

The Early Shabbos?

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The *Mechaber* (שו"ע אורח חיים רסז:א) writes:

ובפלג המנחה יכול להדליק ולקבל שבת בתפלת ערבית ולאכול מיד.

The *Mechaber's* opinion, that one may eat the שבת meal immediately upon praying an early מעריב, is opposed by the *Sefer Chasidim*, *Maharshah*, and *Maharal*¹ who require that the שבת meal be eaten after צאת הכוכבים. Hence the *Mishna Brura* (מ"ש"ב רס"ז:ה) rules that לכתחלה a כזית should be eaten after צאת הכוכבים. The *Taz* explains the basis for the opinion of the *Mechaber*. The principle of תוספת שבת transforms the added period into שבת itself.² He stresses this idea when he contends, against the *Maharshah*, that because of תוספת יום טוב, one can accept שמיני עצרת at פלג המנחה (1 1/4 hours before night) and eat the שמיני עצרת meal outside of the סוכה:

מי שמוסיף מחול על הקודש הוא עושה ע"פ צווי תורתנו, כבר חלף והלך ממנו חובת היום מה שהיה עליו קודם זה והוא כמו בלילה ומחר ממש (ט"ז אורח חיים תרס"ח:א)

Those who argue against the *Mechaber*,³ claim that תוספת שבת merely obligates one to refrain from מלאכה from the time שבת has been accepted, and serves as a גדר against the possibility of doing מלאכה on שבת itself. The *Mechaber*, however, apparently holds that an individual can actually change the day itself into שבת with regard to his personal observance.

The *Mechaber's* opinion is based on *Tosfos* and the *Rosh*⁴ who question the wording of the *Mishnah* in *Pesachim*:

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ערב פסחים סמוך למנחה לא יאכל אדם עד שתחשך (פסחים צט ב).

These last two words "עד שתחשך" would seem to be superfluous. They therefore deduce that the *Mishnah* is not merely stating that one may not eat on ערב פסח before the start of פסח but that one must wait until צאת הכוכבים and may not rely on תוספת יום טוב. There can be no reliance on טוב because the Torah specifically states that the קרבן פסח must be eaten "בלילה" - and מצה, which is to be eaten with it, is assumed to have the same requirement. Since this *halacha* of waiting until night is unique to the סדר and based on a גזרת הכתוב, it is clear that the *Baalei Tosfos* feel that, in general, during תוספת שבת ויו"ט one may perform all *mitzvos* that are to be done only on שבת and יום טוב.⁵ *Tosfos* (ברכות כו א ד"ה טעה) and the *Rosh* (רא"ש ברכות ד:ו) likewise explain that one may light נר שבת as early as פלג המנחה even though the *gemara* says "לא מקדימין",⁶ because since one has accepted שבת at this time, it is not considered to be מקדימין - שבת actually starts at this time.

תוספת שבת Conceptual Basis for

This principle, that קדושת שבת can be extended, is so novel that *Ramban* felt that it needs conceptual justification.

וזה דבר גדול של תימה שתהא חמה זורחת כנגדו וחייב בעינוי ואסור במלאכה?
(תורת האדם דף רנא).

He considers it implausible that the *halachos* of שבת or כפור should apply while the Friday sun is still shining. He thus concludes that it is necessary to accept the opinion of *Rabbenu Tam* that it remains *Halachic* day until 58 minutes after sunset, at which time בין השמשות begins, lasting for 14 minutes until צאת הכוכבים. The 58 minute period after sunset - which is referred to as תחלת שקיעה or שקיעה ראשונה - is the period of semi-darkness that *Ramban* feels is subject to the principle of תוספת שבת. The concept that the *Baalei Tosfos* worked with, that the end of Friday can be turned into שבת, is dependent upon their view (the large majority of the *Baalei Tosfos* and *Rishonim* of *Sfarad* accepted *shittas Rabbenu Tam*) that at the end of

every day lies a period of increasing darkness that logically could be defined as part of the following night or as part of the preceding day.

My *Rebbe*, Rav Yosef Dov Soloveichik זצ"ל, explains⁷ that this pseudo *בין השמשות* is brought about by the difficulty in determining whether day is defined by the presence of light or by the presence of the sun. Besides being subject to *תוספות שבת*, this period has other *בין השמשות* qualities as well, according to those who follow *Rabbenu Tam*. Even though it is day until 58 minutes after sunset, with regard to *קדשים*, the blood of a *קרבן* becomes *פסול* with actual sunset.⁸ *Rabbenu Yonah* states as well that because this period is semi-night, one is able to recite *שמע קריאת* with its *ברכות* along with an early *מעריב* -

ש"אע"פ שאינו לילה ממש מפני שלא יצאו הכוכבים אפילו הכי כיון ששקעה חמה והוי לילה לענין תפלה של ערבית כדלקמן הכי נמי דיינינן ליה לילה לקריאת הברכות ויכול לומר גולל אור מפני חשך וחשך מפני אור כיון ששקעה חמה.⁹

*Ramban*¹⁰ explains further that the opinion of Rabbi Yehuda (ברכות כו ב), that *מעריב* can be prayed as early as *פלג המנחה* even on *ערב שבת*, necessitates an acceptance of *Rabbenu Tam's shitta*. *פלג המנחה* is 75 minutes (an hour and a quarter) before the end of the day - which is *צאת הכוכבים*. Sunset is 72 minutes before *צאת הכוכבים*, and thus the two events are only 3 minutes apart. Only because *פלג מנחה* is at the onset of darkness and *זמן תוספת שבת*, can *מעריב*, and especially the *מעריב* of *שבת* be prayed this early. It is important to take note of the fact that *Ramban* here defines the day as being from *עלות השחר* to *צאת הכוכבים* which is the position of the *Magen Avraham*. (The *Gru*, however, disputes this as we will discuss later on.)

The fundamental concept that emerges from the words of the *Ramban* is that the day continues until *צאת הכוכבים* but can be ended also at *שקיעה* via *תוספת*. When the day is shortened via *תוספת*, the next day begins at that point and thus the *סעודת שבת* can begin then. It is possible to pray either *מעריב* or *מנחה* between *שקיעה* and *צאת הכוכבים* during the entire week, for it is a type of twilight time, but since there is no *תוספת* during weekdays, because *תוספת* only relates to *קדושה*, the early praying of *מעריב* does not mark that moment as the beginning of the next day.

Whereas the aforementioned *Taz* contends that with תוספת it becomes the next day and לילה, Rav Chaim Brisker¹¹ explains that although it becomes the next day, it does not become night. Rav Chaim thus disagrees with the *Rama* in his *p'sake* (אורה חיים תרל"ט:ג) that one cannot sit in the סוכה after the פלג המנחה that precedes סוכות. *Rama* writes¹² that since we learn ט"ו, ט"ו, from the מצה of אכילת כזית מצה, therefore we must wait before eating in the סוכה on this first night. Rav Chaim points out that even though one must eat a כזית after לילה falls, and night does not fall until צאת הכוכבים, nevertheless as soon as סוכות starts the *mitzvah* of living in the סוכה begins. Thus it is proper to start eating in the סוכה from זמן צאת הכוכבים as long as a כזית is eaten after תוספות שבת. The period added via תוספות שבת is the next day, but not לילה. It is best referred to as ערב.

This distinction between nightfall and the beginning of the next *Halachic* day is used by the student of Rav Chaim to explain an issue of some confusion in *Shittas HaRambam*. *Rambam* is explicit in *Hilchos Kiddush Hachodesh*¹³ that as long as only one star is visible it is *Halachic* day, in that בית דין can be מקדש החדש then. Yet in *Hilchos Shabbos* (ה:ד) he says that as soon as the sun sets, even before one star appears it is בין השמשות. Thus Rav Issar Zalman Meltzer answers that a day changes to the next calendar day with בין השמשות but it remains *Halachic* daytime until 2 stars appear.¹⁴ Thus we see that one can start the next calendar day with ערב and it will not have the law of לילה. Rav Chaim himself applies this concept to *Rabbenu Tam's* pseudo בין השמשות, while Rav Isser Zalman applies it to *Rambam's* actual בין השמשות.

Night and Day According to the *Geonim*

In contrast to *Rabbenu Tam* - the *Gra*, the *Geonim*, and *Rambam* place שקיעה at sunset. *Rabbenu Tam* arrived at his position because of conflicting statements by Rebbe Yehuda. In *Gemara Shabbos*¹⁵ he says that the period of בין השמשות lasts the time it takes to walk 3/4 of a *mil* while in *Pesachim* (פסחים צד א) he says that a man can walk 4 *mil* in the time that passes from שקיעה until צאת הכוכבים. Thus *Rabbenu Tam* posited that בין השמשות is not the time from sunset until צאת הכוכבים

but the time from a phenomenon he calls *סוף שקיעה* (3 1/4 *mil* after sunset), when we can say the sun has fully left the earth, until *צאת הכוכבים*.¹⁶ On the other hand, the *Gra* resolves this contradiction by interpreting the *Gemara Pesachim* that speaks of 4 *mil* as being relevant only in balancing the morning twilight period, between *עלות השחר* and *בין החמה*, with a corresponding evening twilight period. But while *Halachic* day begins with the beginning of the morning twilight period (at *עלות השחר*), the end of the evening twilight period has no *Halachic* relevance.¹⁷ The *צאת הכוכבים* spoken of in *Pesachim* is not the three stars that constitute night but the full array of stars, including the smallest.

Similarly to the *Gra*, the *Maharam Alshakar*¹⁸ also contends that the measurements in the *Gemara Pesachim* are not *Halachically* valid. He quotes *Rav Hai* and *Rav Shriria Gaon* who write that this *gemara* indeed rules that *בין השמשות* is 4 or 5 *mil* but since the faulty science on which this is based was discredited by *Rebbe*¹⁹ this *gemara* is not the final *Halacha*. *Rambam* is quoted by his son²⁰ as also sharing this view that *בין השמשות* begins with sunset, and certainly the simple reading of *Rambam's* words makes it obvious that this is the case.²¹

According to *Rabbenu Tam* there are two factors in the determination of night and day, the presence of the sun and the degree of light and darkness, as *Rav Soloveichik* ז"ל explained. (See Section, Conceptual Basis for *תוספת שבת*) The twilight period of 4 *mil* in the morning is *Halachic* day and the twilight period of 4 *mil* in the evening is *Halachic* day, for during both periods some light remains. According to the *Geonim*, however, the fall of night is dependent only on the presence of the sun. When the sun goes beneath the horizon, the day has passed, and when its strong rays are no longer felt, shortly after the sun has set, it is full night. However, in the morning *Halachic* day begins with *עלות השחר* when only the faintest of light is seen. This lack of symmetry presents somewhat of a problem. But in fact the *Yerushalmi* addresses the difficulty.

א"ר הונא נלפינה מדרך הארץ, שרי מלכא נפק אע"ג דלא נפק אמרן דנפק. שרי עליל לא אמרין דעל עד שעתה דייעול (ירושלמי ברכות א:א).

The sun is the king of the sky.²² The king's entry is noted and must be respected from the moment his arrival can be detected. But,

once the king has turned his back and left the city, certainly not to return for many hours, then it is no longer necessary to take heed of him. The fact that the *Yerushalmi* addresses the issue is somewhat of a proof to the position of the *Geonim*.

Rambam's Position on תוספת שבת

According to the position of *Rambam* and the *Geonim*, בין השמשות is the 20 minute period immediately after sunset ending with full night, and the hour of semi-darkness that follows is certainly full night. Hence, there exists no twilight period before בין השמשות that could be categorized as a second pseudo בין השמשות that would be suitable for transforming into the next day via the vehicle of תוספת שבת. Thus it is not surprising that *Rambam* has no principle of תוספת שבת at all. As *Ramban* explained (See Section, Conceptual Basis for תוספת שבת), it is implausible that the sun could be shining and the eve of שבת would be considered to have begun. There is no reason to believe that an early קבלת שבת would have any binding effect even in prohibiting one from מלאכה. Although via נדר one can prohibit himself from the אסורים inherent in שבת, there is no entity of קדושת שבת that has been created. Even if the *Geonim*, unlike *Rambam*, rule that there is תוספת שבת, there is no reason to believe that their תוספת שבת has the character of קדושת שבת that the *Baalei Tosfos* gives it. For this to exist, there must be no sunlight, as *Ramban* explains.

In addition, according to the *Rambam* there is no relationship between פלג המנחה and the early saying of קידוש before *Shabbos* or the early praying of מעריב. According to *Rambam*, the *Halacha* of Rav and Rebbe Yoshiah

דרב צלי של שבת בערב שבת רבי יאשיה מצלי של מוצאי שבת בשבת (ברכות כז ב).

מוצאי שבת can be prayed early, applies only to ערב שבת or מעריב שבת. Nor can we assume from *Rambam's* wording that we can pray מעריב as early as פלג even then. His language

תפלת הערב אף ע"פ שאינה חובה, המתפלל אותה זמנה מתחילת הלילה עד שיעלה עמוד השחר... ויש לו להתפלל תפלת ערבית של לילי שבת בערב שבת קודם

שתשקע החמה. וכן יתפלל ערבית של מוצאי שבת בשבת לפי שתפלת ערבית רשות אין מדקדקין בזמנה (הל' תפלה ג:ו-ז).

implies that only shortly before the beginning of *Shabbos* or the end of *Shabbos* can it be done.

(While *Rav Hai Gaon* speaks (רא"ש ברכות ב) of an early מעריב, he only means before צאת הכוכבים; we certainly cannot assume that he means as early as פלג המנחה, and in fact he may merely mean קבלת בין השמשות *Rav Sherira Gaon* (מרדכי ברכות כז) speaks of שבת during the day as being binding, but this was in a case where שבת had been accepted by mistake because the sun was covered by clouds; thus, clearly, the acceptance was only binding as a נדר or a חומרא. The *Gemara* (ברכות כז א) is inconclusive on whether אסור accompanied an early מעריב on ערב שבת. The case where Rebbe went to the מרחץ after מעריב (ברכות כז ב) was perhaps at night, and at a time (before the גזרה) when it was permitted to do so on שבת, so there's no reason to deduce that a long period of daylight (1 1/4 hrs.) could exist after מעריב.)

Indeed the *Gemara* (ברכות כז ב) suggests the idea that early מעריב and refraining from מלאכה on ערב שבת is related to early מעריב throughout the week. But *Rambam* must have learned²³ that the *Gemara* ultimately rejects this link and Rav's early מעריב was only on ערב שבת. Most probably the reason that an early מעריב is permitted for ליל שבת and מוצאי שבת is because these תפלות contain within them an element of קידוש היום and הבדלה.²⁴ The early recital of these תפלות is akin to Shmuel's law that קידוש והבדלה can be made early. The fact that Shmuel allowed הבדלה to be made early as well as קידוש was somewhat puzzling to *Ramban* and *Tosfos*.²⁵ But according to *Rambam* it is because הבדלה, like קידוש, should be said ideally at the very border between שבת and חול, and while we do not require one to seek out the very moment of separation, it is just as suitable that they be said early as late.

יש לו לאדם לקדש על הכוס ערב שבת מבעוד יום אע"פ שלא נכנסה השבת. וכן מבדיל על הכוס מבעוד יום אע"פ שעדיין היא שבת. שמצות זכירה לאמרה בין בשעת כניסתו ויציאתו בין קודם לשעה זו במעט (הל' שבת כט:יא).

The fact that an early statement is no better than a late one supports the position that there is no *mitzvah* of תוספת שבת. (Perhaps the situation of פורס מפה ומקדש arises for this reason. Those who began eating early could not make קדוש that early even though the meal started only a short time ago. Perhaps the intent was to eat the introductory course before שבת while the major course was eaten during שבת. Alternatively, those who had begun eating earlier were violating the אסור of כבוד שבת.)²⁶

The Early *Shabbos*?

The *Gra* (או"ח רסא:ב) brings as evidence that שבת begins at sunset, the phrase used by Hillel and found elsewhere in *Shas* that מלאכה must stop "עם השכה". He adds that this proves, as well, that the *Gemara* rejects תוספת שבת, for otherwise שבת would need to start during the day while it is still light. The *Mishnah Brerura* notes²⁷ that those subscribing to *Shittas Rabbenu Tam* feel that "עם השכה" refers to a specific level of darkness, and since תוספת שבת need be only a very short period and full nightfall itself is very dark, the phrase "עם השכה" would therefore not imply that there is no תוספת שבת. Thus the proof of the *Gra*, that there is no תוספת שבת, is valid only according to the *Rambam* and the *Geonim*; hence there is an interdependency between the positions taken with regard to תוספת שבת and the definition of שקיעה. Quite probably the *Geonim* did not have a *mitzvah* of תוספת שבת. The *Gra* quotes *Tosfos* (ר"ה ט א ד"ה ורבי) who says it is a מחלוקת as to whether there is תוספת שבת and cites a *Yerushalmi* that rejects the idea by saying that all שבתות (including שביעית) are to be modeled after שבת בראשית in which מלאכה became prohibited only with שקיעה.

As we noted above (See Section, Night and Day According to the *Geonim*), even if some *Geonim* do rule that there is תוספת שבת, there is no reason to believe that their תוספת שבת has the character of קדושת שבת that *Tosfos* gives it. Hence, there is no position that allows the eating of the first סעודת שבת before sunset.²⁸ According to *Tosfos* one can eat immediately after sunset using the principle of תוספת שבת. According to the *Rambam* one should perhaps wait until after בין ערב קביעת סעודה of אסור has passed.²⁹ Since there is an אסור of כבוד שבת based on the principle of (הל' שבת ל:ד), the eating of a

כזית at night (as the *Mishnah Brerua* suggests - see the first section), even were it to qualify as the first שבת meal (which is questionable), would not suffice to remove the prohibition of ערב שבת. Should we assume that at least most of the סעודת שבת must be eaten on שבת then the practice of starting סעודה שילשית just before שקיעה should also be questioned, for according to *Rambam* there is no תוספת שבת at the end of the day either. Here, however, there is room to argue that one can rely on *Rabbenu Tam*, for in his view שבת continues for yet another hour and a half and תוספת שבת extends even longer.

Astronomical Reality and the *Gra's* Certainty

However, the *Gra's* certainty that the *shittas Geonim* is correct should make one question whether it is proper to rely on *shittas Rabbenu Tam* for any קולא. The strongest reason for the *Gra's* certainty is that *Shittas Rabbenu Tam* contradicts astronomical reality. The three middle sized stars of צאת הכוכבים appear much before the time of 4 mil (72-90 minutes and up to 2 hours according to those *tosfos* which have 5 mil as the *shiur* and even longer using שעות זמניות in the summer)³⁰ and the lengthy *shiurim* of *Rabbenu Tam* require that we interpret that middle sized stars are in fact the smallest that ever appear. Moreover, *Ramban* contends that פלג המנחה is approximately at the same time as sunset, and this is integral to his conceptualization that מעריב can only be prayed after this time because it is a period of darkness that can be considered night. Thus it follows from this *shitta* that the hours of the day, with regard to the performance of *mitzvos* such as תפלה and קריאת שמע, are measured from עלות השחר until צאת הכוכבים³¹ in contrast to the *shittas Harambam* shared by the *Gra* (גר"א) that counts the hours of the day from נץ החמה until שקיעה. The *Gra* notes that according to the definition of night and day of the *baalei tosfos* the length of day and night are not equal at the time of the equinoxes, contradicting both logic and the words of *Chazal* in *Vayikra Rabba* that say that the sum total of the hours of day and night during a year are equal.³²

We noted above that *Rav Hai Gaon* believes that the measurement of 4 mil after sunset, which *Rabbenu Tam* accepts for צאת הכוכבים, is in fact a proper interpretation of the opinion expressed in the *Gemara* (פסחים צד א). However, he contends that this

view was based on *Chazal's* faulty understanding of astronomy (believing that the sun passed through a window into some physical (רקיע) and following the lead of *Rebbe* (פסחים צד ב), they retracted their opinion and hence spoke of צאת הכוכבים as being 3/4 of a *mil* after sunset (שבת לה א). *Rabbenu Tam*³³ refused to accept that the Rabbis had erred, interpreting the *Gemara* to say merely that the evidence was against them, but nevertheless they were correct. Thus his *shitta* is knowingly based on what had long been a discredited astronomical theory.

The *Tosfos Rid* (שבת לד ב) accepted that the astronomical theory of *Rabbenu Tam* was incorrect but was willing to accept his definitions of nightfall since it reflected a reasonable position that night begins with total darkness. Nevertheless, more exact astronomical data demonstrates that the 4 or 5 *mil* of *Rabbenu Tam* does not conform with any meaningful level of darkness.³⁴ Total darkness arrives sometime earlier. In contrast to *Rabbenu Tam's* unwillingness to accept that *Chazal* had overturned their own astronomical theories and had overridden an earlier *halachic* decision because of later scientific evidence, *Rambam's* son holds up this decision as epitomizing *Chazal's* intellectual honesty.³⁵

Astronomical Reality and *Shittas HaRambam*

Interestingly, *Rambam's* placement of *Alos Hashachar* at 72 minutes³⁶ before sunrise and צאת הכוכבים at approximately 20 minutes after sunset (הל' תרומות ז:ב) conforms with present astronomical observation.³⁷ Both numbers, however, seem at first glance to have no source in the *Gemara*.

Rambam (פירוש המשניות ברכות א:א) defines the period required to walk a *mil* as 24 minutes. But if so, 3/4 of a *mil*, the measurement of *Shmuel*, the Talmud's acknowledged expert in astronomy whose opinion is accepted by the *Gemara* (שבת לד ב), would be 18 minutes not 20 minutes! Rabbi Leo Levi records the time of the appearance of 3 stars in Jerusalem during different times of the year. Under optimal conditions 3 stars are seen as early as 15 minutes after *Shekiab* and as late as 21 minutes.³⁸ Thus *Rambam's* estimate of 20 minutes is astronomically correct. Since *Shmuel* also gave a physical sign of

הכסיף העליון והשוה לתחתון (שבת לד ב)

which is a phenomenon that will certainly occur at slightly different times during the different seasons of the year, we can assume that the measurement of 18 minutes that he gave was only an estimate and some type of average. *Rambam's* estimate of "כשליש שעה" - approximately 20 minutes, is stated as being for the astronomical phenomenon of 3 stars, also quoted by *Shmuel*, and the time of the third star's appearance, according to *Rambam*, is sometimes slightly later than that of *להשוה לתחתון*. In general it is difficult that *Shmuel* refers to two different physical phenomenon, that of 3 stars and that of *להשוה לתחתון*. His language (and that of the *בריייתא*) with regard to stars is actually:

כוכב אחד יום, שנים בין השמשות, שלשה לילה (שבת לה ב).

Thus he does not necessarily say that the third star is what makes it night, but that when the third star appears we know that it is night. The end of *בין השמשות* might actually be somewhere between the appearance of the 2nd and 3rd star at about 18 minutes.³⁹ Perhaps the 18 minute ($3/4$ mil) measurement given by *Shmuel* is the upper limit of when *להשוה לתחתון* occurs. But since the evaluation of this moment is very difficult to discern, it was decided that the astronomical sign of three stars - which occurs shortly afterwards - was a safer criteria to judge by. Thus *Rambam* provides the upper limit of when 3 stars are theoretically visible - around 20 minutes - according to Rabbi Levi actually 21 minutes.

The *Gemara* (פסחים צד א) states that a man walks 40 mil in a day - from *עלות השחר* until *צאת הכוכבים* (which according to the *Gra* means the coming out of all of the stars), and in the time from *עלות השחר* נץ *החמה* to *השחר* he walks 4 mil according to one opinion and 5 mil according to another. Since *Rambam* believes that the time between נץ *החמה* and *שקיעה* is 30 mil, (הלכות קרבן פסח ה:ח-ט) therefore he should have concluded that the period from *עלות* to נץ is 5 mil. This being the case, the period should be two hours long according to *Rambam* who measures a mil as 24 minutes. Nevertheless he (פירוש המשניות) writes that dawn is 72 minutes before sunrise. This conforms with the definition given by present-day astronomers but nevertheless seems to contradict the *Gemara*. To answer this difficulty

Rav Nachum Rabinowitz suggests an ingenious reading of the *Gemara* that concludes that the actual time before sunrise is 3 *mil* - 72 minutes.⁴⁰ But even if we read the *Gemara* as *Rashi* does, it presents no problem. We quoted *Rav Hai Gaon* above who contends that this *Gemara* uses faulty astronomy and is superseded with regard to the measurement of בין השמשות by the *Gemara Shabbos*. Thus, *Rambam* would not have felt bound by the *Gemara's* calculation of dawn. The measurement of 3 *mil*, 72 minutes, could have been deduced by *Rambam* based on experimentation as it indeed conforms with modern astronomical observation.

Moreover, the statement of Rav Yehuda standing on its own

רבי יהודה אומר עוביו של רקיע אחד מעשרה ביום (פסחים צד א).

most simply implies that if the day is 30 *mil* long, the time from dawn to sunrise is one tenth of it, 3 *mil*.⁴¹ Thus it is possible that Rav Yehuda himself meant 3 *mil* despite the different interpretation given by the *Gemara*, and thus it is possible that *Rambam* applied astronomical observation in interpreting what Rav Yehuda's real intention was. According to the *Gemara's* evaluation that Rav Yehuda felt that there was a period of 5 *mil* from dawn until sunrise, the *Rambam* would calculate that this is a period of 2 hours which makes no astronomical sense. However, there is a phenomenon known as "false dawn" that occurs at this time due to what is called the "zodiacal light," not the light of sunrise.⁴² Some of the *amoraim* may have theorized that this was actual dawn and would have been comfortable with the measurement of 5 *mil* - 2 hours. Since (at the time of the equinox), the period from the first light of dawn until sunrise should be the same as the period from sunset until all light has disappeared - צאת הכוכבים - *shitta* contended that night falls 2 hours after sunset, although in fact no astronomical phenomenon occurs this late.

Chanukah Candles

Rambam writes:

אין מדליקין נרות חנוכה קודם שתשקע החמה אלא עם שקיעתה, לא מאחרין ולא מקדימין.⁴³

The *Mechaber* modifies *Rambam's* words when stating this *Halacha*.

אין מדליקין נר חנוכה קודם שתשקע החמה אלא עם סוף שקיעתה, לא מאחרים ולא מקדימין (אורח חיים תרעב:א).

Relying on *shittas Rabbenu Tam*, he places $3 \frac{1}{4}$ *mil* after sunset. Then he adds:

ויש מי שאומר שאם הוא טרוד יכול להקדים מפלג המנחה ולמעלה (שם).

The *Rama* comments that on ערב שבת we light when:

בעוד היום גדול (או"ח תרעט:א).

Rambam, who prohibits lighting before שקיעה makes no mention of special arrangements for ערב שבת, and a careful look at his language tells us why. Lighting is not to be done "before the sun sets" but " עם " - no later and no earlier." בין השמשות " - שקיעתה - שקיעתה of the sun has gone below the horizon and הדלקת נר חנוכה is to be done precisely in the minutes before this, while the sun is in the process of setting, and thus there is no need to change the time of lighting on ערב שבת. Though it may seem too dangerous to allow lighting so close to שקיעה, it is clear from the *Gemara* that מלאכה was permitted very close to the onset of השמשות.⁴⁴ The *Ran*⁴⁵ notes that the *Baal Halachos Gedolos* (one of the *Geonim*) shares the opinion of the *Rambam*, requiring that lighting be done exactly at שקיעה, not earlier. Since the *Geonim* define שקיעת החמה as sunset, just as the *Rambam* does, it is logical that they would not allow lighting from פלג המנחה when there has as yet been no significant decline in daylight for שרגא בטיהרא מאי אהני ליה.

The *shitta* that the *Mechaber* and *Rama* subscribe to, that lighting can be done as early as פלג המנחה and should be done before lighting שבת candles,⁴⁶ was only said in accordance with their other decision that נר הנוכה and שבת begin only with שקיעה, סוף 3 1/4 mil after sunset. Just as שבת can be accepted via תוספת שבת from sunset, i.e., פלג המנחה, so too נר הנוכה can be lit this early for it is a period of semi-darkness, suitable for the lighting of candles. If we follow the opinion of *Rambam*, the *Geonim* and the *Gra*, נר הנוכה must be lit very close to שקיעה. All agree that lighting of נרות הנוכה can not be done more than several minutes before sunset.

Adding to Suffering - תוספת יום כפור

Although *Rambam* has no *mitzvah* of תוספת שבת, he does have a *mitzvah* of Torah origin of יום כפור and a Rabbinic *mitzvah* of תוספת תשעה באב.⁴⁷ This *mitzvah* is based on the verse:

ועניתם את נפשתיכם בתשעה לחדש בערב ... מערב עד ערב תשבתו שבתכם
(ויקרא טז:כג).

Here the Torah is explicit that fasting must begin yet on the ninth of *Tisbri* - בערב - in the evening before the night has fallen and the tenth has begun. Likewise the fasting must extend into the eleventh. There is no extension of the day of יום כפור but merely of the law of fasting.

התחיל לצום ולהתענות מערב תשע הסמוך לעשירי. וכן ביציאה שוהה בעינו
מעט.⁴⁸

Since תוספת is related specifically to עינוי, *Rambam* feels that on תשעה באב there is also an extension of the fast into the day before and the day after.⁴⁹ *Ramban*⁵⁰ objects to an extension of תשעה באב for in his opinion the concept of תוספת only applies to an extension of קדושת היום. Since the קדושה of the day is extended, hence the laws of that day apply during this extension. Since תשעה באב has no קדושת היום it is not subject to תוספת.

This language, "מערב . . . עד ערב", that the מקרא used for implying תוספת, is found in one other place - with regard to פסח.

בראשון בארבעה עשר יום לחדש בערב תאכלו מצת עד יום האחד ועשרים לחדש בערב. (שמות יב:יה).

Interestingly there is a *Halachic* element of תוספת here as well, for starting with noon of the 14th⁵¹ it is prohibited to eat חמץ מצה. חמץ is called לחם עוני by the Torah and the prohibition of חמץ is in fact a form of עינוי. *Rambam* explains that the ימים טובים were injected with an element of עינוי. On *Pesach* we eat only לחם עוני and on סוכות we leave our comfortable houses to live in a דירת עראי. It is incumbent on us in times of joy to remember the hardships of our history (מורה עינוי). On this element of עינוי there is a *mitzvah* of תוספת. עינוי begins the afternoon preceding it and עינוי סוכות is introduced in the calendar with יום כפור.

תוספת קדושה

In the concept of קדושת זמן as well as in the concept of קדושת מקום, *Rambam* would argue that there is no concept of תוספת. A קרבן retains its קדושה for a day and a night or two days and a night and afterwards becomes פסול. It can be eaten only within ירושלים and sometimes only within בית המקדש שני. מעשר שני may be eaten only within ירושלים. קדושה is a concept that comes with firm borders, and is generally not open to expansion. The *Ri M'orleans* realized that a proof was necessary to justify the interpretation of the *baalei tosfos*, that קדושת היום could be extended. He brings proof to the concept from תרומה in which Torah law allows the most minimal שיעור to fulfill the obligation and yet one can make his entire crop תרומה and it will still retain קדושת תרומה with all its laws (תר"י ברכות כז א).

We are tempted as well to seek support for the concept of תוספת קדושת היום from the principle made famous by *Ramban* in explaining the verse of קדושים תהיו. One is to sanctify himself by separating himself from things that are permitted but that violate the spirit of the law.⁵² However, this principle is centered around the concept of extending קדושה to one's self, to his very being, rather than to time or place. This is done by separating oneself from that

which is permitted. *Rambam* also makes a famous statement about how this is accomplished:

אע"פ שמותר לאכול אכלין טמאין ולשתות משקין טמאים, חסידים הראשונים היו אוכלין חליהן בטהרה ונזהרין מן הטומאות כולן כל ימיהם והן הנקראים פרושים. ודבר זה קדשה יתירה היא ודרך חסידות ... שהפרישות מביאה לידי טהרת הגוף ממעשים הרעים, וטהרת הגוף מביאה לידי קדושת הנפש מן הדעות הרעות, וקדושת הנפש גורמת להדמות בשכינה שנ' והתקדשתם והייתם קדושים כי קדוש אני (הל' טומאת אוכלין טז:יב).

Implicit in the concept of extending the שבת or טוב day is a תוספת that would not be limited to פרישה ממלאכה, which is the central element of קדושת היום, but also a תוספת of עונג (שבת ויו"ט) and שמחה (יום טוב). The Torah tells us of שבת:

על כן ברך ה' את יום השבת ויקדשהו.⁵³

Hence the name שבת carries with it the concept of ברכה as well as קדושה, and days of שבתון are days of separation from the world embodied in אסור מלאכה (קדושה) coupled with עונג (ברכה) such as תוספות. The Torah grants us the gift of שבתון with its inherent עונג which is a necessary component of Jewish life, but as in all matters of קדושה it is given firm boundaries. Indeed man's goal in life is to attain קדושה - מה הוא - but as *Rambam* explained in הלכות טומאת אוכלין the methodology for attaining this קדושה is not via excessive עונג but via פרישות, and specifically via פרישות באכילה. We noted that the *Ri M'Orleans* brought as proof to the viability of the concept of extending קדושה the *halacha* of תרומה, but we must realize that only because the owner gives his crop away to the כהן and exercises פרישות is he able to extend קדושה. It would be ironic if תוספות קדושה should be taken as אכילה בחול.

Rambam does inform us of how the שבת should be gathered in:

איזהו כבוד: זה שאמרו חכמים שמצוה על אדם לרחוץ פניו ורגליו בחמין בערב שבת מפני כבוד השבת ומתעטף בציצית וישב בכובד ראש מיחל להקבלת פני השבת כמו שהוא יוצא לקראת המלך. וחכמים הראשונים היו מקבצין

תלמידיהן בערב שבת ומתעטפים ואומרים בואו ונצא לקראת שבת המלך (הל' שבת ל:ב).

Indeed there is a *mitzvah* to greet the שבת but it consists of waiting for the שבת, waiting for the מלך who will come in His own time. Even though the terminology of יוצא - "going out" to greet the king is used, it is clear that this "going out" is not in a physical sense. One must prepare himself spiritually for the advent of שבת. Perhaps the extra time that we attempt to add on to שבת would be better spent preparing ourselves for its advent. ❧

NOTES

- ¹ ב"ח ריש סי' תע"ב, ט"ז רצא:ו, באה"ט א, ספר חסידים סי' רסט, תה"ד סי' א.
- ² ט"ז או"ח רצא:ו, וכן הוא גם כן בהתה"ד סי' א דמפלג המנחה היא לילה ולכן מותר לאכול הסעודה.
- ³ ע' תשובת מהרש"ל שהובא בט"ז תרס"ח:א.
- ⁴ ע' ריש ערבי פסחים תוס' ד"ה עד שתחשך ורא"ש שם סי' ב'.
- ⁵ ע' עמק ברכה דף סו; ע' עוד רמ"א תרלט:ג שמחייב להמתין עד לילה לאכול בליל ראשון של סוכות על פי למוד ט"ו ט"ו ממצה.
- ⁶ לפי פירושם בגמ' שבת כג.
- ⁷ שעורים לזכר אבא מרי ז"ל חלק א יום ולילה.
- ⁸ תוספות מנחות כ ב ד"ה נפסל, זבחים נו א ד"ה מנין.
- ⁹ רבינו יונה, ריש ברכות, וע' בשעורים לזכר אבא מרי ז"ל דהגרי"ד זצ"ל מפרש דעת זה גם בדברי הראב"ד.
- ¹⁰ תורת האדם לעיל.
- ¹¹ ע' דברי יחזקאל סי' מ"ה סק"ה.
- ¹² על פי אורחות חיים הובא בבית יוסף.
- ¹³ ב:ט, וע' פיה"מ שבת סוף פרק ב ור"ה ריש פרק ג.
- ¹⁴ Quoted in Leo Levi, *Jewish Chrononomy*, Gur Aryeh Institute for Advanced Jewish Scholarship, Brooklyn, NY 1967, pg 28.
- ¹⁵ שבת לה א.
- ¹⁶ תוספות שבת לה א ד"ה תרי.
- ¹⁷ ע' באור הגר"א סי' רס"א וע' בסוף דבריו דיש לה טעם לפי רבי יהודה ולא לפי ר' יוסי.
- ¹⁸ תשובות מהר"ם אלאשקאר סי' צ.
- ¹⁹ ת"ר חכמי ישראל אומרים גלגל קבוע ומזלות חוזרין . . . חכמי ישראל אומרים ביום חמה מהלכת למטה מן הרקיע ובלילה למעלה מן הרקיע . . . א"ר ונראין דבריהן מדברינו (פסחים צד ב).
- ²⁰ ע' תשובת מהר"ם אלאשקאר לעיל.
- ²¹ ע' הל' שבת ה:ד, וע' במהר"ם אלשקר שכל שכתב לפני ר"ת שכתב "שקיעת החמה" יש להבין בדבריו דדברו על שקיעה החמה ממש.

²² את המאור הגדול לממשלת היום (בראשית א:טז).

²³ ואפשר בקל לפרש כן בגמרא.

²⁴ עי' הל' שבת כט:ו שהבדלה בתפלת מעריב הוא קיום של הבדלה אבל אין זה אמת בקדושת היום שבתוך מעריב של ליל שבת. מ"מ יש בו ענין של קבלת שבת על פי מה שיתבאר בחלק "תוספת קדושה" להלן.

²⁵ עי' בשטות המפרשים דרך בשעת הדחק יכולין לעשות כן. וגם עי' ברמב"ן בתה"א שנתקשה לבאר כמה הוא שיעור תוספת לאחר שבת.

²⁶ עי' גם הל' שבת כט:יב. ואפשר דהכונה דבמוצאי שבת צריך לגמור סעודתו קרוב לסוף השבת.

²⁷ או"ח רסא, ועי' רמב"ן בתה"א.

²⁸ חוץ מהיראים ר"ב שסובר ששקיעה ותחלת שבת היא 3/4 מיל לפני שקיעת החמה. והרי דעתו הוא להיפך מסברת הרמב"ן דאי אפשר להתחיל שבת בעוד "שהחמה זורחת כנגדו", אפילו על ידי תוספת. אבל אף לפי דעתו מ"מ אין תחלת הלילה אלא זמן קצר לפני שקיעת החמה וכבר התחיל החמה לשקוע. ואפשר דאף הוא יתמה על מי שיאמר דאפשר לקבל שבת בעוד "שהחמה זורחת כנגדו", שעה ורבע לפני שקיעתה.

²⁹ עי' ברי"ף ור"ן בפסחים דף כא ב ברי"ף. ועי' ברכות ב ב "משעה שבני אדם נכנסין לאכול פתן בערבי שבתות דברי ר"מ ופירש הר"ן דהיינו ודאי לפני צה"כ. אבל אפשר לפי הרמב"ם היא דוקא בצה"כ.

³⁰ See *Jewish Chrononomy* by Leo Levi.

³¹ עי' תוס' פסחים יא ב ד"ה אחד, ועי' מג"א.

³² See also *Jewish Chrononomy* (pg. 28-32).

³³ שטה מקובצת כתובות יג ב, עי' בגליון הש"ס בפסחים צד ב.

³⁴ See *Jewish Chrononomy* (pg. 28-32).

³⁵ מאמר על אודות דרשות חז"ל.

³⁶ פירוש המשניות ברכות א:א.

³⁷ See *Jewish Chrononomy* (pg. 28-32).

³⁸ See *Jewish Chrononomy*, the charts for both Jerusalem and

New York.

³⁹ This idea is suggested by R. Y.M. Tukitzinsky, quoted in *Jewish*

Chrononomy pg 25.

⁴⁰ עי' יד פשוטה להל' קריאת שמע א:י.

⁴¹ ע"י גר"א א"ח תנט שמביא ירושלמי שמפרש דברי ר' יהודה כעין זה.

⁴² See *Jewish Chrononomy* pg 274 (English section), based on the work by R.Y. Merzbach.

⁴³ הל' חנוכה ד:ד, על פי פירושו בשבת כג ב.

⁴⁴ ע"י הל' שבת ה:יט-כ.

⁴⁵ ע"י ב"י סי' תרעט.

⁴⁶ ע"י א"ח תרעט:א.

⁴⁷ פיה"מ וגם נמצא שטה זו לפי הרי"ף, ע"י בתורת האדם לעיל.

⁴⁸ הל' שביתת עשור א:ו, על פי יומא פא ב, וע"י במ"מ.

⁴⁹ פיה"מ וגם נמצא שטה זו לפי הרי"ף, ע"י בתורת האדם לעיל.

⁵⁰ ע"י בתורת האדם.

⁵¹ משעת הקרבת קרבן פסח; ולפי ר' יהודה גם יש אסור חמץ שעבר עליו הפסח.

⁵² רמב"ן עה"ת ריש קדושים תהיו.

⁵³ שמות כ:יא, וע"י רש"י "ברכו במן".

⁵⁴ ע"י הל' שבת פרק ל.