

# HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

This week's question:

Someone has been waiting on Motzoi-Shabbos to do Melacha until a late *Zman*. Now, in the summer weeks, when the *Zman* is very late at night, may he change to an earlier *Zman*?

The issues to discuss:

- (A) The basis for the different times in Judaism.
- (B) *Bain Hashmoshos*, twilight.
- (C) *Tosfos Shabbos*, allowing extra time at the beginning and end of Shabbos.
- (D) *Neder*, a vow, because of *Minhag*, a positive practice.

### (A) Times for Mitzvos

Certain Mitzvos may only be performed during the daytime while others must be performed at night. Of those performed by day, some must be performed at a particular time of day. These points of time are generally not based on a twenty-four hour day with a sixty minute hour. They are usually calculated by dividing the daylight time, which can vary according to the season, into twelve equal parts. These are then called *Sha'os Zemanios*, seasonal hours. [See e.g. Rambam, Mishna Berachos 9b, Rashi Pesachim 93b, Shulchan Aruch Orach Chaim 233:1, Rema, etc.]

The length of the daylight time is the first major point of disagreement between the Poskim. The Talmud, after some discussion, concludes that regarding those Mitzvos that must be performed during the day, dawn is considered daytime, although one should wait until sunrise. Also, there are certain Mitzvos that must be completed before sundown, whereas others can only be done after nightfall. The time between sunset and nightfall is a *Sofeik*, a doubt; It is not known exactly when the changeover from day to night takes place. Consequently, that which must be completed before night is not delayed past sunset, and that which must be done only after dark is delayed until nightfall. There are two opinions as to how to divide the day into twelve: either to take all the time from dawn to nightfall, or the time from sunrise to sunset. [See Talmud e.g. Megillah 20a-b, etc. Poskim Sh. Ar. O.C. 233, Magen Avrohom 3, Minchas Kohen Part 1 Maamor 1:1, etc. Maamor 2:6, etc.]

The next major problem is calculating dawn and nightfall. It is relatively easy to fix a time for sunrise and sunset, since they are clearly visible and therefore predictable. The dawn, however, is not so precisely viewable. There are primarily three views as to the calculation of daybreak. One view, based on a Talmudic text, is that it is always seventy-two minutes before sunrise. These seventy-two minutes are not seasonal, but are constant the whole year round. The basis for this view is that since the time period of dawn to sunrise is in between night and day, one can use as

its base an hour calculated by averaging the night hours and day hours which results in a sixty- minute hour. The time period of seventy-two minutes is based on the time an average person needs to walk a distance of four *Mil* according to the majority of Poskim. A *Mil* is two-thousand *Amos*, cubits, and on the average day, one can walk thirty *Mil*. Since an average day has twelve hours, a *Mil* takes eighteen minutes to walk. The second view agrees that the time between dawn and sunrise on average is seventy-two minutes, but holds that it will then vary according to season, and should be calculated as a variable in seasonal hours. The third view holds that dawn is measured by the location of the sun with regard to the geographical point. If sunrise is the point at which the sun is parallel to the horizon at zero degrees, daybreak is when the sun is at an angle of about sixteen degrees below the horizon, which is when its rays begin to shed light on this point on the Earth's circumference. This is calculated by taking into account the Earth's curvature and a number of other measurements. [See Pesachim 94a, commentaries. Rambam, Tosfos Yomtov, Shenos Eliyahu, Mishnah Berachos 1:1 Sh. Ar. O.C. 89 Biur Halacha, Aruch Hashulchan Kaf Hachaim, Pri Megadim O.C. 261:9 58:1-2. Siach Sadeh Note 19.]

#### (B) Bain Hashmoshos

By far the most well-known of the disputed times is that of nightfall. In Jewish law a day, or date, begins at night. The time between sunset and nightfall is called *Bain Hashmoshos*, twilight. This is the time that is in question with regard to fixing the end of one day and the beginning of the next day. There are contradictory times given by the Talmud for nightfall: The opinion in the Talmud whom we follow is R. Yehuda: *Bain Hashmoshos* is the time taken to walk three-quarters of a *Mil*, thirteen-and-a-half minutes, starting at sunset. Elsewhere nightfall is defined as *Tzes Hakochavim*, when three medium-sized stars can be seen against the darkened sky. In another place R. Yehuda says that between *Shkia*, sunset, and *Tzes Hakochavim* one can walk four *Mil*, seventy-two minutes. Aside from the contradiction, how can there be a Talmudic dispute about the appearance of the stars? Furthermore, let an average person walk four *Mil*, then if three stars are visible, this opinion is conclusively proven. Moreover, we see that often the sky darkens in less than seventy-two minutes after sunset and the stars come out. The answer is that these guidelines are difficult to follow, because we are unsure what is considered a medium-sized star or an average man. Therefore we follow Halachic time-guidelines.

The two best-known reconciliations of the two quotes of R. Yehuda are those of Rabenu Tam and the Gaonim. Rabenu Tam says that there are two parts to sunset, the dropping of the sun below the horizon, and the total disappearance of the sun for the day, when it is no longer considered even lingering below the horizon. From the first part of *Shkia* until *Tzes Hakochavim* is indeed seventy-two minutes. However, this is not all considered *Bain Hashmoshos*, since the sun is still around, albeit not in view. *Bain Hashmoshos* begins when the sun disappears which is thirteen-and-a-half minutes before *Tzes Hakochavim*. [See Shabbos 35a Tosafos.]

The Gaonim say that three-quarters of a *Mil* after sunset is definitely night. As for the four *Mil* quote, the Gr'a explains this to mean the time that all the stars, even the smallest, can be seen - *Tzes Hakochavim*. [See Sh. Ar. O.C. 261 Biur Halacha, Sefer Minchas Kohen, etc.]

The third opinion is that of the Yereim, usually understood as taking our sundown as fully nightfall, and *Bain Hashmoshos* beginning thirteen-and-a-half minutes earlier. Although not followed in practice, this opinion is taken into account

for *Tosfos Shabbos*. [See *Tosfos Yomtov Brochos* 1:1. *Minchas Kohen* 1:1:5 etc.]

Regarding these times, there are still questions, particularly the observable fact that in many places it is not even dark yet thirteen and a half minutes after *Shkia*, while it is certainly dark before seventy-two minutes. Accordingly, many Poskim say that these times are only good for the parts of Bavel where the Talmud was written. Further, all of the above times are calculated for a time when one cannot observe the appearance of the three medium-sized stars. Since the appearance of the stars is really a better sign of darkness, one should not really consider it night until one is certain that this point has been reached. By observing and compiling charts throughout the year, various Poskim have found that the appearance of stars of the satisfactory size can be fairly accurately predicted using a mathematical formula. Since it was observed that darkness comes at varying times depending on the seasons, it was based on the angle of the sun below the horizon, which itself varies. The most accepted practice is to use a formula placing the sun's center at a little over eight degrees below the horizon of any geographical location.

According to these varying views, we have charts to predict when nightfall will occur, and some with constant times for all year. Since stars appear in the United States before seventy-two minutes, and the longest *Bain Hashmoshos* in the year is no more than about fifty minutes, many Authorities say that one may rely on this the whole year without a doubt. While some follow a particular ruling, others accept one ruling basically, but, concerned that another might be more correct, are *Machmir*, practice certain stringencies, in accordance with both. [See Mishnah Berurah 261:3 Biur Halacha 293. *Minchas Kohen* Part 1, *Maamor* 2:5. Siach Sadeh pp. 47-49, etc. E.g. *Igros Moshe* O.C. Vol 4. No 62, *Edus Leyisroel* 54.]

#### (C) Tosfos Shabbos

Scripturally, *Shabbos* lasts from nightfall on Friday to nightfall on *Shabbos*. Since *Bein Hashmoshos* is possibly already night, one must begin keeping *Shabbos* at *Bain Hashmoshos* on Friday. Likewise, at the end of *Shabbos*, one may not do *Melacha* until it is definitely no longer *Shabbos*, which means one has to wait until the end of *Bain Hashmoshos*. We then have a further obligation, also Scriptural, to add on to *Shabbos*, some time from Friday at the onset of *Shabbos*, to make *Shabbos* a little early, and to delay making *Havdallah* at the end of *Shabbos*. This is called *Tosfos Shabbos*, the additions to *Shabbos*. Any amount of time after *Plag Hamincha* is good to be *Mekabel Shabbos*, to bring in *Shabbos*. This time is one and a quarter seasonal hours before the end of the day, which itself depends on differing opinions. [See *Shabbos* 118b. Sh. Ar. O.C. 261, 293, commentaries.]

In keeping with the different opinions of *Bain Hashmoshos*, the usual practice is to assume *Bain Hashmoshos* at least from sunset, in keeping with the Gaonim. Since the opinion of the Yereim cannot be discounted totally, we usually add at least fifteen minutes before sunset where possible, thereby adding a minute and a half to even to *Bain Hashmoshos* of the Yereim. Most calendars give candle-lighting at eighteen minutes before sunset.

At the end of *Shabbos*, we are taught not to do *Melacha* until there is no longer any doubt about nightfall. Since there are so many opinions, and even varying practices, no set time is universally accepted. Some of the times practiced are as follows: Some wait ninety-six minutes after sunset because there is an opinion that a *Mil* is really twenty-four minutes. Others, in Bavel or Eretz Yisroel, wait fifteen minutes, following the Gaonim where it is visibly dark enough and the stars are out.

The common times are: to double the Gaonim's time and add a few minutes, resulting in a thirty minute wait; to add one hour to the candle-lighting time, which results in a forty-two minute wait. This is an arbitrary time, but is based on the theory that even if the Gaonim's time is variable, it is never longer than this; to use the eight degree time and add a half degree, which gives a variable time, depending on the geographical location; to wait fifty minutes as a constant, which assumes that one has certainly passed the end of Bain Hashmoshos even on days when it is longest; to wait sixty or seventy-two minutes all year which also assumes that one has added Tosfos Shabbos to the longest Bain Hashmoshos. [See e.g. Kaf Hachaim 261:1 and many Poskim.]

#### (D) Neder

If one practices a Minhag Tov more than three times, it is often considered a *Neder*, a vow, which one may not cease practicing without Hatoras Nedaram, annulment. Therefore, if one did not previously follow a stringent view, but is about to begin, he should say that he does not mean to accept it as a vow - Bli Neder. If one has already been practicing a *Chumra*, a stringency, and finds it difficult, he should see a Rabbi before ending his practice. [See Sh. Ar. Y.D. 214]

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#### ANNOUNCEMENTS

##### SCHEDULE:

SHABBOS MINCHA	8:30 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY, except TUES	8:40 PM
<u>TUES -TAANIS:</u>	-Begin (72 minutes)
	4:44 AM
	-End (8.5 degrees)
	9:42 PM
MINCHA TUES	8:30 PM
CANDLE-LIGHTING - PINCHAS	8:34 PM
Plag Hamincha-earliest time to light candles	7:19 PM
MINCHA EREV SHABBOS PINCHAS	7:00 PM
<u>SHIURIM:</u>	
GEMORO MAKOS	SUNDAY 7:15 AM
HALACHA B'IYUN	MONDAY 9:00 PM
HILCHOS SHABBOS	SHABBOS 8:15 AM
HALACHOS OF BUSINESS	THURSDAY 4:30 PM

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Any and all comments and suggestions are welcome and can be addressed to:  
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