**Davening Early on Shavuot**

**Question:** In a shul with many elderly members who have trouble staying up late, may we have a minyan for Ma'ariv of Shavuot before tzeit hakochavim (=tzeit)?

**Answer:** The idea of waiting until tzeit to start Shavuot is not found in Chazal but arises first in early Acharonim, beginning with the Masat Binyamin (Chidushei Dinim, Orach Chayim 4). The matter is related to the idea that since Shavuot follows a 49-day period, it should not start before its time. One can ask whether the problem is that Shavuot is "not ready", or whether Shavuot can start early but it is improper to "short-change" the omer period.

The Netziv (Meishiv Davar I:18) sees in "you shall call, on the midst of this day, a holy convocation" regarding Shavuot (Vayikra 23:21) a special rule that it cannot start early. This puts the stress on Shavuot. However, the earlier sources (Masat Binyamin ibid., Sh'lah, beginning of Masechet Sh'vuot) focus on "they shall be seven complete (temimot) weeks" (Vayikra 23:15), positing that starting Shavuot early impinges on the completeness of the omer period. (This is likely related to the concept of counting promptly on the first night because of temimot - see Mishna Berura 489:2). L'horot Natan (VII:31) prefers the earlier sources and claims that, as a result, one who made Kiddush early fulfilled his mitzva and need not repeat it.

From what Shavuot element(s) must one refrain? The Masat Binyamin, Sh'lah, and Magen Avraham (intro to Orach Chayim 494) refer only to Kiddush, and the Shelah says explicitly that Ma'ariv (and Kiddush in shul) can be done earlier. The Taz (intro to OC 494) says that Ma'ariv should also be delayed. The Pri Megadim (ad loc.) stresses the Taz's cogency based on the fact that regarding several halachot, Ma'ariv ushers in a new day. The Mishna Berura (494:1) posits that Ma'ariv should wait until tzeit, and this is the widespread minhag. (Hitorarut Teshuva II,31 likes the delay of Ma'ariv for a side reason. Because people stay up all night and do not recite Kriat Shema Al Hamita, it is important for Kriat Shema to be after tzeit (see Rashi, Berachot 2a).)

What about candle lighting? Since it can be done on Yom Tov and usually ushers in Shabbat (see Shulchan Aruch and Rama, OC 263:10), it is logical to compare it to Kiddush and Ma'ariv. However, while there is an opinion to wait for candle lighting, the minhag is to light at the regular Yom Tov time (see Halichot Shlomo, Moadim 12:2). One explanation is that it is not an absolute acceptance of Shabbat. One could claim that women, who are the ones who accept Shabbat with lighting, may ruin temimot because they are exempt from counting. However, L'horot
Natan (ibid.) argues powerfully that this application of temimot is not a function of the mitzva to count, but of respecting the time period's integrity, which applies also to women.

The main reason, though, is probably that there is no intrinsic problem at all. One violates no mitzva by doing an act of Shavuot, and omer is seven complete weeks anyway. Chazal, who are our source of formal limudim, are silent on the matter. Rather, the matter of waiting, even though the rule is that one may perform Shabbat and Yom Tov activities early, is a minhag instituted because it looks like (language of the Sh'lah) we are shortchanging the omer. Thus, there is no need to separate between the time of omer and Shavuot absolutely, but only according to the extent the minhag prescribed. There is a consensus regarding Kiddush; it has extended for most to Ma'ariv; only a few apply it to candle lighting.

Because many classical poskim allow early Shavuot Ma'ariv, it is legitimate for a shul/minyan with a special need to do so, despite the prevalent minhag. If feasible, it should be stressed that only those with a real need attend (it is unclear if accommodating children's sleep patterns qualifies). It is proper to communicate that all who can should not make Kiddush before (the earliest opinion of) tzeit. The level of compliance need not affect plans for Ma'ariv unless it is known there is widespread "abuse".

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