nightfall, and *daven Ma'ariv later* – after *tzeis hakochavim* (so long as one is particular to follow the guidelines with regard to eating before reciting *Shema* of *Ma'ariv*; see *S.A. O.C.* 235:2). **If** we will accept that we must be concerned only with the issue of *davening Ma'ariv* early, perhaps one may do the same on the second day of *Yom Tov*: recite *Kiddush* and eat the *se'udah* of the second night while it is still daytime and simply *daven Ma'ariv* after *tzeis hakochavim*. The matter requires more study.

DISCLAIMER: Not all details and aspects of the halachic issues discussed can be expressed fully in this limited format, and a small change in circumstances can change the halachic outcome. Accordingly, for one's personal situation, one is advised to ask a Rabbinic authority, and to not rely on the information presented herein.

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	Regular Hours		Emergency Hours (for time-sensitive questions)	
	From	Until	From	Until
Sunday-Thursday	1:30 PM	2:30 PM	8:30 AM	11:00 PM
	6:30 PM	10:00 PM		
Erev Shabbos/Yom Tov	3 hours before candle lighting	1 hour before candle lighting	8:30 AM	10 minutes before candle lighting
Motzaei Shabbos/Yom Tov	1 hour after Ma'ariv	3 hours after Ma'ariv	1 hour after Ma'ariv	11:30 PM