

קיצור הלכות

תשעת הימים

Summary of the halachos
of the Nine Days

Including many 'less
commonly known' halachos

מאת

הרה"ג ר' יושע גרינוואלד שליט"א

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Summary of the Halachos of the Nine Days

Including many 'less commonly known' halachos

by Rabbi Yehoshua Grunwald

During Bein Hametzarim there is national mourning to commemorate the losses of the two Batei Mikdash and other calamities that came along with them. However, the laws of mourning aren't uniform during this three week period. Rather, there is a four-step intensification of the mourning. In this article we will attempt to outline the basic laws and customs that are applicable to the period from the first of Av until the ninth of Av. Commonly, these days are referred to as the "Nine Days". It should be mentioned that for some halachos there are differences between the days in the same week as Tisha B'av and the days before that week, with the earlier week being more lenient. Also, the halachos mentioned here are for those that follow the Ashkenazic custom, for Sefardim there are many differences. Lastly, it must be mentioned that these halachos discuss the days of Av until the afternoon of the eighth of Av, as from then onward the halachos are very different and aren't included in this article.

The Gemara, based on the Mishneh (Ta'anis 29a), prohibits building a "structure of simcha." This refers to any sort of construction that is not necessary for basic dwelling but is rather meant for pleasure or extra comfort. However, poskim tell us, that when there is a risk of financial loss, one is permitted to build even for non-dwelling purposes. Also included in this prohibition, is fixing the landscape when it is for beauty rather than necessity (See Moadei Yeshurun page 136 in the name of Reb Moshe Feinstein Zt"l). Additionally, Igros Moshe (OC vol. 3; 80) writes that purchasing a car for pleasure or enjoyment is also prohibited, just as it is prohibited to build for pleasure. (Reb Moshe points out that sometimes the purchase of a car necessitates saying a blessing of Shehecheyanu, which in that case, it would be prohibited to purchase it during the entire three weeks.)

Later authorities enacted a custom to refrain from another four categories of activities during the nine days. They are: 1. Refraining from eating meat and drinking wine, 2. Refraining from washing the entire body, 3. Refraining from laundering clothing and wearing freshly laundered clothing, and 4. Refraining from producing, tailoring, or repairing new clothing. In essence, these four categories include all types of basic human needs: food, caring for the physical body, clothing, and possessions. In the coming paragraphs we will Be"H explain these customs in more detail.

Eating Meat and Drinking Wine

According to the Gemara the prohibition against eating meat and drinking wine applies only to the last meal before Tisha B'Av. However, the custom is to refrain from eating meat or drinking wine the entire nine days. The custom was enacted in remembrance of the korbanos and wine libations that we no longer have, since the Bais Hamikdash was destroyed. The custom is to abstain from all types of meat and wine, even those that were not allowed on the mizbeach, such as fowl, meat that is three days old, and grape juice. Also, we don't even give children to eat meat or drink wine once they are the age of 2-3 years old, unless it is a devar mitzva. (See, however, Mishne Berura Dirshu footnote 87.)

There are a number of instances when eating meat and drinking wine are permitted:

One is permitted to eat meat and drink wine at a seudas mitzva, such as at a bris, pidyon haben, bar mitzva (when it is celebrated on his Jewish birthday, or, according to some poskim, when the bar mitzva boy delivers a Torah sermon even when celebrated not on his birthday), or at a siyum. At these types of meals even the kos shel beracha of the birkas hamazon is permitted. However, the cup of wine used for the berachos of the bris should preferably be given to a child who has not yet reached the age for mourning to drink. Rav Nissim Karelitz Zt"l i quoted as saying that the age of a child for mourning is when he can learn Gemara with tosfos.

There is an exclusion for a chole- one that is sick, to eat meat and drink wine during the nine days. Even one that is mildly sick if it is for his benefit to eat meat or drink wine he may do so until the meal before Tisha B'Av. A pregnant woman, nursing mother, woman during the first thirty days after childbirth, or one that his diet restricts him from eating dairy may also eat fowl at least until the seventh of Av. Some of these mentioned may also eat beef meat and past the seventh of Av; when necessary one should consult a posek

It is certainly permitted to eat meat and drink wine as one pleases during the entire Shabbos during the nine days. It would be considered a sin if one refrained from them on Shabbos because of mourning. Even one that extended Shabbos at the beginning (commonly called early Shabbos) or at the end of Shabbos may eat meat and drink wine during that time. Igros Moshe (OC vol.4, 21, 4) permits serving children meat and wine an hour or two before Shabbos, for those that regularly serve them to eat before Shabbos. Once the Shabbos ends it is prohibited to eat meat or drink wine, even during melave malka. Regarding the wine of havdala, there is discussion amongst the poskim whether it is permitted even for an adult to drink it lechatchila, or that when possible he should give it to a child below the age of mourning to drink it. One that does give the wine to a child to drink should make sure that the child listens to the entire havdala and doesn't interrupt or make an additional beracha before he drinks it.

Washing the Body

According to the custom one should not bathe one's body, both completely and partially, both with hot water and cold water during the entire nine days. However, there are many limitations to this, as we will Be"H numerate:

One may wash his face and hands with cool water. It is questionable as to what is considered cool water. Some say that even hot water that is mixed with cold water, but there is no enjoyment from the hot water added and it only removes the chill from the cold water, it can still be called cool water.

For healing-related purposes, one may even wash with hot water.

In preparation for tevilas mitzva it is permitted to bathe even in hot water. Even when the night of tevila is on the tenth of Av, she may bathe on Erev Tisha B'Av in preparation. Additionally, a woman may rinse as necessary in order to start the seven clean days.

One who regularly goes to the mikva may be toivel.

A person who has soiled part of his body may wash off that area. If one is dirty in a number of areas and it's difficult to wash each one individually, it is permitted to wash the entire body at once.

One who has perspired profusely may bathe in order to cleanse himself. There are poskim who rule that it is only permitted if there is a question of becoming ill. However, other poskim permit one who sweats profusely or has an unpleasant body odor to bathe in cool water. Others rule that one must bathe limb by limb, not the entire body at once.

People who are extremely particular about their cleanliness, and if they don't wash they will be in a state of great discomfort and possibly even become ill, may wash themselves in cool water.

According to Mishne Berura it is forbidden to bathe the entire body for Shabbos, even in cold water and even for someone that bathes every Erev Shabbos in hot water. Nonetheless, based on the psakim of Rav Eliyahu Henkin Zt"l and Rav Moshe Zt"l in today's days that we normally bathe a few times a week, one need not be stringent on Erev Shabbos during the nine days; it is enough that we are stringent the rest of the nine days. One may also use soap when he bathes for Shabbos (Sefer Kovetz Halachos). However, one should bathe as quickly as possible to avoid enjoying oneself while bathing.

Young children who constantly soil themselves may certainly be bathed during the nine days. Children until they reach the age of mourning for the churban may also bathe themselves when necessary (e.g. It is very hot or they are uncomfortable), until the age of a year before bar/bas mitzva.

An adult is certainly forbidden to go swimming during the nine days, as he is gaining at least equal amount of pleasure from the swim as from bathing. Pertaining children going swimming it is subject to discussion among the contemporary poskim.

Laundering Clothing

It is forbidden to wash or iron clothing during the nine days even though he won't wear them until after Tisha B'Av because such an activity appears to be a purposeful distraction of the mourning. It is equally forbidden to have a gentile wash it for you on your behalf. Giving clothing to a gentile cleaners during the nine days and instructing them to clean it after the nine days is subject to a dispute among the poskim, and should be avoided (unless it is linen garment/s). However, one may give the clothing to the gentile cleaners before the nine days even if the gentile will launder it during the nine days, (so that he could use it after the nine days.) Numerous exceptions are as follows:

An article that became soiled during the nine days and if left in its dirty state will be permanently damaged may be washed during the nine days. Additionally, most poskim permit spot cleaning even if there is no question of permanent damage.

There is a machlokes among the poskim if one may wash clothing of all minors until the week of Tisha B'av. In cases of necessity one may be lenient. Even according to the stringent authorities and even during the week of Tisha B'av one may wash the clothing of a child that constantly soils their clothing with dirt or mud. The exact age of such a classification likely varies from one child to the next. However, some poskim suggest that it is approximately at the age of 2 or 3 years old, while others permit up to the age of 8 years old.

Lechatchila one should see to it that his Shabbos clothing are laundered before the nine days. However, in the event that one who does not have clean clothes for Shabbos he may clean them on Thursday or Friday. Preferably, they should have a gentile do it for them.

It is permitted to wash for mitzva purposes. For example, a woman who doesn't have enough white undergarments or a man whose only tallis got dirty may wash them during the nine days.

It is worth noting that contemporary poskim forbid washing a shaitel during the nine days, as a wig is considered like an article of clothing regarding this custom.

Wearing New and Freshly Laundered Clothing

It is forbidden to wear freshly laundered clothing during the nine days. This extends not only to clothing but to one's bed linen, fresh hand towels, and tablecloths, as well. Some poskim prohibit wearing freshly laundered undergarments (e.g. underwear, socks, etc.), while others permit them. The following are exceptions:

In honor of a bris and pidyon haben the baalei simcha may wear freshly laundered (Shabbos) clothes. The baalei simcha for a bris are the baby's parents, the mohel, the sandek, and the woman who carries in the baby. However, the kvatter isn't considered a baal simcha for this regard. For a pidyon haben the baalei simcha are the baby's parents and the officiating kohen.

Poskim rule that a boy or girl going on a date may wear freshly laundered (Shabbos) clothing if doing so might have a positive affect on the shidduch.

Many poskim rule that one may wear freshly laundered (Shabbos) clothing in honor of Shabbos, and this is the accepted custom. In honor of Shabbos, one may also use a fresh tablecloth and fresh hand towels. Changing the bed linen is however forbidden.

It must be noted that all the mentioned exceptions do not permit wearing new clothing. As such, it is forbidden to wear new clothing even if it is underwear, Shabbos, and/or a simcha.

Wearing Shabbos Clothing

One may not wear Shabbos clothing during the weekdays of the nine days. However, all the examples listed earlier that one may wear freshly laundered clothing are also permitted to wear Shabbos clothing. In addition, a bar mitzva boy, his parents and grandparents may wear Shabbos clothing. Also, at the finalization of a shidduch, the chasan and kallah may wear Shabbos clothing.

Court Cases During Av

The month of Av is a time of bad mazal for Klal Yisroel, and therefore, one who has a court case with a gentile should try delaying it until Elul or at least until after Tisha B'av.

Restricting Simcha

During the nine days we must decrease our level of simcha. Therefore one should not gaze at beautiful objects that bring a person enjoyment, nor should one visit places that cause much enjoyment.

Business Dealings

One should limit his business dealings during the nine days. According to some poskim it only refers to purchases of simcha items, such as buying silver. However, according to others one should only do what is necessary to support his family. All agree that in cases of loss, when it is for the purpose of a miztva, or for the public's good that it is permitted.

Making, Altering, and Purchasing New Clothing

It is forbidden to make, tailor, or repair new clothing or shoes during the nine days. The prohibition includes even items of minor significance, such as socks. It is also forbidden to repair old clothing in a way that they will become like new. Just like it is forbidden to fix new clothing and shoes, it is likewise forbidden to purchase them.

Cutting Nails

There is a dispute among the poskim if cutting nails is permitted during the week of Tisha B'Av or not. Certainly before the week of Tisha B'av it is permitted. Also, for a woman to prepare for tevila it is definitely permitted.

Kiddush Levana

It is customary not to say kiddush levana until after Tisha B'av, since it is a time of mourning. However, when there is concern that one will miss saying it if he waits, he may say it during the nine days.