

HALOCHOSCOPE



This week's question:

Someone needs to be in another city the morning following *Tisha Bav*. May he travel on the fast? May he prepare on the fast to travel after it? Assuming he travels on the fast, and is in the air when the fast ends, should he wait until he lands to break his fast? If he breaks his fast during the trip, which *zman* should he follow, that of his home town, of his destination, or should he calculate his location at that moment?

The issues:

- A) *Masiach daas min ha'availus*, allowing distractions from the mourning
- B) Traveling during this period
- C) Changing *halachic* time zones on a fast

A) *Masiach daas min ha'availus*

On *Tisha Bav* one should try to stay in the mood of the day. The fast is only a part of the observance. One who fasts with no thoughts of why he is fasting has almost wasted the purpose of the fast day. This does not mean that one may limit his observance to the other practices. It means that without the accompanying introspection the fast will not have the desired effect.

The most obvious practice on *Tisha Bav* to ensure that keeps his attention focused on the mourning is refraining from going about one's business. [Not all commentaries give this reason for the practice.] This practice originates with the practices of communal fasts for rain. These were imposed in increasing levels of stringency to encourage more and more introspection. In addition, a regular mourner may not engage in his business activities during his *shiva* period, seven days of mourning. This is based on a Scriptural reference linking mourning to a *chag*. Thus, many poskim maintain that ideally he is forbidden to work all seven days. There are exceptions, based on various Talmudic passages, for the poor and for those who need their work done in emergencies.

The Talmud says that on *Tisha Bav*, this practice depended on the custom of each individual community. The poskim seem to indicate that in our communities the original practice was to refrain at least until *halachic* midday. In some communities the practice was to refrain all day. One may not act in a more lenient manner than the local practice. A Torah scholar should always refrain all day. Anyone may consider himself a Torah scholar for these purposes. However, due to the pressures of earning a livelihood, it has become acceptable, according to some poskim, to refrain only until after the end of the *shacharis* services. This includes the extended *kinos* recited for a few hours, and this ensures that one will still minimize his preoccupation with business.

Refraining from *melacha*, the *halachic* term for work in this context, includes activities that are usually restricted on *Chol Hamoed*. However, the poskim permit minor activities that take up little time. In accordance with keeping focused on the mourning, one

should not engage in preparations for after the fast. Nonetheless, it is common practice to prepare the meal for breaking the fast, after midday, even for those who follow the custom to refrain from work. In addition, there is a *kabalistic* custom for women to clean the house after midday. This is based on the concept that after midday is a time for consolation. It is considered the time that *Moshiach* could arrive, and one should be ready to welcome him. Packing for a trip should best be delayed to after the fast, if possible.

In keeping with this idea, one may not engage in idle leisure activities on *Tisha Bav*. However, it is clear from the poskim that travel between towns was a given. Allowances are made for wearing shoes on the road, for both *availim* and those observing *Tisha Bav*. Accordingly, travel to attend to a family matter must be permitted. It does not distract from the mourning. Travel for work would depend on the local practice. Travel for leisure should be restricted. [See Taanis 12b 13a 29b-30a, Moed Katan 15b 20a 21b Psachim 54b, Poskim. Tur Sh. Ar. OC 554:14 17 21-25 559:5 10, commentaries.]

B) Travelling during this period

The basis for refraining from travel during this period is that it is an ominous time. According to a Midrashic reference, one must avoid being out alone in the open during the early afternoon hours during the Three Weeks, or at least, during the Nine Days. This seems to refer to putting oneself in harm's way, or in a dangerous situation. At a time of 'punishment' the adversarial forces in Heaven can indict people more easily. One does not want to invite further punishment. Accordingly, people have adopted a practice to avoid the kind of travel after which one usually recites the *brocha hagomel*. This thanksgiving blessing is recited by those who have been saved from danger. The basic four obligants include: one recovering from grave illness, one released from captivity or jail, and those traveling by sea or across a desert, when they arrive safely. Other travelers recite it according to their custom. Some recite it on any inter-city travel. Most only recite it on air travel across an ocean. The reason is that it may be recited by anyone who experienced a life-threatening danger and was saved. If one is in the air over water, he has little chance to land safely. Therefore, he feels the same thanksgiving as those who travel by sea. Accordingly, one would not wish to place himself in this situation at a time of 'punishment'. Nonetheless, it is common to travel with others, especially for a *mitzvah* or for a livelihood, even during this period. [See Sh Ar OC 551:18, commentaries.]

C) Changing halachic time zones on a fast

A fast is over at the end of the day. One may not begin eating before the day is over at his particular location. In our case, this is complicated. If one is in the air, he is usually unsure of the *halachic* time of day on the ground below him. Furthermore, as we shall show, that might not help him at all, due to major differences in altitude. As for changes based on arrival destinations, if one arrives before the end of the fast, he follows the times at his new location. If he arrives at a location west of his departure, he will need to fast for a longer period. If he arrives at a location east, he will fast for a shorter period. The fast is not for a period of twelve or twenty-four hours (or adding to that to account for twilight etc., see below). If one is flying in a westerly direction, he could, theoretically, break his fast when he feels that it is over at his destination. However, as we shall show, if his flight path arcs north of the destination, his day might be considerably longer than that of his destination. If so, when they break their fast, he might still have daylight.

One flying eastwards could certainly not use his destination point as his marker to end the fast, if it takes place while he is in the air. The one thing that might seem quite certain is that when it ends at his point of departure, it has ended for him at whatever location he is in the air. However, this too might not always work. If his flight path arcs north, particularly if he enters the Arctic circle, there could be a discrepancy. He might not even experience full nightfall at that moment at all.

Halachic day is calculated according to the visible presence of sunlight. Between sunset and nightfall is considered questionable – it might be considered the end of this day or the beginning of the next day. This period, in turn, is the subject of much debate. The Talmud mentions two times, measured in average walking distances, and the appearance of three average sized stars. Both these times and the stars are further debated by the poskim, leading to a variety of opinions. For Scriptural matters, such as the end of *Shabbos*, one tends to stringency. Other than *Yom Kippur*, the fasts are Rabbinical. Generally, one follows an opinion based on his *Rav* or community. The opinions on the length of this period range from thirteen and a half minutes to seventy two minutes, all year round. Other opinions are based on the astronomical charts, and fall in between these two opinions. There are poskim who allow lenient rulings on a one-time basis for one who is weakened by the fast.

Many maintain that these times are geographically relative. The Talmud discusses locations in *Eretz Yisroel* and *Bavel*, where the debates took place. Other locations adjust proportionally. Charts are made to fit patterns, based on a satisfactory sized star and mathematical formula. Seasonal adjustments are based on the angle of the sun.

The poskim debate whether one should ideally rely on visible evidence. Perhaps visible stars are mere signs of the true *halachic* times. When one is not knowledgeable enough to determine the times, he may rely on visible signs. The debate arises due to discrepancies between visible signs and astronomically calculated times, or the improbability of it being the right time *halachically*. For example, in Northern regions, in mid-summer, the sun has set and stars can be seen on one side of the sky, but the other side still has some light. Assuming the times to be constant can also appear ridiculous. Some adjust the seventy-two minutes to account for location. Others maintain that they are indeed constant. Some explain that the twilight hours are calculated by averaging the daytime twelfths with the nighttime twelfths, that would be sixty minutes. Thus seventy-two minutes is indeed constant. Astronomically, the theory is that the band of twilight around the globe is the same year round. However, the angle of the sun's elliptic varies throughout the year. Therefore, the path of the twilight can also vary, since it takes longer to cross a diagonal than a straight line. One novel solution is suggested. *Halachic* night is indeed determined by the appearance of three average stars. Since each location is different, and one cannot easily decide which stars are average, seventy-two minutes, constant, is given as the time when the stars that appear at any location are considered average!

Another factor is elevation. At a high elevation one sees the sun for longer than the time seen at sea level, just as one sees more of the land expanse. In a valley, one sees less of the sun, when it sets behind the surrounding mountains. On the other hand, the mountains on the East can prevent one from seeing the darker skies and the average stars. The poskim debate whether one should adjust charts to reflect elevation. Some say one should

always add a leeway of four minutes. This is calculated to be the difference between sunset at sea level and the highest elevations in *Eretz Yisroel* or *Bavel*. Some say that our times are already adjusted for this. If one does not have a chart, he has no choice but to follow visible signs. The elevation in our question is way off the charts. The sun appears much larger as well, probably due to it being seen above the cloud line and a large part of the atmosphere. [On the ground, we see sun filtered, just like a frosted light-bulb, albeit in different ways. At this elevation the filter works differently, affecting day and night.]

Air travel poses a greater challenge. In addition to the extremely high elevation, the airliner often arcs its path, crossing into the Arctic circle. It is entirely possible for one traveling in the summer not to be able to see stars at all. It is also possible, at that elevation and latitude, to see a night sky in one direction while the other side of the sky looks light. He might also see stars on one side of the sky while the sun might not have set on the other side. Stars seen when the sun is in full view are considered daytime stars. They may not be used at all. If the sun is out of sight, the stars might appear to be average or medium sized. However, this term is vague in itself. Our traveler could wait for small stars. But the question would remain, how small? He could wait for what he considers to be average stars to appear after sunset in the Western sky. Some say that those who use the constant lengths may wait forty-one minutes on a fast day. However, this length is based on relative ground-time according to region. Rather, in our case, since there is a viable opinion that seventy-two minutes after sunset is acceptable as a constant everywhere, he should wait for this length of time. After this period, he need not see stars. [See references to Section A. Yerushalmi Brochos 1:5. Sidur Harav. Bain Hashmoshos (R. Tukachinsky). Igros Moshe OC I:97 III:96 IV:62. Moadim Uzmanim II:154 155.]

In conclusion, it is best not to travel on the fast. It is also preferable not to prepare for his travel on the fast. If one must prepare, he should limit it to later in the day – at least past *chatzos*, *halachic* midday. One who does travel on the fast breaks his fast together with those at his point of arrival. If he is in the air at dusk, he should wait until he can no longer see the sun at all, then add at seventy-two minutes.

On the Parsha do not fear them ... Hashem your G-d .. will fight for you, just as He did for you in Egypt .. and in the desert that you saw .. He carried you like a man carries his son the entire route that you have traveled .. [1:29-33] Carries you, in the singular, you traveled, in the plural. They traveled the same route, but the need to be carried was different for each individual, according to his needs. [See Baal Haturim] Had hashem wanted to punish you, he would have put you down among the snakes and scorpions. [Sforno] Apparently, even one who travels through the desert on the ground is being carried by Hashem. Thus, there seems to be no difference between air and ground travel. For both, one needs to offer thanks to Hashem.

Sponsored by Yosef and Adina Shayowitz, for success in their new house, and by Joel and Gail

Ungar for the *bar-mitzvah* of Ben.

Sponsored by Frank Lieberman and Beverly Barkon, in memory of her father, Moshe ben

Asher z"l, whose *yahrzeit* is the 10th of Av. ☞

© Rabbi Shimon Silver, July 2010.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com