

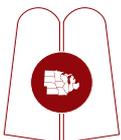
שפה ברורה

*The Halachos of Shiva Asar B'Tamuz,
The Three Weeks, and Tisha B'av*



קונטרס ט' באב נדחה

*The Special Halachos of
Tisha B'Av Nidcheh*



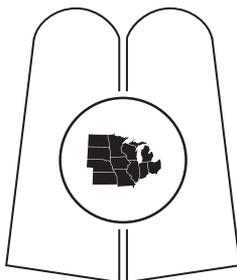
*A Project of the
Midwest Agudas Yisroel
Council of Synagogue Rabbonim*

שפה ברורה

הלכות שבעה עשר בתמוז
בין המצרים ותשעה באב
THE HALACHOS OF SHIVA ASAR B'TAMUZ,
THE THREE WEEKS AND TISHA B'AV



קונטרס ט' באב נדחה
THE SPECIAL HALACHOS
OF TISHA B'AV NIDCHEH



AGUDATH ISRAEL OF ILLINOIS

A project of

MIDWEST AGUDAS YISROEL
COUNCIL OF SYNAGOGUE RABBONIM

This volume has been dedicated
לעילוי נשמת נפתלי אברהם בן בנימין הלוי

Compiled and Written by:

Rabbi Yaakov Robinson

Rav, Beis Medrash Mikor Hachaim, Chicago, IL

Executive Director, Midwest Agudas Yisroel

Council of Synagogue Rabbanim

Reviewed by:

Rabbi Shmuel Fuerst Shlit"א

Dayan, Agudas Yisroel of Illinois

For questions or comments,
please contact (773) 279-8400

Table of Contents

SHIVA ASAR B'TAMUZ

I. Background	1
II. Who Needs to Fast	1
III. Additional Halachos of Fasting	4
IV. Time of the Fast	5
V. Eating Before the Fast	6
VI. Additional Restrictions	7
VII. Hilchos Tefilla and Krias Hatorah	8

THE THREE WEEKS

I. Marriage and Other Joyous Activities	12
II. Haircuts	13
III. Beracha of She'hechyanu	15
IV. Potentially Dangerous Activities	17

THE NINE DAYS

I. Weddings and Festive Meals	20
II. Meat and Wine	20
III. Bathing and Showering	23
IV. Business, Building, and Planting	24
V. Making New Clothing	25
VI. Washing Clothing and Wearing Freshly Washed Clothing	26

TISHA B'AV

I. Background	29
II. Erev Tisha B'Av	30
III. Tisha B'Av Restrictions	31
IV. The 10th of Av	41
V. Tisha B'Av Davening	42

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH	46
--	----

THE HALACHOS OF SHIVA ASAR B'TAMUZ

THESE HALACHOS ONLY APPLY TO SHIVA ASAR B'TAMUZ. THE HALACHOS OF THE OTHER FAST DAYS, PARTICULARLY YOM KIPPUR, VARY FROM WHAT IS WRITTEN ON THESE PAGES

I. Background

Shiva Asar B'Tamuz is a fast day that was established to mourn and learn from the tragedies that took place on that day historically. The Talmud (Taanis 26b) lists five tragedies that have taken place on Shiva Asar B'Tamuz:

1. The first luchos were broken in response to the cheit ha'egel (sin of the Golden Calf).
2. The day that the Korban Hatamid (Daily Sacrifice) was stopped during the period of the First Beis Hamikdash (Temple).
3. The walls of Yerushalayim were breached leading to the destruction of the Beis Hamikdash three weeks later.
4. Apostomus publicly burned a Sefer Torah during the period of the second Beis Hamikdash.
5. An idol was placed in the Beis Hamikdash.

II. Who Needs to Fast

A. Adults - All men and women above the age of *bar* and *bas mitzvah* have an obligation to fast on Shiva Asar B'Tamuz.

THE HALACHOS OF SHIVA ASAR B'TAMUZ

B. Children - Children, even those who have reached the age of chinuch, have no obligation to fast on Shiva Asar B'Tamuz. Older children who are still under the age of bar and bas mitzvah should be instructed to eat more simple foods and to avoid treats.

C. Exceptions-

1. IMPORTANT NOTES -

- a. This section is only intended to provide general guidelines for who may be exempt from fasting. Each individual *shaila* should be presented to a Rav.
- b. On a year that Shiva Asar B'Tammuz falls out on Shabbos and the observance of the fast is *nidcheh* (pushed) to Sunday, the halachos of who needs to fast are more lenient. A Rav should be consulted.
- c. One's health is of primary concern. If an individual receives a psak that he does not have to fast because of medical reasons, he specifically should not fast. There is no benefit of pushing himself to fast anyways.

2. Sick and Elderly -

a. Sick -

- i. If one falls into the category of being a *choleh she'ain bo sakana*, he should not fast on Shiva Asar B'Tamuz. Therefore, if one is not feeling well on or before the *taanis*, he should discuss with his Rav if he falls into this category. Normal weakness from fasting does not count as being a *choleh*.
- ii. If one is not currently sick, but may become sick by fasting, he should discuss his situation with a Rav. Depending on the details, he may not be obligated to fast at all or he may be instructed to avoid breaking his

THE HALACHOS OF SHIVA ASAR B'TAMUZ

fast completely by only eating small amounts divided by intervals of time (*pachos pachos mi'kishiur*- less than an ounce per every 9 minutes).

- iii. An individual who only needs to drink to maintain his health, but it is not necessary for him to eat, should only drink and not eat on the *taanis*.
 - b. **Elderly** - An elderly person whose doctor is of the opinion that fasting will be detrimental to his health, should not fast on Shiva Asar B'Tamuz.
3. **Pregnant and Nursing** -
- a. **Pregnant** - A pregnant woman should discuss with her Rav if she is obligated to fast on Shiva Asar B'Tamuz. The *psak* will depend on what stage of pregnancy she is in, how she is currently feeling and how well she normally fasts.
 - b. **Postpartum and Nursing** -
 - i. **Postpartum** - A woman within thirty days of giving birth is exempt from fasting on Shiva Asar B'Tamuz.
 - ii. **Nursing** - If it is after 30 days from giving birth and the mother is nursing, then she has the same status as a pregnant woman. If she is healthy, but she is concerned that if she fasts she will not have enough milk for the baby, she does not need to fast.

D. Halachos for Individuals not Fasting -

1. **Food Selection** - An individual not fasting on Shiva Asar B'Tamuz should try to limit his diet to simple foods.
2. **Delaying Eating** - Once an individual has been given a *heter* not to fast, he may eat immediately at the beginning of the fast. He does not need to delay eating until later.
3. **Location** - When possible, individuals who will be eating on the fast day should try to eat in private.

THE HALACHOS OF SHIVA ASAR B'TAMUZ

III. Additional Halachos of Fasting

A. Rinsing and Mouthwash -

1. **Mouth Rinsing and Mouthwash** - One should not rinse his mouth on Shiva Asar B'Tamuz. If one is very uncomfortable, he may rinse out his mouth with a small amount of water while leaning over the sink. This will help avoid accidentally swallowing some of the water.
2. **Brushing Teeth** - One should not brush his teeth on Shiva Asar B'Tamuz unless he is very uncomfortable. If one does feel a need to brush his teeth on Shiva Asar B'Tamuz, he should still try to avoid rinsing afterwards with water. But even this is allowed when necessary.

B. Medicine -

1. **Taking Medicine** - An individual who is well enough to fast, but he needs to take certain medications, may ingest any tasteless medicine (liquid, tablet, etc.) on Shiva Asar B'Tamuz. One should consult with a Rav about flavored medicine.
2. **Using Water** - One should ideally swallow the pills without the use of water. If, however, this is too difficult, then a small amount of water (up to one ounce) may be used.

C. Tasting Food - One should not taste food while cooking, even if it will be spit out afterwards.

D. Accidentally Ate - One who accidentally ate something on Shiva Asar B'Tamuz should stop immediately and still finish

THE HALACHOS OF SHIVA ASAR B'TAMUZ

the fast. See below (section VII(A)(1)(d)) for how this person should modify his *tefilla* of Aneinu.

E. Accidentally Made a Beracha - If one accidentally made a *beracha* on a food or drink on Shiva Asar B'Tamuz, he should take a small bite of the food or sip of the drink to avoid it being a *beracha l'vatala*.

IV. Time of the Fast

A. Beginning of the Fast - Shiva Asar B'Tamuz begins at *alos hashachar*. According to some, *alos* is always 72 minutes before sunrise. According to many others, however, *alos* occurs when the sun is 16.1 degrees below the horizon (which in the Summer is significantly earlier).

A. End of the Fast - The fast ends at *tzeis hakocharim*. There are various *minhagim* as to how long after *shkiah* (sunset) this is. One should ideally wait until 50 minutes after *shkiah* to eat. One may rely on this time, even if one normally waits 72 minutes for the end of Shabbos. In a case of need, one may be able to break the fast a bit earlier. A Rav should be consulted.

B. Travelling - The beginning and end of the fast are established by the location that one is currently in, and is not based on how many hours that he actually fasted. Therefore-

THE HALACHOS OF SHIVA ASAR B'TAMUZ

1. Travelling East- If one travels east during a Taanis, his fast will be shorter.
2. Travelling West- If one travels west during a Taanis, his fast will be longer.
3. International Dateline- If one will be crossing the international dateline during a fast day, a Rav should be consulted.

V. Eating Before the Fast

A. Background and Practical Halacha - Going to sleep the night before a fast day may count as the formal acceptance of the fast. Therefore, if one would like to wake up early to eat before the fast, he should specifically make this stipulation in his mind that he plans to wake up to eat. If he intended to wake up before the fast but either did not know that he needed to make a stipulation or he forgot to make one, he may still eat before the fast. If he had no intention to wake up early and he happened to wake up in the middle of the night, he should not eat anything at that point.

B. When Does Eating Need to Stop -

1. Eating a *k'beitzah* (2.2 oz or more) of bread or *pas haba'ah b'kisnin* (bread-like *mezonos* items)- He must stop eating at least 30 minutes before *alos hashachar* (dawn).
2. Eating less than a *k'beitzah* of the above items or other food

THE HALACHOS OF SHIVA ASAR B'TAMUZ

items of any amount- These items may be eaten until *alos*.

C. Slow Release Pills - Some individuals take slow release pain relief medication or caffeine pills before the fast to make the fast easier. If one will find it difficult to fast without taking such pills, it is permissible.

VI. Additional Restrictions

A. Background - There is considerable debate if there are any additional restrictions on Shiva Asar B'Tamuz and other fast days. Unless it is a case of need, where a *shaila* should be asked, one practical approach is as follows-

B. Should Ideally be Avoided - The following activities should ideally be avoided on a fast day:

1. Showering- One should ideally not take a hot shower on a fast day starting at *alos*.
 - a. Washing one's hands and face with hot water are permitted.
 - b. A child may take a hot shower or a bath on a fast day.
 - c. One who swims regularly should ask a *shaila* if he can swim on a fast day.
2. Listening to music (Note- On Shiva Asar B'tamuz, as opposed to the other minor fast days, music is actually prohibited because it is already part of the Three Weeks)

THE HALACHOS OF SHIVA ASAR B'TAMUZ

C. Permissible - All opinions agree that the following activities are completely permissible on a fast day:

1. Wearing leather shoes
2. Using deodorant and lotions
3. Doing laundry and wearing freshly laundered clothes.
4. Saying the beracha of “She’hechyanu”.

VII. Hilchos Tefilla and Krias Hatorah

A. Aneinu - The tefilla “Aneinu” is added into the *beracha* of Shema Koleinu during Mincha on fast days. At Shacharis and Mincha the *shaliach tzibbur* adds Aneinu into *chazaras hashatz* between the *berachos* of “Geulah” and “Refuah”.

1. Who says Aneinu?
 - a. Only individuals who are fasting should say Aneinu.
 - b. One who is still fasting but plans on breaking the fast after Mincha, should still say Aneinu.
 - c. One who only ate *pachos pachos mi’kishiur* (small amounts with intervals) or a little water with medicine may still say Aneinu.
 - d. One who accidentally broke the fast and then remembered and finished the rest of the fast, may still say Aneinu but should replace the words “*b’yom tzom taaniseinu* (our fast)” with “*b’yom tzom ha’taanis hazeh*”.
2. If one forgot to say Aneinu and he already finished Shema Koleinu, he should add it in before the “Yehi L’ratzon” at the end of Shemoneh Esrei. If one forgot to say it altogether, he does not need to repeat Shemoneh Esrei.

THE HALACHOS OF SHIVA ASAR B'TAMUZ

B. Selichos - Selichos are recited on fast days after the *chazzan's* repetition of Shemoneh Esrei during Shacharis.

1. Everyone should say Selichos on a fast day, whether or not they are fasting.
2. An individual who is saying Selichos on his own without a *minyan* may not recite the "Yud Gimmel Middos" normally. They can only be said "*derech kriah.*" Meaning, it should be read with the *trop* or in a style that one normally learns *Chumash*, and the entire *pasuk* until "v'al ribayim" should be read. Individuals should not say the sections (near the end of Selichos) written in Aramaic.
3. If there is a chosson during Sheva Berachos or a bris milah in shul, Selichos should still be said until the words "Harachamim v'haselichos", but Tachanun should be omitted.

C. Avinu Malkeinu - Avinu Malkeinu is added after the *chazzan's* repetition of both Shacharis and Mincha. Avinu Malkeinu should be said even when davening without a minyan.

D. Sim Shalom - At Mincha "Sim Shalom" is said in place of "Shalom Rav".

E. Birchas Kohanim - At Mincha the *chazzan* recites Birchas Kohanim.

F. Krias Hatorah - The *kriah* of "Va'yachel" is read at Shacharis and Mincha on Shiva Asar B'Tamuz.

1. There needs to be at least seven men present who are fasting in order to be obligated in this *kriah*.
2. If it is a Monday or a Thursday Shacharis and there aren't

THE HALACHOS OF SHIVA ASAR B'TAMUZ

seven men who are fasting, the regular *parshas hashavuah* should be read.

G. Individuals not Fasting - An individual who is not fasting should not do the following on Shiva Asar B'Tamuz:

1. He should not be the *shaliach tzibbur*.
2. He should not get an *aliyah*.
 - a. If they called him up, he should still not take the *aliyah*.
 - b. If the only Kohen in the room is not fasting, he should leave the room before the first *aliyah*.
3. He should not be the *baal koreh*.

THE HALACHOS OF THE THREE WEEKS

The Three Weeks

Introduction

There are many *minhagim* of *aveilus* that *Klal Yisroel* practice during this time of the year to mourn the loss of the *Beis Hamikdash*. *M'dinna d'gemara* (primarily), these halachos only start the week of Tisha B'Av (“*shavua she'chal bo*”). This in fact is the minhag of most Sefardim. Minhag Ashkenaz, however, is to start some aspects of mourning earlier, on the 17th of Tamuz. This period (the 17th of Tamuz through Tisha B'Av) is commonly called, “The Three Weeks”.

The *minhagim* of *aveilus* are more lenient during this initial period until the week of Tisha B'Av. One should consult with their Rav if a shaila arises.

In general this should be a period that one focuses extra on the *churban* (destruction) of the *Beis Hamikdash*. Specifically, one should have extra *kavanna* (concentration) during “*U'vnei Yerushalayim*” in the *Birchas Hamazon* and “*V'liyerushalayim*” in *Shemoneh Esrei*.

The Four Minhagim of Aveilus

- I. **Refraining from joyous activities - weddings, singing, dancing, music, etc.**
- II. **No haircuts or shaving.**
- III. **No saying the beracha of “She’hechiyanu”**
- IV. **Refraining from activities that could be dangerous.**

THE HALACHOS OF THE THREE WEEKS

I. Marriage and Other Joyous Activities

A. Weddings and festive gatherings

1. **Weddings** - *M'ikar hadin* (according to the letter of the law) it is permissible to make a wedding during the Three Weeks. However, being that it is a time of bad *mazel*, the *minhag* is to refrain from making a wedding during this period.
2. **Vort (engagement parties)** - are acceptable even with a full meal. Singing is allowed, but no music or dancing.
3. **Bris** - Dancing and singing are allowed at a bris as well as at all other *seudos mitzvah*.
4. **Sheva Berachos** - Dancing is allowed, but with no music.
5. **Bridal Shower** - not permitted unless, for some reason, it cannot wait until after the Three Weeks.
6. **Birthday Parties** - permitted.

B. Music

1. **Halacha** - Music and dancing are not allowed during the Three Weeks.
2. **Recorded music** - Even recorded music is not permitted (including non-instrumental music).
3. **Singing** - one is permitted to sing during this period if it won't lead to dancing.

C. Exceptions

1. **Music not for the sake of listening enjoyment** need not be avoided. For example,
 - a. Elevator and office music.

THE HALACHOS OF THE THREE WEEKS

- b. Exercise music for rhythm.
- c. Crib mobile or car music to calm children.
- d. Teacher dancing with young school children.
- e. A musical ring tone on a phone does not have to be changed.

2. Professional musician

- a. If one's livelihood is to play music for non-Jews or to give music lessons, he may do so until the week of Tisha B'Av.
- b. **Practicing** - If one is practicing for his profession, all agree it is acceptable until the week of Tisha B'Av. If it is not for his profession, R' Moshe Feinstein is of the opinion that it would not be permitted, others disagree.
- c. **Music lessons for children** - permissible until Rosh Chodesh Av.

II. Haircuts

A. Halacha

1. It is not permissible to shave or get a haircut during the Three Weeks.
 - a. **Hair combing** is acceptable even if it will certainly uproot some hair.
 - b. **Cutting nails** is permitted until the week of Tisha B'Av. A woman can cut her nails for the *mikva* even during the week of Tisha B'av.

2. Women

- a. **Hair** - The accepted *minhag* is for women not to cut their

THE HALACHOS OF THE THREE WEEKS

hair during the Three Weeks.

- b. If it is an issue of *tznius* (modesty) or the hair will be a *chatzizah* (barrier) when going to the *mikva*, hair cutting is permitted.
 - c. **Other Areas of the Body** - A woman is allowed to cut or shave all other hair on her body.
 - d. **Shaitel** - Fixing and cutting a shaitel is acceptable until Rosh Chodesh Av.
3. **Children**
- a. The custom is to not give haircuts to children of any age.
 - b. If the child hasn't reached the age of *chinuch* (around 6 years old), it may be permissible in a case of major need. The *shaila* should be brought to a Rav.

B. Exceptions

1. **Baal Habris** (Father of Child, Sandek, and Mohel)
 - a. A *Baal Habris* may shave during the Three Weeks. (It may even be permissible during the week of Tisha B'Av)
 - b. They should shave and get their haircut the morning of the bris (and not the night before) unless it would cause a delay.
2. **Chassan and Kallah** - A *chassan* and *kallah* may get a haircut during the week of *Sheva Berachos*. The *chassan* may shave as well.
3. **Pidyon Haben and Bar Mitzvah** - The father of the child at a *Pidyon Haben* and a *Bar Mitzvah* boy may not take a haircut in honor of the simcha.
4. **For work** - Until the week of Tisha B'Av one is allowed to shave for work in order for him not to incur a loss. If no loss will be incurred, he may not shave even if it is uncomfortable

THE HALACHOS OF THE THREE WEEKS

or embarrassing. If one feels they need to shave during the week of Tisha B'av he should ask a Rav.

5. **Health** - If one needs to shave or get a haircut for health reasons, it would be permissible.
6. **Mustache** - One may shave his mustache if it interferes with eating.
7. **Completion of mourning period** - If one completes *shloshim* (30 day period of mourning after the death of a relative) during the Three Weeks he may shave and get a haircut.

III. Beracha of She'hechyanu

A. Halacha

1. **The Minhag** - Our *minhag* is to not say the *beracha* of "*She'hechyanu*" during the Three Weeks.
2. **Hatov V'hameitiv** - The *beracha* of "*Hatov V'Hameitiv*" may be said during this time.
3. **Non-She'hechyanu purchases** are permitted during this period.
4. **She'hechyanu for a mitzvah** is permissible (ex: *Pidyon Haben*).
5. **Shabbos** - One may say *She'hechyanu* on Shabbos.

A. Examples

1. **Clothing**
 - a. **Suits and Dresses** - if one has the *minhag* to make a *She'hechyanu* on a new suit or dress, these items should

THE HALACHOS OF THE THREE WEEKS

not be purchased during the Three Weeks.

- b. **Shoes** - Rav Moshe Feinstein is of the opinion that shoes should not be purchased - other *poskim* disagree.
- c. **Socks and Underwear** - may be purchased, since no *She'hechyanu* is made.
- d. **Tallis and Tzitzis** - Our *minhag* is to make a *She'hechyanu* on a *tallis* but not on *tzitzis*. Therefore, one should refrain from buying a new *tallis* during this time.
- e. **Shaitel** - should not be purchased during the Three Weeks.

2. New Fruit

- a. One should not buy a new fruit during the week if it will need a *She'hechyanu beracha*. If it will be eaten on Shabbos, it can be bought and the *She'hechyanu* can be said.
- b. If one has purchased or owns a new fruit and it will spoil by Shabbos, he may eat it with the *She'hechyanu beracha*.
- c. If one needs a new fruit for health reasons, he may eat it with the *She'hechyanu beracha*.

3. Buying a New Car

- a. **For pleasure and requires a She'hechyanu** (private car) - not permissible to buy.
- b. **For pleasure and requires Hatov V'Hameitiv** (family car) - permissible to buy.
- c. **For business even if it requires a She'hechyanu** - permissible to buy. Even during the Nine Days it would be permitted, but it would have to be a real need.

4. Buying a New Home

- a. **Looking and inquiring** - is allowed.
- b. **Purchasing or moving in** - is not advisable unless one will lose an opportunity and there is no other option.

THE HALACHOS OF THE THREE WEEKS

IV. Potentially Dangerous Activities

A. Halacha - One should refrain from activities that have a measure of danger to them.

B. Examples -

1. Elective surgery.
2. Swimming in rivers or deep water.
3. Air travel is permitted if it is business related or for necessary purposes. (Going to Eretz Yisroel is always allowed.)

THE HALACHOS OF THE NINE DAYS

The Nine Days

Introduction

“When one enters the month of Av, he should minimize his happiness.” The laws of mourning intensify as we enter the month during which the *Beis Hamikdash* was destroyed.

Additional Halachos

- I. No wine or meat.**
- II. No bathing or showering (for pleasure).**
- III. No making new clothing.**
- IV. No washing clothing or wearing freshly washed clothing.**

Attitude

Even if something is permissible according to the letter of the law, it may not be in the spirit of the Nine Days and should therefore be avoided.

The Nine Days are not a time for frivolity and excessive *simcha*. We are not, however, on a level to be solemn at all times.

When do the Nine Days start?

M'ikar Hadin - Our *minhag* is to start these additional laws of mourning at *shkiyah* (sunset) of Rosh Chodesh Av.

A case of need - Being that many *poskim* hold that these laws don't start until “*tzeis hakochavim*” (the time that three medium size stars are visible in the sky), there is room to be lenient until *tzeis* in a case of need.

THE HALACHOS OF THE NINE DAYS

I. Weddings and Festive Meals

- A. Weddings** - Our minhag is to not have any weddings during the Nine Days, because it is a time of bad mazal.
- B. Vort (Engagement Parties)-**
1. It is permissible to have a vort during the Nine Days.
 2. A festive gathering with a full meal is not permissible, only simple cakes and beverages should be served.

II. Meat and Wine

A. Halacha

1. One should abstain from eating meat or drinking wine during the Nine Days.
 - a. **Chicken and grape juice** - not permissible.
 - b. **Beer and hard liquor** - permissible.
1. **Meat dish without pieces of meat** (ex: clear chicken soup) - not permissible.
2. **Pareve food cooked with meat utensils** - permissible.
3. **Exceptions** - Times that meat and wine may be eaten; Except on shabbos, as a general rule if one is being lenient, it is better to eat chicken than meat.
 - a. During Shabbos (see below).
 - b. Needed for health reasons.

THE HALACHOS OF THE NINE DAYS

- c. One forgot and made a beracha over wine or meat - take a small bite or sip.

B. Children

1. **Halacha** - The accepted *minhag* is not to feed meat to children of any age during the Nine Days. Rav Moshe Feinstein is of the opinion that it is acceptable until six years old.
2. **Exceptions;**
 - a. Needed for health reasons.
 - b. Child doesn't eat a healthy amount of other foods (best to be strict during the week of the Tisha B'Av).
 - c. **Shabbos leftovers** - Some are of the opinion that Shabbos leftovers can be served to children who have not reached the age of *chinuch* (6 years old).

C. Shabbos and Havdalah

1. **Children's fleishig Shabbos seudah (meal) before Shabbos starts** - If one normally feeds their children the Shabbos *seudah* before Shabbos starts, he may do so during the Nine Days.
2. **Tasting Shabbos food** - The Shabbos food may be tasted before Shabbos, however it should then be spit out.
3. **Early Shabbos** - One may start eating meat and drinking wine before *shkiyah* (sunset) if he started Shabbos early.
4. **Melave Malka** - Even if one has a custom to eat meat every week during Melave Malka, he may not do so during the Nine Days.
5. **Leftovers** - *Fleishig* leftovers are not permitted to be eaten during the Nine Days.

THE HALACHOS OF THE NINE DAYS

6. Havdalah

- a. It is permissible to drink wine if it is a mitzvah, and therefore the Shulchan Aruch is of the opinion that one may drink the havdalah wine. The Rama, however, says the custom is to give the wine to a child to drink. The general *minhag* is to be lenient like the Shulchan Aruch.
- b. If someone wants to be *machmir* (stringent) like the Rama, one may only give the wine to a child if he's between the ages of 6-10 years old. If no child is available then he should drink the wine himself, it is not necessary to use beer.
- c. If one always uses wine for *havdalah* he should maintain that custom during the Nine Days. If, however, he sometimes uses grape juice, he should use grape juice during the Nine Days.

D. Seudas Mitzva

1. **Bris and Pidyon Haben** - meat and wine are permissible.
2. **Siyum** - meat and wine are permissible.
 - a. One should not arrange to complete the material specifically during the Nine Days (others are lenient on this matter).
 - b. All guests who would have attended the *siyum* even if it would not have been the Nine Days may eat meat at this *siyum*.

THE HALACHOS OF THE NINE DAYS

III. Bathing and Showering

A. Halacha

1. **Bathing and showering** - Bathing for pleasure is not allowed during the Nine Days.
2. **Washing hands and face** - are permissible in cold water.
3. **Swimming** - not permissible. An Ashkenazi lifeguard in a Sefardi camp that has swimming until the week of Tisha B'av can continue working.
4. **Mikva**
 - a. **Women's Tevillas Mitzvah** - permissible.
 - b. **Men's Tevillas Ezra** - permissible.
 - c. **Erev Shabbos For Men** - not permissible unless one has the custom to use the *mikva* every week.
5. **Children** - If they are less than the age of chinuch (less than 6 years old) swimming is permissible, but it should be avoided whenever possible.

B. During the Week

1. **Bathing for pleasure** - not permissible.
1. **Bathing for Cleanliness.**
 - a. One is allowed to shower or bathe if he is dirty or perspired, but not if he is only uncomfortable.
 - b. Whenever possible, if one does shower during the Nine Days, the water should not be fully hot, he should not remain directly under the shower head, and it should be as quick as possible.
 - c. Soap and shampoo should only be used when needed.

THE HALACHOS OF THE NINE DAYS

C. Erev Shabbos

1. **Rosh Chodesh on Erev Shabbos** - one may take a normal shower with warm water.
2. **Normal Erev Shabbos** - it is only permissible to use hot water to wash one's hand and face. Otherwise, the weekday shower *halachos* apply.
3. **Nowadays** that people are so accustomed to showering often, there are *poskim* who are of the opinion that a normal shower is permissible on a regular Erev Shabbos.

IV. Business, Building, and Planting

A. Business and Purchases

1. **Work** - One may go to work during the Nine Days.
2. **Purchases**
 - a. **Purchase of Simcha** (ex: wedding gifts or items of no need) - should not be purchased unless necessary.
 - b. **Purchase of need** - One may purchase anything that will serve a need (ex: replacing a broken dishwasher or car).
 - c. **Purchase of Mitzvah** - permissible (ex: *sefarim*).
3. **Lawsuits** - Lawsuits should be avoided until after Tisha B'Av. If at all possible, lawsuits should be pushed off until after the entire month of Av. Similarly, one should try to get a continuance on all legal matters until after the entire month of Av.

THE HALACHOS OF THE NINE DAYS

B. Building

1. **Building of Simcha** - It is not permissible to build anything that doesn't serve an immediate need (ex: party room or an unneeded addition).
2. **Building of need** - It is permissible to build to fill a need (ex: needed addition or new roof).
3. **Repairs** - Repairs to save from damage are always permissible.
4. **Building for a Mitzva** - One may build a building that is needed for a mitzvah (ex: Shul, *mikva*, fence on roof, *Beis Me-drash*).
5. **Non-Jewish Contractor** - If one hired a non-Jewish contractor to build or decorate his home, the question should be brought to a competent Rav.

C. Planting

- a. **Planting for pleasure** - not permissible (ex: landscaping).
- b. **Planting for upkeep** - Permissible, but should ideally be done by a non-Jew (ex: pulling weeds or mowing the lawn).

V. Making New Clothing

A. Halacha

1. **Making or buying new clothing** - not permissible (even if it doesn't require a *She'hechyanu beracha*).
2. **Repairing clothing** - permissible (ex: replacing buttons,

THE HALACHOS OF THE NINE DAYS

sewing hem, etc.)

3. **Sewing classes** - not permissible.
4. **Needlepointing** - not permissible, unless it is therapeutic and then it is permissible as long as it is not completed.

B. Exceptions

1. **Need sneakers for Tisha B'av** - permissible (but don't buy very nice ones and they should be worn at least once before Tisha B'av).
2. **Sale** - If there are major savings and the deal will not be available after the Nine Days some poskim allow this purchase.

VI. Washing Clothing and Wearing Freshly Washed Clothing

A. Halacha

1. One should not wash any clothing or wear freshly laundered clothing during the Nine Days.
 - a. It is permissible to put clothes into the washing machine right before the Nine Days and have the machine run during the Nine Days.
 - b. Using a dryer during the Nine Days is permissible.
 - c. If one needs to do laundry during the Nine Days (ex: long vacation right after the Tisha B'Av.), the question should be brought to a competent Rav.
2. **Dry cleaning** - not permissible.

THE HALACHOS OF THE NINE DAYS

- a. **Drop-off pre-Nine Days** - permissible (even if cleaned during the Nine Days).
- b. **Drop-off during the Nine Days** - not permissible (even if it is only needed for after the Nine Days).
- c. **Pick-up during the Nine Days** - not permissible (some poskim are lenient).
3. **Spot cleaning** - permissible, if not cleaning it will cause a permanent stain.
4. **Ironing** - not permissible.
5. **Shampoo carpet cleaning** - not permissible.

B. Which items are included in these prohibitions.

1. **Clothing, Sheets, and Towels** - included.
 - a. One may give fresh linen and towels to a guest.
 - b. A guest in a hotel should request that they not change the linen every day.
 - c. **Hospital** - can provide new linen every day.
2. **“Bigdei Zei’ah”** - clothes that get very dirty;
 - a. **Underwear and socks** - One may wear fresh underwear and socks if there is discomfort.
 - b. **Shirts** - If one is involved in activities that make his shirts filthy (ex: camp counselor) he may wear fresh shirts. Otherwise he may not wear fresh shirts.
3. **Shoes** - polishing is permissible if done in honor of Shabbos.
4. **Shaitel cleaning** - should not be worked on during the Nine Days.

C. Children - It is permissible to give fresh clothing to and

THE HALACHOS OF THE NINE DAYS

wash the clothing of children until the age that they are mature enough not to get their clothing filthy (approx: 8-9 years old).

D. Shabbos

1. **Original Minhag** - The original custom was to not wear Shabbos clothing on Shabbos during the Nine Days.
2. **Current Minhag** - The current custom is to wear Shabbos clothing and freshly washed clothing on this Shabbos. Nevertheless, a brand new suit should not be worn.

E. Clothing Preparation

1. It is permissible to wear clean clothing during the Nine Days if they were pre-worn, before the Nine Days.
 - a. An item is considered pre-worn if it had been worn for at least 5 minutes.
 - b. One may intentionally prepare pre-worn garments by putting them on before the Nine Days begin. Preferably, only one garment should be pre-worn at a time.
 - c. Preparation is needed for sheets and towels as well.
2. If one forgot to prepare enough clothing to last for the Nine Days;
 - a. He should prepare them on Shabbos by changing his clothes often in an inconspicuous way (ex: change Friday night, Shabbos morning, and after the nap on Shabbos afternoon). One should not announce publicly the reason that he is changing his clothing.
 - b. In case of need, an item can be considered pre-worn if it is put onto a *dirty* floor. This tip only works until the week of Tisha B'Av.

THE HALACHOS OF TISHA B'AV

Important Note: Please see the “Hilchos Tisha B’Av Nidcheh” section that is printed in the back of this sefer for the halachos that are specific to when Tisha B’Av is postponed to a Sunday.

I. Background

Tisha B’av is viewed as our national day of mourning to commemorate the tragic events that have occurred on that day, along with other national tragedies. This is evident from many of the Kinnos that are read on Tisha B’av that commemorate events that did not particularly take place on Tisha B’av itself.

Due to the catastrophic nature and background of this day, there are many more prohibitions than on a regular fast day. These halachos will be discussed below.

The Talmud lists five specific tragedies that did occur on Tisha B’av itself:

1. The Meraglim (spies) came back with their negative report about Eretz Yisroel, that led to Klal Yisroel’s despair and the subsequent decree that the Jews of that generation were not allowed to enter Eretz Yisroel.
2. The First Beis Hamikdash was destroyed.
3. The Second Beis Hamikdash was destroyed.
4. The city of Beitar, a Jewish stronghold after the destruction of the Second Beis Hamikdash, was conquered.

THE HALACHOS OF TISHA B'AV

5. The Romans razed Yerushalayim and the area of the Har Habayis (Temple Mount).

II. Erev Tisha B'Av

A. Travelling, Touring and Strolling - Should all be avoided on Erev Tisha B'Av.

1. Exceptions -

- a. Walking for health reasons.
- b. Taking children somewhere to keep them busy.

B. Torah Study - There are limitations as to which Torah material may be learned on Tisha B'Av (see 'Tisha B'Av Restrictions section III F below), these restrictions already start at *chatzos* (halachic midday) on Erev Tisha B'Av. If there is a serious concern that these limitations will lead to *bittul torah*, there is more room for leniency.

C. Seudas Hamafsekes - The final meal that one eats before the fast begins is called the "*Seudas Hamafsekes*".

- 1. Which Food Items Should be Eaten** - It is forbidden to have two cooked items at the *Seudas Hamafsekes*. It is common for people to have a full regular meal a little before the fast and then have a second meal as the *Seudas Hamafsekes* closer to the beginning of the fast. This final meal commonly consists of bread and a hardboiled egg dipped in ash.
- 2. Sitting** - One should sit on the floor or on a chair that is less than three *tefachim* while eating the *Seudas Hamafsekes*.

THE HALACHOS OF TISHA B'AV

3. **Eating with Others** - One should avoid eating the *Seudas Hamafsekes* with other people. One should certainly avoid eating with two other men because that would lead to requiring a *zimun*.
4. **Not Fasting** - Even individuals who will not be fasting should eat a *Seudas Hamafsekes*.
5. **Eating Afterwards** - One may still eat and drink after the *seudas hamafsekes* until *shkiyah*. However, it is advisable to have in mind before *bentching* that he is not accepting the fast yet.

III. Tisha B'Av Restrictions

There are many activities that are prohibited on Tisha B'Av. Some of these restrictions stem from the day's character as a fast day and others from its character as a day of mourning.

The following are the categories of activities that are forbidden:

A. Eating and Drinking - There is a requirement to fast for the entire day of Tisha B'Av, from *shkiah* (sunset) at the beginning until *tzeis hakochavim* (50 minutes after sunset) the following night.

1. Who is Obligated -

a. **Men and Women** - Obligated

b. **Children** - There is technically no obligation for any child below *bar/bas mitzvah* to fast.

i. If it is age appropriate and when possible, the child should postpone breakfast a little, or at least fast

THE HALACHOS OF TISHA B'AV

through the night of Tisha B'Av.

- ii. Any child not fasting should only eat simple foods. It is not in the spirit of the day to give them treats unless there is a special need.
2. **Possible Exceptions** - It is beyond the scope of this work to discuss which individuals are exempt from fasting. Just as a general rule, if one is in any of the following categories, he/she may not be obligated to fast. A competent Rav, in consultation with a physician, should be contacted to decide each case individually -
 - a. Sick
 - b. Elderly
 - c. Pregnant/Nursing/Postpartum
 - d. Other extenuating circumstances
3. **Miscellaneous** -
 - a. **Accidentally Ate** - If one accidentally ate something on Tisha B'Av, he should still finish the fast.
 - b. **Simple Foods** - One who is permitted to eat, should only eat a sufficient amount of simple food items. Delicacies or excessive eating should be avoided.
 - c. **Medication** - In a case of need, one may consume tasteless medicine in any form (liquid, tablet, etc.) to address the illness. One should ideally swallow the pills without the use of water. If, however, this is too difficult, then a very small amount of water may be used.
 - d. **Rinsing Mouth** - One is not permitted to rinse his mouth or use mouthwash on Tisha B'Av. If one is very uncomfortable, he may wash out his mouth with a small amount of water. This should be done leaning over the sink to avoid accidentally swallowing some water.

THE HALACHOS OF TISHA B'AV

- e. **Brushing Teeth** - According to the Mishna Berura, an individual who is extremely uncomfortable may brush his teeth while leaning over the sink. Rav Moshe Feinstein, however, is of the opinion that teeth brushing counts as washing and should not be done at all.
- f. **Bentching** - If one who is not fasting ate enough bread to require *bentching*, he should add '*Nacheim*' into the bentching.

B. Washing - On Tisha B'Av it is generally forbidden for one to wash any part of the body for pleasure. There are, however, many exceptions to this rule.

1. Exceptions -

- a. **Dirty** - One may wash the dirty area.
- b. **Perspiration** - One should only wash himself if he is very uncomfortable.
- c. **Naggel Vasser** - One should wash *naggel vasser* in the morning of Tisha B'Av, BUT the water should only go until the first knuckles (the knuckles where the fingers meet the hand).
 - i. One does not need to be overly cautious that the water does not go at all past the knuckles.
 - ii. If one's *minhag* for *naggel vasser* is to wash each hand four times instead of three, he may maintain this *minhag* on Tisha B'Av.
- d. **Using the Washroom** - One may wash his hands after using the washroom as long as his hands got a little soiled or they touched a normally covered part of the body. If one normally washes each hand three times after using the washroom, he may maintain that *minhag* on Tisha B'Av.

THE HALACHOS OF TISHA B'AV

- e. **Touching Shoes** - If one touched leather shoes on Tisha B'Av, he should wash his entire hand until the first knuckles. If he touched non-leather shoes, he should only wash the part that touched the shoes.
 - f. **Davening** - To prepare for davening, one may wash his hands until the first knuckles.
 - g. **Eating Bread** -
 - i. **Netillas Yadayim** - Individuals who are not fasting and will be eating bread on Tisha B'Av should wash their hands in the normal fashion until the wrist.
 - ii. **Mayim Achronim** - If one always washes *mayim achronim* before *bentching*, he may continue to do so on Tisha B'Av. Others disagree.
 - h. **Food Preparation/Washing Dishes** - When washing dishes or using water to prepare food on Tisha B'Av (preferably after chatzos, see section G below), some *poskim* suggest that it is advisable to wear kitchen gloves.
 - i. **Medical Need** - One may wash any part of the body on Tisha B'Av if there is a genuine medical need to do so.
 - j. **Kallah** - A *kallah* within 30 days after her *chasuna*, may wash her face on Tisha B'Av.
 - k. **Levaya** - If one attended a funeral on Tisha B'Av and was in the same building as the *niftar* or he went to the cemetery, he should wash his hands afterwards.
2. **Miscellaneous** -
- a. **Soap** - In situations that one is permitted to wash, using soap should still be avoided unless it is necessary (see section D below).
 - b. **Intent** - When one is permitted to wash, he should have in mind that he does not intend to enjoy the washing.

THE HALACHOS OF TISHA B'AV

C. Leather Shoes - One is not allowed to wear leather shoes on Tisha B'Av.

1. Extent of the Prohibition -

- a. **Partially Leather Shoes** - If the leather is only decorative and is not for support, it would be permissible to wear the shoes. One can certainly be lenient with children's shoes that have decorative leather.
- b. **Fake Leather** - Most *poskim* are of the opinion that they are permissible and do not pose a problem of *maris ayin*.
- c. **Very Comfortable Shoes** - Technically permissible. There are some *poskim* who discourage wearing shoes that one regularly wears out of the house even when it is not Tisha B'Av.
- d. **Children** - The *minhag* is that children of all ages should not wear leather shoes. If a young child puts leather shoes on himself, an adult does not need to stop him.

2. Exceptions -

- a. **Medical Need** - One may wear leather shoes if there is any medical need to do so.
- b. **Need Extra Support** - If one will be walking in an area that non-leather shoes would not provide enough support, he may wear leather shoes for the times that are necessary.
- c. **To Avoid Mocking** - If one will be mocked at work because of his non-leather shoes, he may wear leather shoes while at work. Nowadays, this leniency should not be necessary because there are many fake-leather or nice non-leather options available.
- d. **Sand in Shoes** - If one is going to wear leather shoes on Tisha B'Av, some sources write that it is admirable to put a little sand or gravel in the bottom of the shoes.

THE HALACHOS OF TISHA B'AV

D. Anointing - One may not anoint himself with any liquid or lotion on Tisha B'Av.

1. **Liquids Included in the Prohibition** - This *halacha* would include not using any oil, cream, moisturizer, deodorant, soap, hair spray, cosmetics, etc.

2. **Exceptions** -

a. **Deodorant** - One may use deodorant on Tisha B'Av to remove or prevent a bad odor, but not to give a good smell. Ideally it should be unscented deodorant.

b. **Medical Need** - One may use any cream or ointment that he needs medically. (Examples- bad sunburn or very chapped lips)

c. **Insect Repellent** - Permissible.

d. **Cover-Up** - Using blush to cover up a blemish is permissible on Tisha B'Av, cosmetics are only forbidden when they are used to enhance one's appearance.

E. Extending Greetings -

1. **Prohibition** - As a sign of mourning, one may not extend a greeting to another person on Tisha B'Av.

a. **Phrases Included** - Phrases such as, "Shalom", "hello", "good morning", or "good night" are not permitted. Parents may say "good night" to their children.

b. **Gifts** - Giving a gift is a form of extending a greeting and should not be done on Tisha B'Av. Sending food to another person is permissible.

c. **Nodding and Waving** - Permissible

2. **Exceptions** -

a. **"Mazel Tov" and "Refuah Shleimah"** - Wishing another person "*Mazel Tov*" or "*Refuah Shleimah*" is permissible on

THE HALACHOS OF TISHA B'AV

Tisha B'Av, because these phrases are *berachos* and not greetings. Nevertheless, it is better to do this in private and not in public.

- b. **Returning a Greeting** - If someone who does not know this *halacha* extends a greeting, the recipient of the greeting may answer back in a slow and serious tone as not to embarrass the greeter. Whenever possible, it should be explained to the greeter that extending greetings is not allowed on Tisha B'Av.
- c. **Inquiring About Others** - Permissible

E. Learning Torah

- 1. **Prohibition** - There is a prohibition to learn most Torah material on Tisha B'Av. The reason behind this *halacha* is that Torah learning inherently brings one to simcha, and this would be a distraction from mourning the loss of the *Beis Hamikdash*.
 - a. **To Whom Does the Prohibition Apply** -
 - i. **Adults** - This prohibition includes all adults.
 - ii. **Children** - Children should not be taught Torah on Tisha B'Av and ideally should not even learn the prohibited portions on their own.
 - b. **Forms of Learning Prohibited** - All forms of learning are prohibited. This includes- reading, writing, listening, speaking, and ideally thinking as well.
 - c. **Recording Chiddushim** - One should not record his own Torah thoughts on Tisha B'Av unless there is a serious concern that they will be forgotten by the time Tisha B'Av is over.
- 2. **Permitted Portions** - One is allowed to learn portions of Torah that remind us of the loss of the *Beis Hamikdash* and the other tragedies that have befallen *Klal Yisroel* throughout

THE HALACHOS OF TISHA B'AV

its history. One may also learn material that will arouse him to improve himself and do *teshuvah*.

a. Tanach Selections -

- i. *Sefer Iyov*
- ii. *Meggilas Eichah*
- iii. *Sefer Yirmiyahu* (The parts related to the churban)
- iv. Tehillim - One may always say Tehillim for a sick person. For general recitation of Tehillim, there are several opinions. Some poskim discourage the recital of a lot of Tehillim on Tisha B'Av, others are more lenient after *chatzos*, and others are more lenient for women.
- v. **Krias Hatorah** - The *tzibbur* may obviously listen to *krias hatorah* on Tisha B'Av. The *baal koreh* may also prepare his leining on Tisha B'Av.
- vi. **Seder Hayom** - Any Tanach selections brought in the *siddur* as part of the normal order of davening may be said on Tisha B'Av.

b. Gemara Selections -

- i. *Gittin* (דף גה:-נה.)
- ii. *Sanhedrin* (דף צו.-ק:)
- iii. *Moed Kattan* (Third perek)

c. Other Selections -

- i. *Hilchos* Tisha B'Av
- ii. Historical accounts of the churban (destruction of the) *Beis Hamikdash* or other destructions
- iii. Holocaust Books
- iv. Stories about *tzaddikim*
- v. *Kinnos*

THE HALACHOS OF TISHA B'AV

vi. *Sifrei Mussar* (*Messilas Yesharim, Orchos Tzaddikim, etc.*)

d. **Miscellaneous** -

i. **In Depth Learning** - Even the permitted selections should not be learned in depth.

ii. **Prohibited Selections in a Permitted Sefer** - Should ideally be skipped.

G. **Working** -

1. **Prohibition** - There is a *minhag* not to do '*melacha*' (defined below) until after *chatzos* on Tisha B'Av. Even after *chatzos* it is appropriate to refrain from activities that will act as a complete distraction from the mourning.

a. **Pious Individuals** - Refrain from working all day.

b. **Good Advice** - If one needs to work on Tisha B'Av, it is advisable to stop on occasion and learn some material related to the day.

c. **Financial Loss** - In a case of potential financial loss, *melacha* may be permitted on Tisha B'Av. One should discuss this *shaila* with his Rav.

d. **Business Deal** - Doing business is permissible after *chatzos* if it won't be a total distraction from the mourning. That being said, it is still advisable not to make any major business investments on Tisha B'Av because we are taught that one will never see *berachos* from business activities that are done on Tisha B'Av.

2. **What Counts as 'Melacha'** - Any activity that usually takes a stretch of time to complete (even if it is not that long) is included.

a. **Not Permissible** (Until at least *chatzos*) - for example,

i. Lengthy phone calls

THE HALACHOS OF TISHA B'AV

- ii. Washing Dishes
 - iii. Mowing the Lawn
 - iv. Painting
 - v. Sweeping
 - vi. Making Beds
- b. **Permissible** - for example,
- i. Turning on Lights
 - ii. Using a phone for a quick call
- c. For these reasons, when possible, one should postpone food cooking and dish washing until after *chatzos*.
3. **Melacha Through a Non-Jew** - Other than very public outdoor work, one may ask a non-Jew to do any work on his behalf on Tisha B'Av. Therefore, non-Jewish employees are allowed to run a Jewish owned business on Tisha B'Av.

H. Additional Prohibited Activities

1. **Sitting on a Chair** - Until *chatzos* one may not sit on a regular chair or couch.
- a. **Height** - The Mishna Berura is of the opinion that one should ideally sit on the floor with a cloth or a small pillow. The *minhag* has developed, however, that it is acceptable to sit on chairs or benches that are below three *tefachim* (approximately 12 inches).
 - b. **Difficulty Sitting Low** - An elderly person or any other individual who physically finds it too difficult to sit very low, may sit on a regular chair.
 - c. **Traveler** -
 - i. **Car** - One may sit in the normal fashion when travelling by car.
 - ii. **Bus or Train** - It is preferable to stand when possible,

THE HALACHOS OF TISHA B'AV

otherwise sitting would be permissible.

- d. **Standing for Rabbis and the Elderly** - There is a debate in *halacha* if one should stand up for a Rabbi or an elderly person on Tisha B'Av.
 - i. **Before Chatzos** - The minhag is not to stand.
 - ii. **After Chatzos** - It is appropriate to stand.
2. **Pleasurable Activities** - One should avoid being involved in pleasurable activities on Tisha B'Av, such as playing video games or going on a fun family trip. This is because these activities will be a distraction from the proper mood of the day.
3. **Husband and Wife** - The *halachos* pertaining to the relationship between a husband and wife on Tisha B'Av are beyond the scope of this work.
4. **Minimize Self Honor and Comfort** -
 - a. **Attire** - It is inappropriate to wear fancy clothing on Tisha B'Av. Simple clothing without adornments is more in tune with the spirit of the day. Some men who normally wear ties choose to refrain from wearing one on Tisha B'Av for this reason.
 - b. **Sleep** - When possible, one should slightly minimize his comfort while sleeping on Tisha B'Av. For example, to sleep with one less pillow than usual. Pregnant women or any other people who find it difficult to give up their comfort during sleep, may be lenient.

IV. The 10th of Av

Some of the *halachos* of the Three Weeks continue until *chatzos* on the 10th of Av. This is because the burning of the

THE HALACHOS OF TISHA B'AV

Beis Hamikdash continued until the 10th. Please note that when Tisha B'Av falls out on Shabbos and it is postponed until Sunday, all of the following prohibited activities become permissible immediately after the fast on Sunday night, except eating meat, drinking wine, and listening to music that should still be avoided until the next morning .

The following is a list of the activities that remain forbidden until *chatzos* on the 10th of Av and the possible exceptions -

1. Eating meat and drinking wine (Food cooked with meat is permissible).
2. Bathing and showering (Washing parts of the body with warm water is permissible)
3. Haircuts and shaving
4. Washing clothes (If one will be leaving home on the 10th of Av for an extended trip, he may do laundry right after Tisha B'Av at night)
5. Listening to music
6. Wearing freshly laundered clothing
7. Saying the *beracha* of “*She’hechyanu*”

V. Tisha B'Av Davening

A. Maariv

1. **Tone** - One should *daven* on Tisha B'Av in a serious and mournful tone.
2. **Tallis** - The *chazzan* should not wear a *tallis*.

THE HALACHOS OF TISHA B'AV

3. **Eichah** - *Megillas Eichah* is read after the *Kaddish Shaleim* after *Shemoneh Esrei*. One who is unable to make it to shul on the night of Tisha B'Av should read *Eichah* to himself.
4. **Kinnos and "V'atah Kadosh"**- After *Eichah* is read, several *Kinnos* are recited followed by "*V'atah Kadosh*".
5. **End of Maariv** -
 - a. "*Va'yehi Noam*" is not said when Tisha B'Av is on a *Motzei Shabbos*.
 - b. The phrase "*Tiskabeil* etc." is omitted from the *Kaddish* after "*V'atah Kadosh*".

B. Shacharis

1. **Tzitzis** - There is a debate in *halacha* if one should make a *beracha* when putting on *tzitzis* on the morning of Tisha B'Av. Some *poskim* suggest that men should sleep in their *tzitzis* to avoid this *shaila*.
 - a. **Kissing Tzitzis** - On Tisha B'Av the *minhag* is that one should not kiss his *tzitzis* during davening.
2. **Tallis and Tefillin** - *Tallis* and *tefillin* are not worn during *Shacharis*.
3. **Lights** - The room should not be fully illuminated during davening.
4. **Korbanos** - If one normally says *Korbanos* every day, he may say them on Tisha B'Av as well.
5. **Chazaras Hashatz** -
 - a. The *tefilla* of "*Aneinu*" is added
 - b. *Birchas Kohanim* is omitted
6. **Tachanun** - There is no *Tachanun* on Tisha B'Av.
7. **Kinnos**

THE HALACHOS OF TISHA B'AV

- a. *Kinnos* should be recited in a mournful tone and should ideally extend for most of the morning.
- b. It is critical that one actually understands the *Kinnos* that he is reading. If necessary,
 - i. One may say the *Kinnos* at a slower pace than the rest of the *tzibbur*.
 - ii. One may recite the *Kinnos* in any language that he would more easily understand.

C. Mincha

1. **Tallis and Tefillin** - *Tallis* and *tefillin* are worn during *Mincha* and should be put on with the normal *berachos*. Some people have a *minhag* to repeat *Shema* when they have their *tefillin* on.
2. **"Aneinu"**- Individuals who are still fasting add "*Aneinu*" into the *beracha* of *Shema Koleinu*. If one forgot to say "*Aneinu*" and he already finished the *beracha* of *Shema Koleinu*, he should add it in before the "*Yehi L'ratzon*" at the end of *Shemoneh Esrei*. If one forgot to say it altogether, he does not need to repeat *Shemoneh Esrei*.
3. **"Nacheim"**- "*Nacheim*" is added into the *beracha* of "*Vli'Yerushalayim*". It is recited even by individuals who are not fasting. If one forgot to recite "*Nacheim*"-
 - a. It should be inserted right before "*V'sechezena*" but without the concluding phrase "*Menachem Tzion*".
 - b. If one already passed that point, it should be said before the "*Yehi L'ratzon*" at the end of *Shemoneh Esrei*.
 - c. If one forgot to say it altogether, *Shemoneh Esrei* does not need to be repeated.
4. *Avinu Malkeinu* and *Tachanun* are both not recited.

THE HALACHOS OF TISHA B'AV

D. Maariv Motzei Tisha B'Av - After *Maariv* on *Motzei* Tisha B'Av it is customary to say *Kiddush Levana*.

1. **Eat First** - It is preferable to eat before saying *Kiddush Levana* but this should not be done at the expense of saying it with a *minyan* of people.
2. **Leather Shoes** - It is preferable to change into leather shoes before saying *Kiddush Levana*, but here as well it should not be done at the expense of saying *Kiddush Levana* with the *tzibbur*.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

By

Rabbi Doniel Neustadt

Rav, Pine River View, Lakewood, NJ

When Tisha B'av falls out on a Shabbos and is postponed until Sunday, there are many unique halachos. The following is a comprehensive description of these halachos:

On Shabbos:

- ◆ One should refrain from taking pleasure walks during the entire Shabbos.¹
- ◆ If one can occupy himself on Shabbos afternoon after *chatzos* studying topics which pertain to *Tisha B'Av* or to mourning, he should do so.² If he cannot, he may study what he does ordinarily.³ It is customary that *Pirkei Avos* is not studied on this Shabbos.⁴
- ◆ For the halachos that pertain to a husband and wife, see the source cited below.⁵
- ◆ The usual *seudah ha-mafsekes* restrictions do not apply on Shabbos. At the last meal before the fast - which is *seudah shelishis* - one may eat meat and drink wine and consume

1 *Sha'arei Teshuvah* 553:2, quoting *Birkei Yosef*.

2 *Chazon Ish*, quoted in *Orchos Rabbeinu* 2:136.

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

4 *Rama* 553:2.

5 *Mishnah Berurah* 554:40. Under extenuating circumstances, consult a Rav.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

whatever food he desires.⁶ One should not, however, state explicitly that he is eating in order to have strength for the fast.⁷ Some *poskim* hold that it is forbidden to swallow a time-release pill that makes it easier to fast since that constitutes preparing on Shabbos for a weekday.⁸ Others, however, permit doing so.⁹

- ◆ Eating *seudah shelishis* with family members is permissible. Company, however, should be avoided - unless one usually has company for *seudah shelishis*.¹⁰ *Birkas ha-Mazon* may be said with a *zimun*. *Zemiros* may be sung, even by one who does not always sing them.¹¹
- ◆ Eating, drinking, or washing any part of the body is permitted until sunset only.¹² If one recited *Birkas ha-Mazon* before sunset, he may eat or drink until sunset.¹³
- ◆ One may sit on a chair until nightfall (*tzeis ha-kochavim*).¹⁴
- ◆ 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*.¹⁵ *Baruch ha-mavdil* should be recited

6 O.C. 552:10.

7 *Shemiras Shabbos K'hilchasah* 28:85.

8 *Piskei Teshuvos* 553, note 13, quoting Rav S. Davlitsky. It is also questionable whether or not these pills are considered medicine which may not be taken on Shabbos.

9 See *Kol ha-Torah*, vol. 61, pg. 59 and vol. 64, pg. 298.

10 *Mishnah Berurah* 552:23.

11 *Igros Moshe*, O.C. 4:112-1.

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

13 *Sha'ar ha-Tziyun* 553:7.

14 *Salmas Chayim* 4:4-29, quoted in *Shemiras Shabbos K'hilchasah* 62, note 88.

15 *Chazon Ish* (quoted in *Shemiras Shabbos K'hilchasah* 28, note 188); *Moadim u'Zemanim* 7:256; *Shevet ha-Levi* 7:77. At the very least, Shabbos clothes should not be worn during the reading of *Eichah*.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

before changing into weekday clothes.¹⁶

- ◆ 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*.¹⁷

Motza'ei Shabbos:

- ◆ Shabbos shoes may not be removed until nightfall. The custom in many places¹⁸ is to remove them after saying *Barechu* at *Ma'ariv*. Others remove their shoes after reciting *Baruch ha-mavdil* but before *Barechu*, provided that it is already nightfall.¹⁹ This option is advisable for large groups of people (such as a camp) in order to avoid a long break between *Barechu* and *Ma'ariv*.²⁰
- ◆ *Atah chonantanu* is said in *Shemoneh Esrei*. Women who do not recite *Ma'ariv* must remember to recite *Baruch ha-mavdil* at the conclusion of Shabbos.²¹
- ◆ After *Ma'ariv* but before the reading of *Eichah*, a candle²² is lit and *Borei me'orei ha-esh* is recited. If one forgot or failed to do so, *Borei me'orei ha-esh* may be recited anytime throughout the night.²³
- ◆ Customarily, *Borei me'orei ha-esh* is recited by one person for the entire congregation. It is proper, though, that all the

16 *Mishnah Berurah* 553:7.

17 *Shemiras Shabbos K'hilchasah* 28:85.

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

19 Rav S.Z. Auerbach (quoted in *Shemiras Shabbos K'hilchasah* 28, note 189); *Yechaveh Da'as* 5:38; *Moadim u'Zemanim* 7:256.

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

21 *Mishnah Berurah* 556:2.

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

23 *Mishnah Berurah* 556:1.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

listeners sit down while the blessing is recited.²⁴

- ◆ 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.²⁵
- ◆ Some permit folding the *tallis* as on every *motza'ei Shabbos*,²⁶ while others are stringent.²⁷
- ◆ Dirty dishes from Shabbos should not be washed until Sunday after *chatzos*,²⁸ unless they will attract insects, etc.

On Sunday:

- ◆ The rules of fasting for pregnant or nursing women or elderly or weak people are more lenient when *Tisha B'Av* falls on Shabbos and the fast is deferred until Sunday.²⁹ One should consult a rav concerning his/her specific situation.
- ◆ If a *bris milah* falls on Sunday the tenth of Av, most *poskim*³⁰ allow the father, *mohel*, and *sandek* to eat a *seudas mitzvah* after *Minchah Gedolah*.³¹ A minority opinion rules that they should

24 *Halichos Shelomo* 3:15, *Devar Halachah* 21, based on *Beur Halachah* 213:1, s.v. al.

25 See *Beur Halachah* 296:8, s.v. lo, *Igros Moshe*, C.M. 2:47-2, and *Shemiras Shabbos K'hilchasah* 61, note 69, and 62, note 98, who debate whether or not women are obligated to recite a blessing over a candle on *Motzaei Shabbos*.

26 *Nitei Gavriel*, pg. 115.

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

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

29 *Beur Halachah* 559:9, s.v. *v'eino*. See also *Halichos Shelomo* 3:16-2 and *Yechaveh Da'as* 3:40.

30 *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; *Halichos Shelomo* 3:15, *Orchos Halachah*, note 60; *Yabia Omer* 1:34; *Shemiras Shabbos K'hilchasah* 62:47.

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

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

finish their fast.³²

- ◆ Before breaking a fast because of illness³³ or to celebrate a *bris milah*,³⁴ *Havdalah* should be recited. Many *poskim* 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 milk³⁵).³⁶ Another option is to use wine or grape juice, but have a minor (preferably between the ages of 6-9) drink the wine. Other *poskim* allow even an adult to drink the minimum amount³⁷ of wine or grape juice.³⁸
- ◆ There are various views among the *poskim* concerning the recitation of *Havdalah* for women who are not fasting (due to illness, pregnancy, or nursing).³⁹ The preferred option is that the woman's husband (or another man) recites

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

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

34 *Mishnah Berurah* 559:37.

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

36 *Kaf ha-Chayim* 556:9; Rav M. Feinstein (oral ruling, quoted in *Halachos of the Three Weeks*, pg. 19); *Minchas Yitzchak* 8:30; *Halichos Shelomo* 3:16-8; *Shevet ha-Levi* 7:77.

37 A cheekful, approximately 1.6 fl. oz. Since, however, *Al ha-gefen* cannot be recited over this amount, this should be followed by eating cake, etc. and the words *al ha-gefen v'al peri ha-gefen* can be inserted in the *Al ha-michyah*.

38 *Chazon Ish* (quoted by Rav C. Kanievsky, *Mevakshei Torah*, Sivan 5753); Rav Y.Z. Soloveitchik (quoted in *Peninei Rabbeinu ha-Griz*, pg. 521 and *Mevakshei Torah*, Sivan 5753); Rav Y.Y. Kanievsky (*Orchos Rabbeinu* 2:145); *Az Nidberu* 11:48.

39 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 a Sunday *Tisha B'Av*.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

*Havdalah*⁴⁰ and that she or a minor drink the beverage.⁴¹ If that cannot be arranged, most *poskim* allow her to recite her own *Havdalah*.⁴² If she cannot or will not, there are *poskim* who permit her to eat without reciting *Havdalah*.⁴³

- ◆ Most *poskim* hold that minors do not need to hear or recite *Havdalah* before eating.⁴⁴ A minority opinion requires them to do so.⁴⁵

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 neighbor.⁴⁶ If it is difficult for a woman to wait for *Havdalah*, she may drink before *Havdalah*. If drinking is not sufficient, some *poskim* allow her to eat without hearing *Havdalah* while others hold that she should make *Havdalah* herself.⁴⁷
- ◆ *Havdalah* may be recited over wine or grape juice, and it need not be given to a minor to drink.⁴⁸
- ◆ Only the blessings of *Borei peri ha-gafen* and *ha-Mavdil* are

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

41 *Halichos Shelomo* 3:16, *Orchos Halachah*, note 39.

42 *Shevet ha-Levi* 8:129; *Shemiras Shabbos K'hilchasah* 62:48; *Az Nidberu* 11:48; *Moadim u'Zemanim* 7:255.

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

44 Rav Y.Y. Kanievsky (*Orchos Rabbeinu* 2:145); *Halichos Shelomo* 3:16, *Devar Halachah* 13; Rav Y.S. Elyashiv (quoted in *Rivevos Efrayim* 3:371); *Shemiras Shabbos K'hilchasah* 62:45; *Moadim u'Zemanim* 7:255; *Chanoch l'Na'ar* 28:10.

45 *Maharil Diskin* 2:5-72; *Divrei Yatziv* 2:243; *Shevet ha-Levi* 7:77. There are conflicting reports as to the opinion of Rav M. Feinstein; see *Children in Halachah*, pg. 190.

46 *Minchas Yitzchak* 8:51.

47 See *Piskei Teshuvos* 556:2 for the various views.

48 *Mishnah Berurah* 556:3.

THE SPECIAL HALACHOS OF TISHA B'AV NIDCHEH

recited. *Borei me'orei ha-esh* is not recited, even if one forgot to recite that blessing the previous night.⁴⁹

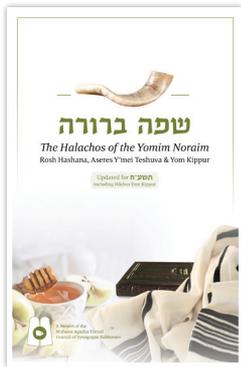
It is permitted to take a haircut, shave, do laundry, sew, bathe and recite *Shehecheyanu* immediately after the fast. Meat and wine (other than the wine from *Havdalah*) should not be consumed until the next morning.⁵⁰ Listening to music should be avoided until the next morning.⁵¹

49 *Mishnah Berurah* 556:4.

50 *Rama* 558:1.

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

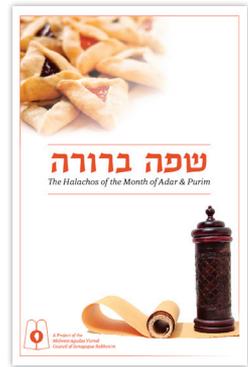
Around the Year Halacha
with the
Midwest Agudas Yisroel
Council of Synagogue Rabbonim



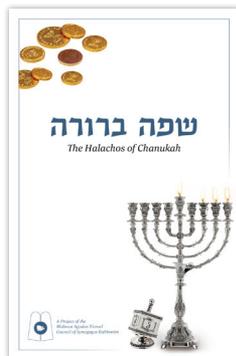
Yomim Noraim



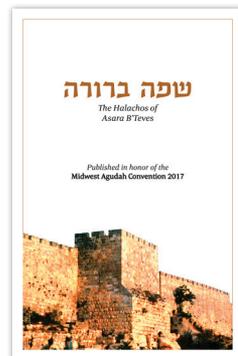
Sefiras Ha'omer



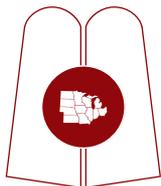
Purim



Chanukah



Asara B'Teves



*A Project of the
Midwest Agudas Yisroel
Council of Synagogue Rabbonim*