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Halachot and Customs of Tisha B'Av

Tisha B'Av commemorates the destruction of both the First and Second *Batei HaMikdash*, as well as many other tragedies that befell the Jewish people throughout history. In this review, we will briefly discuss many of the halachot and customs instituted to express our mourning on this day. One should consult a competent halachic authority in cases of uncertainty, and readers are also welcome to contact the author at ozarowsk@gmail.com. May our sincere observance of these halachot hasten the rebuilding of the *Beit HaMikdash* and the coming of the final redemption, speedily in our days.

EREV TISHA B'AV

Torah Study and Other Activities

After *chatzot* (halachic midday), one should avoid pleasure outings or other recreational activities (Rema, O.C. 553:2; *Yalkut Yosef, Moadim*). According to some authorities, one should also refrain from studying Torah after *chatzot* (midday), except for subjects that are permitted on Tisha B'Av itself (Rema, *ibid.*), while others permit regular Torah study until the fast begins (Gra, cited in *Mishna Berura* [M.B.] 552:8; *Chazon Ovadia, Arba Ta'anivot*, p.248).

Seuda Hamafseket

The final meal before the fast, known as the

seuda hamafseket, has special laws intended to create a spirit of mourning (M.B. 552:1). One may not eat meat, drink wine, or eat two cooked foods at this meal (Shulchan Aruch [S.A.] 552:1), though most permit multiple baked foods (*Eishel Avraham* 552:1). A person should refrain from drinking other alcoholic beverages (see M.B. 552:4), and some maintain that soft drinks should also be avoided (*Ohr L'tzion* 3:28:3). Foods cooked together in a single pot are generally considered one cooked dish if they are normally prepared together (S.A. 552:3).

Since it is advisable to eat a substantial meal before fasting, it is customary to divide the afternoon meal into two parts. Some first eat a regular meal, recite *Mincha*, and then eat the *seuda hamafseket*, consisting of bread together with one simple cooked food, such as a hard-boiled egg (S.A. and Rema 552:5, 9). Others first eat the regular meal, recite *Birkat HaMazon*, wait a significant amount of time, and then begin the *seuda hamafseket*. One should make sure not to become too satiated from the first meal, so that the second meal can still be considered a valid meal for the *seuda hamafseket* (see M.B. 552:14, 22). Some recommend, for those who are capable, eating only one meal and adhering to all of the restrictions of the *seuda hamafseket* (Aruch *HaShulchan* 552:11; *Oholei Halacha, Moadim*,

vol.2, p.190).

The *seuda hamafseket* should be eaten while sitting on the floor or on a low stool, rather than in one's regular place at the table. It should ideally be eaten alone rather than together with others, even family members (S.A. 552:7-8). Many have the custom to dip their bread in ashes as a remembrance of the destruction (Rema 552:6).

One should ensure that the *seuda hamafseket* itself is the final significant meal before the fast. Therefore, one should not eat a regular meal and then conclude with only a light snack, as the earlier meal would then improperly become the *seuda hamafseket* (M.B. 552:22).

THE FIVE AFFLICTIONS OF TISHA B'AV

Like Yom Kippur, Tisha B'Av includes five primary prohibitions that begin at sunset.

1. Eating and Drinking

All healthy individuals, as well as pregnant or nursing women without any specific complications, are obligated to fast (S.A. 554:5). Eating and drinking are forbidden throughout the fast, even in very small amounts. Unlike Yom Kippur, however, Tisha B'Av is a rabbinic fast. Therefore, anyone who is bedridden due to illness, even if not in danger (*choleh she'ein bo sakana*) is exempt from fasting (S.A. 554:6; M.B. 554:11). Elderly individuals, pregnant or nursing women experiencing medical complications, and anyone whose health may be adversely affected by fasting may be able to break their fast in the middle if needed, or may be entirely exempt, and should seek halachic and medical guidance before the fast.

Most *poskim* maintain that once a person is permitted to eat on Tisha B'Av, he or she may eat normally (*Piskei Teshuvot* 554:9). However,

one who is generally healthy but must eat a small amount for a specific reason should eat in "*shiurim*," similar to Yom Kippur: Less than 30 cc of solid food every nine minutes and less than a cheekful (calculated at a minimum of 32 cc) of liquid every nine minutes (*Nishmat Avraham* 554:6, citing R. Shlomo Zalman Auerbach).

Medication that may be taken without water should generally be swallowed that way. If water is necessary, one should ideally make it bitter. If that is difficult and the medication must be taken on Tisha B'Av itself, it may be taken with a small amount of water when necessary (*ibid.*; *Oholei Halacha*, p.109).

One should not rinse out one's mouth on Tisha B'Av, due to concern that one may come to swallow some of the water. If one feels rinsing out one's mouth is absolutely essential, it is critical to rinse one's mouth, some rule one may be lenient and use mouthwash or toothpaste, making sure to spit it all out afterward (see M.B. 567:11; *Piskei Teshuvot* 567:1; *Minchat Yitzchak* 4:109).

2. Washing

Bathing or washing any part of the body for pleasure is prohibited, even with cold water (S.A. 554:7). However, washing is permitted whenever necessary to remove dirt, though one should wash only the affected area (S.A. 554:9). Therefore, one may wash one's hands after using the restroom, but only until the knuckles (Rema, *ibid.* and 613:3), unless additional areas of the hands become dirty. The same applies to washing upon arising in the morning (S.A. 554:10). If necessary, one may use liquid soap when washing to remove dirt (*Peninei Halacha*, *Zemanim* 10:5). Food may be washed as needed, even though one's hands will inevitably become wet in the process (M.B. 554:19). It is also permitted to use a

damp cloth to refresh oneself, provided it does not contain enough moisture to wet another object upon contact (Rema 554:14).

Some maintain that dishes not needed on Tisha B'Av itself should not be washed (R. Moshe Feinstein, *Shema'ata D'Moshe*, p.434). Others permit washing dishes after midday (*Ohr L'tzion* 3:29:14). Dishes needed for children may be washed at any time, and dishes needed for the meal after the fast may be washed according to all opinions, even if hot water is necessary (*Ashrei Ha'Ish* 71:4; *Peninei Halacha* 10:5; *Chazon Ovadia*, p.294).

3. Anointing

Applying oils, creams, lotions, cosmetics, or perfumes for pleasure is prohibited. Anointing for medical purposes, such as medicated creams or ointments, is permitted (S.A. 554:15). Most contemporary authorities also permit deodorant intended to remove unpleasant odor rather than provide enjoyment (*Bi'ur Halacha* 554:15; *Shema'ata D'Moshe*, p.433; *Piskei Teshuvot* 554:14).

4. Leather Footwear

Leather shoes may not be worn on Tisha B'Av (S.A. 554:16). Some authorities permit comfortable non-leather shoes (*Halichot Shlomo* 5:17), while others prohibit good quality non-leather footwear and require wearing shoes that are somewhat less comfortable than one's usual shoes (*Teshuvot V'hanhgot* 5:168:7). Some maintain that although comfortable non-leather shoes are technically permitted, it is preferable to be stringent (*Ashrei Ha'Ish* 71:11). According to all opinions, less sturdy shoes are permitted. In addition, if no suitable non-leather footwear is available and circumstances require walking outdoors, one may wear leather shoes until reaching the shul or destination, at which point they should be removed (S.A. 614:4).

5. Marital Relations

The laws governing a married couple on Tisha B'Av are similar to those observed during shiva. Marital relations are prohibited (S.A. 554:1), and spouses should sleep separately or separate the beds (S.A. 554:18). Physical contact should be avoided at night, though some permit physical contact during the day (see M.B. 554:37; *Chazon Ovadia*, p.307). Many permit passing items (*Kera Alai Moed*, ch.8, citing R. Eliashiv; *Chazon Ovadia*, p.307), though some are more stringent at night (*Kaf HaChaim* 554:85; R. Mordechai Eliyahu, *Hilchot Chagim*, p.213).

ADDITIONAL EXPRESSIONS OF MOURNING

Besides the five afflictions, several additional halachot and customs of mourning are observed on Tisha B'Av.

Torah Study

Since Torah gladdens the heart, regular Torah study is prohibited (S.A. 554:1). One may study topics relating to mourning, the destruction of the *Beit HaMikdash*, Tisha B'Av, the laws of mourning, the book of Eicha, the tragic sections of Yirmiyahu, selected passages of Iyov, and similar material (S.A. 554:2). Most *poskim* do not permit studying them in depth (M.B. 554:5), though one may study them well enough to ensure he understands what is learned (R. Shmuel Kamenetsky, *Kovetz Halachot, Bein HaMetzarim*, p.250; see also *Aruch HaShulchan* 554:4). One who is delivering a speech or *shiur* on the topic of Tisha B'Av may cite relevant sources to the discussion, even if they are not included in the official list of permitted Torah study materials (R. Avigdor Nebenzahl, *Yerushalayim B'moadeha, Bein HaMetzarim*, p.224).

Opinions differ regarding the recitation

of Tehillim on Tisha B'Av, particularly those that are beyond one's regular daily recitation (see M.B. 554:7; *Piskei Teshuvot* 554:4; notes in the *Dirshu* edition of the M.B., #13). However, prayers for those in danger, such as IDF soldiers and the ill, are certainly appropriate (*Chazon Ovadia*, p.311; *Kovetz MiBeit Levi*, vol.13, p.45). The study or discussion of *musar* (ethical improvement) to improve a person's conduct and strengthening one's relationship to Hashem is permitted on Tisha B'Av (Meiri, *Moed Katan* 21a; *Sdei Chemed*, *Aveilut* 25; *Chazon Ovadia*, p.316), though some require omitting the Torah and rabbinic sources quoted therein (R. Ephraim Greenblatt, *Rivevot Ephraim* 1:386, citing R. Chaim Kanievsky).

Sitting Low

It is customary to sit on the floor or a low chair from nightfall until *chatzot* (S.A. and Rema 559:3; M.B. 559:12; Yalkut Yosef, p.509). Some maintain that one should sit on a seat less than 1 *tefach* (8 cm) high (*Hilchot Chagim*, p.215), many permit a height of up to 3 *tefachim* (24 cm) (*Piskei Teshuvot* 559:4), while others maintain that there is no fixed height and that any seat noticeably lower than one's usual chair is permitted (*Halichot Shlomo*, *Moadim*, ch.15; *Ashrei Ha'Ish* 71:15). One may sit normally when traveling in a car or on a bus (*Kra Alai Moed*, ch.8).

Sleeping

Some are accustomed to sleep on the floor with a rock beneath their head, while others remove their pillow, or one of their pillows, if they normally use more than one. The underlying idea is to make oneself somewhat less comfortable than usual (S.A. and Rema 555:2). However, this custom does not apply to someone who is ill or weak (M.B. 555:7).

Greetings

One may not greet others in the usual

cheerful manner on Tisha B'Av. If greeted by someone unaware of the halacha, one should respond quietly and respectfully so as not to embarrass the other person (S.A. 554:20). According to many authorities, one should likewise refrain from wishing others "good morning" (M.B. 554:41). Some also recommend avoiding expressions such as "goodbye" (*Halichot Shlomo*, ch.15), although others maintain that this is only a recommendation and not a strict prohibition (*Chazon Ovadia*, p.330; see *Be'er Heitev* 385:2). However, congratulating someone on a significant milestone is permitted when appropriate (*Piskei Teshuvot* 554:19).

Work

One should avoid work that distracts from the mourning of the day, particularly during the morning (S.A. 554:22). Even afterward, one should avoid becoming absorbed in business or other activities that divert one's attention from the day's purpose (M.B. 554:49). One who must work for his livelihood should do so only after *chatzot* (*Aruch HaShulchan* 554:21). One who would otherwise suffer a significant financial loss or risk losing his job should consult a halachic authority, as there may be grounds for leniency (see S.A. 554:23). According to some, a G-d-fearing person should refrain from all labor throughout the day (*Chayei Adam*), while others maintain that there is no need to adhere to this stringency, as it is omitted by the *Mishna Berura* (R. Chaim Kanievsky).

Brief actions, such as turning on a light, are permitted even in the morning (Rema, O.C. 554:22), but more involved tasks, such as washing floors or dishes or repairing appliances, should not be performed (*Aruch HaShulchan* 559:9; *Piskei Teshuvot* 554:21). Some authorities forbid reading the news or other secular material on Tisha B'Av (*Aruch*

HaShulchan Y.D. 384:9; *Piskei Teshuvot* 554:1), while others permit it, though it is best if done briefly and without becoming overly engrossed (*Chazon Ovadia*, p.315). Historical works that focus on the tragedies of the Jewish people are permitted, and even encouraged (*Piskei Teshuvot* 554:2).

Many people in Israel visit the Kotel over Tisha B'Av to mourn for the destruction of the *Beit HaMikdash* at the very location in which it stood. One should make sure to maintain the proper decorum of the day, even if one is with a large group or meets friends there. One may greet them by saying that they should merit to see the rebuilding of the *Beit HaMikdash* (see *Peninei Halacha*, *Zemanim* 10:12)

PRACTICES OF TEFILLA

Tallit and Tefillin

The prevalent custom among Ashkenazim and some Sephardim is not to don *tallit* and *tefillin* at *Shacharit* as an expression of mourning, but rather at *Mincha*, when the intensity of the mourning is somewhat diminished (S.A., O.C. 555:1). Other Sephardim do don *tallit* and *tefillin* at *Shacharit* as usual (*Chazon Ovadia*, p.366). One should follow the established custom of the synagogue in which one is praying, even if it differs from one's personal custom (*Ohr L'tzion* 3:29:22). One should nevertheless wear a *tallit katan*, but without reciting a *beracha* (S.A., O.C. 555:1).

Eicha and Kinot

At night, the *megilla* of *Eicha* is customarily read aloud in shul, followed by a selection of *kinot* (S.A. and Rema, O.C. 559:2). In some communities in Israel, it is read from a scroll and a *beracha* is recited on it (*Luach Eretz Yisrael*). Many read *Eicha* quietly along with the *chazan* (M.B. 559:15; *Hilchot Chagim*, p.217). Those who do not attend shul should also read

it privately (M.B. 559:5), and some *poskim* encourage women who can to do so as well, even if they are unable to attend shul (*Teshuvot V'hanhagot* 2:250). However, according to most opinions, there is no need for women to hear *Eicha* (*Halichot Beita* 25:19; *Piskei Teshuvot* 559:2). It is customary that only some of the lights are turned on in the shul, and the *parochet* is removed from in front of the *aron Kodesh* (Rema, O.C. 559:1-2).

In the morning, a more extensive selection of *kinot* is recited, and in some communities, this continues until *chatzot*, when work again becomes permitted (Rema, O.C. 559:3; M.B. 559:13). Some also read *Eicha* a second time during the day (M.B. 559:2; *Chazon Ovadia*, p.391). One should not leave the shul or engage in unrelated conversation during the recitation of *kinot*, so as to remain focused on the mourning of the day (S.A., O.C. 559:5). Although Ashkenazim and Sephardim recite different collections of *kinot*, they all share the same purpose – mourning the destruction of the *Beit HaMikdash* and the many tragedies that have befallen the Jewish people.

Nachem and Aneinu

On Tisha B'Av, the special prayer of *Nachem*, in which we ask Hashem to comfort us over the destruction of the *Beit HaMikdash* and Jerusalem, is inserted into the *beracha* of *Boneh Yerushalayim* in the *Amida*. According to the more prevalent Sephardic custom, it is recited in every *Amida* on Tisha B'Av (S.A. 557:1 and M.B. 557:1). According to Ashkenazic custom and the custom of some Sephardim, it is recited only at *Mincha*, when the *Beit HaMikdash* actually began to burn and it is therefore especially appropriate to pray for consolation (Rema 557:1; *Kaf HaChaim* 557:7; see also *Levush* 557:1). Ashkenazim who are exempt from fasting also recite *Nachem* in

Birkat HaMazon (Rema, O.C. 557:1), whereas Sephardim generally do not (*Chazon Ovadia*, p.288). One who forgets to recite *Nachem* does not repeat either the *Amida* or *Birkat HaMazon* (S.A., O.C. 557:1).

Although various proposals have been made to modify the wording of *Nachem* in light of the Jewish people's return to Jerusalem, the widespread custom remains to recite the traditional text (*Chazon Ovadia*, p.377; *Peninei Halacha* 10:16; *Sichot HaRav Tzvi Yehuda*, *Eretz Yisrael*, p.249; R. Yosef Dov Soloveitchik).

According to Sephardic custom, the paragraph of *Aneinu* for fast days is recited in every silent *Amida* throughout Tisha B'Av, including *Ma'ariv*, and the *chazan* recites it as a separate *beracha* at both *Shacharit* and *Mincha*. According to Ashkenazic custom, individuals recite *Aneinu* only at *Mincha*, while the *chazan* recites it at both *Shacharit* and *Mincha* (M.B. 557:3).

MOTZA'EI TISHA B'AV

Birkat HaLevana

Birkat HaLevana is generally recited after *Ma'ariv* following Tisha B'Av (Rema, O.C. 426:1; M.B. 426:11; *Chazon Ovadia*, p. 410), although some recite it during the Nine Days (Gra, O.C. 426). Ideally, one should first eat something and put on leather shoes (M.B. 426:11). However, if delaying would mean missing the opportunity to recite it with a *minyán*, it may be recited beforehand (*Sha'ar HaTziun* 426:9; *Nitei Gavriel* 87:3).

Nine Days Customs

Many of the customs of the Nine Days continue after the end of the fast until the following day, since the *Beit HaMikdash* continued burning throughout the tenth of Av. Ashkenazic custom is generally to refrain from eating meat, drinking wine, laundering clothing, bathing for

pleasure, listening to music, and taking haircuts until midday on the tenth of Av. According to the more prevalent Sephardic custom, eating meat and drinking wine remain prohibited throughout the tenth of Av, while the other restrictions end when the fast concludes (S.A. and Rema, 558:1; M.B. 558:2-3; *Chazon Ovadia*, p.413). Some Sephardim follow the Ashkenazic practice (*Hilchot Chagim*, p.225).

TISHA B'AV ON THURSDAY

Since this year Tisha B'Av falls on Thursday, bathing, laundry, haircuts, and shaving are permitted on Friday morning according to all opinions, in honor of Shabbat (M.B. 558:3). Some authorities permit all of these preparations already on Thursday night when necessary (*She'ilat Ya'avetz* 1:96; *Chazon Ovadia*, p.415), while others permit them only on Friday morning (*Luach Eretz Yisrael*; *Ashrei Ha'Ish* 71:41). A third opinion permits doing laundry on Thursday night so that there will be sufficient time for the rest of the Shabbat preparations on Friday, but maintains that bathing, haircuts, and shaving should only be done on Friday (*Shemirat Shabbat K'hilchata* 42:5; R. Yaakov Ariel, cited in *Oholei Halacha*, p.238). All other Nine Days restrictions that are unrelated to Shabbat preparations remain in effect as in other years. ■

Rabbi Eli Ozarowski serves as editor of the Tzurba M'Rabanan English halacha series, as well as the editor of the written material for the Semichas Chaver halacha program. He is also the author of the OU's Torat Imecha Halacha Series for women and a translator for the Steinsaltz Mishna series. Rabbi Ozarowski received semicha from the Rabbi Isaac Elchanan Theological Seminary (RIETS) and holds an M.A. from the Azrieli Graduate School of Jewish Education and Administration. He lives in Mitzpeh Yericho with his wife, Zemira, who serves as Director of the Women's Division at OU Israel, together with their nine children. Rabbi Ozarowski gives many shiurim in the community and is also frequently consulted on halachic matters.