

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY 96 - LATE SHABBAT AND THE DELAYED TRAVELLER OU ISRAEL CENTER - SUMMER 2018

The mirror image of the summer 'Early Shabbat', is the nightmare scenario of the grid-locked winter 'Late Shabbat'. What are the options for late arrivals when Shabbat has already begun!?

1. Last Thursday, El Al passengers arrived at JFK Airport in New York, prepared to board El Al Flight 008 to Israel. The flight was scheduled to take off at 8:45pm and land in Israel at 2:20pm on Friday afternoon - just two hours before the start of Shabbat (the Jewish Sabbath). However, at check-in the passengers were told the flight would take off half an hour late.
 "Don't worry, though, we'll still arrive in Israel at 2:20, just like we're scheduled to," El Al staff told them. Then, after all the passengers had boarded and buckled, the flight crew discovered a technical issue: they weren't able to close the plane's door. An hour later, technicians arrived and fixed the door, but then pilot discovered he could not move forward, and had to wait for someone to tow the plane to the runway.
 "At 10:10pm, after a delay of an hour and a half, we understood that we would arrive just prior to sunset on Friday, and would not make it home before the start of Shabbat," said D., a passenger on Flight 008. "We decided we would prefer to get off the plane and spend Shabbat in New York. We requested to get off the plane, but El Al staff started convincing us we would arrive on time. 'You don't have to worry, the pilot will arrive in Israel only an hour late, at 3:15pm,' they said."
 "At some point, the pilot told us if the plane went back to the gate to allow the religious passengers to get off, it would need to stay in New York for the entire weekend, leaving all 400 passengers stranded. 'And therefore,' the pilot said, 'I request the religious passengers take the others into consideration and remain on the plane.' He said it in those words. We had no choice, and the plane took off."
 However, contrary to the attendants' promises, the flight did not arrive in Israel on schedule, arriving only at 3:35pm. By the time the passengers had cleared customs, taxi service had ended. "Bottom line, we arrived at 4:35pm, exactly at sunset..." An El Al spokesman said, "From the time the plane begins to move towards the runway, only an emergency can turn it back. Experience, as well as forecasts showed there was no reason for the plane to arrive after the start of Shabbat. And indeed, the plane landed with enough time to allow the passengers who observe Shabbat to arrive home before sunset.
 "It should also be noted that rabbis, as well as El Al staff, have mentioned several times the need to schedule winter flights earlier, so that in case of unexpected difficulties, the flight will still arrive with enough time for passengers to arrive home comfortably," he concluded.

Arutz Sheva - 19 December 2016

B] BEIN HASHEMASHOT

B1] NIGHT AND DAY

When does day end and night start? As we see, day does not simply 'switch off' and become night. Rather, there is a long twilight period as day gradually turns to night. This dimming of the day's light starts BEFORE the sun sets and continues for well over an hour as the sun sinks below the horizon.

In Jerusalem in mid-summer, these are the scientific twilight times:

| | |
|------------------------|-------------|
| Sunset: | 19:48 |
| Civil Twilight: | 19:48-20:16 |
| Nautical Twilight: | 20:16-20:50 |
| Astronomical Twilight: | 20:50-21:27 |



2. ויקרא אלקים לאור יום ולחשך קרא לילה ויהי ערב ויהי בקר יום אחד

בראשית א:ה

The Torah appears to define the day by reference to the light and night by reference to the dark.

3. (טז) ויעש אלהים את שני המארות הגדלים את המאור הגדל לממשלת היום ואת המאור הקטן לממשלת הלילה ואת הכוכבים: (יז) ויתן אתם אלהים ברקיע השמים להאיר על הארץ: (יח) ולמשל ביום ובלילה ולהבדיל בין האור ובין החשך ויקרא אלהים כִּי-טוֹב:

בראשית א

The creation of the sun relates directly to the day. As such, if the sun is out, that should be defined as 'day'.¹

4. ואנחנו עשים במלאכה וְחָצִלְמָּה מְחֻזְקִים בְּרִמְחִים מְעֻלוֹת הַשָּׁחַר עַד צֵאת הַכּוֹכָבִים: גַּם בָּעֵת הַהִיא אֶמְרָתִי לְעַם אִישׁ וְנִעְרָו לֵילֵנוּ בְּתוֹךְ יְרוּשָׁלַם וְהָיוּ לָנוּ הַלֵּילָה מִשְׁמֶר וְהַיּוֹם מְלָאכָה:

נחמיה ד:טו-טז

Nechemia describes the rebuilding of the walls of Yerushalayim. They worked from 'daybreak to nightfall' and called that a 'day's work'.

5. אמר רב יהודה אמר שמואל: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. תניא נמי הכי: כוכב אחד - יום, שנים - בין השמשות, שלשה - לילה. אמר רבי יוסי: לא כוכבים גדולים הנראין ביום, ולא כוכבים קטנים שאין נראין אלא בלילה, אלא בינוניים

שבת לה:

The Gemara quotes a Beraita (which is also agreed upon by Shmuel) which rules that the appearance of one star is still day, two stars is twilight and three stars is night. Rabbi Yosi rules that these must be medium sized stars.

B2] THE IBN EZRA: GEOMETRIC SUNSET

6. וטעם בין השמשות רגע היות נקודת עגולת השמש כנגד שטח הארץ כנגד היושב. אז חצי עגולת השמש למעלה וחציה האחר למטה כנגד האדם.

אבן עזרא בראשית שיטה אחרת - הקדמה

The Ibn Ezra takes the position that Bein Hashemashot ('BHS') is an instant and occurs when the middle of the setting sun reaches the horizon. After that moment is considered 'night',

B3] CALCULATING BEIN HASHEMASHOT - THE TALMUDIC CONUNDRUM

7. תנו רבנן: בין השמשות ספק מן היום ומן הלילה, ספק כולו מן היום, ספק כולו מן הלילה ואיזהו בין השמשות? משתשקע החמה כל זמן שפני מזרח מאדימין. הכסיף התחתון ולא הכסיף העליון - בין השמשות, הכסיף העליון והשוה לתחתון - זהו לילה, דברי רבי יהודה רבי יוסי אומר: בין השמשות כהרף עין, זה נכנס וזה יוצא, ואי אפשר לעמוד עליו

שבת לד:

A Beraita in Shabbat rules that BHS is, by definition, a safek² - is it day or night? Rabbi Yehuda defines BHS as a time period, apparently in two different ways: (i) as beginning 'shekiyat hachama' (literally the sinking in of the sun) and lasting as long as the eastern sky is red; (ii) as lasting as long as the lower part of the eastern sky has darkened but the upper part is still lighter. Once the upper part of the sky is also darker, that is halachic night. R. Yosi disagrees and rules that BHS last for a split second and is impossible to identify.

8. אמר רבה אמר רב יהודה אמר שמואל: כרוך ותני, איזהו בין השמשות - משתשקע החמה כל זמן שפני מזרח מאדימין, והכסיף התחתון ולא הכסיף העליון - נמי בין השמשות. הכסיף העליון והשוה לתחתון - לילה

שבת לד:

Shmuel combines the two statements of Rabbi Yehuda and sees them as the same time frame.

1. Although, as we will see below, it is not that simple and 'halachic night' may actually begin when the sun is still up!

2. In hashkafic terms Bein Hashemashot is the ULTIMATE safek - one of the irresolvable uncertainties of human life. It came to represent the 'grey areas' of human life, as in Menachot 99b where R. Yishmael instructs his nephew to find a time which is neither day nor night in which to learn secular subjects.

9. אמר רבה בר בר חנה אמר רבי יוחנן הלכה כרבי יהודה לענין שבת לחומרא
שבת לה.

Rabbi Yochanan rules like Rabbi Yehuda as a stringency in the laws of Shabbat.

10. שיעור בין השמשות בכמה? אמר רבה אמר רב יהודה אמר שמואל: שלשה חלקי מיל. מאי שלשה חלקי מיל? תלתא ריבעי מילא

שבת לד:

Shmuel also rules that BHS lasts the time it takes to walk $\frac{3}{4}$ of a mil³.

11. רבי יהודה אומר משקיעת החמה ועד צאת הכוכבים ארבעת מילין

פסחים צד.

However, in Pesachim, Rabbi Yehuda rules that from 'shekiyat hachama' to 'tzet hachochavim' is the time it takes to walk 4 mil!!⁴

B4] HOW LONG DOES IT TAKE TO WALK A MIL?

12. ושיעור מיל הוא רביעית שעה וחלק מעשרים מן השעה

שולחן ערוך אורח חיים הלכות פסח סימן תנט סעיף ב

The Shulchan Aruch rules that it takes $0.25+0.05 (= 0.3)$ hours⁵ to walk a mil.

13. וכו' י"ח מינוטין

משנה ברורה סימן תנט ס"ק טו

The Mishna Berura clarifies that this is 18 minutes.

14. עיין מ"צ דיש פוסקים שחולקין על שיעור זה ולדידכו שיעור מיל הוא שליש שעה וחלק ט"ו מן השעה ... ויש מצעלי סברא זו (עיין ביאור הגר"א ...) שחושבין שיעור מיל לחשבון כ"ב מינוטין וחלי

ביאור הלכה סימן תנט סעיף ב ד"ה * הוא רביעית שעה

However the Gra rules that a mil is 22.5 minutes.

15. ושיעורו כדי שיהלך אדם ברגליו הלוך בינוני מיל אחד, והוא כדי שני חומשי שעה מן השעות השוות

רמב"ם על משנה מסכת פסחים פרק ג משנה ב

The Rambam rules that a mil is 24 minutes.

Halachic Mil:

Shulchan Aruch: 18 mins

Gra: 22.5 mins

Rambam: 24 mins

Bein Hashemashot

Gemara Shabbat ($\frac{3}{4}$ Mil):

Shulchan Aruch: 13.5 mins

Gra: 16.88 mins

Rambam: 18 mins

Gemara Pesachim (4 Mil):

Shulchan Aruch 72 mins

Gra: 90 mins

Rambam: 96 mins

3. A mil = 2000 amot. An ama is somewhere between 48cm (R. Chaim Noe) and 57.6 cm (Chazon Ish), making a mil somewhere between 960m and 1152m. Note that a Roman mile was 1000 paces (mille passus) and is estimated at around 1,481m. A modern English mile is 1,609.344m (defined by a 1593 statute as 8 furlongs). The Scots mile was 1,810m. A nautical mile is 1,852m. The Irish mile was 2,048m. The Welsh mile (used until the 13C) was 6,170m. The Prussian mile was 7,532m and the Austrian mile was 7,586m. The Hungarian mile was 8,354m. The Norwegian mile is the longest at 11,299m! (See <https://en.wikipedia.org/wiki/Mile>). Of all the historical definitions of the mile, the talmudic mil is the smallest.

4. Note that the Maharam Alshakar (Shu't 96) (16C Eretz Yisrael) resolved the contradiction by positing that R. Yehuda reversed his position in Pesachim and finally settle on $\frac{3}{4}$ mil.

5. The assumption at this point is that these are standard hours not seasonal hours. A mil is a fixed measure of length and, presumably, the time taken to walk it does not depend on the season (but see below).

B5] RESOLUTION 1: THE GEONIM/ THE GRA

16. אבל הגר"א ז"ל ... והאריך בכמה ראיות דשקיעת החמה ששצת לענין זה"ש הוא ג"כ התחלת השקיעה כמו שקיעת החמה שצפסחים שם ומיד אחר שקיעת גוף השמש מתחיל זה"ש אליבא דר' יהודה דפסק ר' יוחנן כוותיה לחומרא שצת שם ומשך זמן זה"ש הוא ג' רבעי מיל

ביאור הלכה סימן רסא ד'ה *מתחלת השקיעה

The resolution of the Geonim⁶, which was later championed by the Gra and others, is that there is only one period of shekiyah.⁷ Bein Hashemashot starts at the setting of the top (ie last visible part) of the sun under the horizon and ends ¾ mil later, at which point it is halachically night. According to this, the 4 mil measurement is NOT relevant to BHS, but relates to a extends much later time when all the stars have appeared.

B6] RESOLUTION 2: THE YEREIM⁸

17. דע דבספר יראים לרבינו אליעזר ממיץ החמיר עוד יותר לענין התחלת זה"ש. וס"ל דזה"ש מתחיל ג' רבעי מיל קודם התחלת השקיעה. והוצאו דבריו באגודה ובמרדכי פ"ב דשצת. ועיין בצ"ח שהאריך בזה ודעתו שיש לזכר לכתחלה לנהוג כשיטת היראים ע"ש והביא שכן היה מנהג הקהלות מאז ועיין במ"א שהביא ג"כ את דברי הב"ח ומשמע מיניה שלחומרא חשש לדברי הב"ח

ביאור הלכה סימן רסא ד'ה *מתחלת השקיעה

R. Eliezer of Metz (the Yereim) ruled that BHS begins ¾ mil BEFORE the sun sets under the horizon. After this time it is no longer definitely halachic day. Halachic night then begins at sunset.

B7] RESOLUTION 3: RABBEINU TAM

18. רבי יהודה אומר משקיעת החמה עד לאת הכוכבים ארבע מילין. קשה לר"ת! דבסוף צמה מדליקין (שצת לה) אמר איזבו בין השמשות משתשקע החמה כל זמן שפני מזרח מאדימין דברי ר"י ומסקינן התם דבין השמשות דר"י תלתא ריבעי מיל. והבא קאמר ר"י גופיה ארבעה מילין! וי"ל דהבא קאמר מתחלת שקיעה דהיינו משעה שמתחלת החמה ליכנס צעזעי הרקיע עד הלילה הוי ד' מילין והתם קאמר מסוף שקיעה

תוס' פסחים צד.

Rabbeinu Tam⁹ resolves the contradiction between the Gemara in Shabbat and that in Pesachim by positing that shekiyah is not simply the setting of the sun under the horizon. In fact, there are two phases to shekiyah. From the very beginning of shekiyah to nightfall is 4 mil.¹⁰ But not all of this is BHS. In fact, the first 3¼ mil, starting at sunset (התחלת שקיעה) is still considered day. Then Bein Hashemashot begins (סוף שקיעה) and lasts for ¾ mil, ending in nightfall. According to this view, halachic day will continue for at least 58½ minutes AFTER the sun sets under the horizon.

| | Sunset | | | |
|---------------------------|------------------|-----------------------|-----------------------|---|
| | ¾ mil | ¾ mil | 2 1/2 mil | ¾ mil |
| R. Eliezer of Metz | Bein Hashemashot | Definite night begins | | Appearance of many stars |
| Geonim/ Vilna Gaon | | Bein Hashemashot | Definite night begins | Appearance of many stars |
| Rabbeinu Tam | | | | Bein Hashemashot Definite night begins |

| | <u>START OF BHS - safek day/night</u> | <u>START OF DEFINITE NIGHT</u> |
|--------------------|---------------------------------------|--------------------------------|
| YEREIM | c. 18 mins before sunset | sunset |
| GEONIM | sunset | c. 18 minutes after sunset |
| RABBEINUTAM | 58½ mins after sunset | 72 mins after sunset |

6. Shu't Maharam Alshakar 96 cites R. Sherira Gaon and R. Hai Gaon (although Rav Ovadiah Yosef questions whether Rav Hai Gaon took this position.) This was also the position of Rav Nissim Gaon and R. Avraham ben HaRambam.
 7. The Gra objected to Rabbeinu Tam's position partly on the basis that it contradicts the observable reality. Night falls and the stars emerge long before the zman according to Rabbeinu Tam, and even in northern France. The Gaon lived in Vilna which is even further north! R. Yechiel Michel Tukichinsky, in his Bein HaShmashot, notes that even in Yerushalayim, stars are not visible until about 22 minutes after shekiyah. R. Yehudah Levi (Zmanei HaYom B'Halacha) writes that there is a difference between the trained eye and the untrained eye. In Jerusalem (during the month of Nissan) an expert can discern three stars after about 15 minutes, a time not significantly different to ¾ mil.
 8. R' Eliezer of Metz (d 1175) - one of the ba'alei haTosafot.
 9. R' Yaakov ben Meir (1100-1171) - grandson of Rashi.
 10. Ie the time it takes to walk 4 mil - 72, 90 or 92 minutes, as above.

19. עיין בפמ"ג דהדי מילין הם שעות שוות ולא זמניות א"כ לפ"ז אפילו בתקופת תמוז ג"כ השעור הזה. אמנם בספר מנחת כהן דעתו להלכה דאפי' לשיטת ר"ת הארבעה מילין הם זמניות וזימי הקיץ מאריך יותר ולא נאמרו דברי הגמרא רק בזמן ניסן ותשרי שהימים והלילות שוין, משא"כ בשאר ימים משתנה הענין לפי הזמן וכן הוא גם דעת הגר"א בצאורו דכל שעורי הגמרא בין דדי מילין שהוא עד לאת כל הכוכבים לשיטתו ובין דג' רבעי מיל שהוא זמן כה"ש - הכל הוא בזמן ניסן ותשרי. משא"כ בזמן אחר משתנה לפי הזמן וזימי הקיץ הבה"ש מאריך הרבה יותר. וכן כתב הגר"א עוד דשיעורי הגמרא לא נאמר רק באופק צבל אצל במדינותינו שנוטין ללד לפון הבה"ש מאריך תמיד יותר

ביאור הלכה סימן רסא דה שהוא ג' מילין ורביע

The Biyur Halacha brings opinions that are stringent to treat these time periods as seasonal. As such, in the summer, the time until night according to Rabbeinu Tam will be even longer.

Problems with Rabbeinu Tam's position:

- How would this have been measured in a time when there were no clocks?
- Was this halachic position actually observed in practice at the time?
- How could he have taken such a radically different approach to the Geonim before him?
- His own student - R' Eliezer of Metz (Yereim) takes a totally different approach. How did this work in practice?
- The Ibn Ezra knew Rabbeinu Tam and may have lived with him? According to the Ibn Ezra, Rabbeinu Tam would have been repeatedly mechaleh Shabbat!! Why is there no record of this?¹¹
- Where did Rabbeinu Tam get the idea of 'two shekiot'?

20. חכמי ישראל אומרים: ביום חמה מהלכת למטה מן הרקיע, ובלילה למעלה מן הרקיע. וחכמי אומות העולם אומרים: ביום חמה מהלכת למטה מן הרקיע, ובלילה למטה מן הרקיע. אמר רבי: ונראין דבריהן מדברינו

פסחים צד:

The Gemara records a debate between the Chachamim of the Jews and the non-Jews. The Jewish Sages understood that the sun travels under the firmament from East to West during the day. It then sinks through the width of the firmament (twilight) and disappears entirely before traveling back OVER the firmament (West to East) during the night and reappearing at daybreak as it emerges again through the firmament. The non-Jewish sages disagreed¹² and understood that the sun travels through the sky during the day but under the earth at night. Rabbi (R. Yehuda HaNasi) ruled that the non-Jewish sages were right on this issue!

21. ואמר ר"ת ז"ל דאע"ג דנלחו חכמי אומות העולם לחכמי ישראל היינו נלחון בטענות אצל האמת הוא כחכמי ישראל והיינו דאמרינן בתפלה וזוקע חלוני רקיע

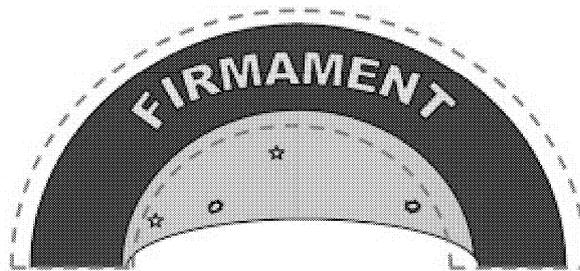
שיטה מקובצת כתובות יג:

However, Rabbeinu Tam ACTUALLY ruled that the Jewish Sages were correct on this issue. As such, he apparently subscribes to a non-Ptolomaic cosmology¹³ and thus proposes a 'double shekiyah' theory and also a much later BHS.

22. תירץ ר"ת ז"ל דשתי שקיעות הן משתשקע החמה. דשמעתין היינו מסוף שקיעת החמה כלומר משעב ששקע ברקיע והיא עדיין כנגד חלונה. ולפי שלא עברה חלונה ועדיין אינה מהלכת אחורי הכיפה פני רקיע מאדימין כנגד מקומה ... נמצא שמתחילה שקיעה עד זמן בין השמשות שהוא סוף השקיעה שלשת מילין ורביע

חידושי הר"ן שבת לד:

This understanding of Rabbeinu Tam's position is explicit other Rishonim - here the Ran.



The dotted line depicts the path of the sun, according to the view of the Jewish sages.

11. Given the Ibn Ezra's famous polemic against the Rashbam (Rabbeinu Tam's older brother) on this issue on the start time for Shabbat, this is even more striking.
12. This may not be connected to the then debate as to whether the earth is flat or round. There are many sources in Chazal which clearly posit that the earth is round.
13. Rabbi Natan Slifkin characteristically analyses this issue in detail at <http://www.rationalistjudaism.com/2011/03/reckoning-with-rabbeinu-tam.html>

Rabbeinu Tam's halachic position was followed by MANY other Rishonim¹⁴. Nevertheless, some posit that this position was not much observed in practice during the time of the Rishonim.¹⁵ Indeed, the Maharam Alshakar¹⁶ rejects the position of Rabbeinu Tam (which he claims R. Tam was mechadesh from his own pilpul¹⁷). As we saw above, the Vilna Gaon rejects the astronomy¹⁸ of Rabbeinu Tam as well as the halachic analysis.

B8] THE PSAK - SHULCHAN ARUCH

23. א ספק חשיכה - והוא בין השמשות - (והיינו כדי שיעור הלך ג' רביעי מיל אחר שקיעת החמה ושיעור מיל הוא שליש שעה פחות חלק ל') ...
 ב י"א שצריך להוסיף מחול על הקודש. וזמן תוספת זה הוא מתחלת השקיעה שאין השמש נראית על הארץ עד זמן בין השמשות. והזמן הזה שהוא ג' מילין ורביעי, רצה לעשותו כולו תוספת, עושה. רצה לעשות ממנו מקצת, עושה ובלבד שיוסיף איזה זמן שיהיה ודאי יום מחול על הקודש. ושיעור זמן בין השמשות הוא ג' רביעי מיל שהם מהלך אלף ות"ק אמות קודם הלילה

שולחן ערוך אורח חיים סימן רסא סעיף א-ב

*The Shulchan Aruch and the Rema rule like Rabbeinu Tam.*¹⁹

24. ... והנה אנחנו כולנו במדינות אלו עושים במלאכה עש"ק עד קרוב לשעה או ג' רביעי שעה קודם צאת הכוכבים, נמצא אנו תופסים במוחלט כשיטת ר"ת ...

ש"ת חתם סופר חלק א (אורח חיים) סימן פ

And this clearly became²⁰ the minhag in Europe in many communities.²¹ It was nevertheless opposed by some of the greatest halachists, including the Bach (who advocated the position of the Yereim) and the Gra and the Shulchan Aruch HaRav (who advocated the position of the Geonim).

25. (כג) ג' רבעי מיל - ... והנה השו"ע הזכיר צסעיף זה דעת ר"ת וסייעתו. אצל הרבה מהראשונים ס"ל, וגם הגר"א הסכים לשיטתם דב"ש, מתחיל תיקף אחר תחלת השקיעה - היינו משעה שהחמה נתכסה מעיינו - ונמשך זמנו כדי ג' רבעי מיל. ואח"כ צסמוך לו יולאין הג' כוכבים צינונים והוא לילה מה"ת לכל דבר. ולפ"ז יש ליזהר מאד שלא לעשות מלאכה אחר שהחמה נתכסה מעיינו ואפילו מלאכת מלאכה ...

משנה ברורה סימן רסא ס"ק כג

26. הנה למעשה צודאי לריך ליזהר כדעת הגר"א והרצה מן הראשונים והפוסקים הנ"ל דמיד אחר התחלת השקיעה היינו משעה שהחמה נתכסה מעיינו הוא איסור גמור שלא לעשות מלאכה. וח"ו להקל צזה דכורא ספק איסור סקילה לדעת כל בני רבותא הנ"ל. [וצפרט צימינו שאין העולם צקראין צזמן צזה"ש וצאופן זה לכ"ע יש להחמיר לפרוש ממלאכה מתחלת השקיעה [...]

ביאור הלכה סימן רסא ד'ה מתחילת השקיעה

*The Mishna Berura insists that one may NOT rely on Rabbeinu Tam when Shabbat comes in but must assume, like the Geonim, that Bein Hashemashot begins at sunset.*²²

14. Including the Rosh, Ramban, Mordechi, Rashba, Rabbeinu Yerucham, Ran, Smag, Magid Mishna. Rav Ovadiah Yosef lists even more Rishonim that take Rabbeinu Tam's position - see Yaviah Omer OC 2:21.

15. See a fascinating article with extensive appendices by Professor Shlomo Sternberg of Harvard, published in Bar Ilan's BDD Journal 6), available at:

<http://www.math.harvard.edu/~shlomo/docs/beinhashemashot.pdf>

Prof. Sternberg writes there "[I] do not believe that this novel theory of Rabbenu Tam was ever practiced by anyone during the lifetime of Rabbenu Tam or for the next several centuries. On Friday night, it is inconceivable that Rabbenu Tam could have lit candles long after sunset ... Rabbenu Tam's position, at least as far as Friday night is concerned, did become standard practice in Eastern Europe around the end of the 16th and beginning of the 17th century."

16. Early 16C Eretz Yisrael - a colleague of R. Yosef Karo. His teshuva deals with a baby boy born after sunset on Friday afternoon. He rules that the brit must be on the following Sunday.

17. There is still scholarly debate on what exactly was the view of Rabbeinu Tam. Some have even attempted to harmonize it with the position of the Yereim! See Professor Sternberg's article ob cit footnote 5 for more details.

18. For a fascinating list of halachic authorities over the last 1000 years who were also educated in astronomy, and on this topic generally, see http://www.aishdas.org/toratemet/en_pamphlet4.htm

19. Although the Chida (R. Chaim David Azuli - 17C Eretz Yisrael) insists (in Machzik Beracha) that the minhag in Eretz Yisrael, even in the time of the Shulchan Aruch was NOT like Rabbeinu Tam.

20. What changed? Prof. Sternberg makes some suggestions, including: (i) the increasing availability of accurate mechanical clocks; (ii) a change in the way that business calculated hours, which shifted the day slightly later; (iii) the advent of the printing press which gave the position of the Shulchan Aruch far more precedence; (iv) commercial pressures on merchants who needed to stay later at the trade fairs. Indeed, the Bach (OC 261) opposes the late Kabbalat Shabbat according to Rabbeinu Tam and blames the practice of merchants who attended the great fairs in Lublin and Jaroslav and who wanted to work later on Friday.

21. See also Magen Avraham 331:2. Professor Sternberg in his article, ob cit, brings a number of sources outlining quite how widespread Rabbeinu Tam's position became across European communities from 17C-20C. Most communities brought in Shabbat late on Friday afternoon well after sunset and kept Rabbeinu Tam zman on Motzash. Indeed, there is evidence that some communities brought in Shabbat late and yet still ended Shabbat BEFORE Rabbeinu Tam zman!!

22. Many chassidish communities still rely on Rabbeinu Tam during the week for mincha and daven mincha very late (well after 10pm in England). Almost no communities still rule like Rabbeinu Tam to bring IN Shabbat LATE, although there are reports of this being the practice amongst some chasidim in Lakewood and also the Chassidic community of Sao Paulo.

27. אכן הגר"א דחה שיטת הרא"ם ומ"מ לכתחלה צודאי טוב לחוש לדברי הרא"ם ולהקדים מעט יותר צהלקת הנרות כדי ללאה גס שיטתו ... וכמו שכתב הב"ח שכן היה מנהג הקהלות מאז

ביאור הלכה סימן רסא ד"ה *מתחלת השקיעה

In fact, he advises to be machmir like the position of the Yereim where possible and refrain from melacha $\frac{3}{4}$ mil BEFORE sunset.²³

28. ולדעת ר"ת לריך להמתין צמו"ש מלעשות מלאכה עד זמן ד' מילין שהוא עכ"פ שיעור שעה וחומש מעת התחלת השקיעה שלדעתו אז זמן יציאת ג' כוכבים ציונים. ונכון לכתחלה ללאה דעת ר"ת וכל הני רבנותא המחזיקים בשיטתו שלא לעשות מלאכה צמו"ש עד שיושלם השעור דד' מילין

ביאור הלכה סימן רסא ד"ה שהוא ג' מילין ורביע

On Motzei Shabbat the Mishna Berura recommends keeping Rabbeinu Tam lechumra²⁴ and waiting at least 72 minutes after sunset before doing melacha.

29. ולענין מו"ש עיין צב"ל שצארונו בשם הפוסקים דלכ"ע השעור דג' רבעי מיל משתנה לפי הזמן והמקום ולא נאמר זה בגמרא חלל באופק צבל ובזמן ניסן ותשרי שהימים והלילות שוים ובמקומותינו שנוטה ללד לפון העולם מתאריך הרבה יותר. ע"כ יש ליזהר מאד שלא לעשות מלאכה צמו"ש אף שנתאחר זמן רב אחר השקיעה עד שיראו ג' כוכבים קטנים

משנה ברורה סימן רסא ס"ק כג

In fact, he recommends adding to Rabbeinu Tam based on seasonal variations and latitude.

B9] THE HORIZON

The halachic times outlined above roughly equate to the following astronomical calculations:

| | |
|---|-----------------------------------|
| 3 large stars | 3.5-5° below the horizon |
| Earliest nightfall (for Ma'ariv, Omer, fasts) | 5.95° |
| [End of Civil Twilight | 6°] |
| Earliest nightfall (other communities) | 7.08° |
| 3 medium stars | 7.5° |
| 3 small stars | 8- 8.75° (depending on community) |
| [End of Nautical Twilight | 12°] |
| [End of Astronomical Twilight | 18°] |

C] TRAVELLING ON EREV SHABBAT

30. אין הולכים בערב שבת יותר מג' פרסאות, כדי שיגיע לביתו בעוד היום גדול ויוכל להכין צרכי סעודה לשבת, בין שהולך לבית אחרים בין שהולך לביתו. וה"מ כשהוא ביישוב במקום שיוכל להכין צרכי שבת. אבל אם במקום שהוא שם א"א לו להכין צרכי שבת או שאינו מקום יישוב בטוח, מותר לילך אפילו כמה פרסאות. ואם שלח להודיעם שהוא הולך שם לשבת מותר לילך כמה פרסאות בכל גוונא.

שולחן ערוך אורח חיים סימן רמט סעיף א

One should not embark on a journey on Friday which will be more than 3 parsas (12 mil) unless one will be in an unsafe location for Shabbat. This is a time measure²⁵ and equates to around 4-5 hours, depending on the measurement of the mil. If Shabbat is prepared and waiting for you, it is permitted to take an even longer journey than this on Friday

It is said that when Rav Yoel of Satmar came to America, he and his followers did follow Rabbeinu Tam to bring Shabbat in late. Rav Moshe Feinstein asked him if he could desist, explaining that Americans would follow his view for the end of Shabbat and Rav Yoel's for the start! Rav Yoel called together 70-80 rabbanim (mostly from Brooklyn) who came to an agreement to follow both zmanim (Rabbeinu Tam & Geonim) lechumrah for Shabbat.

23. Hence the custom to light 18/20 minutes before sunset, which incorporates the Yereim plus a little extra for Tosefet Shabbat.

24. Considering that Rabbeinu Tam's position is actually that of the Shulchan Aruch (Mechaber and Rema), this is an entirely reasonable chumrah. Many poskim are reluctant to end Shabbat before Rabbeinu Tam zman and this practice is considered normative by many communities, especially chassidim and sefardim. On the other hand, R. Herschel Schachter and R. Mordechai Willig (see Am Mordechai Berachot 2) consider the view of the Geonim to be dominant. There are different minhagim on how long to wait after sunset before taking out Shabbat. Rav Tukichinski calculated that three small stars (and the absence of red in the western sky) emerge 32 minutes after sunset in winter, and up to 38 minutes in summer. This is when the sun is 8 degrees below the horizon. The calculation of 8 degrees below the horizon is used in many communities and gets longer as one goes north. It equates to 50-60 minutes in Europe and America. The Agudas HaRabbonim in NY ruled 42 minutes. Rav Moshe and the Chazon Ish ruled 45-50 minutes.

25. The time it would take to walk 12 mil on foot.

31. ... וזמדינות אלו רוב בני אדם מכינים לרכי שבת בריוח ולכן אין נזכרין בזה כלל בין כשהולך לביתו או להתארח בבית אחרים ... ובהרבה אחרונים ראיתי שכתבו דמ"מ לריך לזכר לכתחלה שלא ילך או יסע עד סמוך לערב מפני שכמה פעמים נכשלים עי"ז וזאים לידי חילול שבת. כי בעל אושפיזא או אפילו בביתו כשצא סמוך לשבת מוסיפין לבשל בשבילו ומחללין שבת. וגם כמה פעמים יארע דלא יגיע למלון ולביתו מצטוד יום עד שחשכה ממש וכמה חילול שבת יש בזהו"א והכנסה ויזיאה מחוץ לתחום ... ולכן כל זה ישים האדם לבטל וימחר לשבת אפילו בכפר ולא יסיתנו הי"ר לומר עוד היום גדול והדרך טוב

משנה ברורה סימן רמט ס"ק ג

.... as long as one is careful and sensible to arrive in good time for Shabbat!

D] HETERIM DURING BEIN HASHEMASHOT

32. כל הדברים שהם אסורים מדברי סופרים לא גזרו עליהם בין השמשות. והוא שיהא שם דבר מצוה או דוחק וכן אם היה טרוד ונחפז לדבר שהוא משום שבות מותר בין השמשות. ומטעם זה מותר לומר בין השמשות לעכו"ם להדליק לו נר לשבת

שולחן ערוך אורח חיים סימן שמב סעיף א

Most²⁶ Rabbinic prohibitions are permitted during Bein Hashemashot for the purposes of a mitzvah or very important Shabbat need. This would include asking a non-Jew directly to do anything needed for Shabbat.

33. ... ודע דכל סעיף זה לא מיירי כשקבל עליו שבת. אבל אם קבל עליו שבת ואפילו אם רק הכזור קבלו עליו שאז חל עליו שבת בע"כ אסור לו לעשות כל שבות בעלמא אפילו לדבר מזוהר אם לא ע"י עו"ג

משנה ברורה סימן שמב ס"ק א

However, if a person, or the community, has already accepted Shabbat, ALL the laws of Shabbat apply immediately in full, including Rabbinic prohibitions. The one exception is asking a non-Jew directly, which is still permitted until definite nightfall.

E] THE LATE TRAVELER

For those people who are stuck en route as Shabbat approaches, there are a number of halachic options²⁷:

- (1) Leave enough time on Friday!!
- (2) Once it is clear that you won't make it back by Shabbat, make alternative plans to stay in a closer community or at least hotel.²⁸
- (3) If in danger²⁹ you can continue driving to the nearest safe place³⁰.
- (4) During BHS you can ask a non-Jew directly do anything to help you get home (eg take a taxi which will get you home within BHS³¹). After BHS one may ask a non-Jew to do a rabbinic prohibition (eg carry things) for the purposes of a mitzvah.
- (5) During BHS³² you can perform a rabbinic prohibition if necessary to get home.³³
- (6) You may not go beyond the techum (2000 amot beyond the built-up area³⁴) once Shabbat begins, even if a non-Jew is driving. Similarly, you should not get off a train, boat³⁵ or plane which came from outside the techum, unless forced to do so.
- (7) If you have to travel beyond the techum on Shabbat, once you reach your final destination you are limited to staying within the building (eg airport³⁶) or within the eruv, if there is one. If that will be dangerous (eg the building is closing) you can go to the nearest safe location. If the plane was over the city in the air when Shabbat comes in, you can walk around the entire city on disembarking.

26. There are exceptions - see Mishna Berura ad loc.

27. See a useful guide by R. Moshe Heinemann at <https://www.star-k.org/articles/kashrus-kurrents/89/erev-shabbos-gridlock/>

28. And be prepared for a bedieved Shabbat! There are many halachic options for kiddush and motzi which are acceptable in bedieved situations. It is sensible to have emergency provisions for Shabbat when taking a difficult journey on Friday - הרחם עיניו בראשו -

29. Eg walking on a highway or in very poor weather.

30. Even if not the ideal place. A rest stop/service station or even hospital may be an acceptable option.

31. It would certainly be permitted to rely in this situation on Rabbeinu Tam zman. R. Heinemann permits this up to 30 minutes after sunset, although Rabbeinu Tam zman would extend beyond this, certainly in the summer.

32. Assuming you have not accepted Shabbat.

33. Rav Yosef Zvi Rimon quotes Rav Moshe Feinstein as permitting activity forbidden on Shabbat mi-de-rabbanan to be performed during bein hashemashot if it is necessary for the purposes of Shabbat, and in this respect extends bein ha-shemashot in accordance with Rabbenu Tam's view.

34. This can be a very large distance in a metropolitan area but very little in a rural area.

35. There is a famous story of Rav Immanuel Jacobovitz during his term as Chief Rabbi of Ireland in the 1950s. He frequently made the journey by boat back to England and on one Thursday evening departure from Liverpool, the port became fog-bound and the departure was delayed. By the time it reaches Dun Loughaire harbour in Dublin Shabbat had begun. He had warned his wife by radio-telephone that this might happen and asked her to consult with Dayan Zalman Alony on how to proceed. The Dayan ruled that Rav Jacobovitz could not disembark on Shabbat and that Mrs Jacobovitz could not embark. She waited on the quay with wine, bread and food and their two-year old son. The child and provisions were taken onto the boat and she walked alone the 4 miles back home. Meanwhile the Rav and his son travelled back to England then back again to Ireland and were able to disembark only on Sunday morning having paid the extra fares! For further details see Chaim Bermant's biography of Lord Jacobovitz.

36. There have been a number of well-publicized delays on El Al where the plane arrives on as Shabbat is coming in and most of the passengers have to stay in the airport. The Rav of Ben Gurion Airport is prepared for such situations - see

<https://www.theyeshivaworld.com/news/headlines-breaking-stories/140659/flight-from-us-to-tel-aviv-delayed-passengers-stuck-in-airport-for-shabbos.html>

- (8) If driving and Shabbat comes in, one should stop at the nearest safe location before sunset, lock the car and possessions in it and walk home, if within the techum. If there is no safe location before sunset, one may continue driving to the nearest safe location. One may not turn off the car and should hint to a non-Jew to do so and lock up the car!
- (9) If on a train or bus driven by a non-Jew, and already inside the techum, in a case of need you can stay on the train/bus. If outside the techum, you should get off, unless it will be dangerous. Then upon arrival, you will be restricted to the building/eruv (as above).
- (10) You can get into a taxi driven by a non-Jew during Bein Hashemashot. The driver should open the door. After nightfall, if there is a need, one may remain in the cab to your final destination. The driver should carry the muktza and take the money for himself.

F] RELYING ON RABBEINU TAM - SOME META-HALACHIC CONSIDERATIONS

If a person is stuck in traffic as the sun is setting on Friday afternoon and is able to find a safe place in a very Shabbat-UNfriendly environment eg a with no food in a non-Jewish motel or sitting in a hospital waiting room, would they be able to rely on Rabbeinu Tam and continue driving³⁷ for a short time³⁸ after sunset in order to get home or to a frum community.

... בתינוק הנולד אחר השקיעה אם למולו בשמיני כדעת ר"ת ודעמי' או להחמיר כדעת הגאונים 34.

הנה אנחנו בחו"ל היינו רגילים להורות בזה להקל כשיטת המג"א סימן של"א שפסק לגמרי כר"ת. וכן העיד מרן הח"ס ז"ע באו"ח סי' פ' בשם רבותיו (וחי' שהזכיר ומנה כל השיטות בזה ולא הזכיר כלל שיטת הגאונים הנ"ל). ומ"מ פה בא"י כבר נתפשט ההוראה להחמיר כדעת הגאונים שבתשובת מהר"ם אלשקר, והגר"א סי' רס"א ודעמי' לחשוב ביה"ש עכ"פ לחומרא מתחלת השקיעה. והדבר מורגש ביותר באופק שלנו בא"י וכמש"כ הגר"א הנ"ל. ומ"מ גם בא"י נראה דרך בימי הגאונים האחרונים הנהיגו כן ואלו בזמן הב"י עדיין נתפשט לגמרי הוראת ר"ת. וכן מבואר בתשובת הרדב"ז סי' אלף שנג"ג (רפ"ב) שלא החשיב דעת החולקים אפילו לספק ופסק בפשיטות כדעת ר"ת. המרדכי והרמב"ן ותוספות הרא"ש והרשב"א ורבינו ירוחם וכן הר"ן הסמ"ג ובעל מ"מ, שכולם הביאו דברי ר"ת

שר"ת שבט הלוי חלק א סימן מט

Rav Wosner writes³⁹ that, before he came to Israel, the overwhelming psak was like Rabbeinu Tam⁴⁰.

Fascinatingly, most poskim will NOT permit full reliance on Rabbeinu Tam⁴¹. Why should this be when it was such an accepted position?

(i) One answer could be rooted in the centralization of psak after the Shoah and the loss of the Mesorot of Europe. Halacha became much more text-oriented and less mesorah-based and the texts which became most popular and accepted, notably the Mishna Berura, were much more influential in determining the modern psak. The Mishna Berura often advocates strongly for the psak of the Gra, which consequently became much more accepted after WWII, even though it had NOT been so accepted before the Holocaust. The psak of the Gra also became much more accepted in 19C Eretz Israel, where his talmidim were an important part of the establishment of the Old Yishuv. Consequently, with the spread back of minhagim and psak from the Israeli Yeshivot to chutz l'aretz in the late 20C, the positions of the Gra have become stronger and stronger all over the world.

(ii) A second answer is based on the astonishing reality that, following WWII most of the Jewish people stopped keeping Rabbeinu Tam zman at the END of Shabbat⁴², even though this constitutes chilul Shabbat deoraita according to most Rishonim and the Shulchan Aruch!! Such a radical departure from the mainstream of classic psak underlines the power of Klal Yisrael in the halachic process - שאם אינן נביאים בני נביאים הם. As such, almost the entire Jewish world has resolutely decided to follow the Gra/Geonim on this issue, making reliance on Rabbeinu Tam much more difficult.⁴³ The start of Shabbat is now firmly ruled by the times in the calendars! Having said that, a she'ela must be asked of your LOR if a such a situation arises⁴⁴!

37. We saw above that with a non-Jewish driver one can certainly rely on Rabbeinu Tam.

38. We saw above that Rabbeinu Tam rules that is definitely day until 58.5 minutes after sunset.

39. The context here is when to do the brit of a baby born during Bein Hashemashot according to the Gra but definite day according to Rabbeinu Tam. This would have major implications for a baby born late on Friday afternoon or on Shabbat afternoon.

40. Rabbeinu Tam's position was accepted by many Rishonim and ruled by the Mechaber and the Rema in Shulchan Aruch. It was the general minhag in communities across Europe up to the 20C.

41. I heard one report that a senior Dayan permitted someone in this very difficult situation to drive for 20 minutes after sunset (presumably until the end of BHS according to the Gra).

42. Other than a few communities, especially in Eretz Yisrael as a chumrah in melecha.

43. I also suspect that some poskim are nervous about publicizing Rabbeinu Tam's position in case people begin to rely on this lekulah only at the start of Shabbat. As such, the issue has become something of a 'pritzat geder'.

44. One senior Rav in chu"l told me that it was legitimate to rely on Rabbeinu Tam in such emergency situations, as long as the person kept Rabbeinu Tam at the end of THAT Shabbat. To be lenient on both ends of Shabbat is clearly illegitimate. Others counter that, these days, we cannot rely on this for one Shabbat when we never otherwise keep Rabbeinu Tam. Another colleague informed me that a prominent Rav in Yerushalayim allowed a couple to rely on Rabbeinu Tam when their flight was delayed, although it is not clear to me whether that case involved the Jew performing melacha or rely on a non-Jew, which is far less problematic.