

Sof Zman Achilas Chometz, part 2

Introduction

Last week we mentioned that *mid'Oraysa*, one must stop eating *chometz* at the end of the sixth hour on Erev Pesach [see *Shulchan Aruch* (443:1) and *Mishnah Berurah* (443:1)]. However, *Chazal* extended this *issur* to earlier in the day. According to **R' Yehuda**, whom the *halachah* follows, they extended it back until the beginning of the fifth hour. As such, one may only eat *chometz* until the end of the fourth hour. We mentioned that in order to calculate the precise time, the *poskim* say that we use *shaos zmanios* (except for cases of *hefsed merubah*), just as we do for other time-dependent mitzvos [see *Mishnah Berurah* (433:9) and *Kaf Hachaim* (433:22)]. This is accomplished by dividing the day into twelve equal parts, or "hours;" *chometz* may not be consumed after the fourth "hour" of the day. But before we divide the day, we need to determine what is considered "day" for this purpose.

As we will discuss, there are two opinions regarding how to calculate the day. Some hold we calculate the day from *alos hashachar* (daybreak) until *tzeis hakochavim*. Others say that we calculate the day from *hanetz hachamah* (sunrise) until *shkias hachamah*. Calculating the day from *alos* until *tzeis* will obviously yield a much longer day — and thus longer hours — as *alos* is more than an hour before *hanetz*, and *tzeis* is after *shkiah* [according to the Geonim at least 13.5 minutes after *shkiah*, and according to *Rabbeinu Tam* at least 72 minutes after *shkiah*]. However, being that we begin counting these hours from *alos*, the end of the fourth hour of the day [and the end of the third hour regarding *krias shema*] is actually earlier in the day than it would be if we were to count the day from *hanetz* until *shkiah*.

The Mogen Avrohom's Opinion

The *shitah* that holds that the day is calculated from *alos* until *tzeis* is generally known as "the *Mogen Avrohom's* opinion." In truth, this view is already mentioned by many *Rishonim* [see, for example, *Rashi* (*Avodah Zarah* 25a s.v. *esrim v'arba*), *Tosafos* (*Pesachim* 11b s.v. *echad*, as mentioned by the *Bach* 431:1), and *Rashba* (*Berachos* 2a)]. The *Bach* points out that this is the simple understanding of the *pesukim* (*Nechemia* 4:15-16), "So we did the work, with half of them grasping the spears, from *alos hashachar* until *tzeis hakochavim*... Thus, the night was a watch for us and the day was [for] work." Since the day is described as "from *alos* until *tzeis*" [see *Tosafos* (*Pesachim* 2a s.v. *v'ha*)], it would seem logical that the hours of the day should follow this setup as well. It is interesting to note that the *Mogen Avraham*

(433:3) brings both *shitos* regarding how to calculate the hours, yet is not *machria*. He simply writes that "there isn't much of a difference between the two." Nonetheless, it has been accepted that this is the *shitah* of the *Mogen Avrohom*.

The Gra's Opinion

The view that the day is calculated from *hanetz* until *shkiah* is generally known as "the *Gra's* opinion" [see *Beur HaGra* (OC 459:5)]. However, this *shitah*, as well, has already been mentioned by earlier *poskim*. The *Levush*, who predated the *Gra* by about 100 years, writes (OC 233:1) that this is the proper way to calculate the hours of the day. This would also seem to be the simple understanding of *Rav Saadya Gaon* (*Siddur* p. 26), *Rav Hai Gaon* (brought by *Mordechai*, *Berachos* 90), *Rabbeinu Chananel* (*Otzar HaGeonim Berachos* 113), and many other *Rishonim*.

It should be noted that even this *shitah* agrees that the halachic day starts before *hanetz*. Thus, one can fulfill the mitzvah of *krias shema* even before *hanetz* [see *Berachos* (9b)]; i.e., even before we begin counting the hours of the day. The *Mogen Avrohom* (58:1) already pointed out the oddity of this phenomenon and writes that for this reason, everyone would agree regarding *sof zman krias shema* that we calculate from *alos* until *tzeis*. However, see *Beur HaGra* (*ibid.*) and *Chazon Ish* (OC 13 end of *Michtav* 2) who are not concerned with this issue, and hold that even for *krias shema*, the hours should be calculated from *hanetz* until *shkiah*. This is because the calculation of hours does not need to coincide with what is halachically considered day. The *Chazon Ish* explains further that the *zman* of hours regarding *krias shema* is only relevant to *sof zman krias shema*, which is always after *hanetz*.

Poskim and Minhagim

Practically speaking, the *Beur Halachah* (261:2 s.v. *lehakdim*) notes that the *psak* of the *Shulchan Aruch* in general aligns with the *Mogen Avrohom's* view, that we calculate the day from *alos* until *tzeis*. This seems to also be the *psak* of the *Rema* (233:1). The *Ben Ish Chai* (*Rav Pe'alim* 2:2) writes that this was the *minhag* in Baghdad as well. See also *Sefer Bein Hashmashos* (p. 98) where *Rav Yechiel Michel Tukachinsky* writes that the *minhag* in Eretz Yisrael has, for a long time, followed the *Mogen Avrohom* [see also *Shu"t Chaim Sha'al* (2:38)]. See also *Mishnah Berurah* (443:8) who writes — even regarding the *issur d'rabbanan* of *achilas chometz* after the fourth hour — that ideally one should

be *machmir* like the *Mogen Avrohom*.

However, the **Shulchan Aruch HaRav (443:4)** *paskens* like the *Gra*, that the hours are counted from *hanetz*. See also **Aruch Hashulchan (58:14)** and **Igros Moshe (OC 1:24)** who bring that in Russia and Lita, the *minhag* was to follow the *zmanim* of the *Gra*, and only scrupulous individuals were *machmir* like the *Mogen Avrohom*. The **Chazon Ish (13:4)** writes that many are accustomed to follow the *Gra*.

The "New" Zman of the Mogen Avrohom

In recent years, the way that many people calculate an hour according to the *Mogen Avrohom* has changed drastically. For many years, those who held like the *Mogen Avrohom* counted the day from *alos* (over an hour before *hanetz*) until *tzeis* of the *Geonim*, which is only $\frac{3}{4}$ of a *mil* (13.5 minutes) after *shkiah*, since that was the *minhag* in most places when determining the end of a halachic day. They divided this "day" into twelve and the result was the *shiur* of an hour. [See **Maamar Mordechai (233:2)** and **Birur Halachah (7 p. 30)** who report that this was the *minhag* in many places in Europe. The **Ben Ish Chai (1:Vayakhel:4)** writes that this was the *minhag* in Baghdad. See also **Bein Hashemashos (p. 98)** and **Shu"t Michtav M'Elياهو (Mani, p. 86)** who say that this was the *minhag* in Eretz Yisrael among both *Ashkenazim* and *Sephardim*.]

This was all until the year 1925 when **Rav Yechiel Michel Tukachinsky** pointed out that this was a mistake. It is clear from the **Gemara (Pesachim 12b)** that *chatzos* (between the sixth and seventh hour) is at the time of day when the sun is in the middle of the sky. However, if we count the day from *alos* until *tzeis* of the *Geonim*, the end of the sixth hour falls out about half an hour **before** the sun gets to the middle of the sky [see **Maamar Mordechai** (ibid.) who already pointed this out]. Rav Tukachinsky inferred from this that in order to properly calculate the *Mogen Avrohom's zman*, we must begin counting from *alos* until *tzeis* of *Rabbeinu Tam* (72 minutes after *shkiah*) [which is also how the *Mogen Avrohom* (331:2) himself held]. When calculated this way, the end of the sixth hour aligns with the time that the sun is in the middle of the sky. In the *Luach Eretz Yisrael* of 1925, Rav Tukachinsky implemented this *chiddush* [see **Sefer Bein Hashmashos** (p. 98)].

There are different versions of the story regarding how exactly this change happened. Like most changes, it was met with heavy opposition, especially from those who didn't agree to differentiate between the halachic day (until *tzeis* of the *Geonim*) and the *cheshbon* of counting hours (until *tzeis* of *Rabbeinu Tam*). [See also **Kaneh V'kinamon (1:6)** where **Rav Chanoch Pak** (author of **Shu"t Zichron Yosef**) writes this as well.] Many *poskim* had difficul-

ty accepting that one would be allowed to do *melachah* on Motzaei Shabbos after *tzeis hakochavim* of the *Geonim* (i.e., before *tzeis* of *Rabbeinu Tam*), while it is still the middle of the twelfth hour of the day [see **Sefer Bein Hashmashos** (ibid.)]. However, these *poskim* agreed with the *cheshbon* of Rav Tukachinsky that according to the *Mogen Avrohom*, one must count the day until *tzeis* of *Rabbeinu Tam*. Therefore, they concluded that the *shitah* of the *Mogen Avrohom* must only apply to those who follow the *tzeis* of *Rabbeinu Tam* [see **Shu"t Mishnas Rebbi Aharon (OC 2)** and **Birur Halachah (Tinyana OC 2 p. 218)**].

However, it is clear from earlier *poskim* that they understood the *Mogen Avrohom's* view to be independent of *Rabbeinu Tam*. The **Chida (Shu"t Chaim Sha'al 2:38:70)** wrote that the *minhag* follows the *Mogen Avrohom*, to calculate the hours of the day from *alos* until *tzeis*, even though the *Chida* himself wrote (**Machazik Berachah 261:7**) that the *minhag* regarding *tzeis* is like the *Geonim*. See also **Birur Halachah (7 p. 29 note 1)** who proves that the **Chasam Sofer** held like the *Mogen Avrohom*, even though he, too, was not *machmir* like *Rabbeinu Tam's tzeis*.

Ultimately, **Rav Tukachinsky** obtained the backing of **Rav Yosef Chaim Sonnenfeld** and **Rav Shmuel Salant** [see Rav Tukachinsky's comments to **Sefer Oros Chaim** (p. 289) and **Kovetz Hane'eman (32 p. 3)**], and most calendars today follow Rav Tukachinsky's view. This new calculation allows for longer hours of the day and thus a later *sof zman achilas chometz* and *krias shema* than the original method. See **Halichos Shlomo (ch. 8 Orchos Halachah 60)** where it is recorded that **Rav Shlomo Zalman Auerbach** followed Rav Tukachinsky regarding *sof zman achilas chometz*. However, Rav Shlomo Zalman would mention that **Rav Dovid Baharan** used to announce every year on Erev Pesach that those who follow the *cheshbon* of Rav Tukachinsky are transgressing the *issur* of *chometz (mid'rabbanan)*. Still today, there are some calendars that bring the original *zman* of the *Mogen Avrohom*. See also **Asher L'Shlomo (Moed, siman 5)**.

Summary

It emerges that there are essentially three different methods of calculating *shaos zmanios*. 1) Dividing the day from *hanetz* until *shkiah* — like the *Gra*. This is the most lenient *shitah* regarding *sof zman krias shema* and *achilas chometz*. 2) Dividing the day from *alos* until *tzeis* of the *Geonim* — the original way of calculating the *zman* of the *Mogen Avrohom*. This is the most stringent way to calculate *sof zman krias shema* and *achilas chometz*. 3) Dividing the day from *alos* until *tzeis* of *Rabbeinu Tam* — the "new" way of calculating the *Mogen Avrohom's zman*. This calculation yields a middle *shitah* regarding *sof zman krias shema* and *achilas chometz*.