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- 1. One must say to his household three things before Shabbos: Have you separated *ma'aser*, have you made an *eruv*? Light the Shabbos candles.**

One is forbidden to separate *ma'aser* on *Shabbos*, so he must remind the household members to separate *ma'aser* prior to *Shabbos*. Produce that has not had *ma'aser* separated may sometimes be eaten as a snack. On *Shabbos*, however, a snack is also considered *Oneg Shabbos*, delighting in *Shabbos*, so a snack has the status of a meal. Making an *eruv* refers to *Eruvei Techumin*, which allows one to walk more than 2,000 amos from his dwelling, and to *eruvei chatzeiros*, which allows people to carry from one house to another inside a courtyard. Establishing an *eruv* on *Shabbos* is similar to acquiring an object, which is Rabbinically forbidden on *Shabbos*. Lighting candles is mentioned in the *Mishna* as a directive, not as a question that one asks, because one can see if the lights have been lit, as opposed to *ma'aser* and *eruv*, which are not readily apparent that they have been performed. One must say these three things to members of his household in a gentle manner, so that they accept the instructions.

- 2. During the time know as *Bein Hashemashos*, twilight, one may not separate *ma'aser* from produce that was definitely untithed, one may not immerse vessels in the *mikvah*, and one may not light *Shabbos* lights.**

Separating *ma'aser* on *Shabbos* is forbidden because it appears as of one is fixing an object, but the prohibition is only Rabbinical. Our *Mishna* conforms to

the view that during *Bein Hashemashos*, even rabbinic decrees are in effect. One may not immerse vessels that were *tamei* to make them *tahor* on *Shabbos*, as this is akin to fixing a vessel. Similarly, at *Bein Hashemashos*, one cannot immerse vessels that were previously owned by a gentile to permit them for usage with food. This is Rabbinically prohibited on *Shabbos* because it is akin to fixing a vessel, and it is forbidden to immerse such vessels even at *Bein Hashemashos*. Lighting the *Shabbos* lights is Biblically forbidden on *Shabbos*, thus it is Rabbinically prohibited at *Bein Hashemashos*.

- 3. During *Bein Hashemashos*, one may separate *ma'aser* from *Demai*, which is produce that is owned by an ignorant Jew. One may also make an *eruv* and cover hot food during *Bein Hashemashos*.**

Ignorant people, known as *amei ha'aretz*, always were careful to separate *terumah*, but were lax in separating *ma'aser*.

The word *demai* has its roots in the words *da mai*, what is this, as people were not certain when purchasing produce from *amei ha'aretz* if the produce had been properly tithed. Nonetheless, since most *amei ha'aretz* did separate *ma'aser*, the Chachamim permitted one to separate *ma'aser* from *Demai* at *Bein Hashemashos*, as this was not considered a significant fixing.

It is permissible to warm hot food on *Shabbos* by covering it *Bein Hashemashos* with materials that do

not conduct heat. Once *Bein Hashemashos* passed, it is forbidden to insulate the food even in such a manner.

4. The time period of *Bein Hashemashos* is unknown, so regarding rabbinic rulings, the time period is treated leniently.

Two people requested of a third individual to make an *eruv techumin* on their behalf. For one person he made the *eruv* before the start of *Shabbos*, and for the second person he made the *eruv* during *Bein Hashemashos*. The first ones *eruv* was eaten during *Bein Hashemashos*, and the second ones *eruv* was eaten after *Shabbos* began. The law is that the *eruv* works for both people. Since the time status of *Bein Hashemashos* is in doubt, and the rules of *eruvei techumin* are Rabbinical, we rule leniently. Therefore, the one whose *eruv* was eaten at *Bein Hashemashos*, *Bein Hashemashos* is considered night, and is *eruv* was in effect before it was eaten. For the one whose *eruv* was eaten after *Shabbos* began, we say that *Bein Hashemashos* was day, and his *eruv* was in effect before *Shabbos*.

5. One may not cover hot food on *Shabbos*, even with materials that do not conduct heat.

The concern with insulating food on *Shabbos* even in materials that do not conduct heat is that one may cause the pot to boil on *Shabbos*, which is biblically forbidden. With regard to *Bein Hashemashos*, however, the Chachamim were not concerned about insulating a pot, because pots are usually boiling hot at *Bein Hashemashos*, and we are not concerned that one will heat the pot even more.

6. One may not cover hot food on Friday with materials that conduct heat.

Here we are concerned that he will insulate the food with ash mixed with coal. Although insulating with ash prior to *Shabbos* is not forbidden, the Chachamim made a decree that one cannot do this even on Friday. The reason for the decree is that one may come to stir the coals that are mixed with the ash, and by causing the food to cook quicker, he will violate the biblical prohibition of cooking on *Shabbos*.

7. There are three opinions as to when the time period of *Bein Hashemashos* is.

Rabbi Yehudah maintains that *Bein Hashemashos* is once the sun has set and the eastern side of the sky is red; when the lower part of the sky near the horizon gets dark, but the upper part of the sky is not yet dark, this is *Bein Hashemashos*. Rabbi Nechemiah posits that *Bein Hashemashos* is the time period that it takes for a person to walk a half a *mil*, which is approximately nine minutes. Rabbi Yosi opines that *Bein Hashemashos* is like the weak blinking of the eye, which means that night enters and day departs, and one cannot tell whether it is day or night.

8. One who saw an emission two days in a row at *Bein Hashemashos*, there is uncertainty regarding his status of *tumah* and regarding his requirement to bring a sacrifice.

9. One who saw an emission one day at *Bein Hashemashos*, there is uncertainty only regarding his status of *tumah*.

The master said: One applies to it the stringencies of both days. The *Gemora* asks: In respect of what law? Rav Huna son of Rav Yehoshua said: In respect of *tumah*. As we learned in a *Mishna*: if he saw (discharges) on two days at *Bein Hashemashos*, he is doubtful in respect of *tumah* and sacrifice: if he sees (a discharge) one day at *Bein Hashemashos*, he is doubtful in respect of *tumah*. [If a *zav* experiences two discharges on one day or on two consecutive days, or one discharge spread over parts of two days, e.g., the end of one and the beginning of the next, which likewise counts as two discharges, he becomes *tamei* for seven days, as a *zav*. If he has three discharges (taking into account that one discharge spread over two days counts as two), he incurs a sacrifice in addition. Now, if he has discharges for a short period at *Bein Hashemashos* on Sunday and Monday there are the following possibilities: - (1) The *Bein Hashemashos* of both were either day or night, so that he had two discharges on two consecutive days, viz., Sunday and Monday or Monday and Tuesday, the night belonging to the following day, which render him



tamei, but not liable to a sacrifice; (2) the first Bein Hashemashos period was day, while the second was night, so that his two discharges were on Sunday and Tuesday, and he is not tamei for seven days, because the discharges were not on consecutive days; and (3) the first Bein Hashemashos period was day (Sunday) and the second embraced the end of one day (Monday) and the beginning of the night (Tuesday), so that he had three discharges on three consecutive days, and therefore incurs a sacrifice. On account of these doubts he is tamei for seven days and must bring a sacrifice, which, however, may not be eaten. Similarly, if he has one discharge at Bein Hashemashos, it is doubtful whether it counts as one or two.]

10. Bein Hashemashos

The Gemora asks: This is self-contradictory. You say: What is Bein Hashemashos? From sunset as long as the face of the east has a reddish glow. This would imply that if the lower horizon is dark but not the upper, it is night. Then it is taught: When the lower horizon is dark but not the upper, it is Bein Hashemashos!?

Rabbah answered in the name of Rav Yehudah in the name of Shmuel: Combine them and learn as follows: What is Bein Hashemashos? From sunset as long as the face of the east has a reddish glow, and if the lower horizon is dark but not the upper, that too is Bein Hashemashos. But when the upper horizon is dark and the same as the lower, it is night.

While Rav Yosef answered in the name of Rav Yehudah in the name of Shmuel: This is what the braisa is saying: From sunset as long as the face of the east has a reddish glow, it is day; if the lower horizon is dark but not the upper, it is Bein Hashemashos; when the upper is dark and the same as the lower, it is night.

11. Rabbah maintains that Bein Hashemashos is the time it takes to walk three parts of a mil, and Rav

Yosef is of the opinion that Bein Hashemashos is the time it takes to walk two parts of a mil.

The Gemora notes: Now, they follow their views, for it was stated: How long is the period of Bein Hashemashos? Rabbah said in the name of Rav Yehudah in the name of Shmuel: Three parts of a mil (as long as it takes to walk it – 2,000 amos). The Gemora asks: What is meant by ‘three parts of a mil’? Shall we say, three half-mils? Then let him simply say: A mil and a half? While if it is three thirds of a mil, let him say: One mil? Therefore, it must mean three quarters of a mil.

While Rav Yosef said in the name of Rav Yehudah in the name of Shmuel: Two parts of a mil. The Gemora asks: What is ‘two parts of a mil’? Shall we say: two halves? Then let him say: One mil? While if it means two quarters of a mil, then let him say: half a mil. Therefore, it must mean two thirds of a mil. What is the difference between them? One half of a sixth. (34a – 35a)

INSIGHTS TO THE DAF

“Bein Hashmashos” – Between the Suns

By: Meoros HaDaf HaYomi

Bein hashmashos is a period of time in which it is no longer certainly day, but the night has not begun for certain either. The parameters of *bein hashmashos*, its halachic status, precise times, and even the definition of its name, are all subjects of debate. In this article we will present the foremost opinions in these matters, beginning with the familiar debate over the times of *shekiah* (sunset) and *tzeis hakochavim* (the appearance of the stars).

The Geonim (cited in Teshuvos Maharam Alshakar, 96) interpret *shekiah* as the time at which the orb of the sun sets. With this, the period of *bein hashmashos* begins, continuing until *tzeis hakochavim*. However, Rabbeinu Tam holds that there are in fact two *shekios*. The first *shekiah* is when the orb of the sun sets and is hidden from view, and the second is a



considerable amount of time afterward (see Maggid Mishna hilchos *Shabbos*, 5:4, et. al.). Tosafos (Zevachim 56a, s.v. *minayin*) refers to these two times as the “beginning of *shekiah*” and the “end of *shekiah*.” Rabbeinu Tam holds that although the sun has set and is hidden from sight, it is still daytime until the second *shekiah*.

Now, we will proceed to define the meaning of the words, “*bein hashmashos*”:

Between the sun and its light: According to the Maharal of Prague (Gur Aryeh, Shemos 12:6), each day is termed as a “sun.” Therefore *bein hashmashos*, between the suns, refers to the intermediate period of twilight between one day and the next. The Vilna Gaon, however, explains that the two suns in question are the sun itself and its light (Biur HaGra O.C. beginning of 261 and Y.D. 262). *Bein hashmashos* is therefore the period between the setting of the sun and the disappearance of its light. The Vilna Gaon’s interpretation fits well with the opinion of the Geonim, that *bein hashmashos* begins with the setting of the sun and concludes with the disappearance of its light. Indeed, the Vilna Gaon supports their position in halacha. However, according to Rabbeinu Tam, *bein hashmashos* begins long after sunset, when the sunlight disappears entirely.

The third issue at hand is the *halachic* status of *bein hashmashos*. The *Gemara* considers *bein hashmashos* as a questionable period, in which we are uncertain whether to apply the halachos of the previous day or the following night. What exactly is uncertain about this period?

The stars have appeared, yet is uncertain whether night has begun: According to Tosafos’ (35a, s.v. *trei*) interpretation of the *sugya*, the *Gemara* assumes that night begins with the appearance of the stars; but which stars? The larger stars can be seen even in daylight, and the smallest stars can only be seen well into the dark of night. The interim period of *bein hashmashos* is when some stars are visible, but we are uncertain whether they are small enough to signal the beginning of night. Some explain that the uncertainty of *bein hashmashos* is whether night begins with two stars or three (Minchas Kohen, first essay, end of chapter 3).

A combination of night and day: Based on their interpretations of certain Rishonim in our *sugya*, some Acharonim offer a novel interpretation of the uncertainty of *bein hashmashos*. The Maharal (Gur Aryeh, here) describes it most clearly, that *bein hashmashos* is not merely a question of our ignorance in not knowing when the day ends and the night begins. Rather, *bein hashmashos* contains some aspects of day and some of night. Ours is a *halachic* question how to regard this truly questionable period of twilight. Do we judge it as day or as night? Since it is a question of *halachic* weight, and not mere ignorance, it can never be resolved [This interpretation conforms to the Geonim’s opinion that during *bein hashmashos* daylight can still be seen, and darkness begins].

Among the proofs cited for this interpretation, the Acharonim cite the Mishna from Pirkei Avos: “Ten things were created on *erev Shabbos*, *bein hashmashos*” (Avos 5:6). *Bein hashmashos*, then, was a real, definite period, even at Creation. This alone, however, is no proof. Although Hashem has no doubt when the day ends and the night begins, perhaps the Mishna refers to the period of time that would be questionable in our eyes. However, the Midrash spells out more explicitly that Hashem decided to create these things between the sixth day and *Shabbos*. (Midrash HaGadol, Bereishis 2:2). This clearly implies that *bein hashmashos* is a distinct period, and not merely a matter of our ignorance (the Rogatchover in Tzafnas Pa’neach, Nezirus 2:5 asserts that this is also the Talmud Yerushalmi’s opinion).

Between night and day: The Netziv concurs with this opinion, and cites as a proof the wording of the *posuk*, “To separate between the day (*bein hayom*) and the night (*u’vein halaylah*)” (Bereishis 1:14). The Torah’s wording “*bein u’bein*” always signifies a third alternative: a third period between the two. This period is *bein hashmashos*. With this we can well understand why there is only a period of *bein hashmashos* at nightfall, and not at dawn. The Torah says, “between the day and the night,” but it does not say, “between the night and the day”... (See Meromei Sadeh, Berachos 2:2).

According to these opinions the element of uncertainty in *bein hashmashos* is not a matter of occurrence: whether night has yet begun. It is a matter of halacha: how do we regard a period of time that combines aspects of both day and night? (Hazmanim Behalacha 38:8. There, the author cites opinions



that *bein hashmashos* is neither day nor night, but a third independent period in and of itself. However, this opinion was rejected by a number of commentaries).

DAILY MASHAL

Askarah Amongst Gentiles

The *Gemora* offers various reasons for the disease known as *askarah*, identified with diphtheria, a disease that affects the throat. One opinion maintains that *askarah* come because people do not separate *ma'aser*. A second opinion states that *askarah* comes because of slanderous speech. The *Gemora* then quotes the opinion of Rabbi Shimon bar Yochai, who maintains that *askarah* comes because of the neglect of Torah study, and this is why the mouth is affected, because the mouth does not vocalize words of Torah. The *Gemora* challenges this opinion, as we find that women are also affected with this disease. The *Gemora* resolves this challenge by stating that women are also susceptible to *askarah* because they cause their husbands not to study Torah. The *Gemora* then questions this opinion from the fact that the disease also affects gentiles? The *Gemora* answers that gentiles are also affected with *askarah* because they cause the Jews not to be able to study Torah. The *Gemora* then questions this opinion from the fact that children who are too young to study are afflicted with *askarah*. The *Gemora* answers that children are afflicted with *askarah* because they cause their fathers not to study Torah.

The difficulty with the *Gemora* is that according to the opinions that *askarah* comes because of slanderous speech or because people do not separate *ma'aser*, how do we understand why gentiles are affected with *askarah*. Gentiles are not commanded to refrain from slanderous speech, nor are they commanded to separate *ma'aser*.

The Ben Yehoyada answers that when one slanders someone else, the ensuing result may be bloodshed. A gentile is also prohibited from killing, so they are certainly liable for the end result of slanderous speech. Furthermore, if a Jew who does not separate *ma'aser* is afflicted with *askarah*, then it follows that a gentile who steals produce would be afflicted with the same disease. For this reason, the *Gemora* only challenges the

opinion that maintains that *askarah* comes because of neglect of Torah study.

The Maharsha suggest an alternative answer to this question. Gentiles have the option of refraining from slanderous speech and they can separate *ma'aser* from their produce, although they are not obligated to do so. Regarding Torah study, however, a gentile is forbidden to study Torah, and if he studies Torah, the *Gemora* in Sanhedrin states that he is liable the death penalty.

It Depends How You Say It

Once, a son who had moved to the city sent a letter to his parents in the village. As they didn't know how to read, they went to the *shochet* for his help. The *shochet* looked at the letter and said in his gruff voice, "Your son writes, 'Send me money!'" The parents were angered by their son's impudent demands and decided to send him nothing but the mother wasn't satisfied. Who knows if the *shochet* was telling the truth? She told her husband that they should go to the *chazan*. The latter read the letter and said in his sweet, pleading voice, "Your dear son writes, 'Send me money.'" They immediately agreed that he was asking nicely and that they would send him plenty...

The Holy Day Has Come!

The Sar Shalom of Belz zt" said on the eve of Yom Kippur: '*Isartem* – the ten days of repentance have passed; '*eiravtem* – the eve of Yom Kippur has passed; '*hadliku es haner* – we have already lit the candles for the start of the day and where are we going to?