

Halachic Digest

תשעה באב תשפ"ג

שנת הקהל - Year of Gathering

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The Nine Days

- See the [Nine Days Halachic Digest](#) for these halachos
- There is a minhag to hold Siyumim every day of the Nine Days, not necessarily to eat meat (although it is permitted if it is a real Siyum), 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)¹

Wednesday Erev Tisha B'Av

- From 1:02 PM (1:04pm upstate NY) we only study those parts of Torah directly related to the Churban like Iyov, negative sections in Yirmiyahu, Midrash Rabba on Eicha, Perek Hanizakin in Gittin, Hilchos Avelus etc²
- One should not read any book that brings pleasure³. However reading history books or stories that increase one's mourning is permitted⁴.
- Mincha should be davened earlier to leave sufficient time for the Seudah mafsekes
- No Tachanun at Mincha⁵.

Seudah Mafsekes

- We eat a final Seudah before the fast. We do not eat two cooked items of food. Raw fruits, cheese etc are fine⁶.
- Tea and coffee may be drunk⁷ (as they are not regarded as cooked items).
- Cakes and candy should not be eaten⁸, nor pickles, ketchup, beer, etc⁹.
- It is best to wash and eat bread for this meal¹⁰. Some eat a bagel or other round bread as a sign of mourning¹¹.

¹ ספר המנהגים עמ' 46

² רמ"א סי' תקנ"ג:ב

³ ראה סי' פסק"ת סי' תקנ"ד:א

⁴ שם אות ב'

⁵ שו"ע סי' תקנ"ב:י"ב

⁶ שם סעי' א, ועי' בנט"ג פנ"א הערה ו'

⁷ שערים המצוינים בהלכה סי' קכ"ג סק"ג

⁸ שו"ת התעוררות תשובה ח"ג סי' ל"ט

⁹ פסק"ת סי' תקנ"ב:ב

¹⁰ נט"ג שם סעי' ח'

¹¹ שם סעי' י' ובהערה

- Some eat a regular meal before Mincha, daven Mincha and then eat Seudas Hamfsekas. Still, even during the first meal 2 cooked foods should not be eaten¹².
- We sit on the ground with a separation¹³, or on a chair which is lower than 3 Tefochim¹⁴.
- We do not yet remove shoes¹⁵.
- Three men should not eat together¹⁶. Even if they did, there is no mezuman¹⁷.
- At the end of the meal we eat bread dipped into ashes¹⁸.
- We eat a cold hard-boiled egg dipped into ashes¹⁹. (Some eat the egg after bentching).
- Before bentching, one should expressly articulate that they might still eat or drink after bentching, before the fast begins²⁰. (Bedieved though, if you forgot to do so, you would still be allowed to eat after bentching)
- Even if one remembered to bentch only after the fast already commenced, one does not say Nachem in Birchas Hamazon²¹.
- Pills to help with fasting are permitted to be taken before the fast²². (Regarding taking pills on the fast itself, see below).
- Eating is permitted until Shkia 8:17pm (8:22pm Upstate)
- All restrictions of Tisha B'av - eating, washing, wearing leather shoes, putting on lotion etc - begin at Shkia, or from Maariv if one davened earlier²³.

The Five Primary Restrictions of Tisha B'Av

There are 5 primary restrictions: eating and drinking, wearing leather shoes, washing, putting on creams, marital relations

- **Fasting on Tisha B'Av**
 - Pregnant and nursing women or others who have difficulty fasting should remember to ask a shailah before the fast.
 - Anyone who has a heter to eat should not indulge and should not eat more than they need to. If they are able to, they should fast until the morning at least.
- **We do not wear leather shoes²⁴**; crocs may be worn, since they are not normal shoes²⁵.
- **We do not wash** any part of the body²⁶, unless specifically necessary to remove dirt²⁷.
 - Throughout the day (after using the bathroom and upon awakening), wash hands only until the knuckles²⁸.
 - Immersing in a mikvah is forbidden.
 - In the morning after washing hands, one is allowed to place wet hands over one's eyes and face²⁹.
 - One should not rinse one's mouth.
 - In case of extreme and severe discomfort, one may rinse with mouthwash whilst taking care to not swallow even a drop.³⁰. Brushing teeth is

¹² מג"א

¹³ שו"ע שם סעי' ז, ושע"ת סק"ג

¹⁴ פמ"ג א"א סק"ז

¹⁵ רמ"א תקנ"ב:ז

¹⁶ שו"ע שם סעי' ח

¹⁷ משנ"ב שם סקי"ט

¹⁸ רמ"א שם סעי' ו

¹⁹ רמ"א ומג"א שם ועי' נט"ג שם הערה כא

²⁰ משנ"ב תקנ"ג סק"ב

²¹ נט"ג שם סעי' כא

²² שם כד

²³ שו"ע ורמ"א תקנ"ג:ב, ורע"א שם סק"א

²⁴ שו"ע תקנ"ד:א

²⁵ כנלע"ד דאין בו משום עונג

²⁶ שם סעי' ז

²⁷ שם סעי' ט

²⁸ שם סעי' י

²⁹ שם סעי' י"א

³⁰ שם

prohibited except for health reasons or great discomfort if their teeth are not brushed, but without water³¹.

- **We do not use creams and lotions³².**
 - If you are in pain from chapped skin or bruises, you may administer cream.³³
 - One is allowed to apply deodorant on Tisha b'Av to remove foul odor. However, perfume, cologne or makeup, that is specifically meant to enhance appearance or provide good scent is forbidden³⁴.
- **Marital relations are forbidden³⁵**
 - All harchakos, the laws of separation during the time of niddah, apply on Tisha B'Av³⁶
 - Mikvah night is delayed

Other restrictions:

- Work requiring focused concentration (e.g., gardening, cooking, etc.) is prohibited until midday 1:02pm (1:04pm upstate)³⁷, since the main Avelus ends at Chatzos. Some refrain from work the entire day.
- Stores should not be opened until midday (unless operated by a non-Jew, or if it will create a great financial loss). However, food stores that sell food for after the fast may be opened before³⁸.
- Sitting on an ordinary seat is prohibited until midday³⁹ except when driving a car etc, since there is no specific pleasure involved. Likewise the elderly and weak, or a pregnant woman, may sit on regular chairs as there is no "pleasure" for them⁴⁰. So too, a woman can sit on a regular chair to nurse her baby.
- We do not offer greetings e.g. Good morning. If somebody greets you, remind them it is Tisha B'Av⁴¹.
- Some say that inhaling smoke whilst smoking is a form of eating and prohibited⁴².
- One should not read any book that brings pleasure. After midday you can look inside such books for reference but not to read at length for pleasure⁴³.
- However reading history books or stories that increase one's mourning is permitted⁴⁴.

Tisha B'Av Night

Maariv

- From this point one sits only on a low stool or on the ground, 24cm (9.5 inches) but there is no need to measure precisely.
- The Paroches is removed from the Aron⁴⁵, or moved to the side. Some remove the Mantle of the Bima as well⁴⁶.
- We leave minimal lighting needed in Shul⁴⁷.

³¹ נט"ג פני"ז:ה. ועיין מנחת יצחק ח"ד ס, ק"ט

³² שו"ע שם סעי' א

³³ שו"ע ר"ה הלכות יוה"כ תרי"ד. א

³⁴ ביאור הלכה סי' תקנ"ד ס"ט

³⁵ שו"ע שם

³⁶ שם סי' ח מג"א ס"ק י"ט ופסק"ת סי' ת"ז

³⁷ שו"ע שם סעי' כ"ב ורמ"א שם

³⁸ ראה פסק"ת סי' תקנ"ד אות כ

³⁹ שו"ע סי' תקנ"ט:ג, ועי' נט"ג פס"ח הע' א

⁴⁰ 'פסק"ת סי' תקנ"ט אות ד

⁴¹ שו"ע תקנ"ד:כ

⁴² משנ"ב סי' תקנ"ה סק"ו

⁴³ ראה ס' פסק"ת סי' תקנ"ד:א

⁴⁴ שם אות ב

⁴⁵ רמ"א תקנ"ט:ב

⁴⁶ נט"ג פנ"ד:ה

⁴⁷ שו"ע שם סעי' ג

- After Shmoneh Esrei the Chazan says Kaddish with Tiskabel⁴⁸, and then we say Eicha. Women too, should read Eicha, even at home alone⁴⁹.
- Eicha should be recited sitting on a low chair, not standing.
- By Eicha the Tsibur says the last Hashivenu aloud with the chazan⁵⁰.
- If you are without a minyan, you still recite Eicha and Kinos.
- Then recite Atah Kadosh, Kaddish without Tiskabel and Aleinu⁵¹.
- We minimize the comfort of sleeping e.g. by using one less pillow. Those who have the strength to do so even sleep on the floor.⁵²
- An avel in Shiva r"l may go to Shul by night and day⁵³. He may also be called up for an aliya
- Some Avelim don't daven for the Amud since Tisha B'av is called a Moed. Others do still daven for the amud⁵⁴.

Limud Torah on Tisha B'Av

- The chiyuv of learning Torah every moment applies on Tisha B'Av too. The only difference is what may be learned. The learning must be limited to what is permissible on Tisha B'Av (see above).
- Avelim who learn Mishnayos and say kaddish after davening should learn only Mishnayos that may be learned on Tisha B'Av e.g. Mo'ed Katan Chapter 3 or Taanis from Chapter 1 Mishnah 4, till end of Chapter 3.

Shachris

- Wash neggel vasser only until the knuckles (as mentioned above).
- Some omit the brocho "שעשה לי כל צרכי" as we do not wear regular shoes; others do say it⁵⁵
- Tallis and Tefilin are not worn until Mincha⁵⁶
- Do not make the Brocho on Tzitzis nor hold them at any part of davening⁵⁷.
- The Chazan says Anenu. He omits Birkas Kohanim⁵⁸.
- Tachanun and Avinu Malkeinu are omitted⁵⁹.
- One who is not fasting must still hear *Krias Hatorah*, but he should not be called up for an *Aliya*. (If he is the only *Kohen* or *Levi*, he should leave the room). However, if he was called up, he may accept the *Aliya*. He should not be *Chazzan* or the *Ba'al Koreh*, unless there is no one else to do so.
- The Magbiha sits down to hold the Sefer Torah, on a regular chair for Hagba.
- After Krias HaTorah recite Kinos, Ashrei, U'va L'tzion (omit "...ואני זאת בריתי") followed by Kaddish without Tiskabel and Aleinu⁶⁰.
- It is proper to end Kinos around Midday (1:02pm)⁶¹. If you did not finish in time, they may be finished after midday⁶².

⁴⁸ משנ"ב תקנט סק"ד

⁴⁹ פסק"ת תקנ"ט אות ב ועי' נט"ג פנ"ה:ג

⁵⁰ רמ"א שם סעי' א

⁵¹ שו"ע שם סעי' ב ורמ"א סעי' ג

⁵² שו"ע ורמ"א תקנ"ה:ב. ואין זה מנהג חב"ד

⁵³ שו"ע תקנט, ו

⁵⁴ נט"ג פנ"ח:י

⁵⁵ פסק"ת תקנ"ד אות טז

⁵⁶ שו"ע תקנ"ה:א

⁵⁷ שם וראה נט"ג פנ"ח כב ובהע' שם

⁵⁸ שו"ע תקס"ה:ג וראה כל זה בנט"ג פנ"ט

⁵⁹ שם

⁶⁰ נט"ג פס"ב:א

⁶¹ רמ"א סי' תקנט ס"ג

⁶² ערוך השולחן סי' תקנט סק"ד

- Skip Shir shel yom & Ein Kelokeinu⁶³.
- Some read Eicha after Shachris individually (not led by a Chazan)⁶⁴.

The day of Tisha B'av

- If one needs to take pills, (or medication which are bitter) for health purposes, they may do so without water. If one can't swallow without water, they should insert something bitter into the water⁶⁵. Suppositories may be taken, since it is not regarded as eating.
- One is allowed to swallow one's saliva on Tisha B'av⁶⁶.
- One should not start preparing food for after the fast until after midday (see above).
- When preparing food it is prohibited to taste anything to see if it needs more salt etc⁶⁷.
- Children under nine should fast only on the night of Tisha B'av. Older than nine should try fast a few hours of the morning⁶⁸.
- If one must eat there is debate amongst the Poskim as to whether one says Nachem in Bentsching.⁶⁹ Those who wish to be machmir not to say Nachem in the middle of bentsching can say it at הרחמן at the end of bentsching. All agree that if you forgot to say Nachem you do not go back.
- One who will be traveling on Tisha B'av (in cases of need) to a location where the fast will end earlier than his current location (e.g. going from America to Eretz Yisroel), ends his fast at the time it ends in the new location, even it diminishes the length of the fast day⁷⁰. When traveling west this will extend the length of the fast
- If crossing the dateline, ask a shailah.
- One should not exercise⁷¹ for it distracts one's focus from the Churbon.
- One should refrain from traveling before Chatzos if at all possible, so as not to distract from the Churbon⁷².

Mincha

- Tsedoko - give the amount you saved by not eating today⁷³.
- The paroches is restored to its original place. Likewise we turn all the lights back on as usual⁷⁴.
- Put on Tallis and Tefilin (which remain on through Mincha)⁷⁵
- As every day, recite all three paragraphs of Shema (do not repeat Hashem Elokeichem Emes)⁷⁶
- Shir shel yom, Ein Keilokeinu⁷⁷
- Korbanos before Mincha⁷⁸
- Avelim who learn Mishnayos and say kaddish after davening can resume at Mincha saying the regular Mishnayos even though in the morning they could only learn Mishnayos that may be learned on Tisha B'Av.

⁶³ שם

⁶⁴ שם

⁶⁵ בה"ט סי' תקס"ז סק"ז, ופסק"ת שם אות ג

⁶⁶ מג"א תקס"ז סק"ח ושוע"ר סי' צ"ד

⁶⁷ שו"ע שם סעי' א

⁶⁸ נט"ג פס"ד

⁶⁹ עינין בפסקי הסיידור להגרא"ח נאה, אות קפה. עי' נט"ג פס"ו: י"א ובהע"ט טו שם

⁷⁰ נט"ג פס"ז:א, ע"ש ד"ש מחמירים

⁷¹ שו"ע תקנ"ד:כא

⁷² נט"ג פס"ט:ט

⁷³ מטה משה סי' תשנ"ה וא"ר סי' תקס"ו:א

⁷⁴ נט"ג פפ"ה

⁷⁵ שו"ע תקנ"ה:א

⁷⁶ ראה אג"ק מהרבי מליובאוויטש חט"ז עמ' רצד, ומנהג ישראל תורה סי' תקנ"ה ס"ק ג

⁷⁷ נט"ג

⁷⁸ שם פפ"ה

- In Shmoneh Esreh, add Nachem & Anenu in Shome'a Tefila⁷⁹.
- The chazan recites Birkas Kohanim⁸⁰.
- If you forgot Nachem, say it right after Anenu. If you forgot then too, say it before "Vesechezeno" or before "Ve'al kulam". If you missed that too, you don't go back⁸¹.
- Those who put on Rabbenu Tam Tefillin do so after Mincha. Recite Shema and Kadash Li, making sure to finish before shkia⁸² (8:16pm / 8:21pm upstate)
- Fast concludes 8:48pm. (Upstate 8:53). Some extend till later.

Motzei Tisha B'Av - Erev Shabbos Nachamu

- After Maariv⁸³
 - (a) Change to regular shoes before Kiddush Levonah if possible. Otherwise change later.
 - (b) Wash neggel vasser in alternating fashion as we do each morning, without a Brocho
 - (c) Rinse out the mouth
 - (d) Say Kiddush Levonah⁸⁴
- All the restrictions of the 9 days still apply until tomorrow at Chatzos⁸⁵
- However, since it is Erev Shabbos preparations for Shabbos may be done e.g. bathing for Shabbos, laundering for Shabbos. Swimming, for example, is not a preparation for Shabbos and is therefore not permitted until midday.
- It is better to avoid marital relations the night after the fast unless it is mikvah night or before traveling⁸⁶
- Continue with Siyumim and increasing Simcha even after Tisha b'Av, until 15 Av⁸⁷

**May we be zoche to celebrate Tisha B'av 5783 in the Beis
Hamikdash hashlishi in Yerushalayim!**

⁷⁹ שם

⁸⁰ שם

⁸¹ שם

⁸² שם פפ"ד

⁸³ שם פפ"ז

⁸⁴ שם

⁸⁵ שו"ע תקנ"ח:א

⁸⁶ משנה ברורה תקנ"ח סק"ב

⁸⁷ 733 ע' ב"ע