

## COMMENTS

**Yehudah (Leo) Levi**, Further Comments on Shlomo Sternberg's Review of *Guide to Masechet Hullin and Masechet Bechorot* by I.M. Levinger (*B.D.D.* 4, Winter 1997, pp. 81-102).

I read with great interest the subject review, the comments on it by Rabbis Carmell and Goldberger (*B.D.D.* 6:57-71), and Prof. Sternberg's response to these (*ibid.* 73-84). The issue treated is certainly of utmost importance to today's Torah community. I don't feel that it can be treated adequately as part of a book review, and certainly not as a letter to the editor. But until such time that a more thorough treatment appears, I would like to point out a few details in Prof. Sternberg's comments that might mislead the reader.

There is no intention here to challenge Prof. Sternberg's opinions. It is appropriate, however, to juxtapose them to certain facts of which the reader may not be aware.

### 1. SHITTAT RABBENU TAM

Prof. Sternberg writes (*B.D.D.* 6:77): "As I mentioned above, I do not believe that this novel theory of Rabbenu Tam [that nightfall is delayed by about an hour after sunset] was ever practiced during the lifetime of Rabbenu Tam or for the next several centuries."

**Fact 1.** Rashi, on the very first page of the Talmud writes:

ומאי וטהר, טהר יומא. והכי קאמר קרא לכשתשקע החמה ויפנה היום וטהר מן תוך חללו של עולם, ששקעה לגמרי, דהיינו צאת הכוכבים, לפי שזמן שקיעת אורה מהלך חמשה מילין, כדאמרינן בפסחים, ואחר יאכל מן הקדשים.<sup>1</sup>

<sup>1</sup> I cited the statement verbatim, because it appeared only in the first (Soncino, 1484) edition of the Talmud and was omitted, together with the last few statements of Rashi on that page, in the second (Bomberg, 1520-23) edition. Since all subsequent editions were based on the latter, including pagination, these statements are missing in all these editions. The missing statements were recently reprinted by Rabbi M. Y. Blau, at the end of his edition of Rabbenu Yehonathan HaKohen of Lunel's commentary of RYF, *Berakhoth*.

This statement of Rashi reflects accurately the essence of his grandson's (R. Tam's) position.

**Fact 2.** Raavan, older than Rabbenu Tam, also states that the interval between sunset and nightfall is a 5 *mil* walk (*Sefer Raavan* 2).

**Fact 3.** All the major medieval authorities in the generations subsequent to Rabbenu Tam follow his position (even though his contemporary, Rav Eliezer of Metz, 15 years his junior, disagreed with him). In fact, after serious search, I have not been able to find a single opinion disputing his position until MaHaRaM Alashker (b. ca. 1465) — more than 300 years later.

## 2. RABBI MOSHE FEINSTEIN'S POSITION

Prof. Sternberg classifies Rabbi Feinstein (together with Rabbi Herzog), as representing the fourth position of "Halakhic Updating" (B.D.D. 4:87-8), rather than the second "Changing of Nature" position. He fails to cite even one source supporting this classification. [The "mixed" position referred to later on in reference to Rabbi Feinstein cites only the first (unchangeable halakhah) and the second (change of nature) positions].

**Fact.** A cursory search of Rabbi Feinstein's responsa revealed 14 responsa referring to "changes in nature," in contexts ranging over *treifut*, effectiveness of medical treatment, cessation of menstruation with pregnancy, duration of nursing, conception window, survival under water, and injuries causing sterility. In some instances the change is invoked merely to explain a discrepancy and in others to account for a change in halakhic practice. This would seem to place Rabbi Feinstein in the "Change of Nature" position, and leave Rabbi Herzog as the sole representative of the "Halakhic Updating" position.

In conclusion, I wish to compliment Prof. Sternberg for his scholarly discussion, but reiterate my perception that the subject is far more complex than his discussion seems to imply, and that no one approach is appropriate for all discrepancies