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FLY BY NIGHT

*When a Plane Arrives on Shabbat
What should you do if your plane
lands on Shabbat?*

Highlights of a Shiur by Rav Daniel Dombroff

A plane on the tarmac is a flight risk...

El Al Flight 002 was scheduled to depart JFK for Tel Aviv on Thursday, November 15 at 6:30 pm. Long story short: It didn't.

As delays on the tarmac mounted, pushing the projected arrival time ever closer to *Shabbat*, *Shomer Shabbat* passengers asked that the plane be returned to the gate so they could disembark and remain in New York.

The captain announced that he would do just that. And as the air-traffic control audio recordings make clear, he received permission from the tower to do so, more than five hours after his scheduled departure. But to the shock and consternation of the observant passengers, he then proceeded—without explanation—to take to the skies.

What happened next is not the subject of this article. Its subject is the *Halachic* issues that would have arisen had the plane not in the end been diverted to Athens, and it had landed on *Shabbat*. (Which is exactly what the *other* ill-fated JFK-to-Tel Aviv El Al flight that night actually did, but that's another story.)

Of course, one should avoid traveling close enough to *Shabbat* to risk this outcome. Should *Oness* (duress) bring it about, *Halilla*, here is a general guide to some of the issues one might face.

PRE-SHABBAT PREP

If you become aware that your flight will land on *Shabbat*, there are some things to do before *Shabbat* begins.

You will probably be carrying money and a mobile phone. These should be moved from shirt pockets to pants pockets. This is because

typically, a shirt pocket is a flat fabric panel stitched to the shirt, requiring the shirt itself to perform half the pocket duties, but a pants pocket is a full standalone pouch that is attached to the garment (See *Shulhan Aruch* O.H. 310:7, *Rama*). As a result, walking with money in a trouser pocket is not *Tiltul* (carrying) *Muktze* and, according to some, doesn't require shaking out (*Mishna Berura* ibid. 30). However, the pocket does become a *Basis* (base) for *Muktze*, with the implication that one may not move the pocket with his hand on *Shabbat*.

NER SHABBAT

At the appropriate time, turn on your overhead lamp *L'Shem Mitzva*. Because the lights on modern aircraft do not utilize incandescent bulbs, no *Beracha* is recited.

CARRY-OFF BAGS

You may take your carry-on luggage from the plane (see O.H. 310:8), because the non-*Muktze* items it holds will generally be of greater value than the *Muktze*, and the *Muktze* things cannot be shaken out. Even if the latter are more valuable and the bag is therefore a *Basis*, see *Shulhan Aruch* O.H. 266 about the specific leniencies afforded by this type of *Oness* (duress).

TEHUM SHABBAT

One may not travel beyond two thousand *Amot* from the settlement in which he finds himself at the onset of *Shabbat*, where he is *Kone Shevita* (lit. acquires settlement for *Shabbat*, where he is stationed). Even if *Tehumin* don't exist above the level of ten *Tefahim* from the ground (see *Mishna Berura* 404:7), you are nevertheless *Kone Shevita*, it would seem, when the plane descends to an altitude of ten *Tefahim*, moments before landing. The runway is an uninhabited area larger than

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By Rav Yosef Greenwald

JUST CAUSE:

HOW SIGNIFICANT IS GERAMA?

וַיֹּאמֶר אֱלֹהִים רְאוּבֵן אֶל תִּשְׁכְּנוּ דַם הַשְּׁלִיכוּ
אֹתוֹ אֶל הַבּוֹר הַזֶּה אֲשֶׁר בְּמִדְבָּר וְיָד אֶל תִּשְׁלַח
בּוֹ לְמַעַן הִצִּיל אֹתוֹ מִיָּדָם לְהַשִּׁיבוֹ אֶל אָבִיו

And Reuven said to them, "Do not spill blood. Cast him into this pit, which is in the desert, but do not lay a hand on him," in order to save him from their hand, to return him to his father. (*Bereshit* 37:22)

How causation correlates with doing.

Reuven was arguing that the brothers ought not kill Yosef directly. Instead, they should place him in a situation where death would come but he would not fall at their hand. Yehuda argued that they would still be responsible for his demise (see *Ramban* on *Pasuk* 26).

Indirect causation, *Gerama*, is discussed in *Bava Kama* 55b, where we learn that one who commits a tort in this manner is exempt under the laws of man but liable under the laws of Heaven.

The distinction between *Gerama* and *B'Ya-dayim* also holds in *Halachic*

spotlight

Daf Yomi in Halacha

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The Bet HaVaad's popular Daf Yomi in Halacha series continues with *Masechet Hullin*. This week features a fascinating shiur by Rabbi Shmuel Binyomin Honigwachs, shlit"z, on the topic of *Commerce and Hametz*. Rabbi Honigwachs is a *Dayan* at the Bet HaVaad, and in this shiur he presents the specific *Halachic* challenges why the standard sale of *Hametz* may not suffice.

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a *Bet Sa'atayim*, so the *Tehum* count begins immediately at that point (O.H. 396:2).

Your arrival gate will generally be more than 2,000 *Amot* from that spot, so when you get there you're already out of *Tehum*. This leaves you with only your *Dalet Amot* in which to maneuver for the balance of *Shabbat*. However, both the plane and the jetway are *Reshuyot HaYahid* and considered an extension of that *Dalet Amot*.

But what of the airport itself, beyond the jetway? Although enclosed, it is generally larger than a *Bet Sa'atayim* and so is considered a "*Karfef*" (lot) rather than a *Reshut HaYahid* with regard to carrying—and so, it would seem, your *Dalet Amot* would not include the terminal—unless it was *Hukaf L'Dira*, enclosed for dwelling purposes like eating and sleeping (ibid. 358). There is room to argue that we reckon the airport as such on account of the restaurants on the concourse and the stranded passengers that routinely sleep in the terminal. This would permit walking and carrying.

SE'UDOT SHABBAT

If wine and bread are not available but *Mezonot* items are, one should be *Kovea Se'uda* on them and use them for *Kiddush*. (See *Pit'he Teshuva* 168 that a mere *KaZayit* may suffice.)

Bread isn't valid for the daytime *Kiddush*, but by then you will have made enough friends in

the terminal to finagle a *Hamar Medina* (nationally accepted wine-like beverage), like beer.

BATHROOM BREAKS

Most airport restrooms are now equipped with automatic-flush toilets. These devices utilize a sensor that detects the presence of a person. When that presence is no longer sensed, a solenoid valve is activated and the toilet flushes.

Depending on the type of sensor in use, a paper towel or tissue placed in front of it might prevent the flush. This should be done if possible, but one may still use the toilet if it isn't, considering that the situation is one of *P'sik Reshe D'la Niha Leh* (a *Melacha* that will surely happen as a result of you engaging in another act, while you have no interest in the *Melacha* that takes place) on a *D'Rabbanan* (rabbinic prohibition), with *Kavod HaBeriyot* (human dignity) at stake.

DEPARTURE

Whether under any circumstances one might be permitted to take the airport shuttle bus to a hotel is beyond the scope of this article.

* * *

May we merit to fulfill the *Mitzvot* of *Kevod* (honor) and *Oneg* (enjoyment) on every *Shabbat* of our lives in the best way possible, *Amen*.

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realms as diverse as murder and *Shabbat*.

It must be understood that

Gerama is not treated differently to direct ac-

tion because the likelihood of result is smaller. The *Halachic* status of *Gerama* is the same even where the outcome is guaranteed.

Also to be noted is that being responsible only *B'Dine Shamayim* doesn't mean that the perpetrator is basically absolved of guilt but has

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מסכת חולין

This Week's Topics

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- דף ג Commerce & Chometz
- דף ד Minors in Halacha
- דף ה The Heathen Shochet
- דף ו The Mumar in Halacha
- דף ז Holy Donkey
- דף ח Benefitting from Avodah Zarah
- דף ט Rov vs. Chazakah : Part 1

BAIS HAVAAD KEHILLA EVENTS

Elective surgery—is it permitted? Is a healthy individual permitted to undergo a drastic diet solely for purpose of improving his appearance? These and similar questions were the recent subject of an advanced shiur by Rabbi Eliezer Gewirtzman, shlit'a, as part of our Medical Halacha Center. This shiur was presented via videoconference targeting exclusively members of the medical profession as well as community Poskim responding to medical questions from congregants. This groundbreaking concept is gaining traction and filling a need heretofore unfilled. For questions on medical issues in *Halacha*, call our hotline at 732.276.2183.



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