

Kudos to all those who participated in the *Yarchei Kallah*. Special *hakaras hatov* for the organizers, **Dr. David Kallus** and **R' Tzvi Lazer Gherman, Zevi Weissmandel with the oichlin**, and of course **R' Saffer**, who keeps us *shteiging* and pumped. May he be *zoiche* to have the strength and wisdom to keep all of us juiced all year long. Finally, no endeavor in the shul would happen without the constant *chizuk* and encouragement of our *morah d'asra* **Rav Malinowitz, shlita**, who capped off the program with a final *shiur* on "*kavana b'krias shma*". All those who wish to continue *shvitzing* in *meseches brachos*, please contact [edolavi@aol.com](mailto:edolavi@aol.com) or any of the members of the *chaburah* to inquire about scheduling and *chavrusos*.

Our *Yarchei Kallah* limud concluded with the *shitas* RI and R"Y in the first *Tosafos* in *brachos* (2a). The last two weeks, we addressed the issues surrounding *Rashi* in depth. Very briefly, our *mishna* clearly states that the *mitzvah* of the evening KS is after *tzeis hakochavim*. The problem both *Rashi* and *Tosafos* faced is that most shuls doven *maariv* early and therefore recite KS before *tzeis*. *Rashi* dealt with the contradiction by suggesting that the KS that is part of *maariv* is simply part of an enactment "*la'amod b'tefilah mitoch divrei torah*". The *mitzvas* KS, on the other hand, is fulfilled with the KS "*al hamita*" which is recited after *tzeis*.

*Tosafos* contended that the KS "*al hamita*" lacks the characteristics we would expect from KS. KS "*al hamita*" is comprised of only one *parsha*, it is not followed by or preceded by any *b'rachos*, and it is not in the context of *tefillah* with the requisite *semichas geula l'tefilla*.

Having discussed possible approaches for *Rashi* on these issues, and analyzing the differing opinions of *Rashi* and *Tosafos* that emerged, we finally turn our attention to the *shita* of *Tosafos*. If indeed *Tosafos* maintains that the KS recited at *maariv* must be the KS that fulfills the *mitzva d'oraisa* of the evening KS, how do they understand the *minhag* of many shuls to doven *maariv* early in light of the fact that our *mishna* requires the evening KS to be recited after *tzeis*?

*Tosafos* first quotes R"Y who answers that the *minhag* of the communities that doven early is based on the *shita* of *R' Yehudah* in the fourth perek. There, *R' Yehudah* holds that the latest time to bring the "*korban tamid shel bein ha'arbaim*" and thus doven *mincha* was at *plag hamincha*, after which *maariv* can be recited. R"Y simply explains that our *mishna* insists on KS being recited after *tzeis* because it follows the view of the *chochamim* who disagree with *R' Yehudah*. Otherwise, claims R"Y, followers of *R' Yehudah* may recite the KS after *plag*.

A careful reading of our *Tosafos* and *Tosafos* on 2b (d"y

*amar lei*) has him in agreement with the premise of R"Y that *R' Yehudah* would allow the KS to be recited after *plag*. However, as *Tosafos* points out, the solution of R"Y in explaining the *minhag* of dovening *maariv* early is extremely difficult. The difficulty according to R"Y is that the early *minyan* is a *mincha / maariv minyan*. As a result, the *minyan* ends up following the *shita* of *R' Yehuda* by dovening *maariv* before *tzeis*, but they also at the same time follow the *shita* of the *chachomim* by dovening *mincha* after *plag*. This adherence to both *shitas* is obviously an internal contradiction (*tarti desasrei*). Our *chaburah* hopes to delve into the details of this contradiction in depth when we revisit the issue in the fourth perek.

The issue of *tarti desasrei* notwithstanding, one obvious question raised by **Beis Tefilla Yona Avraham CEO, R' Benjy Kwalwasser** was the bomb *kashia* of the *Rashba*. How could R"Y and *Tosafos* agree that KS *d'oraisa* can be recited after *plag* while it is still technically day? R"Y suggested that just as *R' Yehudah* would allow for *maariv* to be recited after *plag*, he would also allow for the evening KS to be recited at that time and fulfill the *mitzva d'oraisa*. But we must ask, why would anyone think that *maariv* and KS are governed by the same criteria of time? After all, the time for *maariv* is determined by the timing of the *korbanos*. The timing of KS, in contrast, is governed by the definition of "*zman shechivah*", which presumably can only refer to a time after nightfall. How does the *machlokes R' Yehudah/Chachamim* about when *mincha* ends and *maariv* begins, have any bearing on when the earliest time for the evening KS is?

## The Raid

*R' Saffer* taught us that the classical explanation for *Tosafos* essentially hinges upon revamping our perception of what the *pasuk* means when it says "*b'shochvecha u'vekumecha*". *Rashba* seems to be assuming "*b'shochvecha*" means that the evening KS must be recited during "*zman shechivah*", which presumably should be a point in the day in which it is already dark, as people are going to sleep. Indeed, *Rabbeinu Yonah* dh *v'af al pi* (folio 1b) seemingly goes with this understanding of "*b'shochvecha*" in explaining why the gm 2b refers to the *pesukim* in *Nechemia* as being merely a "*zecher l'davar*" for *tzeis* (being the *zman* for KS). He states that while there might be "*raiya l'davar*" (proof) that *tzeis* is nightfall, no proof is provided from the *pesukim* in *Nechemia* that *tzeis* is the *zman* KS, when people go to sleep (see *RI M'lunil* 2b d"y *tanu rabanan*, for a different interpretation of the gm's use of the term "*zecher l'davar*").

*Tosafos* (R"Y and RI) we will soon see have a different view of the *zman* KS derived from "*b'shochvecha*". The

gm on 2b records numerous anecdotal guidelines for when the *zman* for the evening KS should be (when the poor enter to eat their meal, when the *kohanim* become *tahor* to eat their *terumah*, when people enter their house to eat on Friday night...). The guideline attributed to R' *Acha* on 2b is "at the hour that most people enter their houses to eat". This guideline is ambiguous, and is the subject of a *machlokes* RI (*Tosafos*) and *Rashba*. The RI (2a) d"h *m'aimasai* suggest that this is the earliest of the times recorded in the gm: it is a time when there is still daylight (*m'beod yom*). The *Rashba*, however, does not accept this *pshat*, presumably because daytime, is not "*zman shechiva*", when people go to sleep. *Tosafos* (R"t and RI), must have a different understanding of "*b'shochvecha*". We already pointed out that according to *Tosafos*, KS can be recited after *plag hamincha* (according to R' *Yehudah*), which is way before the time people go to sleep. Defenders of *Tosafos* point out that the *pasuk* never explicitly demanded that KS be recited during a time when people are going to sleep. "*B'shochvecha u'vekumecha*" does not have to be understood literally. The *pasuk* could be simply using the words "*b'shochvecha u'vekumecha*" as a poetic way of saying "day and night". This indeed is the position of the *Gra* according to the *Yerushalmi* (1:1) in the *sugya* of *safek kara es krias shma*.

You might ask, what is the difference? Whether the evening KS needs to be recited during the "time that people go to sleep" or during the "night", it is equally difficult to understand the position of *Tosafos* that allows for evening KS to be recited while it is still day.

The truth is that there is a big difference between "night" and "the time that people are going to sleep". "The time that people are going to sleep" can only be understood as a time when it is already dark outside and fit for sleep. "Night", however, is a halachik timeframe. As a halachik timeframe, the definition of night is not necessarily limited to a period of time during which it is dark outside. It is possible that *Tosafos* view the *machlokes* R' *Yehudah* / *Chachamim* as determining when the *zman* of *mincha* ends, and consequently when night begins thereafter. If this were true, then night would technically begin after *plag hamincha* according to R' *Yehudah*. If indeed "*b'shochvecha*" means "**during (halachik) night**", then we can understand how the evening KS can be recited after *plag hamincha* according to *Tosafos*.

R' Saffer then cited sources that corroborate the idea that *plag* could indicate the beginning of night. The *Meiri* on 27b comments that *plag hamincha* is "the beginning of sunset" (*chamah mascheles l'hishtakea*) and that before *plag* "there isn't even a trace of night" (*ein sham serach layla*). This implies that *plag* can be viewed as the starting point of night. The *Mordechai* (*brachos* siman 1) expresses more explicitly that *plag hamincha* is night (*m'plag hamincha v'eilach lelei hu*)! R' Saffer brought other similar comments in *Rishoinim*. He also pointed out that the SA by *hilchos channukah* and *hilchos megilah* suggest that *chanukah* lighting and *mikreh megilla* (and some say even *sefiras ha'omer*) can be said at *plag* at the earliest. These *rishoinim* and *halachos* seem to support the

notion that *plag* marks the beginning of *halachik* "night".

### The Problems

The solution of viewing *plag* as the beginning of night seems plausible, and addresses the critical question in *Tosafos*, but R' Saffer noted that some serious cracks can be found when this *pshat* is held up to the light. First of all, although R' *Yehudah* clearly allows for *maariv* to be said after *plag*, it is hard to believe that he considered *plag* to be the actual halachik "beginning" of night. Would anyone think that one is permitted to do *melacha deoraisa* on *Shabbos* day after *plag*? Would anyone say that if **Rabbeinu Matt's baby boy** had been born on Monday night after *plag* that he should have his *bris* the following Tuesday (instead of Monday, since the baby was considered to be born at *halachik* night)? The only interpretation of R' *Yehudah* that makes sense is that *plag* is considered a quasi-night stage (with some *dinei layla*) meaningful for certain *halachos*, such as *tosefes shabbos*, or certain *mitzvos d'robonon* (*chanuka*, *megilla* and *sefiras haomer*). If that is the case, it seems unlikely that a *mitzvah d'oraisa* such as the evening KS could be recited at this quasi-night type of halachik timeframe. One would imagine that if "*b'shochvecha*" refers to night, there would be a requirement that it be fully night.

Furthermore, a careful inspection of *Tosafos'* own words reveal that they do not require night for KS. *Tosafos* (who we mentioned agrees with R"t in principle regarding KS according to R" *Yehuda* being at *plag*), has no difficulty with his interpretation of *Rav Acha* as allowing for KS at the time of *nichnasim l'seudas shabbos* which he describes as "*m'beod yom*".

### The Solution – Next Week

A deep dissection of the gm and *rishoinim* on 2b led to at least 3 more bomb questions on the raid (see aforementioned *Rashba* and *Tosafos* d"h *v'eey* and d"h *v'amar lei*). R' Saffer then suggested a wholly novel approach in the formulation of both "*b'shochvecha u'vekumecha*" and the halachik definition of *zman* KS. Our corporate philosophy at BR is to not merely give a flavor of our topic to our beloved audience. We will not compromise the nuances of our "heavy duty *kashias*" and the subsequent refined *lomdus* by presenting them in a less-than-pristine fashion. Being that this last *shiur* was technically involved, a proper treatment of the five questions posed in *shiur*, unfortunately requires another volume of *Bracha Rishoina*, that will *b'eh* be on your tables next week.

*The editorial board of BR would like to wish a hearty Mazel Tov to our esteemed colleague, Rabbeinu Matt Bornstein (aka "Mr. google"), and his illustrious family, on the birth of a bouncing baby boy this past Monday, way before plag. May the young man grow to be a talmid chochom, juiced in learning and pumped in mitzvos like his parents. May his family and all of K'lal Yisroel derive nachas from him in good health and happiness for many years to come.*