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Brachos Daf 26

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Separation

Rav Yosef said: I inquired of Rav Huna as follows: There is no question in my mind that a bed which is less than three *tefachim* (*handbreadths*) high (*from the ground until the underside of the bed*) is reckoned as being extended to the ground (*through the principle of "lavud" – when a gap of less than three tefachim separates two things, it is deemed to be closed up; here, the chamber pot is regarded as being completely enveloped by the bed, and one can recite the Shema there*). What would be the *halachah*, however, if the bed would be four, five, six, seven, eight or nine *tefachim* high (*and the chamber pot is underneath it*)? He said to me: I do not know. [Rav Yosef continued] About ten (*tefachim high*), I definitely did not need to inquire about (*for certainly a bed so high will not be regarded as covering the chamber pot, and one may not pray there*). Abaye said: You did well not to inquire (*about such a bed*), for anything which is ten *tefachim* high constitutes a different domain (*and would not be regarded as a covering*).

Rava said: The *halachah* is that less than three (*tefachim*) is regarded as being extended to the ground; ten (*tefachim*) constitutes a different domain; from three to ten is what Rav Yosef inquired of Rav Huna, and he did not resolve it for him.

Rav said: The *halachah* follows Rabbi Shimon ben Elozar (*that even if the room is a hundred amos long, he should not recite the Shema in it until he takes the vessel out of the house or places it under the bed*). So too said Bali in the name of Rav Yaakov the son of the daughter of Shmuel: The *halachah* follows Rabbi Shimon ben Elozar. Rava, however, said: The *halachah* does not follow Rabbi Shimon ben Elozar.

Rav Achai contracted a match for his son with the daughter of Rav Yitzchak bar Shmuel bar Marta. He brought him into the bridal chamber but it was not a success (*for the groom was not able to*

consummate the marriage). He went in after him to see (*what might be the issue*), and he saw a Torah scroll lying there. He said to them: Had I not come now, you would have endangered the life of my son, for it has been taught in a *braisa*: One is forbidden to have marital relations in a house (*room*) in which there is a Torah scroll or *tefillin*, until he takes them out or places them inside one receptacle which is inside of another.

Abaye said: This *halachah* applies only to a receptacle which is not designated for them (*the Torah scroll or the tefillin*), but if the receptacles are specially designated for them, even ten (*of those receptacles*) are no better than one (*and another "non-designated" receptacle would be required*).

Rava said: A cloak over a chest (*containing sacred items*) is like a receptacle within a receptacle.

Rabbi Yehoshua ben Levi said: For a Torah scroll, it is necessary to make a partition of ten *tefachim* high (*in order to have marital relations*).

Mar Zutra was visiting Rav Ashi, and he saw that in the place where Mar the son of Rav Ashi slept, there was a Torah scroll, and a partition of ten *tefachim* was made for it. He said to him: Which authority are you following? Is it Rabbi Yehoshua ben Levi? I say that Rabbi Yehoshua ben Levi meant this to apply only where one does not have another room, but you master have another room! He replied: I had not thought of that. (25b – 26a)

Distancing from Urine and Excrement

The *Mishna* had stated: How far should he remove himself from it (*urine*) and from excrement (*before praying*)? Four *amos* (*cubits*).

Rava said in the name of Rav Sechorah, who said it in the name of Rav: This was taught only if it is behind him, but if it is in front of

him, he must distance himself (*to such an extent*) that it is completely out of sight. The same rule applies to *Tefillah*.

The *Gemora* asks: Is that so? Didn't Rafram bar Pappa say in the name of Rav Chisda that a man can stand opposite a latrine (*four cubits away*) and say the *Tefillah* (*and he is not required to make sure that it is out of his eyesight*)?

The *Gemora* answers: Here, we are referring to a latrine in which (*after it was cleaned out*) there is no excrement (*and that is why a distance of four amos is sufficient*).

The *Gemora* asks: Is that so? Hasn't Rav Yosef bar Chanina said that when they spoke of a latrine (*regarding the prohibition of praying near it*), they referred even to one where there is no excrement in it, and when they spoke of a bathhouse, they meant even if there is no one in it (*at that time, who is unclothed*)!?

The *Gemora* answers: Rather, we are referring here to a new one (*and since it was not used yet, even though it was already designated, one may pray opposite it*).

The *Gemora* asks: But surely this is the very thing about which Ravina inquired: If a place has been designated for a latrine (*but not yet used*), what is the *halachah*? Does designation count (*as anything – in a halachic sense*), or does it not count?

The *Gemora* answers: What Ravina wanted to know was whether one might stand in it to pray there (*for perhaps, mere designation forbids one from praying in it*), but (*to pray*) opposite it, he was not in doubt (*for that would certainly be permitted*).

Rava said: These Persian latrines (*that were made as ditches in the ground and the excrement rolled into a deep hole*), although there is excrement in them, are considered closed up. (26a)

Mishna

A *zav*¹ who had a seminal emission (*where normally, one who experienced a seminal emission immerses in a mikvah to become*

¹ A *zav* is a man who has an emission similar but not identical to a seminal discharge; he is *tamei* and he transmits *tumah* only through contact. He immerses in a mikvah on the same day and he is *tahor* by nightfall. If he experiences two emissions, he is classified as an *av hatumah*; he transmits *tumah* through contact and by being carried.

tahor, here, he would remain *tamei* anyway), a *niddah* (*who is also tamei for seven days*) from whom semen has emitted (*that she received through intercourse, where normally, she would be tamei to the same degree as a man who discharged an emission, she immerses in a mikvah to become tahor, here, she would remain tamei anyway*), and a woman who had intercourse (*and is treated automatically as a man who discharged an emission*) and then became a *niddah* – they all require immersion (*in a mikvah in order to recite words of Torah – the novelty is that this is true although they are still tamei even after their immersion*). Rabbi Yehudah, however, exempts them (*for since the immersion will not render them tahor, Ezra never decreed tumah for words of Torah in these instances*). (26a)

Zav and Ba'al Keri

They inquired: What is Rabbi Yehudah's opinion about a *ba'al keri* who has become a *zav*? Are we to say that the case in which Rabbi Yehudah exempted was that of a *zav* who had a seminal emission, because his first condition did not subject him to immersion (*on account of Ezra's decree, so the lesser tumah of keri also does not subject him to this immersion*), but he does not exempt a *ba'al keri* who becomes a *zav*, because in his first condition, he was subject to immersion (*on account of Ezra's decree*), or are we to say that there is no difference?

The *Gemora* attempts to prove this from our *Mishna*: A woman who had intercourse (*and is treated automatically as a man who discharged an emission*) and then became a *niddah* – she requires immersion (*in a mikvah in order to recite words of Torah – the novelty is that this is true although they are still tamei even after their immersion*). Rabbi Yehudah, however, exempts her (*for since the immersion will not render them tahor, Ezra never decreed tumah for words of Torah in these instances*). Now, a woman who has had intercourse and then becomes a *niddah* is comparable to a *ba'al keri* who becomes a *zav* (*for by both of them, the lesser tumah of keri came first*), and Rabbi Yehudah exempts her. This proves (that there is no difference, and R' Yehudah would exempt even a *ba'al keri* who has become a *zav* from immersion).

The *Gemora* notes that Rabbi Chiya taught this expressly in a *braisa*: A *ba'al keri* who has become a *zav* requires immersion; Rabbi Yehudah, however, exempts him. (26a)

He must observe seven clean days and then he immerses in spring water.

WE SHALL RETURN TO YOU, MI SHEMEISO

Mishna

The morning *tefillah* (*Shacharis*) can be recited until noon; Rabbi Yehudah says: Until the fourth hour.

The afternoon prayer (*Minchah*) can be recited until evening; Rabbi Yehudah says: Until half of *minchah* (which, the *Gemora* will explain).

The evening prayer (*Maariv*) has no fixed limit (for it can be recited throughout the night).

The time for *Mussaf* is the entire day; Rabbi Yehudah says: Until the seventh hour. (26a)

Times for Prayer

The *Gemora* asks: This (that *Shacharis* may be recited until noon, or until four hours into the day) was contrasted with the following *braisa*: The *mitzvah* (of the *Shema*) is (that it should be recited together) with sunrise (and not earlier – at the time when there is enough light to recognize his friend at a distance of four amos), so that *Ge'ullah* (Redemption; the blessing after *shema*) should be followed immediately by *Tefillah*, with the result that he would say the *Tefillah* in the day time!

The *Gemora* answers: That was taught in reference only to the “*vasikin*” (the devoted ones), for Rabbi Yochanan said: The *vasikin* used to finish the recital (of *Shema*) with the rising of the sun.

The *Gemora* asks: And may all other people delay till midday, but no longer? Hasn't Rav Mari the son of Rav Huna the son of Rabbi Yirmiyah bar Abba said in the name of Rabbi Yochanan: If a man erred and did not pray *Maariv* (at night), he recites it twice by *Shacharis* (once for *Shacharis*, and the second one to compensate for the missed-*Maariv*). [If he erred] by *Shacharis*, he recites it twice by *Minchah*! [Evidently, the time for *Shacharis* is even after noon!]

The *Gemora* answers: He may go on praying the entire day, but up until noon he is given the reward of saying the *Tefillah* in its proper time; afterwards, he is given the reward of reciting the *Tefillah*, but not of reciting the *Tefillah* in its proper time. (26a)

Compensating for Missed Tefillah

They inquired: If a man erred and did not pray *Minchah*, should he recite *Maariv* twice? If you will say that if he erred and did not pray *Maariv*, he recites *Shacharis* twice, I may reply that this is because it is all one day, as it is written: *And there was evening and there was morning, one day*; but here (where he missed *Minchah*), prayer being in the place of a sacrifice, and since the day has passed, the sacrifice is cancelled (so too, *Minchah* cannot be compensated by *Maariv*, for it is already the next day). Or perhaps, since prayer is supplication for mercy, a man may go on praying as long as he wishes.

The *Gemora* resolves this from that which Rav Huna bar Yehudah said in the name of Rabbi Yitzchak, who said it in the name of Rabbi Yochanan: If a man erred and did not pray *Minchah*, he recites *Maariv* twice, and we do not apply here the principle that if the day has passed, the sacrifice is cancelled.

The *Gemora* asks on Rabbi Yochanan from the following *braisa*: It is written: *A twisted thing cannot be made straight, and that which is missing cannot be numbered. A twisted thing cannot be made straight* - this applies to one who omitted the *Shema* of the evening or the *Shema* of the morning, or the *Tefillah* of the evening or the *Tefillah* of the morning. *And that which is missing cannot be numbered* - this applies to one whose friends were counted to perform a *mitzvah*, and he was not counted with them. [This *braisa* seems to indicate that if one missed a *Tefillah*, he cannot “make it straight” – he cannot compensate for it!]

Rabbi Yitzchak answers in the name of Rabbi Yochanan: The *braisa* here is dealing with a case where one omitted praying deliberately (and that is why he cannot “make it straight”).

Rav Ashi said: The proof to this is that the *braisa* stated “omitted,” and it does not state “erred.” This indeed proves it.

The *Gemora* cites a *braisa*: If a man erred and did not pray *Minchah* on *Erev Shabbos*, he prays twice on the night of *Shabbos*. [He recites the *Shabbos* prayer twice; this is a valid compensation, for, in truth, one is obligated to pray the ordinary *Tefillah* – all eighteen blessings - on *Shabbos*; it was only because the Rabbis did not want to trouble people on *Shabbos* that they shortened the *Tefillah*. Accordingly, when, on *Shabbos*, he is making up a weekday *Tefillah*, he still recites the *Shabbos* text.]

If one erred and did not pray *Minchah* on *Shabbos*, he recites the weekday *Tefillah* twice on the conclusion of *Shabbos*. [This is valid, for even on *Shabbos*, one is really obligated to recite the full *Shemoneh Esrei*, as we explained above.] He recites *havdalah* (the blessing of “*atah chonantanu*” which is inserted into the fourth blessing of the *Shemoneh Esrei* on Saturday night; this is in order to distinguish between the *Shabbos* and the weekday) in the first (*Tefillah*, for that is *Maariv*), but not in the second (for that is the compensation for *Minchah*), and if he recited *havdalah* in the second and not in the first, the second is counted for him (as a valid *Tefillah*), but the first is not counted for him. [Rashi explains that this is because one cannot recite the prayer being used for compensation before he prays the prayer for his current obligation; therefore, the first *Tefillah*, where he did not recite *havdalah* cannot be used for compensation. The second one cannot be used for compensation, for he recited *havdalah* in it, demonstrating his clear intent that he wishes this *Tefillah* to be for *Maariv*.]

The *Gemora* asks: Do you mean to say that since he did not recite *havdalah* in the first *Tefillah*, it is as if he had not recited the *Tefillah* at all, and we make him repeat it? Is this not contradicted by the following *braisa*: If one erred and did not mention the powers of rain (*G’vuros geshamim*) in the blessing for the Resurrection of the Dead (*Techiyas ha’mesim*), or (he erred and did not mention) the request for rain in the blessing of the years (*Birchas ha’shanim*), he must repeat the *Shemoneh Esrei*. If he erred and did not mention *havdalah* in the blessing of graciously grants wisdom (*Atah chonein*), he does not need to repeat it, because he can recite it (*havdalah*) over a cup of wine! [Evidently, the omission of *havdalah* in the *Shemoneh Esrei* is not grounds to repeat it!?

The *Gemora* notes that this is indeed a difficulty. (26a – 26b)

Who Instituted the Prayers?

It has been stated: Rabbi Yosi son of Rabbi Chanina said: The prayers were instituted by the Patriarchs. Rabbi Yehoshua ben Levi says: The prayers were instituted (by the Men of the Great Assembly) to replace the *tamid* sacrifices (that were brought each day).

A *braisa* has been taught in accordance with Rabbi Yosi son of Rabbi Chanina, and one has been taught in accordance with Rabbi Yehoshua ben Levi.

It has been taught in accordance with Rabbi Yosi son of Rabbi Chanina: Avraham instituted *Shacharis*, as it is written: And Avraham arose early in the morning to the place where he had stood, and ‘standing’ means only prayer, as it is written: And Pinchas stood up and prayed. Yitzchak instituted *Minchah*, as it is written: And Yitzchak went out to speak in the field towards evening, and ‘speak’ means only prayer, as it is written: A prayer of the afflicted man when he swoons, and before Hashem he pours out his speech. Yaakov instituted *Maariv*, as it is written: And he encountered [va’yifga] the place, and spent the night there, and ‘peg’ah’ means only prayer, as it is written: And you, do not pray for this people, and do not lift up for them a cry and a prayer, and do not entreat [tifga] Me.

It has been taught also in accordance with Rabbi Yehoshua ben Levi: [This is a quote from the *Tosefta*: We used, with permission, some of the text and notes that can be found in toseftaonline.org, by Eliyahu Gurevich. We thank him for his diligence in this work, and for his assistance.] Why did they say that the Morning Prayer can be prayed only until noon? It is because the morning *tamid* (daily offering) could be brought only until noon. [The *Tamid* sacrifice (*Korban Tamid*) is a public sacrifice (bought on public funds) that was brought in the *Beis Hamikdash* twice a day, in the morning, in the beginning of the day, and in the late afternoon, at the end of the day. It was the opening and closing sacrifice, meaning that no other sacrifice could be brought before the morning *Tamid* and no other sacrifice could be brought after the afternoon *Tamid*. The morning and the afternoon *Shemoneh Esrei* were established as a remembrance of the morning and the afternoon *Tamid*.] Rabbi Yehudah says: The morning prayer of *Shemoneh Esrei* can be prayed only until four hours of the day. [The hours which are used in Torah calculations are not the regular 60 minute hours that we know. Instead they are what called *Shaos Zemanios* (time hours). The length of the hour is different every single day. The way the length of the hour is calculated is as follows. You take the number of minutes that exists in the day between the time of sunrise and the time of sunset and then divide it by 12. So during the winter when the day is short the length of the hour is shorter than 60 minutes, but during the summer when the day is long the length of the hour is greater than 60 minutes. The time hour is exactly 60 minutes long on the day of the vernal and autumn equinox, since the day is equal to the length of the night. Rabbi Yehudah’s opinion is explained in *Talmud Yerushalmi*. He learns that the *Tamid* sacrifice can only be brought until the end of 4 hours of the day.] And why did they say that the *Minchah* prayer can only be prayed until the evening? It is because the afternoon *Tamid* sacrifice could be brought only until the evening. Rabbi Yehudah says: *Minchah* can be prayed only until *Plag*

HaMinchah. This is because the afternoon Tamid sacrifice could be brought only until *Plag HaMinchah*. [The reason for Rabbi Yehudah's opinion that *Minchah* can be prayed until *Plag Haminchah* is very obscure. It is not explained in any of the Talmudic literature. *Pnei Yehoshua* suggests that the reasoning of Rabbi Yehudah is as follows: Rabbi Yehudah means the literal time when the meat of the Tamid was physically sacrificed on the altar and not when all of the accompanying things like the wine libations (*Nisuch Hayayin*) that came along with the Tamid were sacrificed which was after the meat of the Tamid. Since the meat of the Tamid must have been brought before the afternoon incense (*Ketores*), which was brought from the *Plag Haminchah* and onwards until sunset, then the end of the Tamid time was *Plag Haminchah*. However, the opinion of the *Tanna Kama* reflects the sacrifice of the additional stuff that was brought together with the Tamid, such as the wine libations, which could have been brought simultaneously with the *Ketores* and could go on until sunset itself. According to *Pnei Yehoshua* it comes out that the *Tanna Kama* and Rabbi Yehudah are not really arguing about the time of the Tamid, but rather they are arguing if the libations that were offered together with the Tamid were considered to be a part of the Tamid or not. An alternative explanation is provided by *Tosafos*, who says that really Rabbi Yehudah is not talking about the absolute latest time when the Tamid could be brought. But rather he is referring to the normal time when usually they would bring the *Ketores* in the *Beis Hamikdash* after the Tamid, which was from *Minchah Ketanah* (9 ½ hours into the day), until *Plag Haminchah* (10 ¾ hours into the day).] And why did they say that *Maariv* does not have a set time? It is because the limbs and fats of the sacrifices could be brought the entire night. [The critical time of a sacrifice, which is the official time of when the sacrifice is considered to be brought is the moment when the blood from the sacrifice is sprinkled on to the altar. That could only take place during the day, between sunrise and sunset. However, due to the fact that there were hundreds and possibly thousands of sacrifices brought on any given day it took a long time to burn all of the meat on the altar. Therefore the Torah permitted burning of the meat the whole night following the day of sacrificing. It is corresponding to this meat burning that the evening *Shemoneh Esrei* prayer was enacted.] And why did they say that *Mussaf* can be prayed the entire day? [*Mussaf* literally means "additional". *Mussaf* is an additional prayer of *Shemoneh Esrei* to the regular *Shemoneh Esrei* that is said on *Shabbos*, *Yom Tov* (Torah Holidays which are *Rosh Hashanah*, *Yom Kippur*, *Sukkos*, *Shemini Atzeres*, *Pesach* and *Shavuot*) and *Rosh Chodesh* (New Month). It is normally prayed in between *Shacharis* and *Minchah*, but can be prayed any time during the day.] It is because the *Mussaf* (additional offering) sacrifice could be brought the

entire day. Rabbi Yehudah says: The *Mussaf* prayer can be prayed until seven hours of the day.

The *braisa* continues: When is "*Minchah Gedolah*"? It is from six and a half hours into the day and onwards. And when is *Minchah Ketanah*? It is from nine hours into the day and onwards.

They inquired: Did Rabbi Yehudah refer to the head of the first *Minchah* (*Minchah Gedolah*) or the half of the latter *Minchah* (*Minchah Ketanah*)?

The *Gemora* answers: It has been taught in a *braisa*: Rabbi Yehudah said: They referred to the half of the latter *Minchah*, which is eleven hours less a quarter (*ten and three-quarter hours into the day*).

The *Gemora* asks: Shall we say that this *braisa* is a refutation of Rabbi Yosi son of Rabbi Chanina?

The *Gemora* answers that Rabbi Yosi son of Rabbi Chanina can answer that the Patriarchs instituted the prayers, but the Rabbis found a basis for them in the offerings, for if you do not say like this, who, according to Rabbi Yosi son of Rabbi Chanina instituted the *Mussaf*? He must therefore say that the Patriarchs instituted the prayers and the Rabbis found a basis for them in the offerings. (26b)

HALACHAH FROM THE DAF

The final time for kerias shema' according to Magen Avraham and the Vilna Gaon

By: Meoros HaDaf HaYomi

Every self-respecting publisher of a calendar takes care to indicate every day the end of the time for *kerias shema'* according to *Magen Avraham* and the *Vilna Gaon*. Why did these two times come about? This article will discuss the issue and reveal that this is already an ancient difference of opinions among the *Rishonim*.

Chazal determined many time-limits for beginning and ending the observance of mitzvos. We learnt, for example, in the mishnah: "From when do we say the *shema'* in the morning?...Till the third hour." Concerning *chametz* on the eve of *Pesach*, Chazal said, "We



eat it during the first four hours and may derive benefit from it during the fifth hour and burn it at the start of the sixth hour.”

Everyone knows that Chazal measured the day and night according to relative hours (*sha'os zemanios*) and not according to 60-minute hours like ours. In other words, today the time indicates a fixed and measured period of time. A *sha'ah zemanis* is determined by dividing the daytime into 12 equal parts while each part is called an hour. The night was also divided into 12 parts and each part was called an hour of the night. It is self-understood that a *sha'ah zemanis* in the summer is longer than a *sha'ah zemanis* in the winter as both days are divided into 12 parts while a summer day is long and a winter day is short (see this whole topic in Rambam's commentary on the Mishnah here).

We have yet to clarify one thing, which is actually the heart of the tremendous difference of opinions: What day did Chazal divide into 12 parts? There are two possibilities. It could be that Chazal took the duration between sunrise and sunset and called it day. It's also possible that the day they measured and divided into 12 parts is much longer, lasting from *'alos hashachar*, dawn – much before sunrise – till the appearance of the stars, much after sunset.

Now let's make a simple calculation. Let's assume that *'alos hashachar* is at 4:30, sunrise at 6:00, sunset at 6:00 in the evening and the appearance of the stars at 7:30. If we take the day and divide the time between sunrise and sunset, then the three hours for *kerias shema'* end at 9:00 in the morning. However, if we divide the daytime between *'alos hashachar* and the appearance of the stars, then a *sha'ah zemanis* of this day amounts to an hour and a quarter on our clock. Then the final time for *kerias shema*, $3\frac{1}{4}$ hours after dawn, is at 8:15! If we examine the Rishonim on our *sugya*, we notice that they disagreed about this issue.

The mishnah says that according to the Chachamim, the time for *minchah* is till the evening and according to Rabbi Yehudah, till *plag haminchah*. The Gemara explains that Rabbi Yehudah means till “11 hours less a quarter” – i.e., an hour and a quarter before evening. According to Rashi (26a, s.v. *'Ad ha'erev*), Ramban (*Toras HaAdam, Sha'ar Aveilus Yeshanah*) and the Rashba (2a), the evening starts at the appearance of the stars and *plag haminchah* virtually coincides (within about 3 minutes) with sunset. However, Rabbi Sa'adyah Gaon (*Sidur Rasag*, p. 26), Rav Hai Gaon (in the *Mordechai*, Ch. 4, §90), Rambam (*Hilchos Tefillah* 3:4) and Rabeinu Yonah (at the beginning of *Tefillas HaShachar*) maintain that the time called “evening” starts at sunset and Rabbi Yehudah's *plag haminchah* is an hour and a quarter before that. We thus have a

difference of opinions among the Rishonim as to if the day divided by the Chachamim into hours ends at sunset or with the appearance of the stars. As for the halachah, *Terumas HaDeshen*, the *Levush* and others disagreed about this question (see *Magen Avraham*, 233, S.K. 3, and 443, S.K. 3).

It only remains for us to understand how *Magen Avraham* and the Vilna Gaon became involved in this difference of opinions such that it is named for them. *Magen Avraham* innovates (see 58, S.K. 1) that there's no difference of opinions regarding the time for *kerias shema'*. In his opinion, even those who maintain that the day meant by the Chachamim starts at sunrise admit that concerning *kerias shema'*, Chazal meant to count the hours starting with *'alos hashachar*. He thus significantly shortens the final time for *kerias shema'*. The Vilna Gaon disagreed and claimed (*Beur HaGra*, *ibid*, and see *Chazon Ish*, O.C. 13) that his *chidush* is incorrect but those who hold that Chazal's day starts at sunrise maintain the same also regarding *kerias shema'*. Since then, the two opinions have been called “Magen Avraham's time” and “the Vilna Gaon's time”. Once the Vilna Gaon decided that the matter remains a disagreement among the *Rishonim*, he ruled the halachah according to those who hold that Chazal counted the hours from sunrise to sunset (and so holds the author of *Tanya* and see *'Aroch HaShulchan*, 58; *Responsa Igros Moshe*, O.C., I, 24, and III, 129; we should mention that the Magen Avraham's time appearing in most calendars assumes that *'alos hashachar* is 90 minutes before sunrise and so is the duration between sunset and the appearance of the stars; however, according to the ruling of many *poskim* [see *Shulchan 'Aruch*, O.C. 459:2; the Remo, 261:1; *Mishnah Berurah*, 235, S.K. 4; etc.], *'alos hashachar* is 72 minutes before sunrise; if so, Magen Avraham's time is later: the difference is about ten minutes; we should mention that several *geonim* of our era point out, and HaGaon Rav A. Kotler zt”l already remarked, that Magen Avraham's time is relevant if we assume that the appearance of the stars is according to Rabeinu Tam's opinion that there are two sunsets, but according to the Geonim, this calculation is not relevant at all. This is not the place to expand any more).

When Sunday comes before motzaei Shabbos

Aside from the three regular prayers every day – *shacharis*, *minchah* and *ma'ariv* – there's another prayer, *tefillas tashlumin*, which makes up for a missed prayer. A person who missed *minchah* should pray *Shemoneh 'Esreh* twice at *ma'ariv*, once for *ma'ariv* and once for *minchah*. Our Gemara emphasizes that it

should be in this order, first *ma'ariv* and then *minchah*, as he must first pray the regular prayer, whose time is now, and then *tefillas tashlumin*. If he had the opposite intention, he didn't fulfill his obligation!

Atah chonantanu in *shacharis*: Once a person forgot to pray *ma'ariv* on *motzaei Shabbos*. At *shacharis* he asked HaGaon Rabbi Chayim of Brisk zt"l when he should say *Atah chonantanu* – during the first *Shemoneh 'Esreh* or the second. Rabbi Chayim was occupied in his prayer and a Rabbi standing nearby replied that he should mention *Atah chonantanu* in the *tefillas tashlumin*, which stands in for last night's *ma'ariv*. Rabbi Chayim, who heard this, hinted to the person to wait a while and when he finished his prayer, ruled the opposite: "Say *Atah chonantanu* in the *Shemoneh 'Esreh* of *shacharis*"! Those present wondered greatly and Rabbi Chayim explained. *Atah chonantanu* is not especially relevant to *Shemoneh 'Esreh* of *motzaei Shabbos* but must be said in the first prayer after *Shabbos*. Usually, this prayer is *ma'ariv* on *motzaei Shabbos* but what should we do for this unfortunate person whose first prayer after *Shabbos* is *shacharis*? (*Ishim Veshitos*, 61).

At any rate, that *Rav* didn't err. Another *Rav* held likewise, as earlier *geonim* already disagreed about the issue. HaGaon Rabbi Akiva Eiger zt"l (in *Gilyon HaShulchan 'Aruch*, 294) ruled that *Atah chonantanu* must be said in the first prayer after *Shabbos* and *Pri Megadim* (ibid) and *Tosefes Shabbos* (ibid) maintained that *Atah chonantanu* should be said in the *tefillas tashlumin* for *ma'ariv*.

As for the halachah, the Chafetz Chayim zt"l ruled (*Mishnah Berurah*, 294, S.K. 2, and in *Beur Halachah*, s.v. *Omerim*) that if he made (or heard) *havdalah* on wine, *Atah chonantanu* should not be said, neither in *shacharis* nor in *tefillas tashlumin*, but if someone didn't make *havdalah* on wine and therefore must say *Atah chonantanu*, he should say it in the *tefillas tashlumin* for *ma'ariv* and not in the first *Shemoneh 'Esreh* of *shacharis*. The reason is that as on *motzaei Shabbos* one must pronounce *havdalah* on wine and also say *Atah chonantanu*, Chazal matched the prayer of *havdalah* said in *Shemoneh 'Esreh* to the *havdalah* said on the wine. That is, the *havdalah* in prayer was instituted to be said especially in *ma'ariv* of *motzaei Shabbos* and therefore, if someone forgot to pray, he should say *Atah chonantanu* in the *tefillas tashlumin* of *ma'ariv*, where *Atah chonantanu* was instituted (see ibid his proof for this ruling and why he rules so only if he didn't make *havdalah* yet).

We conclude with an easy *pilpul*. Our Gemara says that if a person forgot to pray *minchah* on *Shabbos*, he should pray *Shemoneh*

'esreh twice on *motzaei Shabbos* and say *Atah chonantanu* in the first *Shemoneh 'Esreh* because it is *ma'ariv*. Apparently, why did the Gemara trouble to say this? If the first *Shemoneh 'Esreh* were the *tefillas tashlumin* for *minchah*, would one not have to say *Atah chonantanu* therein? After all, Rabbi Chayim contends that *Atah chonantanu* should be said in the first weekday prayer! Is this not solid proof for the *Rav* who disagreed with Rabbi Chayim?

Rabbi Chayim's grandson, HaGaon Rav M.D. Soloveitchik, thinks not. In his opinion, even Rabbi Chayim would admit that it's impossible to say *Atah chonantanu*, which distinguishes between a holy and a mundane day, in a prayer whose obligation stems from *Shabbos*. Rabbi Chayim did not consider such a thing. He only meant that *Atah chonantanu* may be moved between two weekday prayers whose order has been reversed but not from a weekday prayer to a prayer stemming from *Shabbos* (*Asufos Rabeinu Chayim HaLevi*, here, in the name of *Binyan Mordechai*, beginning of *Berachos*).