

## **Mayan Yisroel Halachic Digest** **The Nine Days 5783** **שנת הקהל - Year of Gathering**

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לעילוי נשמת הרב יצחק בן הרב אליעזר צבי זאב צירקינד ז"ל

### Learning about the Rebuilding of the Bais Hamikdash

Even as we have the obligation to mourn the destruction of Yerushalayim, we are granted at this time a special strength to avoid falling into despair, because we have full confidence and await daily, אחכה לו בכל יום שיבוא, our return to Yerushalayim.

The Three Weeks are an opportune time to strengthen this conviction by studying the halachos of the rebuilding of the Bais Hamikdash from sources like Hilchos Bais habechira in the Rambam and Mishnayos Midos.

When Hashem revealed the details of the structure of the Second *Beis HaMikdash* to Yechezkel hanavi, during the 70 year period of Churban after the destruction of the first Bais Hamikdash, Yechezkel replied: "Master of the Earth, why are You telling me to go and tell Israel the form of the House... They are now in exile in the land of our enemies. Is there anything they can do (about it)? Let them be until they return from exile. Then, I will go and inform them."

Hashem replied: "Go, tell them to study the form of the *Beis HaMikdash*. As a reward for their study and their occupation with it, I will consider it as if they actually built the *Beis HaMikdash*."<sup>1</sup>

### Rosh Chodesh Menachem Av

- Today is the Yahrzeit of Aharon Hakohen, the only Yahrzeit explicit in the Chumash, and read in the Parsha
- משנכנס אב ממעטין בשמחה. The restrictions of the Nine Days begin on Rosh Chodesh, including eating meat, drinking wine, laundering clothing etc<sup>2</sup>. Sefardim are lenient about eating meat and drinking wine on Rosh Chodesh itself<sup>3</sup>
- If you davened Rosh Chodesh Maariv early, after plag, it is proper to begin the restrictions of the nine days and refrain from eating meat. If the only minyan in town davened at plag, you should also begin the restrictions, even if you didn't daven in the minyan<sup>4</sup>

### The Nine Days in General<sup>5</sup>

#### Buying, fixing, renovating and moving

- Buying items for pleasure is forbidden. For example you should not purchase a new computer or car for recreational purposes. This is called *masa u'matan shel simcha*, (happy business) and should be avoided.

<sup>1</sup> תנחומא צו, יד

<sup>2</sup> רמ"א תקנ"א:ג

<sup>3</sup> כף החיים תקנ"א, ס"ק קכ"ה

<sup>4</sup> עי' נט"ג פל"ח ס"ג

<sup>5</sup> This section is based on the pesakim of מו"ר Rav Yekusiel Farkash Shlit"א

- Buying a home in the Nine Days is not a good siman.
- But buying a home for urgent necessity is permitted. If you have nowhere else to live or any other compelling reason you may purchase the home.
- If an item needs fixing, it may only be fixed if it is either (a) needed and not merely for pleasurable purposes. or (b) If you will incur loss of money if you dont fix it.
- We do not begin any home renovations during the Nine Days. However, if you began before the Three Weeks you may continue through the Nine Days.
- Renovations that cannot wait e.g. to fix a leak or mold are permitted.
- If you will incur financial loss by delaying the job e.g. if the contractor must be paid for every day delayed, you may do the job. If not, and there is no loss, delay the construction.
- Cosmetic renovations in a shul are permitted.
- Painting in general is not allowed.
- It is best to delay a move to a new apartment until after Tisha B'Av and even to delay until after 15 Av. Some even delay until the end of the month of Av. If you have no choice at all you may even move in during the Nine Days.
- Landscaping and planting new trees and shrubs for beauty is not permitted. But an existing garden may be tended to. Planting fruits and vegetables is permitted.

### New clothing

- Do not buy new clothes or furniture unless you are buying for necessity, not luxury, or there is a special sale.
- A woman may purchase new clothing if she needs it for tznius purposes (e.g. a longer skirt)
- If a tailor didn't finish a garment in time and it must be completed, he can finish it until the week of Tisha B'Av
- Shoes for use on Tisha B'Av may be bought.
- One who is going on a shidduch date may get a new garment if they need it
- A chosson and Kallah who are getting married after Tisha B'Av may purchase new clothing in the Nine Days if it is urgent<sup>6</sup>. It is questionable whether this leniency applies to parents of the chosson and kallah, but definitely others cannot purchase new clothing for the wedding<sup>7</sup>

### Pleasure

- We do not go on pleasure trips
- We do not give gifts, unless for a bar mitzvah or the like.
- Playing music for parnassa purposes is permitted during the Three Weeks, until Rosh Chodesh.
- If you have medical reasons to play music one can be lenient until the week of Tisha B'Av
- Hearing music in a department store, gym, or other public place, is okay.
- Traveling to Eretz Yisroel to visit Tzaddikim, or for business purposes, is permitted. To go to Eretz Yisroel for a mere vacation is a shaila.
- Medical procedures should be avoided unless absolutely necessary.

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<sup>6</sup>מגן אברהם תקנ"א, סק"ח  
<sup>7</sup>נט"ג פל"ב י"ג

### Washing, laundry and cleanliness

- Washing a specific part of the body that became unclean, or if you need to wash it for medical reasons, is permitted. (This would even be allowed on Tisha B'Av itself. But make the water lukewarm.)
- Nowadays when people shower every day and sweat bothers them, we can be lenient with showering. It is best to wash in cold water, but if you must, you may use warm water and even soap. Do not indulge though, in a lengthy enjoyable shower, only what is needed.
- Swimming is not permitted. If it is for medical purposes there are heterim
- Polishing shoes - Reb Shlomo Zalman Aurbach permitted only for Shabbos. Reb Moshe Feinstein permitted it even during the week if it is really needed.
- Laundry is forbidden even for kids returning from camp unless they have nothing else to wear, in which case you may wash ONLY what they need for the rest of the Nine Days.
- Laundry is permitted if you run out of items you need daily, like socks.
- Ironing is only permitted if you could wear the item anyway. If you cannot wear it without ironing, then you can't iron it
- Washing a stain on your shirt is permitted, unlike chol hamoed when it is ossur
- You can wear clean clothing that was laundered before the Nine Days. Some say to throw the clothing on the floor for a minute so it doesn't feel completely fresh.
- Some wear all the clothing they intend to wear during the Nine Days beforehand, for just a minute.
- If you forgot, then during the course of Shabbos, wear all the shirts you plan to wear that week, so that they have already been previously worn when you wear them later. You would need to wear them for some time on Shabbos, so it does not seem like you are preparing for the weekday but rather you are wearing it now for Shabbos. And do not specify verbally that you are wearing them in preparation for the weekdays.<sup>8</sup>
- You may wash and put on new linen and towels for a guest coming during the Nine Days
- Cutting nails is fine, but some are stringent on the week of Tisha B'Av itself, as below.
- Floors may be washed
- A car wash is permitted<sup>9</sup>

### Wine and meat

- The Mishnah and Talmud only forbid wine and meat at the Seudah Mafsekes before Tisha B'Av<sup>10</sup>. However already in the era of the early Rishonim, it was forbidden all nine days, with a strict condemnation - since meat and wine increase simcha which we are looking to minimize<sup>11</sup>
- We refrain from wine, meat as well as chicken
- Any fleishik dish may not be eaten. However parev food may be cooked in a clean fleishik pot (even if it was used with meat in the last 24 hours)<sup>12</sup>
- Young children (under 2) who need meat or chicken, may eat during the Nine Days<sup>13</sup>.
- Someone with allergies who cannot eat dairy, can eat chicken if they need to<sup>14</sup> before they look for a heter to eat meat.

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<sup>8</sup>נט"ג פל"ד ס"ג

<sup>9</sup>נט"ג פכ"ט י"ט

<sup>10</sup>תענית כו, ב

<sup>11</sup>בית יוסף סוף סי' תקנא בשם הרשב"א

<sup>12</sup>נט"ג פל"ח, ח

<sup>13</sup>מג"א תקנ"א סקל"א, ע"י נט"ג פל"ח הע"ב

<sup>14</sup>נט"ג פל"ח ס"ז ממג"א סי' תקנ"א ס"ק כ"ח

- One who is ill may eat meat even if his illness is not dangerous.<sup>15</sup> Even if he is only slightly ill he may eat meat as the Rabbis never decreed on one who is ill<sup>16</sup>
- Some poskim are lenient about eating during the week any leftover meat from the Shabbos meals. We do not pasken this way, but if someone needs to eat meat for other reasons and has a heter from a Rov, it is better to eat leftover meat for Shabbos
- If one forgot and made a bracha on meat, one should taste a little of it, so that the bracha should not be in vain<sup>17</sup>.
- At a seudas mitzvah e.g. bris, pidyon haben, bar mitzvah on the birthday itself, eating meat is permitted. Siyumim are discussed below.
- You cannot go to a bar mitzvah merely to look for a heter to eat meat, but if you feel part of the simcha then you could eat meat
- Theoretically, dancing and music should be permitted at a seudas mitzvah. Practically we do not do it

### Siyumim

- There is a minhag to hold Siyumim every day of the Nine Days, (not necessarily to eat meat), to increase the Simcha in a permissible manner. This continues through Tisha B'Av with a masechta that may be completed on Tisha B'Av (specifically Masechta Mo'ed Katan)<sup>18</sup>
- According to the Rama, you may eat meat at a Siyum masechta but it must be a genuine siyum that the person who learned understood what he learned, and not a siyum that was put together merely to eat meat in the Nine Days....
- According to some Poskim you may schedule a Siyum specifically for the Nine Days to be able to eat meat. Others say you can only do so if it fell out on the Nine Days anyway.<sup>19</sup>
- Examples of what a Siyum can be made on<sup>20</sup>:
  - The Chumash
  - A sefer in Nach, with a commentary
  - A masechta in Shas - even a short Masechta like Kallah / Sofrim / Avos
  - A Seder of Mishnayos. Or even one Masechta if studied thoroughly preferably with a commentary
  - A Masechta in Yerushalmi
  - A Sefer of Mishneh Torah of the Rambam<sup>21</sup>
  - One of the 4 Sections of Shulchan Aruch
- The Seudah must be eaten in the place where the Siyum takes place. Going to your private bungalow to have a barbeque after a public Siyum in the colony is not considered a Seudah of a Siyum<sup>22</sup>

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<sup>15</sup> רמ"א תקנ"א ס"ט

<sup>16</sup> כף החיים תקנ"א קל"ח

<sup>17</sup> שד"ח פאת השדה ביהמ"צ סי' א' אות ד

<sup>18</sup> ספר המנהגים עמ' 46

<sup>19</sup> פסקי תשובות תקנ"א סל"ח

<sup>20</sup> פסקי תשובות תקנ"א סל"ז

<sup>21</sup> התוועדיות' תשד"מ כרך ג עמ' 1800-1801. ליקוטי שיחות לב עמ' 274

<sup>22</sup> משנה ברורה תקנ"א ס"ק ע"ה

### Erev Shabbos Chazon - Parshas Devarim

Tasting the Shabbos dishes to fulfill the minhag of טועמיה חיים זכו, is forbidden<sup>23</sup>. However, one is permitted to taste the Shabbos food even if it has in it meat, to make sure it is tasty; but it must be spat out and therefore do not make a bracha over it<sup>24</sup>.

- Children under the age of Chinuch (about 6 years old) may be given meat and wine an hour or two before Shabbos sunset since the holiness of Shabbos already begins then<sup>25</sup>.
- Eating meat foods before Shabbos to fulfill the custom of tasting the Shabbos food is forbidden
- Those who go to Mikvah on every Erev / Shabbos may do so this Erev / Shabbos too<sup>26</sup>.
- We wear full Shabbos clothing as always<sup>27</sup>. The Shabbos clothing should not be put on earlier than Chatzos<sup>28</sup>.

### Shabbos Chazon

- On Shabbos every effort must be made to avoid any appearance of public mourning, so we behave as we do every other Shabbos.
- Joyous Seudos Shabbos are conducted, especially emphasizing Ahavas Yisroel.
- We eat meat and drink wine on Shabbos<sup>29</sup>.
- If you bring in Shabbos early, you can make Kiddush and eat meat at the Seudah even if it is before sunset because (a) it is considered Shabbos for you for all matters, and (b) Seudas Shabbos is a Seudas Mitzvah when meat may anyway be eaten during the nine days.
- Some sing a slow tune for Lecha Dodi. Others prefer to sing davka a lively nigun so it should not appear in any way as mourning on Shabbos<sup>30</sup>.
- By the laining of Devarim, most have the minhag to begin the Aliya of Sheni by repeating the last passuk of Rishon so as not to begin the aliya with the word "Eicha"; others maintain the way it's printed in the chumashim<sup>31</sup>.
- One should make extra effort to daven with Kavana this Shabbos, which is special for it uplifts all the Tefilos of the entire year<sup>32</sup>.
- If Seudah Shlishis extends into the night, past Tzeis, you may continue to eat meat according to many poskim, until one benches and ends Shabbos officially<sup>33</sup>

### Chazon Bais HaMikdash hashlishi

**Reb Levi Yitzchok Berdichever taught that Chazon means a vision: On Shabbos Chazon, every Jew experiences a vision of the third Bais hamikdash. Even if he doesn't sense it tangibly, the soul senses it.**

<sup>23</sup> שם ח'

<sup>24</sup> שם ז'

<sup>25</sup> שו"ת אג"מ או"ח ח"ד סי' כ"א אות ד'. נט"ג פל"ח ס"ו

<sup>26</sup> כה"ח סקר"ב

<sup>27</sup> עי' ס' נט"ג פמ"ה א' ובהערות שם, There are those that only change their outer garments,

<sup>28</sup> נט"ג שם ו

<sup>29</sup> שו"ע סי' תקנ"ב:

<sup>30</sup> נט"ג פמ"ז:ב

<sup>31</sup> עי' נט"ג פמ"ז:ד והערה יא

<sup>32</sup> ס' תכלת מרדכי (למהרש"ם) ח"ב על תהילים פרק קטז

<sup>33</sup> משנ"ב סי' תקנ"א סקנ"ו עי' נט"ג פל"ח:ד

### Motzei Shabbos

- Make havdala over wine, but have a child - old enough to know how to make brachos, but too young to understand the mourning over the churban – drink the wine. If there's no child present, make havdala over wine and drink it yourself<sup>34</sup>.
- Although we do not wear Shabbos clothing during the Nine Days, you need not remove them right after Shabbos, since the problem is *putting* them on and not *leaving* them on if they were already on<sup>35</sup>. (Generally, one should keep Shabbos clothing on every Motzei Shabbos for Melave Malka out of respect for the Shabbos Malka<sup>36</sup>).

### The Week of Tisha B'Av

- There are specific halachos that are applicable only on the week of Tisha B'Av itself:
  - One should not cut nails unless it is extremely necessary. A woman who needs to go to mikvah may cut her nails<sup>37</sup>. Children may cut nails
  - Even Sfarim who are lenient about cutting hair and laundry are stringent now.
  - Usually at a seudas mitzvah (bris, pidyon, bar mitzvah bo bayom), it is permissible to eat meat, but this week, only a minyan of ten men at the simcha can eat meat.
  - A Jew cannot launder clothing even for a non-Jew whereas the rest of the nine days he could
  - You may not launder clothing even if you have none left at all

### Fasting on Tisha B'Av

- Pregnant and nursing women or others who have difficulty fasting should remember to ask a shailah before the fast.

יהפכו ימים אלו לששון ולשמחה

**May we merit celebrating Tisha B'av 5784 in the Third  
Beis Hamikdash in Yerushalayim!**

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<sup>34</sup> נט"ג פל"ט:י

<sup>35</sup> אשל אברהם תנינא סי' תקנ"א:א

<sup>36</sup> עי' סי' פסק"ת סי' רס"ב:ה

<sup>37</sup> פסקי תשובות תקנא, י"ט