



B'racha Rishoina

R'Saffer B"Yyun Newsletter

Shkia Rishoina

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Our objective

During our tremendously successful *yarchei kallah*, we kicked off our *limud* of *maseches b'rachos* by examining the earliest acceptable *z'manim* for the evening *shma*. B"H, we managed to arrive at meaningful approaches to *shitas Rashi* and *Tosafos* in the *sugya*. May we be *zoche* to achieve such satisfactory *psbat* in *lomdus* as we plow through the rest of *shas*!

Before we forge on in *lomdus*, however, R" Saffer felt it was critical that we spell out some of the rudimentary terms that will be inextricably intertwined with many of the *sugyos* that follow. Key halachik times such as *shkiya*, *tzeis hakochavim*, *plag hamincha*, and *bein hashmashos*, are understood very differently by different *rishoinim* and *achroinim*. The topic of *z'manim* is subject to a wide ranging *machlokes* both in interpretation of gm, and its application to the physical reality. Rabbi Saffer for the past five *shiurim* suppressed his usual style of digging for "bedrock" in the *sugya*, but chose instead to present a comprehensive survey of the various *shitos* and their halachik implications. He felt that sorting out the different *shitos* in an organized and comprehensive fashion will ultimately prove to be indispensable for our future analysis of *maseches b'rachos*. It is these five *shiurim* that we will be highlighting in our next two issues of *Bracha Rishoina*.

The sources

We begin with the gm in *pesachim* 93b. The gm presents the *halacha* that anyone who is close enough to realistically ascend to *yerushalaim* and bring a *korban pesach*, must do so. How do we measure the distance beyond which individuals are exempt from *korban pesach* on the 14th of *Nissan*? The calculation of this distance, known as "*derech rechokah*", is the subject of the *mishna* in *pesachim* 93b.

The *mishna* suggests that *derech rechokah* is the distance from *modiin* to *yerushalaim*. *Ula*, calculated that distance as being 15 *mil*. In determining that calculation, *Ula* presumed that if an individual were to walk on an "equinox day" in which the night and day are of equal 12hr. duration, he would travel a distance of 5 *mil* between *alos hashachar* and *hanetz hachama* (daybreak and sunrise), and would travel an additional 5*mil* between *shkiyah* and *tzeis hakochavim* (sunset and nightfall).

For our purposes, we will be examining the time span between *shkiyah* and *tzeis* (3 medium size stars). The gm on 94a in *pesachim* then records the prevailing dissenting opinion of R" *Yehudah* who states that the distance between *shkiyah* and *tzeis* is not 5 *mil*, but rather 4 *mil*.

The 4 *mil* criteria is certainly a useful guide, but it is difficult to decipher how to utilize the guideline of the 4 *mil*. Aside from the challenge of **determining how long it would actually take to walk a mil** (18 min., 22.5 min., or 24 min.) it is unclear **whether the 4 mil should apply equally to all locations and all the days of the year**. For example, a day which is much longer than the "equinox" day in *Bavel* and *Eretz Yisrael*, do we assume the same 4 *mil* (18 min., 22.5 min., or 24 min.) exists between *shkia* and *tzeis*? Both of these issues were the subject of a full *shiur* by R" Saffer, but unfortunately they will not make into this weeks *bracha rishoina*.

There is another more fundamental difficulty with the supposed

"4 *mil* " between *shkia* and *tzeis* , that arises from a gm in *shabbos* 34b. The gm there uses empirical descriptive criteria for the determining of *shkiyah* and *tzeis*. Instead of defining *shkiyah* and *tzeis* in terms of how long it would take someone to walk during that time, the *tannaim* discuss what the sky actually looks like during these landmark *z'manim*. R" *Yehudah* (as understood by *Rabbah*) states that *shkiyah* begins "from the time of sunset, as long as the western horizon is red" and ends when "the top and bottom of the western horizon are uniformly dark". There are two other opinions of R' *Nechemia* and R" *Yosi*, but the opinion of R" *Yehudah* will be most critical for the purposes of our current discussion.

Not only does the gm on *shabbos* 34b subscribe to a different criteria than the gm in *pesachim* in 93b for measuring *bein hashmashos*, it arrives at an altogether different conclusion. The gm in *pesachim* clearly stated that, according to R" *Yehudah* the time between *shkiyah* and *tzeis* is 4 *mil*. The very same R" *Yehudah*, using a different criteria for determining the time between *shkiyah* and *tzeis* in the gm in *shabbos*, calculates the time between *shkiyah* and *tzeis* as being 3/4 of a *mil*!

The two classic approaches addressing this discrepancy are the R" T and the GR" A.

We will first spell out the approach of R" T, as his *shita* is espoused by most *rishoinim* and *achroinim*, among them the *Ramban*, *Rosh*, *Rashba*, *Raavad*, *Magid Mishna*, *S'mag*, *Ravya*, *Ritva*, *Raivad*, *Tos. Rid*, etc. and the *Mechaber*, *Rama*, *Terumas haDeshen*, *Chayei Adam*, *Rav Akiva Eiger*, *Magen Avrohom*, *Minchas Cohein*, *Levush*, *Pri Chadash*, *Chasam Sofer*, *Kitsur Shulchan Aruch*....

R" T

The R" T (*pesachim* 94a; *shabbos* 35a) reconciles the seemingly conflicting gms in *pesachim* and *shabbos* as follows:

As the gm in *pesachim* claims, there are 4 *mil* between what we call sunset (astronomical sunset), and *tzeis hakochavim*. The gm in *shabbos*, which describes *bein hashmashos*, begins the *bein hashmashos* process 3/4 of a *mil* before *tzeis*. In other words, there is a significant *zman* 3/4 of a *mil* before *tzeis* that marks the beginning of *bein hashmashos*. According to R" T, there are two types of *shkiya*. The first *shkiya* (*techilas shkiah*), what we call "sunset", clearly has less halachik significance (although it might be an important in determining *zman tosefes shabbos*, *zmanei mincha u'maariv* and KS). The "second *shkiyah*" (*sof shkiah*), three and a quarter *mil* (3 1/4 *mil*) after the first *shkiah* marks the beginning of *bein hashmashos*. 3/4 of a *mil* later is *tzeis hakochavim*. The most startling *chiddush* of this position is that the entire three-and-one-quarter *mil* that follows sunset is considered according to *halacha* as completely day (*vadai yom*). The stance of R" T, while widely accepted by *rishoinim* and *acharonim*, is somewhat radical. First of all, it contends that the "*shkiyah rishoina* (first *shkia*)" that is referenced in the gm in *pesachim*; the *shkiyah* that we are familiar with and refer to as sunset: is totally insignificant with respect to *bein hashemashos*, as *halacha* views it as *vadai yom*. Secondly, it presents an astronomically irrelevant and physically nondescript *zman* of "*shkiyah shnia* (second *shkiyah*)" as the beginning of night; a *zman* that carries great halachik significance. Finally, since it regards the entire time spanning *shkia rishoina* and *shkia shnia* as fully day, it means that on *erev shabbos*, *melacha* could be performed for close to an hour (assuming an 18 min. *mil*) after

sunset.

It is important to note here something that we mentioned at the outset. Namely, that there are two ways of understanding the 4 mil of R"Y. The *p'ri megadim* claims that the 4mil of R"Y is a fixed 72 minute time period (assuming an 18 minute-mil) irrespective of the time of year and position on the globe. The *minchas cohen*, on the other hand, holds that the 72 minute-4 mil is only true for an "equinox day" in *babel* and *eretz yisrael*. It thus needs to be adjusted for different times during the year, and different positions on the globe. The *shita* of the *minchas cohen* might result in a 4mil time span that is so long in the summer up north in Russia (200 minutes!) that it can overlap with *alos hashachar*! We will come back to this problem.

R"Y in his *sefer hayashar*, and *Tos. Rid* attempt to describe what takes place astronomically during the second *shkiyah* of R"Y, thus supporting the notion that second *shkiyah* is a legitimate *zman*. Be that as it may, it is certainly difficult to see this effect in the sky, nor will you see this second *shkiyah* listed in any farmer's almanac. Enter the GR"Y.

The GR"Y

We noted that R"Y viewed the **last** 3/4 mil of the 4mil period between *shkiya rishoina* (astronomical sunset) and *tzeis as bein hashmashos*. In contrast, the GR"Y (SA 161) holds that the **first** 3/4 mil of the 4mil between *shkiyah* and *tzeis* is what is considered *bein hashmashos*. It seems that the GR"Y is clearly driven by empirical evaluation of the sky. The GR"Y makes a few fundamental empirical observations. First of all, the GR"Y assumes the *minchas cohen*'s understanding of the R"Y. Namely, that *shitas* R"Y is adjusted to account for position on the globe and season. This being the case, the GR"Y contends that the very late interpretation of *bein hashmashos* and *tzeis*, starts at a time that depending on the latitude and season, is untenable in two ways. First of all, it can be so late that it runs into *alos hashachar* of the next day (even in places where Jews lived in Russia well south of the North Pole). Furthermore, the GR"Y contends that even a casual look at the sky half way into the 4mil between *shkiyah* and *tzeis* reveals a totally dark sky filled with stars (significantly more than the gm's *tzeis* criteria of 3 medium size stars). It seems unreasonable to suggest that the sky could look like that while *bein hashemashos* (3 and 1/4 mil after sunset) has yet to occur, and it is still considered totally day.

The GR"Y makes no apologies for labeling the time slot 3/4mil after astronomical sunset as *tzeis hakochavim*. Despite the fact that it might not be totally dark outside at that time, the GR"Y maintains that the gm's criteria of three medium sized stars (*shabbos* 35b) can be plainly seen in the sky at that time. Now while we all might be more comfortable with the physical reality reflected in the approach of the GR"Y, the 4mil period described as *tzeis* in the gm in *pesachim* is much more problematic for the *shitas haGR"Y*. After all, if sunset is the beginning of the 4mil period, and *tzeis* is 3/4 mil later, what does the time period three and a quarter mil after that represent? The GR"Y labels this time as "*tzeis kol hakochavim*" but makes no attempt to ascribe a halachik significance to that time. This is obviously a sticky point in the *shitas haGR"Y*. Rav Soloveichik, suggested in defense of *shitas haGR"Y*, that *tzeis kol hakochavim* might mark the end of the *motzai shabbos - tosefes shabbos* threshold. Outside of that, the position of the GR"Y seems more consistent with empirical observation, but not as clean with *pshat* in the gm.

The *Maharam Alshakir* (16th century *acharon*) defends this approach of the *Gaonim* made famous by the GR"Y (close to 1000 years later), by dismissing the 4 mil of gm *pesachim* altogether. He states that the calculations of the gm in *pesachim* were based on the initial astronomical assumptions set forth by the "*chachmei yisroel*" before *Rebbi (pesachim 94b)* conceded that the astronomical assumptions of the "*chachmei oomos ha'olam*" were correct. The *Maharam Alshakir* proposes that the

shkiyah process as described by the "*chachmei oomos haolam*" was exactly as the *geonim* described it. Namely, astronomical sunset, when the top of the sun goes below the horizon, followed by *tzeis* 3/4 of a mil later.

Once we are divested from the 4mil mark set forth in the gm in *pesachim*, we can present the truly novel interpretation of the *Yereim*. The *Yereim* suggests that the 3/4 mil of *bein hashmashos* actually **precedes** *shkiyah*. That means that *bein hashmashos* begins before *shkiyah*, and then sunset (*shkiyah*) marks the beginning of night. This position would obviously result in a significant *chumrah* on *erev shabbos*. Three quarters of a mil before *shkiyah* (astronomical sunset) one would have to refrain from *melacha* as it is already *bein hashemashos*. Some say that this 3/4 of a mil is the source of the famous "18 or 20 minute rule" that people are careful not to do *melacha* for before *shkiyah* on *erev shabbos* (see BH 161).

Halachik ramifications.

Shabbos entering-

GR"Y demands that *melacha* end by *shkiya rishoina* (astronomical sunset) as according to him it is already *bein hashemashos*. R"Y would allow *melacha* for another 3 and 1/4 mil (58.5 min. assuming an 18 minute mil), which only then begins his *bein hashmashos*. Back in the day, the *Chasam Sofer* wrote that R"Y was followed to the letter in Europe. So much so, that people were walking around freely on *erev shabbos* and doing *melacha* well after sunset. The *Satmar Rebbe* is credited with recalling this practice amongst the *chassidim* in America. He felt it inappropriate for *melacha* to be done when the majority of Jews were already observing *shabbos*.

Shabbos ending-

In theory, those who hold like R"Y have to wait until the end of 4mil for the end of *shabbos*. Many people hold that this would be a fixed 72, 90 or 96 minutes (18, 22.5 or 24 min. mil) like the *pri megadim* suggests. Others that hold like R"Y according to the *minchas cohen*, could very well find themselves saying *havdalah* on Sunday morning on a long summer night in *Astonia*. According to the GR"Y, *shabbos* is over 3/4 of a mil after astronomical sunset. As the mil according to the GR"Y is not fixed it is understandable that people in America will view *bein hashemashos* on *motzai shabbos* as lasting app. 45 minutes after *shkia* (astronomical sunset)

Tosefes Shabbos on Erev Shabbos-

While according to R"Y one can fulfill the mitzvah of *Tosefes Shabbos* (adding on to *shabbos*) after astronomical sunset (SA 161; *ritva b'rachos* 27b), according to the GR"Y one would have to be *mekabel shabbos* prior to sunset. The reason for this is obvious. According to the GR"Y one can no longer do *melacha m'ikar hadin* after sunset, as it is *bein hashemashos*, thus *Tosefes Shabbos* has to precede sunset.

Yitzi Bornstein-

Erev Shabbos

What would be if *Yitzi* had been **born on erev shabbos right after sunset** (during the *bein hashemashos* of the GR"Y, but before the *bein hashemashos* of R"Y)? The *Magen Avraham* (MA) holds like R"Y and calls for the *bris* to be on the following Friday, as the baby was born on *vadai* Friday. The *Shach* agrees with the position of the GR"Y (*Gaonim*) and calls for the *bris* on Sunday (you can't do it on *shabbos* as the *safek shabbos* of *bein hashemashos* will not allow for the *bris* to be *docheh* the *shabbos* of the following week).

Motzai Shabbos

What would be if *Yitzi* had been **born right after sunset at shalosh seudo** (during the *bein hashemashos* of the GR"Y, but before the *bein hashemashos* of R"Y). While even the MA was hesitant about doing such a *bris* on *Shabbos* (with *chilul shabbos* at stake), the *Chasam Sofer* cited above would presumably allow the *bris* even on *shabbos* (in accordance with R"Y). The *Shach*, however, demands that the *bris* take place on Sunday (in accordance with the GR"Y).