

A Discussion on the Three Weeks – בין המצרים

By Rabbi Doniel Neustadt
For final rulings, consult your Rav.

איכה | יְשֻׁבָה בְּיָד... לעילוי נשמת

The 17th Day of Tammuz

The *Talmud*¹ tells us that only one who has properly mourned the Temple's destruction will merit seeing it's rebuilding. Accordingly, the Rabbis established the three-week period between the fast of the Seventeenth of Tammuz and Tisha B'Av, known as *Bein ha-Metzarim*,² as a period of mourning over the destruction of the two *Batei Mikdash*. To create an atmosphere of mourning, they restricted certain activities that are normally permitted. It is important, therefore, to become more knowledgeable about the exact nature of those prohibited activities.

We will start out with a review the laws of the fast day known as *Shiva Assar b'Tammuz* – the Seventeenth Day of *Tammuz*.³ When the fast day falls on Shabbos, the fast is 'pushed' off a day. Therefore, those years when it is 'pushed' off to Sunday, all references below to the Seventeenth Day actually refer to the Eighteenth Day of Tammuz.

The fast begins 72 minutes before sunrise (*alos amud ha-shachar*)⁴ and ends 50 minutes after sunset (*tzeis ha-kochavim*). Sunrise and sunset times are calculated by various government agencies and are readily available to the general public.

Food and drink may be consumed any time during the night of the 17th – but only if one remains awake all night.⁵ Once a person retires for the evening, the fast begins. Because people do not normally eat until breakfast the following morning – which is well past *alos amud ha-shachar*. Therefore going to sleep the

¹*Taanis* 31b, quoted in *Shulchan Aruch O. C.* 554:25.

²This is the custom of the *Ashkenazi* community, as recorded by *Rama O. C.* 551:4. *Sephardic* communities have different customs.

³**Note:** different fast days have slightly different Halachos. Here we are discussing the 17th of Tammuz **only**.

⁴Some calendars list *alos amud ha-shachar* as 50 minutes before sunrise. There is no halachic basis for this calculation.

⁵A *baal nefesh* should begin the fast before nightfall of the 17th; *Sha'ar ha-Tziyun* 550:9. See also *Sha'ar ha-Tziyun* 565:8.

⁶Some authorities maintain that it is improper to eat more than one normally does on the night before the fast, since that defeats the purpose of fasting (*Eliyahu Rabbah* 563:1). This stringency is quoted by some *poskim* but omitted by the *Mishna Berurah* and many others (see *Be'er Heitev* 568:22; *Aishel Avrohom Tanina*, *ibid.*; *Elef ha-Magen* 602:6; *Kaf ha-Chayim* 563:11; *Igros Moshe* *O. C.* 3:88; *b'Tzeil ha-Chochmah* 2:48).

לעילוי נשמת

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evening before is tantamount to starting the fast. Consequently:

- Unless one explicitly states⁷ before going to sleep that he plans to wake up early to eat before the fast begins, he may not eat in the morning upon awakening, even before *alos amud ha-shachar*. For him, the fast has already begun.⁸
- One who normally drinks coffee, juice, etc., in the morning upon arising, does not need to stipulate that he will drink this morning as well. One who normally does not drink anything in the morning should stipulate before retiring that he is planning to get up in the morning to drink. *B'dieved*, if he failed to do so, he may drink nevertheless.⁹
- "Going to sleep" means deep sleep, whether in a bed or not. Napping or dozing does not mean that the individual has finished eating and begun the fast.¹⁰

Although, as stated, it is permitted to eat before *alos amud ha-shachar* if one intended to do so the evening before the fast, one who eats then must contend with another halachic issue – the strict prohibition against eating before *davening Shacharis*.¹¹ The rules

⁷It is preferable to do so verbally, but it is valid as long as one had the condition in mind.

⁸*O. C.* 564:1. One who did not know this halacha and ate in the morning without having made the stipulation the night before, may still recite *aneinu* (*Shevet ha-Kehasi* 1:180).

⁹*Mishna Berurah* 564:6 and *Aruch ha-Shulchan* 564:2 based on *Rama*, *ibid.* See, however, *Mateh Ephraim* 206:6, who is more stringent.

¹⁰*Mishna Berurah* 564:3.

¹¹*O. C.* 89:3. According to the *Minchas Chinuch* (248), this may be a Biblical prohibition.

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are as follows:

- According to the *Zohar*,¹² one who wakes up at any time during the night (after midnight) may not eat before *davening* – even though the time of *davening* is several hours off. Although there are special individuals who abide by the *Zohar*,¹³ the basic halacha is not as stated in the *Zohar* and the prohibition does not begin until the earliest time for *davening*, which is *alos amud ha-shachar*.¹⁴
- As stated, it is permitted to eat until *alos amud ha-shachar*. However, one who did not begin to eat until he was within half an hour of *alos amud ha-shachar* must do one of the following:¹⁵
 - Limit his food intake: Eat fruit (any amount),¹⁶ eat any *shehakol* type of food but without being *kovei'a seudah* (eating a regular, scheduled meal),¹⁷ or eat less than 2.2 fl. oz. (65ml) of bread, cake, cereal, etc.¹⁸ All drinks, except intoxicating beverages, are permitted in any amount.¹⁹
 - Eat any kind and any amount of food, but appoint another person to remind him to recite *Kerias Shema* and *Shemoneh Esrei*.²⁰

Once *alos amud ha-shachar* arrives, it is questionable if it is permitted to go back to sleep before *davening*. If he does go back to sleep, he should appoint another person to wake him up for *davening*.²¹ A reliable alarm clock may also be sufficient.

Fast-day activities

Although it is permitted to bathe on a fast day, it has become customary not to take a hot shower or bath.²² It is also proper for adults to refrain from swimming,²³ unless it is needed for a medical condition or to cool off on a hot day.

It is permitted to take a haircut on a fast day. A

baal nefesh, though, should refrain from doing so.²⁴

The *poskim* differ as to whether it is permitted to rinse one's mouth with water on the 17th of *Tammuz*.²⁵ Some permit rinsing the front part of the mouth, taking care that no water enters the throat area,²⁶ while other *poskim* allow this only when in distress (*tza'ar*).²⁷ According to the second view, then, one may not schedule a fast-day visit to a dentist (which will require him to rinse his mouth) unless he is in pain.²⁸

Medications prescribed by a doctor may be taken on the 17th of *Tammuz*. One who has difficulty swallowing pills without water may drink the amount of water required to swallow them. There is no need to ruin the taste of the water before drinking it.²⁹

When suffering from a severe headache or discomfort aspirin or non-proscribed medication may be taken. However the *poskim*, do not permit taking those medications with water, unless the water is first made to have a bad taste.³⁰

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Haircutting and Shaving

There are four forbidden activities for men and women, which are specific to the Three-Week period:

- 1) Taking a haircut or a shave
- 2) Getting married or participating in a wedding
- 3) Listening to music and dancing
- 4) Reciting *shehecheyanu*

Important Note: The Three Weeks period includes another period of mourning, called the **Nine Days**. The halachos for those days – from Rosh Chodesh Av through midday of the tenth of Av – referred to as the **Nine Days** – are more restrictive in several areas and we will address them after this section.

¹²Quoted by the *Magen Avrohom* 89:14 and by all the latter *poskim*.

¹³*Aruch ha-Shulchan* 89:26.

¹⁴Consensus of all the *poskim*; see *Mishna Berurah* 89:28; *Aruch ha-Shulchan* 89:26; *Yalkut Yosef*, pg. 147.

¹⁵Women are exempt from the following rules (Horav S. Z. Auerbach, written responsum published in *Lev Avrohom*, vol. 2, pg. 20).

¹⁶Based on *Mishna Berurah* 232:34 and 286:9.

¹⁷Based on *Mishna Berurah* 639:15.

¹⁸*Mishna Berurah* 89:27.

¹⁹Based on *Mishna Berurah* 232:35.

²⁰Based on *Mishna Berurah* 235:18.

²¹See *Siddur ha-Gra*, pg. 88, quoting Horav Y. L. Diskin and *Binyan Olam* 1. See *Siyach Halacha*, pg. 149.

²²*Sha'ar ha-Tziyun* 550:8; *Aruch ha-Shulchan* 550:3.

²³*Be'er Moshe* 3:77; Horav M. Feinstein (oral ruling quoted in *Mo'adei Yeshurun*, pg. 108). Minors, however, may swim; *Nitei Gavriel*, pg. 34 quoting Puppa Rav. See Hebrew Notes, pg. 565-569, for an elaboration.

²⁴*Tzitz Eliezer* 7:49-12. See Hebrew Notes, pg. 565-569, for a clarification of this issue.

²⁵*O. C.* 567:3.

²⁶*Aruch ha-Shulchan* 567:3 This seems to be the view of *Be'er Heitev* 567:5 and *Da'as Torah* 567:3 as well. See also *Magen Avrohom*, who allows rinsing the mouth as long as less than 3.3 fl. oz. (97.6 ml) of water are used at a time.

²⁷*Mishna Berurah* 567:11 following the view of the *Chayei Adam*. *Kaf ha-Chayim* 567:13-14 also rules stringently.

²⁸*Nishmas Avrohom O. C.*, pg. 290.

²⁹Horav S. Z. Auerbach (quoted in *Nishmas Avrohom*, vol. 5, pg. 46). This is permitted on *Tisha B'Av* as well, *ibid.*; Horav M. Stern (Debreiner Rav, written responsum in *Nitei Gavriel, Bein ha-Metzarim*, pg. 30).

³⁰See *Nishmas Avrohom O. C.*, pg. 282, concerning *Tisha B'Av*.

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CUTTING HAIR

When is it permitted? When is it prohibited?

- 1) It is permitted to trim a moustache that interferes with eating.³¹
- 2) It is permitted to pluck one's eyebrows or eyelashes.³²
- 3) Married women may cut hair that is protruding from their head covering.³³
- 4) It is permitted to comb one's hair even though some hair will get torn out while combing.³⁴
- 5) Nail cutting is permitted.³⁵
- 6) It is permitted to shave if one's employer insists upon it.³⁶ But if one's job is not at stake, though he may be ridiculed, it is forbidden to shave.³⁷
- 7) A mourner who completed his mourning period during the Three Weeks, may take a haircut and a shave.³⁸
- 8) The prohibition of hair-cutting applies even to small children under the age of *chinuch*.³⁹ Thus if an *upsheren* falls during the Three Weeks, it should either be moved up or postponed.⁴⁰
- 9) When absolutely necessary, some *poskim* permit taking a haircut or a shave on the evening and night of the 17th of *Tammuz*.⁴¹
- 10) There are *poskim* who support the custom of those who shave on *erev Shabbos*,⁴² but this is not the

³¹O.C. 551:13.

³²*Bein Pesach l'Shavuos*, pg. 241, quoting an oral ruling from Harav S. Z. Auerbach and Harav S. Wosner.

³³*Mishnah Berurah* 551:79. When necessary, women may shave their legs; Harav M. Feinstein (*Ohalei Yeshurun*, pg. 9). See also *Igros Moshe Y.D.* 2:137 where he allows women to take haircuts when necessary during the Three Weeks. Also when necessary, a girl of marriageable age may take a haircut; Harav S. Z. Auerbach (*Halichos Beisah*, pg. 371).

³⁴*Mishnah Berurah* 551:20.

³⁵*Kitzur Shulchan Aruch* 122:5.

³⁶*Igros Moshe O.C.* 4:102; *She'arim Metzuyanim b'Halacha* 122:5.

³⁷*Igros Moshe C.M.* 1:93.

³⁸*Mishnah Berurah* 551:87.

³⁹*Sha'ar ha-Tziyun* 551:91. *Aruch ha-Shulchan* 551:31, however, seems to hold that only children above the age of *chinuch* are prohibited to take a haircut. See also *Igros Moshe Y.D.* 1:224 who agrees with this opinion.

⁴⁰*Mishnas Yaakov O.C.* 551 quoting Harav Y.Y. Teitelbaum (Satmar Rav).

⁴¹*Igros Moshe O.C.* 4:112-2; *She'arim Metzuyanim b'Halacha* 122:1; *Shraga ha-Meir* 2:13. Others do not agree with this leniency.

⁴²*Kaf ha-Chayim* 551:66. See also *Beir Halacha* 551:3, quoting

custom today in most communities.⁴³

- 11) On the day of a baby's *bris*,⁴⁴ the father, the *sandek* and the *mohel* may take a haircut.⁴⁵

WEDDINGS

When are they permitted?

When are they prohibited?

- 1) A wedding may be held on the evening before the 17th of *Tammuz* if no other date is feasible.⁴⁶
- 2) Engagements are permitted and may even be celebrated with a party or a meal.⁴⁷

MUSIC

When is it permitted? When is it prohibited?

- 1) A professional musician or one who is learning to play professionally, may play music during the Three Weeks.⁴⁸
- 2) Listening to music is prohibited, whether it is live, broadcast on the radio or taped.⁴⁹
- 3) Programs or other occasions where the musical accompaniment is incidental to the main event may be attended or viewed.⁵⁰
- 4) Children who are old enough to understand about the destruction of the *Beis ha-Mikdash* may not listen to music.⁵¹ Several *poskim*, however, permit a child to practice his musical instrument.⁵²
- 5) Singing in praise of Hashem at a *seudas mitzvah*, without musical accompaniment, is permitted.⁵³

R' Akiva Eiger.

⁴³*Shemiras Shabbos K'hilchasah* 42:52.

⁴⁴Or the evening before, *Mishnah Berurah* 493:13. If the *bris* is on Shabbos, it is permitted to take a haircut on Friday, *ibid*. If the *bris* is on Sunday, most *poskim* do not permit taking a haircut on Friday; see *Kaf ha-Chayim* 493:36.

⁴⁵*Kitzur Shulchan Aruch* 122:15; *Sha'ar ha-Tziyun* 551:4, quoting *Chasam Sofer*; *Kaf ha-Chayim* 551:10; *Pischei Teshuvah* 551:1; *She'arim Metzuyanim b'Halacha* 122:16. See, however, *Be'er Heitev* 551:3, who is stringent.

⁴⁶*Igros Moshe O.C.* 1:168. Other *poskim* are more stringent; see *Tzitz Eliezer* 10:26.

⁴⁷*Mishnah Berurah* 551:19 and *Sha'ar ha-Tziyun* 26.

⁴⁸*Beir Halacha* 551:2; *Igros Moshe O.C.* 3:87

⁴⁹*Igros Moshe O.C.* 1:166; 3:87; *Minchas Yitzchok* 1:111; *Yechaveh Da'as* 3:30.

⁵⁰Harav M. Feinstein (quoted in *Ohalei Yeshurun*, pg. 128).

⁵¹*Igros Moshe O.C.* 4:21-4.

⁵²See *She'arim Metzuyanim b'Halacha* 122:2 and *Ohalei Yeshurun*, pg. 128.

⁵³Harav M. Feinstein (*Ohalei Yeshurun*, pg. 128). Harav S. Z. Auerbach (quoted in *Bein Pesach l'Shavuos*, pg. 285); *Yechaveh Da'as* 6:34.

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SHEHECHEYANU

When is it permitted? When is it prohibited⁵⁴?

- 1) On Shabbos it is permitted to recite *shehecheyanu*.⁵⁵
- 2) On *Rosh Chodesh Av* it is permitted to recite *shehecheyanu*⁵⁶ over new fruit.⁵⁷
- 3) A new fruit that will not be available after the Three Weeks may be eaten and a *shehecheyanu* recited.⁵⁸
- 4) A *shehecheyanu* is recited at a *pidyon ha-ben*⁵⁹ and upon seeing one's newborn daughter.⁶⁰
- 5) A *shehecheyanu* may be recited if by mistake the *Borei pri ha-eitz* was already said over a new fruit.⁶¹
- 6) The blessing of *ha-Tov v'ha-Meitiv* may be said during the Three Weeks.
- 7) Since it is prohibited to recite *shehecheyanu*, it is also prohibited to buy any item that normally requires *shehecheyanu* to be recited. It is forbidden, therefore, to buy a new car for personal use during the Three Weeks. It is permitted, however, to buy a car for business use (and recite the *shehecheyanu* after the Three Weeks) or for the benefit of the family (since in that case *ha-Tov v'ha-Meitiv* is recited instead of *shehecheyanu*).⁶²

It is forbidden to buy or wear clothing which normally would require a *shehecheyanu* to be recited.⁶³ Clothes that require alteration may be bought during the Three Weeks and altered after the Three Weeks are over.⁶⁴



Question: *In some communities it has become customary to shave or trim one's beard on erev Shabbos during the Three Weeks in honour of Shabbos. Is there an halachic source for this leniency?*

⁵⁴Not all *poskim* prohibit reciting *shehecheyanu* during the Three Weeks and some conduct themselves according to that view; see *Aruch ha-Shulchan* 551:38. Our discussion here is based on the view of the *Mishnah Berurah*, who is stringent, and this has become the custom of the majority of people.

⁵⁵*Mishnah Berurah* 551:98. *Bein Pesach l'Shavuos*, pg. 293, quotes *Teshuvos Riva* that this is permitted only on Shabbos itself, but new clothing may not be worn for the *Minchah* service on *erev Shabbos*.

⁵⁶*Sha'ar ha-Tziyun* 551:99.

⁵⁷*Halichos Beisah*, pg. 371, since clothing may not be bought during the Nine Days.

⁵⁸*Rama O.C.* 551:17.

⁵⁹*O.C.* 551:17.

⁶⁰*Nitei Gavriel*, pg. 35.

⁶¹*Birkei Yosef* 555:12.

⁶²*Igros Moshe O.C.* 3:80.

⁶³*Mishnah Berurah* 551:45; *Igros Moshe O.C.* 3:80.

⁶⁴*Kaf ha-Chayim* 551:88.

Discussion: Yes, there is. It is based on the ruling of the *Shulchan Aruch*⁶⁵ that permits laundering (during the Nine Days) for Shabbos if one has no other garments to wear. *Magen Avrohom*, quoted by all later authorities and the *Mishnah Berurah*, wonders why a similar leniency does not exist concerning haircutting as well. He answers that haircutting is not permitted for Shabbos since people do not take a haircut every week, while everyone needs clean clothing every week. Thus the Rabbis allowed laundering for Shabbos under certain circumstances but did not allow haircutting.

Based on this *Magen Avrohom* it may be argued⁶⁶ that this restriction applies only to taking a haircut but not to shaving. Most men shave several times a week or even daily, so that shaving is comparable to laundering, not to haircutting. Accordingly, it would be permitted to shave on *Erev Shabbos* and possibly this is the source for those who do so.⁶⁷ While those who have this custom are permitted to rely upon it,⁶⁸ most communities did not accept this leniency.⁶⁹ As in all established customs one should not deviate from his traditional custom.



Question: *Many people involved in the business, academic or professional world shave or trim their beards throughout the Three-Weeks. Is that allowed?*

Discussion: While *Shulchan Aruch* and *Mishnah Berurah* do not mention such a leniency, it is mentioned by several contemporary *poskim*.⁷⁰ *Horav M. Feinstein*⁷¹ rules that the custom not to shave during the Three Weeks does not apply to situations where a monetary loss would result. Accordingly, if one would incur a loss by not shaving, he may shave. *Horav Feinstein* writes that this leniency does not apply to the week of *Tisha B'Av* itself where it would be prohibited to shave even if a monetary loss would be sustained.

⁶⁵*Rama O. C.* 551:3.

⁶⁶See *Teshuvos Chasom Sofer (Y. D. 348)* who advances this argument.

⁶⁷*She'arim Metzuyanim b'Halacha* 122:5. See also *R' Akiva Eiger* and *Beur Halacha* (551:3) who quote the view of *Tosfos* which even allows haircutting in honour of Shabbos, just as laundering is permitted.

⁶⁸*Kaf ha-Chayim* 551:66.

⁶⁹*Shemiras Shabbos K'hilchasah* 42:52. One of the reasons suggested is that most people who rely on this leniency are not really doing so for the sake of honouring the Shabbos but for their own sake. (*Teshuvos Sha'ar ha-Zekeinim*, quoted by *Pischei Teshuvah* and *Kaf ha-Chayim*, *ibid.*).

⁷⁰A possible source is *Chasom Sofer (O. C. 158)* who discusses permitting a mourner who had to attend an important business meeting to take a haircut during *shiva* and *shloshim*.

⁷¹*Igros Moshe O. C. 4:102*. See also *She'arim Metzuyanim b'Halacha* 122:5.

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Horav Feinstein further explains⁷² that shaving is permitted *only* if otherwise a loss would be incurred. If appearing unshaven would merely engender ridicule or would cause one to suffer embarrassment, the leniency does not apply.

Based on Horav Feinstein, the following rules apply:

- ◆ Before one relies on the leniency of shaving during the Three Weeks, he must ascertain whether or not doing so would actually cause him a financial loss. With the relaxed standards of dress prevalent in today's world, it is difficult to find situations where one would actually lose his job or suffer monetary loss if he did not shave. When in doubt, one should discuss his case with a Rav.
- ◆ The leniency applies only to those days or those times when one must attend business meetings or discharge professional obligations, etc. It is not a blanket permit which allows any businessman, academician or professional to shave any time during the Three Weeks. Nowhere is it suggested that since it is permitted for a businessman to shave under extenuating circumstances he may therefore dispense with the prohibition altogether. The prohibition remains in full force; it is lifted only when there is no other choice. Accordingly, a businessman who goes on vacation or is away from his office for several day over the weekend or a legal holiday is not permitted to shave during that time.
- ◆ Some people who became accustomed to shaving during their years of employment continue to do so even upon retirement. This is not permitted.

The Nine Days

Eating Meat and Drinking Wine

The first nine days of the month of Av are known as the **Nine Days**. One of the injunction of this period is the prohibition of eating meat and drinking wine.

Although this prohibition is not clearly mentioned in the *Talmud* as binding halacha, it is an age-old custom which is recorded by many *Rishonim*⁷³ and has become universally accepted. Thus, today it may not be compromised in any way and one who does so is considered a *poreitz geder*, literally a “fence-breaker”.⁷⁴

⁷²*Igros Moshe C. M* 1:93.

⁷³Several reasons for this custom are given: To minimize joyfulness; to mourn the abolishment of the *Korban Tamid* and *Nissuch ha-Yayin*; to mark the loss of the *Even Shesiya* (see *Orchos Chayim, Kol Bo* and *Avudraham*).

⁷⁴O.C 551:11. Most *Sephardim*, too, follow this custom for all of the Nine Days, although some *Sephardim* do not observe it on

The restriction against eating meat and drinking wine begins at sunset (or after *davening Ma'ariv*⁷⁵) on *Rosh Chodesh Av* and ends on midday of the tenth of Av.

All kinds of meat and poultry and their derivatives, even if no meat or poultry is actually visible, e.g. chicken soup, are included. Parve dishes cooked in a utensil used for meat are permitted.⁷⁶ (If a small piece of meat accidentally fell into a parve dish and its taste will not be sensed, the dish may be eaten.⁷⁷)

All wines and grape juices are prohibited. Beer, whiskey and wine-vinegar are permitted.⁷⁸

The restriction applies to men, women and children, even to children who are under the age of *chinuch* and who do not understand the concept of mourning for the destruction of the *Beis ha-Mikdash*.⁷⁹

A child, a pregnant or nursing woman or an elderly or sick person who cannot eat dairy foods or who needs to eat meat for health reasons, may eat meat. If possible, they should limit themselves to meat derivatives or to poultry rather than to actual meat.⁸⁰

On Friday afternoon close to the onset of Shabbos, it is permitted to feed children – who normally eat at that time – the regular meaty Shabbos foods.⁸¹ A woman who needs to taste the Shabbos foods while cooking may do so on Friday afternoon after midday.⁸²

On Shabbos there is no restriction against eating meat or drinking wine even if one began the Shabbos early – any time after *Plag ha-Minchah*. It is forbidden, however, to eat food left over from Shabbos even for *Melava Malka*.⁸³

If, by mistake, one recited a blessing over meat or wine, he should taste a bit so that his blessing will not have been in vain.⁸⁴

Butcher shops may remain open during the Nine

Rosh Chodesh day itself; *Kaf ha-Chayim* 551:125; *Yechaveh Da'as* 1:41.

⁷⁵*Kaf ha-Chayim* 551:122.

⁷⁶*Mishnah Berurah* 551:63. It makes no difference if the parve food is sharp or bland; *Orchos Chayim* 31.

⁷⁷*Sha'ar ha-Tziyun* 551:68. Some *poskim* hold that even *l'chatchilah* it is permitted to put a small amount of meat or wine into a dish if its taste will not be detected.

⁷⁸*Sha'arei Teshuvah* 551:10.

⁷⁹*Mishnah Berurah* 551:70. Some *poskim* allow children under the age of three to eat meat and some allow it up till age 6; *Divrei Yatziv O.C.* 2:236.

⁸⁰*Mishnah Berurah* 551:61,64 and *Sha'ar ha-Tziyun* 69. Most *poskim* hold that an *hataras nedorim* is not required; *Yechaveh Da'as* 1:41.

⁸¹*Igros Moshe O.C.* 4:21-4.

⁸²*Mekor Chayim* 551:9.

⁸³*Igros Moshe O.C.* 4:21-4.

⁸⁴*Sdei Chemed (Bein ha-Metzarim* 1:4).

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Days.⁸⁵ Proprietors of meaty restaurants should consult a Rav.

Meat and wine at a Seudas Mitzvah

The restriction against eating meat and drinking wine is lifted when a *seudas mitzvah* takes place. This includes a *siyum*,⁸⁶ a *bris*⁸⁷ or a *pidyon ha-ben*. Several *poskim* also include a *bar mitzvah* dinner which takes place on the day the boy becomes *bar mitzvah*.⁸⁸

For a *seudas mitzvah* one may invite any man or women who would normally be invited at any other time of the year, e.g., relatives or friends. Thus all campers and staff of a summer camp, both men and women, may join in a public *siyum*.⁸⁹ During the week of *Tisha B'Av*, only a *minyan* of people plus close relatives may partake of meat and wine at a *seudas mitzvah* meal.⁹⁰

There are conflicting opinions about whether or not it is permitted to make a *siyum* specifically in order to partake of meat and wine.⁹¹ While it is preferable to be stringent, one should follow the custom and the directives of his Rav.

Regarding the nature of the text upon which it is permitted to make a *siyum*, the custom follows the halachically preferred option that a *siyum* is made only on a tractate of the *Talmud*, either *Bavli* or *Yerushalmi*. But there are *poskim* who allow a *siyum* to be made upon completing the intensive study of either an entire *Seder* of *Mishnayos* or on an entire book of *Tanach*. Some allow a *siyum* even on three tractates of *Mishnayos* while others allow it even on one.⁹²

L'chatchilah, all the participants should listen to and understand the *siyum* of the tractate as it is being read.⁹³ B'dieved, some *poskim* permit even those who were not present at the *siyum* to eat meat and drink wine

⁸⁵ *Igros Moshe O.C.* 4:112-3.

⁸⁶ Some *poskim* recommend that no *siyum* take place after the sixth of Av (Harav M. Feinstein, *Moadei Yeshurun*, pg. 132).

⁸⁷ Even if it was deferred due to illness, etc.; *Sha'arei Teshuvah* 551:15.

⁸⁸ *Yad Ephraim* 551:31; *Divrei Yatziv* 2:238.

⁸⁹ Harav M. Feinstein and Harav S. Z. Auerbach (quoted in *Nitei Gavriel* 18:7).

⁹⁰ *Mishnah Berurah* 551:77. Some *poskim* hold only a *minyan* – including the relatives – may eat meat or drink wine; *Sha'ar ha-Tziyun* 84.

⁹¹ See *Aruch ha-Shulchan* 551:28 who advises that a *siyum* should not take place at all during the Nine Days, since we cannot properly rejoice and honour the Torah during this time of mourning.

⁹² See the various opinions in *ha-Elef Lecha Shlomo* 386; *Igros Moshe O.C.* 157 and *O.C.* 2:12, *Yabia Omer* 1:26, *Yechaveh Da'as* 1:40 and *B'tzeil ha-Chochmah* 4:99.

⁹³ *Mishnah Berurah* 470:10.

at the *siyum* meal,⁹⁴ while other *poskim* are stringent.⁹⁵

When a *seudas mitzvah* takes place, it is also permitted to drink the wine after *Birkas ha-Mazon*.⁹⁶ But the cup of wine which is usually drunk at a *bris* (or *pidyon ha-ben*) should be given either to a minor or to the mother of the child.⁹⁷

Those who are particular to recite *Havdalah* every week over wine or grape juice should do so during the Nine Days as well,⁹⁸ since this too is permitted, just like it is permitted to drink wine at a *seudas mitzvah*.⁹⁹ In some places it is customary that if a minor¹⁰⁰ is present, he should drink the wine,¹⁰¹ while others allow an adult to drink the *Havdalah* wine.¹⁰²

Those who make *Havdalah* on beer or another *chamar medina* year-round should do so this week as well.¹⁰³

Shopping During the Nine Days

QUESTION: *Is it permitted to go shopping during the Nine Days?*

DISCUSSION: It is forbidden to make a major purchase, such as a car, silver items or furniture during the Nine Days. There are two possible prohibitions involved in such a purchase:

- Purchasing a substantial (*chashuv*) item even **if used** obligates one to recite a *shehecheyanu*¹⁰⁴ and it is improper to recite it throughout the Three Weeks¹⁰⁵ and especially during the Nine Days.¹⁰⁶
- If the car or furniture is for the use and enjoyment of the entire family, in which case *ha-Tov v'ha-Meitiv* is

⁹⁴ *Minchas Yitzchok* 9:45; *Teshuvos v'Hanahgos* 1:300 quoting

Harav Y.Y. Kanievsky who says that it is customary to be lenient in this matter, provided that the participant is sincerely "happy" with the *siyum* taking place. See also the lenient ruling of Harav Y.Y. Fisher concerning a mourner (*Pnei Baruch*, pg. 463). Harav M. Feinstein is also quoted as being lenient (*Moadei Yeshurun*, pg. 132).

⁹⁵ *Ben Ish Chai* 1:96-25; *Chazon Ovadiah*, pg. 99; Harav S.Y.

Eliyashiv (*Siddur Pesach K'hilchaso*, pg. 168).

⁹⁶ *Mishnah Berurah* 551:72.

⁹⁷ Harav S.Y. Eliyashiv (quoted in *Otzar ha-Bris*, pg. 187).

⁹⁸ *Eishel Avrohom* 551; *Chazon Ish* (quoted in *Imrei Yosher*, pg. 4).

⁹⁹ *Mishnah Berurah* 551:67.

¹⁰⁰ The preferred minor for this purpose is a boy beyond the age of *chinuch* but who is not yet old enough to understand the concept of mourning the destruction of the *Beis ha-Mikdash*; *Mishnah Berurah* 551:70. (It is difficult to define the age of such a child.) If such a child is not present, any boy under *bar-mitzvah* age will do.

¹⁰¹ *Rama O.C.* 551:10.

¹⁰² Harav M. Feinstein (*Mo'adei Yeshurun*, pg. 154).

¹⁰³ See *Aruch ha-Shulchan* 551:26.

¹⁰⁴ *O. C.* 223:3.

¹⁰⁵ *O. C.* 551:17.

¹⁰⁶ *Aruch ha-Shulchan* 551:38.

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recited instead of *shehecheyanu*¹⁰⁷ one would be allowed to buy it during the Three Weeks but not during the Nine Days. This is prohibited since it is similar to building or buying a *binyan shel simchah* (loosely translated as building or buying an item for pleasure or joy) which the *Shulchan Aruch*¹⁰⁸ clearly forbids.¹⁰⁹

Shopping for clothing or shoes, even if they are intended for use after the Nine Days¹¹⁰ is prohibited.¹¹¹ Both expensive and inexpensive items (such as socks) are included.¹¹² However if one has no clean shirt for Shabbos he may wear a new shirt.¹¹³

Shopping is permitted for items which;

- a) do not require a *shehecheyanu*;
- b) are not purchases that could be classified as a *binyan shel simchah*; and
- c) are not apparel.

Even when shopping is prohibited, the following leniency apply:

- Only actual buying is prohibited. It is permitted to shop without buying. Window or comparison-shopping is permitted. Returns are permitted. Exchanges may be prohibited.¹¹⁴
- An item that is forbidden to be bought during the Nine Days because of the *shehecheyanu* restriction may be bought during the Nine Days if it requires assembly and if the assembly will be done after the Nine Days. The same rule applies to a utensil that requires immersion. If the immersion will not take place until after the Nine Days, no *shehecheyanu* is said at the time of purchase.¹¹⁵

It is permitted to buy a car or furniture for

¹⁰⁷O. C. 223:5.

¹⁰⁸O. C. 551:2, *Mishna Berurah* 11 and *Sha'ar ha-Tziyun* 13.

¹⁰⁹*Mishna Berurah*, *ibid.* and *Aruch ha-Shulchan* 20 prohibits buying silver items as *binyan shel simchah*. *Igros Moshe O. C.* 3:80 prohibits car buying for the same reason. See also *Nitei Gavriel*, pg. 51, who quotes the Puppa Rav as including furniture as well.

¹¹⁰*Mishna Berurah* 551:49.

¹¹¹*Rama O. C.* 551:7. See also *Mishna Berurah* 45.

¹¹²*Mishna Berurah* 551:45-46.

¹¹³*Beir Halacha* 551:6, according to the explanation of *Igros Moshe O. C.* 3:80. The *poskim* do not mention specifically if one would also be allowed to buy the shirt during the Nine Days.

¹¹⁴Since the shopper is getting a new item in exchange for the old one, it may be considered as if he is buying the item anew. A Rav should be consulted. If the new item requires a *shehecheyanu*, the exchange may definitely not take place during the Nine Days; see *Moadei Yeshurun*, pg. 152, note 31.

¹¹⁵*Mishna Berurah* 223:17 and *Sha'ar ha-Tziyun* 21 quoting R' Akiva Eiger. See also *Vezos ha-Beracha*, pg. 167 quoting Horav C. P. Scheinberg.

business purposes. The *shehecheyanu* should be said after *Tisha B'Av*.¹¹⁶ People in the clothing business may purchase stock during the Nine Days.¹¹⁷

If delaying the purchase will cause one a substantial loss¹¹⁸ or if the item will not be available after *Tisha B'Av*,¹¹⁹ it is permitted to buy the item during the Nine Days.¹²⁰

A bachelor who is getting married after *Tisha B'Av* may buy anything he needs during the Nine Days.¹²¹

One who does not have appropriate shoes to wear on *Tisha B'Av* may buy them during the Nine Days.¹²²

If one will run out of clothing for small children, one may either wash the clothes or buy new clothes.¹²³

Tisha B'Av

The Prohibitions

The ninth day of Av, the day on which both *Batei Mikdash* were destroyed, not only commemorates the destruction of both Temples, but is also a national day of mourning for all of the tragedies and calamities that have befallen the Jewish people. This sorrowful fast day, which culminates the Three Weeks period of mourning, is replete with special halachos. In this discussion, we will attempt to review some of the special restrictions that apply to *Tisha B'Av* as well as the circumstances under which these restrictions do not apply.

Eating and drinking is forbidden. However, eating and drinking is permitted for:

- A person who is sick or an old or weak person who may become ill if he does not eat or drink, even if his illness will not endanger his life.¹²⁴ He may eat

¹¹⁶*Igros Moshe O. C.* 3:80.

¹¹⁷*Mishna Berurah* 551: 11.

¹¹⁸See *Zichron Shlomo, Hilchos Chol ha-Moed*, pg. 94, who quotes Horav M. Feinstein and Horav Y. Kamenetsky who rule that when an item is offered on sale at a substantial reduction and the sale is not likely to occur again in the near future, it is considered a *davar ha-aveid* in regard to *Hilchos Chol ha-Moed*.

¹¹⁹*Ben Ish Chai (Devorim 2)*.

¹²⁰Based on *Mishna Berurah* 551:11 and 13 that permit even a *binyan shel simchah* in order to avoid a loss. There are other *poskim* who prohibit a *binyan shel simchah* even in a case of loss; see *Kaf ha-Chayim* 551:29.

¹²¹*Mishna Berurah* 551:14 and 46. Other *poskim* disagree with this leniency; see *Kaf ha-Chayim* 551:30, 33 and 101.

¹²²*Igros Moshe O. C.* 3:80.

¹²³*O. C.* 551:14 and *Mishnas Yaakov* (quoted in *Piskei Teshuvos*, pg. 83).

¹²⁴*Mishnah Berurah* 554:11. See also *Chayei Adam* 135:2. A mere headache or minor discomfort, however, does not allow one to

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as much food as he usually does,¹²⁵ but he should not indulge himself.

- A woman up to thirty days after giving birth,¹²⁶ even if the baby was stillborn.¹²⁷
- A pregnant women should consult a *Rav* about fasting.¹²⁸
- Boys under the age of 13 and girls under the age of 12.¹²⁹
- A medical condition.¹³⁰ According to some *poskim*, it is permitted to swallow a bit of water along with a prescribed medication if the medicine cannot be swallowed otherwise.¹³¹

Washing any part of the body is forbidden. However, washing is permitted in the case of:

- Dirty or soiled hands or other parts of the body. Any substance or discharge (e.g. a glutinous gel in the eye) may be rinsed off.¹³² (If soap is needed, it may be used.¹³³)
- Awakening in the morning. One may wash *netilas yadayim* three times on each hand¹³⁴ but the water should reach only until the knuckles.¹³⁵ After the

hands are wiped but remain slightly damp, they may be passed over the face or the eyes.¹³⁶

- Washing the hands after using the bathroom and or after touching a part of the body that is normally covered, but the water should reach only until the knuckles.¹³⁷
- Rinsing the mouth, but only in case of great discomfort.¹³⁸ Care must be taken not to swallow the water. Mouthwash should not be used.¹³⁹
- Preparing food.¹⁴⁰ If warm water is necessary, it may be used.¹⁴¹
- Medical needs.¹⁴² Hot water may be used when needed.¹⁴³
- Preparation for davening.¹⁴⁴ Some say that only the tips of the fingers (until the first joint¹⁴⁵) should be washed.¹⁴⁶
- Washing dishes (after midday), if leaving them unwashed will attract insects¹⁴⁷ etc. It is proper not to use warm water.
- Eating bread, for those who are allowed to eat on *Tisha B'Av*. The hands should be washed to the wrists in the usual manner.¹⁴⁸ Several *poskim*

break his fast.

¹²⁵Although some *poskim* (*Maharam Shick O.C.* 289 [see, however, 290]; *Sdei Chemed, Bein ha-Metzarim* 2:3; *Beiur Halacha* 554:6 quoting *Pischei Olam; Marcheshes* 1:14) maintain that one should try to eat less than a *shiur* (like on Yom Kippur), the majority of the *poskim* do not agree; see *Avnei Nezer* 540; *Aruch ha-Shulchan* 554:7; *Kaf ha-Chayim* 554:31 (see, however, 35); Chazon Ish (quoted in *Toras ha-Yoledes* 48 note 9); Harav Y.Z. Soloveitchik (quoted in *Teshuvos v'Hanahgos* 2:261); *Shevet ha-Levi* 4:56; *Tzitz Eliezer* 10:25-16. This is also the custom; *Nitei Gavriel*, pg. 80, quoting Puppa Rav; *Shraga ha-Meir* 1:59.

¹²⁶*Aruch ha-Shulchan* 554:8. Although the *Mishnah Berurah's* view seems to be that from seven days after the birth it is proper to fast, contemporary *poskim* tend to be lenient in their ruling since nowadays women are weak. When in doubt, consult a *Rav*.

¹²⁷*Beiur Halacha* 617:4, quoting *Sdei Chemed*.

¹²⁸See *Halichos Beisah* 25:2 quoting Harav S.Z. Auerbach and *Divrei Yatziv O.C.* 231,232.

¹²⁹Some have the custom that younger children fast for a few hours to accustom themselves to fasting. Not all communities share this custom.

¹³⁰*Kaf ha-Chayim* 554:34.

¹³¹Harav S. Z. Auerbach (*Nishmas Avrohom* 5:46).

¹³²*O.C.* 554:9, 11.

¹³³*Nitei Gavriel*, pg. 82.

¹³⁴Those who usually wash four times (see *Mishnah Berurah* 4:10) may do so on *Tisha B'Av* also; *Kitzur Hilchos Moadim*, pg. 109.

¹³⁵*O.C.* 554:10. One need not be exact (*Orchos Rabbeinu* 2:207,

quoting Chazon Ish).

¹³⁶*Mishnah Berurah* 554:22.

¹³⁷*O.C.* 613:3 and *Mishnah Berurah* 4,5,6. See also *Aruch ha-Shulchan* 6. (See *Kaf ha-Chayim* 554:73 who quotes *Ben Ish Chai* that one who touches shoes, even non-leather ones, should wash his hands.)

¹³⁸*Mishnah Berurah* 567:11; *Minchas Yitzchok* 4:109. *Aruch ha-Shulchan* 567:3 is more stringent.

¹³⁹Because of the prohibition of washing (Harav M. Feinstein, oral ruling quoted in *Halachos of the Three Weeks*, pg. 19).

¹⁴⁰*Mishnah Berurah* 554:19.

¹⁴¹*Kaf ha-Chayim* 554:46.

¹⁴²*Mishnah Berurah* 554:26. A woman who has given birth may wash herself as much as needed (*Aruch ha-Shulchan* 613:9).

¹⁴³*Kaf ha-Chayim* 554:63.

¹⁴⁴*Mishnah Berurah* 554:21.

¹⁴⁵Harav M. Feinstein (oral ruling quoted in *Moadei Yeshurun*, pg. 140).

¹⁴⁶*Sha'arei Teshuvah* 554:9. See also *Aruch ha-Shulchan* 554:10.

¹⁴⁷The *poskim* debate whether it is permissible to wash dishes on *Tisha B'Av*. Clearly, though, if the dirty dishes will attract insects, one may be lenient; see *Pischei Teshuvah* 554:22; *Machazeh Eliyahu* 87; *Moadei Yeshurun*, pg. 140; *Nitei Gavriel*, pg. 83.

¹⁴⁸*She'arim Metzuyananim b'Halacha* 133:16 quoting *Levushei Mordechai Y.D.* 2:11; *Kaf ha-Chayim* 554:53 quoting, *Tosfos Chayim* 155:10; Harav S. Z. Auerbach (*Shemiras Shabbos K'hilchasah* 39, note 101); *Shevet ha-Levi* 8:139.

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mention that one may also wash with *mayim acharonim* if he is always particular to do so.¹⁴⁹

- A baby who is bathed daily.¹⁵⁰
- A bride is allowed to wash her face up to 30 days after her wedding.¹⁵¹

Anointing (i.e., applying oils, creams, etc.) is forbidden. However anointing is permitted in the case of:

- Medical needs. It is permitted, therefore, to apply ointment to a skin rash¹⁵² or to apply a mosquito repellent.¹⁵³
- To prevent a bad odour.¹⁵⁴ Deodorant, therefore, may be applied.¹⁵⁵
- A bride up to 30 days after her wedding.¹⁵⁶

Wearing leather shoes is forbidden. However, leather shoes are permitted in the case of:

- A person who has to walk a long distance over stones or mud, and no other suitable footwear is available.¹⁵⁷
- Medical needs.¹⁵⁸
- Children who are too young to understand about the destruction of the *Batei Mikdash*.¹⁵⁹

Torah study is forbidden. However, Torah may be studied only:

- If the learning pertains to the story of the destruction

of Jerusalem and or the *Batei Mikdash*, e.g. *Eichah*, its *Midrashim* and commentaries; parts of *Yirmiyahu*; *Gittin* 56-58; *Sanhedrin* 104; *Yerushalmi*, end of *Taanis*; Josephus.

- *Sefer Iyov* with commentaries.
- The relevant halachos of *Tisha B'Av* and mourning. In-depth study should be avoided.¹⁶⁰
- *Sifrei Mussar*¹⁶¹ (moralistic instruction and ethics).
- To prepare the Torah reading for either *Shacharis* or *Minchah* of *Tisha B'Av*.¹⁶²
- Several *poskim* permit reciting *Tehillim* for a sick person.¹⁶³

Other prohibitions

- It is prohibited to greet other people (the entire *Tisha B'Av*). Greeting another person, which includes saying “hello”, “good night”, “good morning”, etc.¹⁶⁴, is permitted only if one must respond to a greeting. The response should be uttered in a serious tone.¹⁶⁵
- Sending a gift is permitted only if the recipient is a needy person.¹⁶⁶ It is also prohibited to promise another person to give him a gift.¹⁶⁷
- Sitting on any type of chair is permitted only after midday¹⁶⁸; before that one should sit on the floor or on a low stool.
- Unless it will result in a major and irretrievable loss, business should not be conducted until midday.¹⁶⁹ Many G-d-fearing people do not conduct business on *Tisha B'Av* even after midday.¹⁷⁰

¹⁴⁹*Taharas ha-Shulchan* 557. See, however, *Moadei Yeshurun*, pg. 141.

¹⁵⁰*Chanoch l'Na'ar*, pg. 57.

¹⁵¹*Mishnah Berurah* 554:29.

¹⁵²*O.C.* 554:15.

¹⁵³*Piskei Teshuvos*, pg. 113.

¹⁵⁴*Beur Halacha* 554:15.

¹⁵⁵Harav M. Feinstein (oral ruling quoted in *Moadei Yeshurun*, pg. 141); *Halachos of The Three Weeks*, pg. 22. Note, however, that on Yom Kippur deodorant is prohibited; see *O.C.* 614:1 and *Beur Halacha* 554:15.

¹⁵⁶*Mishnah Berurah* 554:29.

¹⁵⁷*Mishnah Berurah* 554:32.

¹⁵⁸*O.C.* 614:3.

¹⁵⁹See *Chochmas Adam* 152:17, who holds that even children above this age may wear leather shoes. See, however, *Igros Moshe Y.D.* 1:224 who rules that once a child reaches the age of *chinuch*, he is forbidden to wear leather shoes. Many people have the custom that their children do not wear leather shoes even before the age of *chinuch*. See *Sha'ar ha-Tziyun* 551:91 for a possible source.

¹⁶⁰*Mishnah Berurah* 554:4.

¹⁶¹*Tosfos Chayim* on *Chayei Adam* 135:2; *Yabia Omer* 2:26, who quotes the *Meiri*, *Moed Katan* 21a, who allows a mourner to study *seforim* that bring a person to repentance. (Harav C. Kanievsky is quoted (*Rivevos Ephraim* 1:386) as prohibiting studying *seforim* which are based on *pesukim* and words of our Sages.)

¹⁶²*Mishnah Berurah* 554:8.

¹⁶³*Divrei Malkiel* 6:9; Chazon Ish (quoted in *Orchos Rabbeinu* 2:142). *Moadei Yeshurun*, pg. 145 quotes an oral ruling from Harav M. Feinstein as prohibiting it.

¹⁶⁴To bless another person, such as to wish him *mazal tov*, is permitted.

¹⁶⁵*O.C.* 554:20.

¹⁶⁶*Kaf ha-Chayim* 554:91.

¹⁶⁷*Hisorerus Teshuvah* 3:31.

¹⁶⁸*O.C.* 559:3.

¹⁶⁹*O.C.* 554:24.

¹⁷⁰*Chayei Adam* 135:19; *Kitzur Shulchan Aruch* 124:15.

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- Mourners should be consoled after midday only. Under extenuating circumstances, it is permitted to visit a mourner and recite *ha-Makom* even before midday. Other words of comfort should not be said at that time.¹⁷¹

When Tisha B'Av Falls on Shabbos

Many unique *halachos* pertain specifically to *Tisha B'Av* that falls on Shabbos, in which case the fast is postponed until Sunday.

On Shabbos

- If one can keep himself occupied on Shabbos afternoon studying topics which pertain to *Tisha B'Av* or to mourning, he should do so.¹⁷² If he cannot, he may study what he ordinarily does.¹⁷³ It is customary that *Pirkei Avos* is not studied on this Shabbos.¹⁷⁴
- The usual *seudah ha-mafsekes* restrictions do not apply on Shabbos. At the last meal before the fast – which is *Shalosh Seudos* on Shabbos – one may eat meat and drink wine and consume whatever food he desires.¹⁷⁵ One should not, however, specifically say that he is eating in order to have strength for the fast, nor is it permitted to swallow a pill that makes it easier to fast, since he would then be preparing on Shabbos for a weekday.¹⁷⁶
- Eating *Shalosh Seudos* with family members is permissible. Company, however, should be avoided – unless one usually has company for *Shalosh Seudos*.¹⁷⁷ *Birkas ha-Mazon* may be said with a *zimun*.¹⁷⁸ *Zemiros* may be sung, even by one who does not always sing them.¹⁷⁹
- Eating, drinking or washing any part of the body is permitted until sunset only.¹⁸⁰ If one recited *Birkas ha-Mazon* before sunset, he may eat or drink until sunset. No precondition is required.¹⁸¹
- One may sit on a chair until nightfall.¹⁸²
- Since it is not proper to wear Shabbos clothes on *Tisha B'Av*, it is recommended that one change clothes after nightfall, but before *Ma'ariv*.¹⁸³ *Baruch ha-Mavdil* should

be recited before changing into weekday clothes.¹⁸⁴

- No preparations for *Tisha B'Av* may be made until Shabbos is over. *Tisha B'Av* shoes or *Kinos* (unless studied on Shabbos) may not be brought to shul until nightfall, even in an area with an *eiruv*.¹⁸⁵

Motza'ei Shabbos

- Shabbos shoes may not be removed until nightfall. The custom in many places¹⁸⁶ is to remove the shoes after saying *Barechu* at *Ma'ariv*. Others remove their shoes after reciting *Baruch ha-Mavdil* but before *Barechu*, provided that it is already nightfall.¹⁸⁷ This option is advisable when there is large gathering of people (such as a camp) in order to avoid a long break between *Barechu* and *Ma'ariv*.¹⁸⁸
- *Atah chonantanu* is said in *Shemoneh Esrei*. Women must be reminded to recite *Baruch ha-Mavdil* before doing any work.¹⁸⁹
- After *Ma'ariv* but before the reading of *Eichah*, a candle¹⁹⁰ is lit and *Borei me'orei ha-eish* is recited. If one forgot or failed to do so, *Borei me'orei ha-eish* may be recited anytime throughout the night.¹⁹¹
- Customarily, *Borei me'orei ha-eish* is recited by one person for the entire congregation. It is proper, though, that all the listeners sit down while the blessing is recited.¹⁹²
- Preferably, women should listen to *Borei me'orei ha-eish* recited by a man. If they cannot do so, it is recommended that they recite their own blessing over a candle, but they are not obligated to do so.¹⁹³
- Some permit folding the *tallis* as on every *motza'ei Shabbos*¹⁹⁴, while others are stringent.¹⁹⁵
- Dirty dishes from Shabbos should not be washed until Sunday after *chatzos*¹⁹⁶, unless they will attract insects, etc.

On Sunday

- As is the case when the fast is not postponed, a woman who has given birth within the past thirty days need not fast. Because the fast is not actually on the ninth of Av but

very least, this should be done before the reading of *Eichah*.

¹⁸⁴ *Mishnah Berurah* 553:7.

¹⁸⁵ *Shemiras Shabbos K'hilchasah* 28:77.

¹⁸⁶ Based on *Rama* 553:2 as explained in *Salmas Chayim* 1:86.

¹⁸⁷ Harav S. Z. Auerbach (quoted in *Shemiras Shabbos K'hilchasah* 28, note 179); *Yechaveh Da'as* 5:38; *Moadim u'Zemanim* 7:256.

¹⁸⁸ Harav M. Feinstein (oral ruling, quoted in *Halachos of the Three Weeks*, pg. 16).

¹⁸⁹ *Mishnah Berurah* 556:2.

¹⁹⁰ Some light a single candle while others hold two candles together.

¹⁹¹ *Mishnah Berurah* 556:1.

¹⁹² *Beur Halacha* 213:1, since on this night there is no blessing recited over wine which establishes the required *kevius* needed for such blessings.

¹⁹³ See *Beur Halacha* 296:8, *Igros Moshe C.M.* 2:47-2, and *Shemiras Shabbos K'hilchasah* 61, note 69 and 62, note 98 for a discussion on the general issue of whether women are obligated to perform this mitzvah.

¹⁹⁴ *Nitei Gavriel*, pg. 115.

¹⁹⁵ *Luach Devar Yom b'Yomo* quoting the Belzer Rav.

¹⁹⁶ Several *poskim* quoted in *Piskei Teshuvos* 554:21.

¹⁷¹ *Igros Moshe O.C.* 5:20-22.

¹⁷² Chazon Ish (quoted in *Orchos Rabbeinu* 2:136)

¹⁷³ *Mishnah Berurah* 553:10. One may fulfil his obligation of *Shenayim Mikra v'Echad Targum*.

¹⁷⁴ *Rama* 553:2.

¹⁷⁵ *O.C.* 552:10.

¹⁷⁶ *Shemiras Shabbos K'hilchasah* 28:77; *Piskei Teshuvos* 553 note 13.

¹⁷⁷ *Mishnah Berurah* 552:23.

¹⁷⁸ *Ibid*.

¹⁷⁹ *Igros Moshe O.C.* 4:112-1.

¹⁸⁰ *Mishnah Berurah* 552:24 and *Sha'ar ha-Tziyun* 22. See *Chayei Adam* 136:1 and *Kitzur Shulchan Aruch* 125:1 concerning washing.

¹⁸¹ *Sha'ar ha-Tziyun* 553:7.

¹⁸² *Salmas Chayim* 4:4-129 quoted in *Shemiras Shabbos K'hilchasah* 62 note 88.

¹⁸³ Chazon Ish (quoted in *Shemiras Shabbos K'hilchasah* 28 note 178); *Moadim u'Zemanim* 7:256; *Shevet ha-Levi* 7:77. At the

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rather on the tenth, certain leniencies are allowed. Thus, a pregnant or nursing mother need not fast if she will feel the effects of the fast. The same is true for anyone who is slightly sick and would feel unwell if he were to fast.¹⁹⁷

- If a *bris milah* falls on this day, most *poskim*¹⁹⁸ allow the father, *mohel* and *sandak* to eat a *seudas mitzvah* in honour of the *bris* after *Minchah Gedolah*.¹⁹⁹ A minority opinion rules that they should finish their fast.²⁰⁰
- Before breaking a fast because of illness²⁰¹ or to celebrate a *bris milah*²⁰², *Havdalah* should be recited. Many *poskim*²⁰³ hold that wine or grape juice may not be drunk and *Havdalah* should be recited on a *Shehakol* beverage such as beer, coffee, or tea (with or without milk²⁰⁴). Another option is to use wine or grape juice, but have a minor (between the ages of 6 to 9) drink the wine. Other *poskim* allow even an adult to drink the minimum amount²⁰⁵ of wine or grape juice.²⁰⁶
- There are various views among the *poskim* concerning the recitation of *Havdalah* for women who are not fasting (due to illness, pregnancy or nursing).²⁰⁷ The preferred option is that the woman's husband (or another man) should recite *Havdalah*²⁰⁸ and that she or a minor drink the beverage. If that cannot be arranged, most *poskim* allow her to recite her own *Havdalah*.²⁰⁹ If she cannot or will not, there are

- *poskim* who permit her to eat without reciting *Havdalah*.²¹⁰
- Most *poskim* hold that minors do not need to hear or recite *Havdalah* before eating.²¹¹ A minority opinion requires them to do so.²¹²
- One who must eat on *Tisha B'Av* in the morning should *daven* first, without *tefillin* and then eat. If he needs to break his fast after *chatzos*, he should *daven Minchah* with *tefillin* and then eat. If he cannot *daven Minchah* until later in the day, he should still put on *tefillin* before he eats.²¹³

On Sunday night

- After the fast is over, one may not eat until *Havdalah* is recited. Women should hear *Havdalah* from their husbands or a neighbour.²¹⁴ If it is difficult for a woman to wait for *Havdalah*, she may drink before *Havdalah*.²¹⁵ If drinking is not sufficient, some *poskim* allow her to eat without hearing *Havdalah* while others hold that she should make *Havdalah* herself.²¹⁶
- *Havdalah* may be recited over wine or grape juice and it need not be given to a minor to drink.²¹⁷
- Only the blessings of *Borei pri ha-gafen* and *ha-Mavdil* are recited. *Borei me'orei ha-esh* is not recited, even if one forgot to recite that blessing the previous night.²¹⁸
- Taking a haircut, shaving, doing laundry, sewing, bathing and reciting *Shehecheyanu* are permitted immediately after the fast.
- Meat and wine (other than the wine from *Havdalah*) should not be consumed until the next morning.²¹⁹
- Listening to music should be avoided until the next morning.²²⁰

¹⁹⁷ *Beiur Halacha* 559:9. See also *Yechaveh Da'as* 3:40.

¹⁹⁸ *Chayei Adam* 136:7; *Kitzur Shulchan Aruch* 125:8; *Mishnah Berurah* 559:37 and *Sha'ar ha-Tziyun* 39; *Igros Moshe O.C.* 4:69-4; *Yabia Omer* 1:34; *Shemiras Shabbos K'hilchasah* 62:47.

¹⁹⁹ These people, then, should not receive an *aliyah* at *Minchah* (*Mishnah Berurah* 566:20, 21).

²⁰⁰ *Aruch ha-Shulchan* 559:9, based on *Magen Avrohom*; *Kaf ha-Chayim* 559:74; Chazon Ish (quoted by Harav C. Kanievsky in *Tisha B'Av she'chal b'Shabbos* 8, note 48).

²⁰¹ *Sha'arei Teshuvah* 556:1. If all that the sick person needs is a drink of water, *Havdalah* is not recited (*Shevet ha-Levi* 8:129).

²⁰² *Mishnah Berurah* 559:37.

²⁰³ *Kaf ha-Chayim* 556:9; Harav M. Feinstein (oral ruling quoted in *Halachos of the Three Weeks*, pg. 19); *Minchas Yitzchok* 8:30; *Shevet ha-Levi* 7:77.

²⁰⁴ *Tzitz Eliezer* 14:42. Some *poskim* allow orange or apple juice as well.

²⁰⁵ A 'cheek full', approximately 1.6 fl. oz. (47.32 ml). Since, however, *Al ha-gafen* cannot be recited over this amount, this should be followed by eating cake, etc. and the words *al ha-gafen v'al pri ha-gafen* can be added; see pg. 148.

²⁰⁶ Chazon Ish (oral ruling quoted by Harav C. Kanievsky, *Mevakshei Torah*, Sivan 5753); Harav Y.Z. Soloveitchik (quoted in *Peninei Rabbeinu ha-Griz*, pg. 521 and in a written responsum by Harav S.Y. Eliyashiv published in *Mevakshei Torah*, *ibid.*); Harav Y.Y. Kanievsky (*Orchos Rabbeinu* 2:145); *Az Nidberu* 11:48.

²⁰⁷ The issue:

- 1) Women, generally, do not recite their own *Havdalah*, since some *Rishonim* exempt them from *Havdalah* altogether;
- 2) Even men are not required by all *poskim* to recite *Havdalah* before eating on *Motza'ei Tisha B'Av* which falls on a Sunday.

²⁰⁸ The husband, then, does not repeat the *Havdalah* for himself once the fast is over (*Shemiras Shabbos K'hilchasah* 62:48).

²⁰⁹ *Shevet ha-Levi* 8:129; *Shemiras Shabbos K'hilchasah* 62:48; *Az*

Nidberu 11:48; *Moadim u'Zemanim* 7:255.

²¹⁰ *Kinyan Torah* 5:51; *Shraga ha-Meir* 1:59; *Nitei Gavriel*, pg. 164.

²¹¹ Harav Y.Y. Kanievsky (*Orchos Rabbeinu* 2:145); Harav S.Y. Eliyashiv (quoted in *Rivevos Ephraim* 3:371); *Shemiras Shabbos K'hilchasah* 62:45; *Moadim u'Zemanim* 7:255; *Chanoch l'Na'ar* 28:10.

²¹² *Maharil Diskin* 2:5-72; *Divrei Yatziv* 2:243; *Shevet ha-Levi* 7:77.

There are conflicting reports as to what the opinion of Harav M. Feinstein was; see *Children in Halacha*, pg. 190.

²¹³ Entire paragraph based on ruling of Harav S. Z. Auerbach (*Shemiras Shabbos K'hilchasah* 62, note 108 and 115).

²¹⁴ *Minchas Yitzchok* 8:51.

²¹⁵ *Tisha B'Av she'chal b'Yom Alef* 70.

²¹⁶ See *Piskei Teshuvos*, pg. 120 for the various views.

²¹⁷ *Mishnah Berurah* 556:3.

²¹⁸ *Ibid.* 4.

²¹⁹ *Rama* 558:1.

²²⁰ See *Sha'ar ha-Tziyun* 558:4, who is lenient about music for a *seudas mitzvah*.



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Visiting Graves of Tzaddikim: How and Why?

The ancient *minhag Yisroel* of visiting and davening at graves of *tzaddikim* during times of tribulation has many sources in Talmudic literature.²²¹ Indeed, *Shulchan Aruch* records in several places that it is appropriate to do so on certain public fast days in general²²² and on *Tisha B'Av* after midday in particular.²²³ *Erev Rosh Hashanah*, too, is a day when it has become customary to visit graves.²²⁴ But what is the reason for this? How does it help us?²²⁵

The *Talmud*²²⁶ cites two explanations:

- 1) To serve as a reminder of man's immortality so that one repent while he still can;
- 2) To ask the dead to pray for mercy on our behalf.

A practical difference between these two reasons, says the *Talmud*, is whether or not it is appropriate to visit graves of non-Jews (when there are no Jewish graves near by) since even a non-Jew's grave reminds man of his immortality. Nowadays, however, when non-Jews mark their graves with religious symbols, it is no longer appropriate to visit non-Jewish graves even if there are no Jewish graves in the area.²²⁷

The second reason quoted in the *Talmud* – to ask the dead to pray for mercy on our behalf – demands clarification. Many people assume that this means that we are allowed to pray to the dead to ask them to help us. This is a serious mistake and strictly forbidden. One who prays with this intent transgresses the Biblical²²⁸ command of “*You shall not recognise the gods of others in my presence*”.²²⁹ It may also be a violation of the Biblical²³⁰ command against “*one who consults the dead*”.²³¹

If so, what does the *Talmud* mean when it says that we “*ask the dead to beg for mercy on our behalf*”? We find two schools of thought concerning this matter:

- ◆ **Some**²³² hold that it means that it is permitted to speak directly to the dead to ask them to *daven* to Hashem on our behalf. This is similar to the prayers that we find throughout *Selichos* which are addressed to the *malochim*. Although the *malochim* – who are merely G-d's messengers - do not possess the ability to do anything of their own accord, still we may ask them to “deliver” our prayers to Hashem. So, too, it is permitted to address the dead directly and ask them to intercede on our behalf at the heavenly throne.
- ◆ **Others**²³³ strongly disagree and maintain that this, too, is strictly forbidden. In their opinion, addressing a dead person is a violation of “consulting the dead”. What the *Talmud* means by “asking the dead to pray for mercy on our behalf” is that we *daven* directly to Hashem that in the merit of the dead He should have mercy on us. We visit the graves only to remind Hashem of the merits of the holy *tzaddikim* who are interred there.

The practical *halacha* is as follows. Most of the classical *poskim*²³⁴ rule in accordance with the second view. *Mishnah Berurah*²³⁵ also clearly writes: *We visit graves because a cemetery where tzaddikim are interred is a place where prayers are more*

readily answered. But one should not place his trust in the dead. He should just ask Hashem to have mercy on him in the merit of the tzaddikim who are interred here.

But other *poskim* rule that it is permitted to talk to the dead (or to angels) to intercede on our behalf. In a lengthy responsum, *Minchas Elazar*²³⁶ proves from a host of sources throughout the *Talmud* and *Zohar* that not only is this permitted but it is a *mitzvah* to do so.

But as we said before, all opinions - without exception - agree that it is strictly forbidden to *daven* directly to a dead person (or to angel) so that they should help us. The most that is permitted (according to the lenient views) is to ask them to act as our emissaries to Hashem, so that Hashem will look favourably and mercifully upon us.

The visit: proper conduct

Upon entering a cemetery, the blessing of *Asher yatzar eschem badin* is recited.²³⁷ The full text is found in many *siddurim*. This blessing is recited only once within any thirty day period.²³⁸

Before visiting at a grave, one should wash his hands.²³⁹

Upon reaching the grave, one should place his left hand on the marker.²⁴⁰ It is forbidden, though, to lean on it.²⁴¹

Within four amos (7-8 feet or 2-2.5 metres) of a grave:²⁴²

- ◆ The tzitzis strings should be concealed.²⁴³
- ◆ Levity, eating, drinking, greeting a friend or engaging in business is prohibited.²⁴⁴
- ◆ Learning, davening or reciting a blessing is prohibited.²⁴⁵ Many *poskim*, however, hold that it is permitted to recite *Tehillim*²⁴⁶ or the burial *Kaddish*.²⁴⁷

One should be careful not to step on any grave.²⁴⁸

Before taking leave of a grave it is customary to put a stone or some grass on the marker.²⁴⁹

The same grave should not be visited twice in one day.²⁵⁰

Upon leaving the cemetery, it is customary to take some soil and grass from the ground and throw it over one's shoulder.²⁵¹

There are many different reasons for this custom. On *Shabbos*, *Yom Tov* and *Chol ha-Moed* this may not be done.²⁵²

After leaving a cemetery and before entering one's home²⁵³ or another person's home,²⁵⁴ one should wash his hands three times from a vessel, alternating between the right and left hands.²⁵⁵ There are different customs concerning the method of washing:²⁵⁶

- ◆ The water should drain into the ground and not collect in a puddle.
- ◆ After washing, any water that remains in the vessel is poured out. The vessel is turned upside down and placed on the ground, not handed to the next person.²⁵⁷
- ◆ Some let their hands air dry and do not use a towel.²⁵⁸
- ◆ Some wash their face as well.²⁵⁹



²²¹Yosef cried at his mother's grave before going to Egypt (*Sefer ha-Yashur*). Before being exiled, the Jewish people wept at *Kever Rochel* (*Rashi*, *Vayechi* 48:7); Calev prayed at *Meoras ha-Machpelah* before confronting the *meraglim* (*Sotah* 34b). See also *Taanis* 23b.

²²²O. C. 579:3.

²²³*Rama* O. C. 559:10.

²²⁴*Rama* O. C. 581:4. Some go on *Erev Yom Kippur* as well (*Rama* O. C. 605:1) while others oppose going on that day; *Elef ha-Magen* 605:39 quoting *Ya'avetz*; *Divei Yoel* 99:4.

²²⁵Our discussion focuses on visiting graves on fast days and at other times of strife. Do not confuse this with the custom of visiting graves of parents and other relatives (on their *yahrzeits* and other occasions) whose primary purpose is to elevate the soul of the deceased and to give it “pleasure”.

²²⁶*Taanis* 16a.

²²⁷*Mishnah Berurah* 579:14. See also *Kaf ha-Chayim* 559:81.

²²⁸*Shemos* 20:3.

²²⁹*Sefer ha-Ikarim*, *mamar* 2, quoted in *Gesher ha-Chayim* 2:26.

²³⁰*Shoftim* 18:11.

²³¹*Eliyahu Rabba* 581:4.

²³²See *Shach* (quoted by *Elef ha-Magen* 581:113), *Pri Megadim* O. C. 581:16 and *Mahanam Shick* O. C. 293.

²³³The source for this view among the *Rishonim* is *Teshuvos R' Chaim Paliet* (quoted by the *Bach* and *Shach* Y. D. 179:15) and *Maharil*, *Hilchos Taanis*, (quoted by *Be'er Heitev* O. C. 581:17).

²³⁴Including the *Be'er Heitev*, *Chayei Adam*, *Match Ephraim* and *Kitzur Shulchan Aruch*.

²³⁵581:27.

²³⁶1:68. See also *Gesher ha-Chayim* 2:26 and *Minchas Yitzchok* 8:53.

²³⁷O. C. 224:12. This blessing is recited only at a burial plot that contains at least two graves.

²³⁸*Mishnah Berurah* 224:17.

²³⁹*Mishnah Berurah* 44:2.

²⁴⁰*Kitzur Shulchan Aruch* 128:13. See there also for the text that should be recited at that time.

²⁴¹*Shach* Y. D. 363:3.

²⁴²Note that according to the *Arizal* (quoted by *Mishnah Berurah* 559:41) one should never go within four amos of a grave (except at interment). In *Igeres ha-Gra* he writes that one should never enter a cemetery at all and especially not women. [It is commonly accepted that a woman who is a *widiah* does not go to a cemetery at all (*Mishnah Berurah* 88:7). Under extenuating circumstances a *Rav* should be consulted; see *Beis Boruch on Chayei Adam* 3:38.]

²⁴³*Mishnah Berurah* 23:3. *Tefillin*, too, must be concealed.

²⁴⁴Y. D. 368:1; *Rama* Y. D. 343:2.

²⁴⁵Y. D. 367:3; 368:1.

²⁴⁶*Birkei Yosef* Y. D. 344:17.

²⁴⁷*Gesher ha-Chayim* 1:16-4.

²⁴⁸*Taz*; Y. D. 363:1.

²⁴⁹*Be'er Heitev* O. C. 224:8.

²⁵⁰*Mishnah Berurah* 581:27.

²⁵¹Y. D. 376:4. Some do this only after an interment.

²⁵²O. C. 547:12.

²⁵³*Kaf ha-Chayim* 4:80.

²⁵⁴*Mishnah Berurah* 4:43. It is permitted, however, to enter a shul or another public place before washing; Harav M. Feinstein (*Moadei Yeshurun*, pp. 58).

²⁵⁵*Mishnah Berurah* 4:39.

²⁵⁶Some of these customs do not have an halachic source; they are based on Cabalistic writings and customs.

²⁵⁷*R' Akiva Eiger* (Y. D. 376:4). See *Zichron Meir*, pg. 450.

²⁵⁸Several *poskim* write that this does not apply during the cold winter month when the hands will become chapped; see *Kaf ha-Chayim* 4:78.

²⁵⁹*Mishnah Berurah* 4:42.