

Zmanim, Part 2

Introduction

Last week we mentioned the **Gemara (93b)** which brings Ula's statement that an average person on an average day can travel 5 *mil* from *shkiah* until *tzeis hakochavim*. However, the **Gemara (94a)** later brings a *braisa* which refutes this statement. The *braisa* quotes R' Yehuda who says that one can only travel 4 *mil* from *shkiah* until *tzeis*.

The Gemara in Shabbos

The **Rishonim** ask that our Gemara seems to contradict the Gemara in **Shabbos (34b)**. The Gemara there tells us that the period between *shkiah* and *tzeis* is called "*bein hashmashos*," which is considered to be a *safek* whether it is day or night. The Gemara brings R' Yehuda who holds that this time period of *bein hashmashos* lasts for $\frac{3}{4}$ of a *mil*. Evidently, according to the Gemara in **Shabbos**, *tzeis* is only $\frac{3}{4}$ of a *mil* after *shkiah*!

The Geonim's Opinion

Indeed, **Teshuvos Maharam Alshaker (siman 96)** famously quotes the *shitah* of the **Geonim** (Rav Sherira Gaon, Rav Hai Gaon, and Rav Nissim Gaon) that the *ikar* is like the Gemara in **Shabbos** — that *tzeis* is only $\frac{3}{4}$ of a *mil* after *shkiah*. The **Gra (Beur HaGra 261:11)** agreed and explained that our Gemara in **Pesachim**, which says that *tzeis* is 4 *mil* after *shkiah*, is not referring to the halachic *tzeis hakochavim*, which is when three medium stars become visible [see **Shabbos 34b**], but rather to a point in time when all the stars in the sky come out and there is no light at all for one to continue traveling. The **Bais Yosef (261:1-2)** writes that this is also the understanding of the **Rif** and the **Rambam**.

Rabbeinu Tam's Opinion

However, **Rabbeinu Tam (Pesachim 94a s.v. R' Yehuda; Shabbos 35a s.v. trei)** resolves the contradiction by explaining that there are really two components to *shkiah*. From the beginning of *shkiah* (when the sun itself sinks below the horizon) until *tzeis* is 4 *mil* like the Gemara in **Pesachim** tells us. The statement made by the Gemara in **Shabbos** (that *bein hashmashos* is only $\frac{3}{4}$ of a *mil* between *shkiah* and *tzeis*) is referring to the "beginning of the end" of *shkiah*, when the *light* of the sun sinks below the horizon, which is $3\frac{3}{4}$ *mil* after *shkiah* begins, and $\frac{3}{4}$ of a *mil* before *tzeis*. It emerges that according to Rabbeinu Tam, from the beginning of *shkiah* there is $3\frac{3}{4}$ *mil* that is considered day. Then comes *bein hashmashos* for $\frac{3}{4}$ of a *mil*, which is considered a *safek* whether it is day or night. Afterwards (4 *mil* from the beginning of *shkiah*) comes *tzeis*, which is considered nightfall. See also **Sefer Hayashar (siman 221)** where Rabbeinu Tam brings support to his *shitah*, proving that the term "*shkiah*" used by the Gemara in **Pesachim** refers to an earlier phase than the *lashon* of "*mishetishka hachamah*" used by the Gemara in **Shabbos**.

Summary

Based on what we learned last week about the three *shitos* of the *shiu mil*, it comes out as follows: According to the opinion that a *mil* is 18 minutes, Rabbeinu Tam's *tzeis* is $1\frac{1}{2}$ hour (72 minutes) after *shkiah*, whereas according to the **Geonim** it is $13\frac{1}{2}$ minutes after *shkiah*. If a *mil* is $22\frac{1}{2}$ minutes, Rabbeinu Tam's *tzeis* would be 90 minutes after *shkiah*, and the **Geonim** would hold it is 16.87 minutes. If a *mil* is 24 minutes, then *tzeis* is 120 minutes after *shkiah* according to Rabbeinu Tam, and 18 minutes after *shkiah* according to the **Geonim**. Essentially, then, there are six different *shitos*.

How to Count These Shaos

We mentioned last week that there are three potential ways to calculate the time period of twilight: using *shaos shavos*, *shaos zmanios*, or by degrees. [It follows, then, that each of the six opinions mentioned above can be calculated using any one of these three methods, thus yielding 18 possible methods of calculating *tzeis*!]

However, the **Gra (Beur HaGra ibid.)** points out that if one is to follow the opinion of the **Geonim**, he obviously needs to use the method of degrees to calculate *tzeis*. This is because at $16\frac{3}{4}$ minutes ($\frac{3}{4}$ of a *mil* if a *mil* is $22\frac{1}{2}$ minutes) after *shkiah*, one is unable to see three medium-sized stars. [The **Gra** therefore explains that the Gemara is specifically talking about the equinox in Eretz Yisrael. In other places, and at other times of the year, twilight will be longer.]

The Halachah Regarding Erev Shabbos

Ultimately, the **Shulchan Aruch (261:2)** rules like Rabbeinu Tam, even *l'kula*. The **Mechaber** writes that Shabbos only begins $3\frac{3}{4}$ *mil* after *shkiah*. However, as we mentioned, the *psak* of the **Gra** was like the **Geonim** who held that *bein hashmashos* begins right at the beginning of *shkiah*. Already then, it is treated as a *safek* nighttime, which would mean that one must refrain from all *melachah* from the beginning of *shkiah*. The **Mishnah Berurah (261:23)** *paskens* like the **Gra** and therefore writes that one must be extremely careful not to do any *melachah* after *shkiah*. The *minhag* of Sephardim as well is to follow the **Geonim** [see **Birkei Yosef (261:1)** and **Kuntres Acharon 261:2**] citing many *gedolei ha'Acharonim* to refrain from doing all *melachah* by *shkiah*. The **Chida** writes that this *minhag* might have even predated the *psak* of the **Shulchan Aruch**! In the words of the **Mishnah Berurah (Beur Halachah 261:2 s.v. mi'techilas)**, "*Chas v'shalom* for one to be lenient regarding this (doing *melachah* after *shkiah*)," which is a *safek issur sekilah*. [In the past it was the *minhag* of many *chassidim* to follow the *shitah* of Rabbeinu Tam even *l'kula* and to permit *melachah* on Erev Shabbos until $58\frac{1}{2}$ minutes after *shkiah*. However, after a meeting between **Rav Aharon Kotler** and the **Satmar Rebbe**, the latter publicized a *psak* that one should be *chosheish* for all the *shitah* of the **Geonim l'chumra** on Erev Shabbos and refrain from all *melachah* by *shkiah* (see **Divrei Yoel (1:18)** and **Halachically Speaking (12, p. 10)**].

The Yereim's Opinion

It is important to mention that there is a third *shitah* regarding the precise time of *bein hashmashos* and *tzeis*. The **Yereim (end of siman 274)** writes, based on his understanding of the Gemara in *Shabbos*, that *shkiah* is considered night, and *bein hashmashos* is $\frac{3}{4}$ of a mil before *shkiah*! The words of the *Yereim* are brought by the **Mordechai (Shabbos perek 2 os 456)** and the **Agudah (Shabbos perek 2 os 49)**. The **Bach (siman 261)** writes that from the fact that the *Mordechai* and *Agudah* bring this *shitah*, it must be that they held that one should at least be *machmir* for this *shitah*. In fact, the **Mishnah Berurah (261:23)** calls it a "praiseworthy practice" to refrain from doing any *melachah* 20-30 minutes before *shkiah* in order to accommodate all the *shitos* (including the *Yereim* — see *Shaar Hatziyun* 261:21) and be *mosif mei'chol al hakodesh*. See **Sefer Be'er Chaim (siman 6)** who uses this *Yereim* to explain the various *minhagim* of accepting Shabbos early (18-40 minutes before *shkiah*).

The Halachah Regarding Motzei Shabbos

As mentioned above, the **Shulchan Aruch (OC 459:2)** *paskens* like Rabbeinu Tam. Now, when it comes to the *zman* of *issur melachah* at the start of Shabbos this results in a *kula* (as one only needs to refrain from doing *melachah* $\frac{3}{4}$ mil after *shkiah*), but on Motzei Shabbos this results in a *chumra*, as one would be forbidden to do *melachah* until 4 mil after *shkiah*, when *bein hashmashos* ends for certain. Aside from the fact that we already mentioned that the *Gra* *paskened* like the *Geonim*, the *minhag* in Eretz Yisrael is to follow the *Geonim's* opinion and permit *melachah* from $\frac{3}{4}$ mil after *shkiah* [see **Halichos Shlomo (Pesach 5:17)** and **Shu"t Tzitz Eliezer (17:62)**]. Even in places where they generally accept the *psakim* of the *Shulchan Aruch*, the *minhag* regarding *tzeis* was always like the *Geonim*, even *l'kula* on Motzei Shabbos [see, for example, **Birkei Yosef (331:7)**, **Ben Ish Chai (2, Vayetztei os 1)**, and **Yabia Omer (OC 7:41:2)**].

The Minchas Kohen's Opinion

The **Minchas Kohen (Maamar 2, perek 5)** writes that even according to Rabbeinu Tam — that *tzeis* is 4 mil after *shkiah* — if one sees three medium-sized stars before this time, he can assume that it is *tzeis* and consider it nightfall. He writes that Rabbeinu Tam only gave the *shiur* of 4 mil for a cloudy night where one cannot see the stars. However, see **Sefer Zmanim Kehilchasam (p. 197)** who brings that many argue on the *Minchas Kohen*. They reason that Rabbeinu Tam said the *shiur* of 4 mil to explain the *shitah* of R' Yehuda. Now, R' Yehuda lived in Eretz Yisrael where three medium-sized stars become visible well before 4 mil after *shkiah* [often around 30 minutes after *shkiah*]. If in fact one can assume upon seeing three stars that it is nightfall, why would R' Yehuda say that one needs to wait 4 mil on a cloudy day before assuming that it is nightfall? See also **Teshuvos V'hanhagos (2:167)** who points out that the *stimas haposkim* is not *mashma* at all like the *Minchas Kohen*.

Practically Speaking

Regarding Motzei Shabbos, the **Mishnah Berurah (Beur Halachah 261:2 s.v. shehu)** writes that one should be *machmir* like Rabbeinu Tam and assume that it is still Shabbos until 4 mil after *shkiah*, even though when it comes to the *issur melachah* at the onset of Shabbos one should also be *machmir* like the *Geonim* and cease *melachah* from *shkiah*. However, he writes, if one sees three medium-sized stars out, he can be *meikil* like the *Minchas Kohen* and assume that it is nightfall even according to Rabbeinu Tam.

Practically speaking, there is a wide range of *minhagim* regarding how to calculate *tzeis*. See **Luach Itim L'binah** who brings that according to **Rav Tukachinsky**, three medium stars are seen when the sun is 8.5 degrees below the horizon (in Eretz Yisrael generally about 36 minutes after *shkiah*, and in New York/New Jersey between 40-51 minutes after *shkiah*) [see also **Igros Moshe (OC 4:62)** and **Kovetz Halachos (Shabbos 1:20:2)**]. However, the **Chazon Ish** (brought by *Luach Itim L'binah*) held that three medium stars are seen when the sun is 9.28 degrees below the horizon (in Eretz Yisrael, between 40 and 50 minutes after *shkiah*). **Rav Ben Tzion Abba Shaul (Ohr Letzion YD 1:10)** says that in Eretz Yisrael, *tzeis* is 27 minutes after *shkiah*. The **Kaf Hachaim (261:1)** held, similar to the *Chazon Ish*, that *tzeis* in Eretz Yisrael is about 40 minutes after *shkiah*. See **Shaarei Zmanim (siman 10)** where **Rav Dovid Heber** brings many *minhagim* regarding *tzeis* and possible rationales behind them.

Being Machmir Like Rabbeinu Tam

Although the *minhag* is not to be *machmir* like Rabbeinu Tam regarding Motzei Shabbos (to consider *tzeis* 4 mil after *shkiah*), many *Acharonim* throughout the years have encouraged being *machmir* like Rabbeinu Tam. See, for example, **Kaf Hachaim** of **Rav Chaim Palagi (31:6)**, where he brings that **Rav Chaim Abulafia** encouraged this *chumra*. See also **Igros Moshe (OC 4:62)** where **Rav Moshe Feinstein** writes that it is proper for one to wait 72 minutes after *shkiah* before doing any *melachah*, and especially *bnei Torah* and *yirei Hashem*. See also **Teshuvos V'hanhagos (2:167)** where **Rav Sternbuch** concludes that "we cannot be *machria* this *machlokes*" and one should therefore be *machmir* like Rabbeinu Tam. He brings that this was also the practice of **Rav Yehoshua Leib Diskin** and the **Brisker Rov**. In fact, the *Rov* would wait until 90 minutes after *shkiah* (combining the *shitah* of the *Gra* who holds that a mil is 22½ minutes, and that of Rabbeinu Tam, that *tzeis* is 4 mil after *shkiah*). **Rav Shmuel Kamenetsky (Kovetz Halachos ibid.)** says that the "*minhag hayeshivos*" and the "*minhag bnei Torah*" is to wait 72 minutes after *shkiah* on Motzei Shabbos before doing any *melachah*. The **Divrei Yoel (1:18)** held that one must keep the *zman* of Rabbeinu Tam *mei'ikar hadin*.

As mentioned above, there are different ways of calculating the 72 or 90 minutes for one who is *machmir* (*shaos shavos*, *zmanios*, or degrees). Many of those who are *makpid* like Rabbeinu Tam use *shaos shavos*. Although this is the least accurate method of calculating *tzeis* in *metzius*, perhaps the reason for this is because anyways three stars are usually visible by then.

It is crucial to note that the *shitos* mentioned above are specifically discussing *tzeis l'chumra* on Motzei Shabbos. One should ask a separate *shailah* regarding each area of *halachah*, as whether the matter is *d'rabbanan* or *d'Oraysa*, *l'chumra* or *l'kula*, and other factors may play a key role in how one should conduct himself.

The **Chofetz Chaim (Bereishis 2:3)** points out how foolish those who bring in Shabbos late and rush to take leave of Shabbos really are. Hashem cursed the six days of the week (that one must work to eat bread) — only Shabbos was excluded from this curse. On the contrary, Hashem blessed and sanctified this day. **Rav Chaim Palagi (Kaf Hachaim ibid.)** brings from the *Chida* that it is "tested and proven" that one has extra success when he holds himself back and extends his Shabbos. May we all be blessed with tremendous *berachah* from Shabbos, the *mekor haberachah*.