



ERETZ HEMDAH

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Sitting on the Floor on Tisha B'Av

Question: A major challenge for me on Tisha B'av is sitting very low. My back is chronically sensitive to this, but I have never experienced longer-term repercussions. I usually stand quite a bit during the long *Kinnot* I take part in. Would it be better to sit on a slightly low chair (I have been lazy about getting one)? What do I do if *Kinnot* finishes after *chazot*, as I see some but not all people sitting normally then?

Answer: The *gemara* (Ta'anit 30a) says that all *mitzvot* of *aveilut* during *shiva* apply to us all on Tisha B'av. As we know (although the sources on this are complicated – see Beit Yosef, Yoreh Deah 387), an *avel* does not sit on a regular chair, and therefore the same should be true on Tisha B'av. However, when the Shulchan Aruch and Rama (Orach Chayim 559:3) codify this practice for Tisha B'av, they say that it is only for part of the day.

Some explain that the time limitation stems from the fact that sitting low on Tisha B'av is apparently a *chumra*, as there are no explicit Talmudic sources about sitting low, and so we are lenient (see Mishbetzot Zahav 559:4). The Taz (OC 559:4) says that it is a full-fledged *halacha*, but that the *gemara*, by presenting a broad rule that equates between *shiva* and Tisha B'av but leaves sitting low off the list of examples, hints at a compromise regarding its duration.

The Bach (OC 559) argues that one's sitting on Tisha B'av should not be derived from *aveilut* because the comparison is only for negative commandments. The Taz (ibid.) responds that sitting low is indeed a negative commandment (not to sit regularly), not a positive one (to sit low). He therefore posits that standing is fine, because only improper sitting is forbidden. According to him, standing or lying down is neutral. Even if there is a positive *mitzva* to sit low, it is hard to imagine one being required to remain seated the whole time. Rather, there should be a significant amount of sitting low, and the whole time this applies, it is forbidden to sit normally.

There is a lack of clarity as to how low this should be. *Rishonim*, including the Ramban (Torat Ha'adam, Aveilut 63) and the Tur (OC 559) speak of sitting on the ground, and this has a basis in the *gemara* and even *Tanach* (see Iyov 2:13). However, it is permitted (and perhaps preferred – see Nitei Gavriel, Bein Hametzarim 2) to put something between him and the ground (Mishna Berura 559:11). When it is difficult to sit that low, one can sit on a low chair/bench (ibid.). While many

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assume the cutoff point is three *tefachim*, others say it is enough that it is noticeably lower than normal (see opinions in Dirshu 559:13). Certainly, whatever is acceptable during *shiva* is permitted on Tisha B'av.

Regarding your discomfort, on the one hand, the practice is supposed to make it uncomfortable. On the other hand, it is not intended to cause someone qualitatively more pain than the average person. If a low chair will work for you, it behooves you to obtain one, and if you decide not to bother and it is not damaging to you, it was your decision to handle the discomfort and/or stand part of the time. Since even by *aveilut* it is accepted that those for whom it is truly difficult may sit on a normal chair (Aruch Hashulchan, YD 387:3), if it becomes truly difficult you may sit as you need to. In summary, the order would be: using a low chair, certainly if it is less than three *tefachim*; standing as much as you need; and finally, sitting on a regular chair when it is **necessary**.

Regarding the timing, while there are sources about staying seated low until finishing *Shacharit/Kinnot* is over (see complex language of the Rama, OC 559:3). Important sources, including the Magen Avraham (559:3) and Pri Megadim (559, MZ 4) mention *chatzot* specifically. Nitei Gavriel (ibid. 68:13) posits that the proper position for *Kinnot* is sitting, even after *chatzot*, but his support for this claim is weak. So, while those who are *machmir* while *Kinnot* continue have a basis, even one who is often *machmir* need not do so if it is difficult. ■

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**David & and Karyn London
and family on the birth
of twin grandsons**