

תנא דבי אליהו, כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא

**IT WAS TAUGHT IN THE ACADEMY OF ELIYAHU, WHOEVER STUDIES TORAH LAWS
EVERY DAY IS ASSURED THAT HE WILL BE PRESENT IN THE 'WORLD TO COME'**

How important is it to observe the timings of "Rabbeinu Tam"?

It is always easier to write about that which is mainstream and popular. Finding fame in the eyes of the audience is often the safer option in life. However, at times of introspection, we ought to ask ourselves a fundamental question; What does Hashem expect of me? To try and reveal the truths of the Torah? Or to avoid the risk of losing popularity? The answer is an obvious one for any fearer of Heaven. Indeed the Torah demands of us to be seekers of truth and to be teachers of truth. No matter how much positive or 'negative' attention it may give us. With this small, yet crucial introduction, perhaps we are better equipped to grapple with the contents of this eye-opening subject ...

Rabbi Ya'akov ben Meir of Troyes, also known as **Rabbeinu Tam**, was born in 1100 and departed from our world in Tammuz 1171. He was the grandson of Rashi, one of the Ba'alei HaTosefot and an immense halachic leader and authority of his generation and for many generations thereafter. There is a well known theory that Rabbeinu Tam had a different opinion to the other halachic authorities as to when sunset occurs exactly, according to the halacha. This well known theory, which *purports* to be the opinion of Rabbeinu Tam, offers a much **later time for sunset** (approx. 58 mins later) than the rest of us know to be true. One can only imagine the repercussions of such a theory.

The timings of Rabbeinu Tam are publicised in many of our Hebrew calendars. Two times are given for the termination of Shabbat or Yom Tov and the later time is the time Shabbat or Yom Tov ends according to the alleged opinion of Rabbeinu Tam. For many generations most communities never accepted the timings of Rabbeinu Tam - it was simply never our custom. However, in recent years, some communities are beginning to do so, in order to fulfill a desired stringency to end Shabbat or Yom Tov later, i.e. at the

'correct' time. There are also groups who are accustomed to *accept* Shabbat much later in the evening, when it is very dark outside and to perform melachot up till that time, R"L. These groups also choose to pray Mincha after the accepted time for sunset, when most people consider it to be night time.

This essay is a study on the validity of the "Rabbeinu Tam zman" theory. Many may find the findings of this study hard to accept. The proofs and sources written herein aim to make a convincing argument that there is no such opinion in the writings of Rabbeinu Tam for a later sunset. It may indeed be proven that this theory was just one big and unfortunate misunderstanding in the opinion of Rabbeinu Tam.

According to Jewish law, *shekia* (sunset) is the cut-off time for all mitzvot associated with daytime hours and *tzeit hakochavim* (nightfall) is the starting point of the following day. The period of time between the sun disappearing beneath the horizon and nightfall is called *bein hashemashot*, which is a timezone that is neither night nor day - halachically speaking. So in Temple times, for example, it was forbidden to bring the afternoon Mincha sacrifice of Tamid at night, as this offering can only be brought in daylight hours. This is why one is not allowed to pray Mincha when it is completely dark outside. The onset of Shabbat is also at the moment of shekia and if one performed a forbidden melacha¹ after that time they may have violated the sanctity of Shabbat - a sin which was in some cases punishable by death in Temple times (lo aleinu). So imagine a custom that would allow people to perform melachot on a Friday when it is already dark outside?!

The main minhag of world Jewry is to follow the opinion that shekia occurs when the sun totally sinks beneath the earth's horizon. Nightfall occurs much later - when three medium sized stars appear in the sky.² This was the opinion of the **Ge'onim** (the great Rabbinic Sages of Babylon, 589 - 1038) and it is the ruling of the Shulhan Aruch and the accepted halacha throughout.

1. The Oral Law teaches us that it is forbidden from the Torah to do 39 types of 'work' (melachot) on Shabbat.
 2. מסכת שבת דף לה:.

The “Rabbeinu Tam zman” theory claims that Rabbeinu Tam himself believed that the sun sets at a much later time than what the Ge'onim and other authorities understood.

The source of this theory does not seem to be evident at all from Rabbeinu Tam's own writings, but rather from an early halachic authority called HaRav Moshe Alashkar of 16th century Spain / Egypt.³ Also known as **Maharam Alashkar**, HaRav Moshe Alashkar based his interpretation of Rabbeinu Tam by analysing Rabbeinu Tam's attempt to resolve what appears to be contradictory statements in the Talmud regarding the length of time between sunset and nightfall.

[NB: Before we study how Maharam Alashkar understands Rabbeinu Tam, it should be noted that in the context of his analysis Maharam Alshkar is in fact **arguing** with Rabbeinu Tam and refusing to accept Rabbeinu Tam's alleged position of a later sunset. This observation is a fundamental factor to the overall findings of this essay.]

In **tractate Shabbat**⁴ the Sages describe in detail how to determine when shekia and nightfall occur exactly. They are quoted saying that the period of bein hashemashot begins as soon as the sun sinks totally beneath the horizon and the eastern sky is red. Gradually the redness of the sky begins to dissipate at the bottom of the horizon, forming a silvery hue, whereas the top of the sky remains red. This is still the period of bein hashemashot the Sages say. Once the silvery hue has taken over the whole eastern sky - night has fallen. Says Shemuel in the name of Rav Yehuda in the name of Rabba - the period of time it takes from the setting of the sun until the redness of the eastern sky dissipates completely is called bein hashemashot. Rav Yehuda then clarifies further that the length of this period is the same time it would take an average person to walk **¾ of a mil** (13.5 minutes). It is important to note that Rav Yehuda does not say that this is the period of shekia, but rather it is the period of bein hashemashot.

Rabbeinu Tam immediately questions⁵ this statement by Rav Yehuda, which seems to contradict another statement by him in the Talmud. Rav Yehuda is quoted in **tractate**

3. ועיין גם בלחם משנה פ"ה ה"ד

4. דף לד:

5. שם ד"ה תרי

Pesahim⁶ saying that the time between shekia and nightfall is the same amount of time it would take to walk **4 mil** (72 minutes). How do we resolve this seeming contradiction?

Rabbeinu Tam reconciles these two statements by suggesting the following:

דהתם (בפסחים) מיירי בתחילת שקיעה,

והכא משתשקע מסוף שקיעה אחר שנכנסה החמה בעובי הרקיע.

Over there (in tractate Pesahim) *it seems he is referring to the beginning of sunset, and*

here (in tractate Shabbat) *it is from the time the sun has already set -*

from the end of sunset - after the sun has entered the depths of the firmament.

By close analysis of Rabbeinu Tam's words, it seems clear that he is resolving the conflict by suggesting that the Talmud is referring to two different stages in the process of shekia. **Tractate Pesahim** is referring to the whole process of shekia, which starts from תחילת שקיעה "the *beginning of sunset*" and ends at nightfall. **Tractate Shabbat**, on the other hand, is referring to the second stage of shekia, i.e. the beginning of bein hashemashot, which is the amount of time it takes from the moment the sun has already sunk fully into the horizon until nightfall. The Talmud in Pesahim gives us no physical indication as to how we can determine when shekia begins exactly.⁷ However, the **Me'iri** (1249 - 1310), who was a famous commentator on the Talmud, explains the phrase בתחילת שקיעה as the moment when the sun begins to descend into the horizon:

כשמתחלת להכנס והיא נראית עדיין מעט מעט עד שתכנס כולה.

When it begins to enter and it is still visible, little by little, until it descends completely.

Summary of Rabbeinu Tam's explanation of the contradictory statements in the Talmud:

	Shekia in Tractate Pesahim (Period of 72 mins)	Shekia in Tractate Shabbat (Period of 13.5 mins)
Stage of shekia	The first stage, which is the "beginning" of sunset. The phrase used by Rabbeinu Tam to describe this stage is: בתחילת שקיעה "at the beginning of sunset"	The second stage when the sun has sunk completely beneath the horizon is: משתשקע "from when it has already set"

6. דף צד

7. Later on in the essay we will answer how the beginning of sunset is physically determined according to R"T.

It can therefore be deduced from the above analysis that Rabbeinu Tam held that the beginning of shekia is 58.5 minutes before the sun has completely sunk beneath the earth's horizon. However, Maharam Alashkar interprets Rabbeinu Tam in a completely different manner.⁸ He says that Rabbeinu Tam is referring to there being two separate shekiyot (sunsets) occurring in the same evening. According to his understanding of Rabbeinu Tam the first shekia occurs when the sun has set entirely beneath the horizon and it is already dark outside. The second shekia takes place 58.5 minutes afterwards, but we do not see this happening with the naked eye.

This interpretation of Rabbeinu Tam by Maharam Alashkar is based on his presumption that Rabbeinu Tam believed that the sun sets twice, which was a disproved theory of the Sages of Israel. The Sages of Israel originally thought that after the sun disappears beneath the horizon it then goes through a second stage of "setting" by elevating above the atmosphere and making its way back across to the other side of the earth where it rises the next morning. This was an old world view that was initially believed by our Sages but disproved by the non-Jewish philosophers of the time. The Sages of Israel accepted that the non-Jewish philosophers were more logical in their analysis and from then on there was a worldwide accepted view that the sun only sets once on our planet. This is the reason why Maharam Alashkar takes issue with Rabbeinu Tam (in his understanding of him), since he thought that Rabbeinu Tam was answering the seeming contradiction in the Talmud based on this faulty theory. Maharam Alashkar therefore argued with Rabbeinu Tam for supporting a theory that is against the reality of nature.⁹

It should be obvious that Maharam Alashkar's interpretation of Rabbeinu Tam is quite difficult to understand. Looking closely at Rabbeinu Tam's words, quoted on page 4, nowhere does he say that the sun sets twice. Rabbeinu Tam is clearly referring to the two stages of a single sunset. Nor does Rabbeinu Tam say or indicate in any way that the beginning of shekia is when the sun has completely disappeared beneath the horizon.

8. שו"ת מהרם אלשקר סימן צו.

9. עיין פסחים דף צד בענין ויכוח בין חכמי ישראל לחכמי אוה"ע.

On the contrary, the opposite is very much inferred! The most important factor to highlight is that Rabbeinu Tam *does* say that the sun is still visible and only beginning to descend at the beginning of shekia. Maharam Alashkar, however, suggests that Rabbeinu Tam believes that the sun has disappeared at the beginning of shekia.

What is even more mind-boggling about Maharam Alashkar's position on Rabbeinu Tam is that his theory would make Rabbeinu Tam in direct conflict with the Talmud, which is inconceivable. The Talmud in tractate Shabbat¹⁰ concludes that nightfall occurs when three stars appear. According to Rabbi Yossi there needs to be **three medium-sized stars** in the sky to determine the onset of nightfall. The Rabbeinu Tam theory claims that nightfall is approximately 58 minutes later than the appearance of three medium-sized stars, at which point there would be thousands upon thousands of stars visible in the sky!

This is the basic introduction to the controversy surrounding a misunderstanding in the writings of Rabbeinu Tam by Maharam Alashkar. Unfortunately this misunderstanding found its way into 'halacha' today. Even though we mentioned that Maharam Alashkar is in fact arguing with Rabbeinu Tam (in his understanding of him), nevertheless some halachic authorities took Maharam Alashkar's interpretation as fact and established the halacha like Rabbeinu Tam in that manner (since HaRav Yosef Caro, the author of the Shulhan Aruch, quotes Rabbeinu Tam's true opinion on shekia in his halachic works).

In order to analyse this topic in greater depth let us look at the writings of Rabbeinu Tam in other areas to see if he really held that the beginning of shekia is when the sun totally disappears beneath the horizon. In truth, it is easily deducible from Rabbeinu Tam in tractate Pesachim¹¹ that at the beginning of shekia the sun is still fully visible and has not sunk into the horizon. Rabbeinu Tam writes the following:

מתחלת שקיעה דהיינו משעה "שמתחלת" החמה ליכנס

בעובי הרקיע עד הלילה הוי ד' מילין.

*The beginning of sunset, which is from the time the sun **begins** to enter the thickness of the firmament until nightfall is 4 mil.*

10. שבת דף לה:.

11. דף צד. ד"ה ר"י.

This is a proof that according to Rabbeinu Tam the sun is still very visible at the beginning of sunset, which is evident from the significant word *“mat-chelet”* מתחלת (begins), explaining that shekia starts when the sun begins to descend. Whereas in tractate Shabbat¹² the word used to describe the second stage of shekia is *“mishetishka”* משתשקע (when it has already set), meaning that the ball of the sun has disappeared entirely and bein hashemashot has begun (as per the table on page 4).

There is an additional proof from Rabbeinu Tam in tractate Menahot¹³ that the language of משתשקע means the end of shekia and the beginning of bein hashemashot:

**ותירץ ר"ת דמשתשקע החמה משמע סוף שקיעת החמה שכבר שקעה החמה
אבל משקיעת החמה משמע מתחילת שקיעה.**

And Rabbeinu Tam answers that “mishetishka” of the sun implies the end of shekia, that the sun has already set, but “from shekia” of the sun means from the beginning of sunset.

Another proof from the writings of Rabbeinu Tam is found regarding the mitzvah of lighting Hanukah candles. Rabbeinu Tam himself gives us the implied meaning of the word משתשקע as follows:¹⁴

**תדע מדאמרינן גבי נר חנוכה מצוותה משתשקע החמה,
ואי בתחילת שקיעה עדיין הוא יום גדול והוה שרגא בטיהרא!**

Paraphrasing Rabbeinu Tam’s words, he says “We should acknowledge the halacha in tractate Shabbat¹⁵ regarding when one can begin lighting Hanuka candles. The Talmud teaches us that the mitzvah is *“from when the sun has already set.”* This is a proof that the word משתשקע refers to the end of shekia. For if it was referring to the beginning of shekia then how could that be? One would be lighting their Hanuka candles in full daylight!”

It is therefore very plausible that Rabbeinu Tam could not have held that it is dark outside at the beginning of shekia.

12. שם

13. דף כ: ד"ה נפסל.

14. מנחות שם.

15. דף כא.

We have now demonstrated that Rabbeinu Tam agrees with the accepted halacha that shekia begins before the sun has disappeared beneath the horizon. This questions Maharam Alashkar's understanding of Rabbeinu Tam. As mentioned, Maharam Alashkar says that Rabbeinu Tam holds that the process of shekia begins after the sun has set completely. This cannot be true, as it would contradict what Rabbeinu Tam had written above regarding Hanukah candles where he writes clearly that the time when shekia begins is broad daylight (טיהרא). How could this be if the sun had set entirely?

Furthermore, we find that Rabbeinu Tam writes in his book called **Sefer HaYashar**¹⁶ that the beginning process of shekia is משעה שרוצה החמה לכנס ברקיע - "*from the moment the sun wants to enter the horizon*" and the word משתשקע means שכבר נכנסה ברקיע - "*that it has already gone into the horizon.*"

The following can now be concluded from Rabbeinu Tam's own writings:

1. **Shekia begins well before the sun has disappeared beneath the horizon.**
2. **Bein HaShemashot begins when the sun has descended fully beneath the horizon.**
3. **Nightfall begins when three medium-sized stars appear in the sky** (assuming that Rabbeinu Tam would not argue with the conclusion of the Talmud).

All of the above conclusions are fully in line with the opinion of the Ge'onim and other halachic authorities, proving that there was never an argument between Rabbeinu Tam and the others. So when HaRav Yosef Caro makes the following halachic ruling in the **Shulhan Aruch**, informing us of the importance of accepting Shabbat a bit earlier (in order to fulfill the mitzvah of *Tosefet Shabbat*), we can safely assume that he is referring to our concluded understanding of how to determine shekia according to Rabbeinu Tam and the Ge'onim:¹⁷

י"א שצריך להוסיף מחול על הקודש וזמן תוספת זה הוא

מתחלת השקיעה שאין השמש נראית על הארץ עד זמן בין השמשות.

חלק החידושים סי' רכא. 16.

סימן רס"א. 17.

Some say that one needs to "add from the weekday onto a holy day" and the time one could add is calculated from the beginning of shekia, when the sun is not seen on the land until the time of bein hashemashot.

It is very interesting to note that Maran makes reference to beginning of shekia being "when the sun is not seen on the land". What does this description mean exactly? Those who interpret Rabbeinu Tam according to Maharam Alashkar would like to say that this is a proof that shekia begins when the sun has completely descended beneath the horizon and is therefore not seen on the horizon, i.e. on "the land" anymore. However, we find that Rabbi Shmuel of Krakow already explained hundreds of years ago in his sefer called **Olat Shabbat** that the language of **שאינן השמש נראית על הארץ** actually means that it is in fact the sun's rays that are not visible on the land, albeit that the sun itself is still visible on the horizon. Here is a quote from the Olat Shabbat explaining the Shulhan Aruch above and this is another proof that marries Rabbeinu Tam with the Ge'onim:¹⁸

וזה שכתב המחבר שאינן השמש נראה כלומר

שאינו נראה בכוחו כמאז מפני שהתחיל ליכנס ברקיע.

And that which the author (Maran) writes that "the sun is not visible" he means to say that it is not as powerful as it was before because it is beginning to descend, etc.

We also find that in his laws to do with **Brit Milla**, that Maran clearly did not agree with Maharam Alashkar's interpretation of Rabbeinu Tam. As mentioned earlier, such an interpretation would go against the Talmud and proclaim nightfall way after the appearance of three medium-sized stars. However, we find in the **Shulhan Aruch**¹⁹ that Maran determines nightfall with indeed the very sighting of three medium-sized stars. The Shulhan Aruch rules that seeing three stars is a decisive factor in determining when to perform circumcision on the eighth day - even if the eighth day falls on Shabbat:

אם לאלתר כשהוציא הולד ראשו חוץ לפרוודור נראו ג' כוכבים בינוניים יש לסמוך

עליהם שהוא לילה אפילו הוא למחר שבת.

18. בסימן רס"א אות ב', הובא בכף החיים אות חי. 18.

19. בי"ד סימן רס"ב סעי' ו. 19.

If at the moment when the baby's head comes out one can see three medium-sized stars then one can rely on them that it is nightfall, even if this means it is now Shabbat.

If the eighth day falls on Shabbat one must perform the Brit Milla even though it involves cutting the foreskin - a Melacha that would otherwise be a forbidden (from the Torah) to do on Shabbat. Milla on the eighth day is one of the few mitzvot that pushes aside the sanctity of Shabbat because of its importance to be done on time. If there really was such an opinion that nightfall occurs much later than the appearance of three visible stars, could one really imagine that the Shulhan Aruch would not be concerned for this opinion? Especially so in a case of deciding whether to perform a Melacha on Shabbat! Yet we see that Maran is clearly not concerned and makes a ruling that one can rely on the appearance of three stars to determine nightfall and the date of the Brit Milla.

Again we find that in the Shulhan Aruch²⁰ that Maran makes another ruling that shows he did not hold of Maharam Alashkar's interpretation of Rabbeinu Tam. In a case when one is not sure when bein hashemashot begins on a Friday evening, Maran says that one should light the Shabbat candles when he sees the sun has descended to the point that its position is **בראש האילנות** *at the tops of the trees*. According to Maharam Alashkar, Rabbeinu Tam believes that bein hashemashot begins much later than this time, i.e. 58 minutes after the sun has completely descended. So why did Maran not advise that a person can wait until the sun has disappeared into the horizon?

One final important observation from the Shulhan Aruch.²¹ Plag HaMincha is 1¼ halachic hours before shekia. It is permitted to pray Arvit and accept Shabbat any time after the Plag HaMincha. Maran discusses a case when it was a cloudy Friday and the congregation thought it was shekia and accepted Shabbat in error and lit Shabbat candles and prayed Arvit of Shabbat. After they did so, the clouds suddenly dispersed and **זרחה חמה** *the sun shone*. In such a case Maran rules that they do not need to go back and repeat the prayers, as long as the time they prayed was from Plag HaMincha and upwards. Such a ruling would be extremely difficult for the Rabbeinu Tam zman theory.

20. בס"ג פסק להא דאיתא בשבת (לה:).

21. או"ח סימן רס"ג (סעיף יד).

It is known that according to Maharam Alashkar's interpretation of Rabbeinu Tam there is only a window of three minutes between Plag HaMincha and the first shekia.²² If that is the case then how could it be that the congregation accepted Shabbat, lit candles and prayed Arvit all within the space of three minutes? Furthermore, how on earth (excuse the pun) could the sun still be shining after that time if this theory suggests that the sun has disappeared beneath the horizon at the moment of the first shekia?

It is evident that there was never such an opinion by Rabbeinu Tam for a later sunset. This can also be inferred by taking a close look at the **Beit Yosef**, which is Maran's commentary on the Tur. We see that the Beit Yosef²³ quotes Rabbeinu Tam to describe how to determine the moment of shekia. It is a wonder that Maran does not bring a single argument against Rabbeinu Tam's opinion, which is out of character for Maran (if there really was such an argument). What is even more perplexing is that Maran does not bring the opinion of the great Ge'onim, who are supposed to be the opposers of the alleged Rabbeinu Tam theory. The Ge'onim were the most important halachic authorities after the Talmud. It would be impossible to say that Maran chose to completely ignore the opinion of the Ge'onim if there was a genuine conflict between them and Rabbeinu Tam. By the mere fact that Maran does not quote the Ge'onim should settle the matter here and now. In fact, we do not find in the Rishonim (early halachic authorities) any mentioning of this supposed conflict between Rabbeinu Tam and the Ge'onim. It is a wonder that a halachic argument that could, in essence, determine whether one transgresses the sanctity of Shabbat or not, or decide whether one's wife can do a hefsek taharah and begin counting the seven clean days before she immerses in the mikveh, yet there is no mentioning of it. This is why the Rabbeinu Tam zman theory has never been quoted or given any attention by most of the great Kabbalistic Masters. The **Holy Ari z"l** makes no reference to Rabbeinu Tam's zman in his writings. The **Ben Ish Hai**, who was known to be extremely pious and stringent, does not make a single ruling to be stringent like Rabbeinu Tam when it comes to ending Shabbat at the later time.

22. כפי שמבואר בביאור הלכה (סימן רס"א ד"ה להקדים).

23. שם.

In conclusion, based on the findings of this essay there is no room to be stringent and keep Rabbeinu Tam's timings in the calendars for the termination of Shabbat or Yom Tov. One should definitely not be lenient to accept Shabbat later, to rely on hilchot niddah, or to pray Mincha later according to these timings.²⁴

Rabbeinu Tam's position on sunset is the same as the Ge'onim and there is no argument.

There is a lot more material on this discussion and this essay is only the abridged version. The full Hebrew version can be made available upon request.

Rabbi Yosef Haim David

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ודלא כאיגרות משה שרוצה להקל בזה בהפסק טהרה. 24.