

Tisha B'Av and Mourning

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Question: I was taught that due to our mourning on Tisha B'av, we are not allowed to learn or discuss Torah. Since Torah causes us joy, we are forbidden to lessen our mourning with its study. While I understand why we read from Kinot and Eicha, how do we justify reading from the Torah at Shacharit and at Mincha? Another question, do these halachot apply to an individual during the seven days of mourning?

Menachem

via email

Answer: The halacha to which you refer is stated in Yoreh De'ah (384:1, based on *Mo'ed Katan* 15a), "During the entire seven-day period [of his mourning], a mourner is forbidden to read from the Torah, the Prophets and the Writings, the Mishna, the Gemara, halachot and aggadot, except if people need him to teach them. In such a case, it is permissible...."

We also find similar halachot regarding Tisha B'Av, our national day of mourning for the destruction of the Temple and Jerusalem, as the Mechaber notes (*Orach Chayyim* 554:1).

We must ask: What is the reason that a mourner is forbidden to read [i.e., study or discuss] Torah, Scripture, Talmud, etc? The Shach (*Orach Chayyim* ad loc.) explains the source, citing a verse in Psalms (19:9), "*Pikudei Hashem yesharim mesamchei lev, mitzvat Hashem barah me'eirat einayim* – The commands of Hashem are right; they gladden the heart. The commandment of Hashem is of such clarity that it enlightens the eyes."

Torah has the power of offering a unique enjoyment and pleasure. A mourner in his bereavement is precluded from this delight. It is interesting to note that this citation of the Shach is at variance

with the Mechaber's source for this Halacha (Tractate *Mo'ed Katan* 15a), where we learn that a mourner is prohibited to utter words of Torah [discussion], since Hashem stated (*Ezekiel* 24:17), "*He'anek dom* – Sigh in silence."

Scripture there refers to the tragedies of the Jewish people and specifically to Ezekiel's personal travail, yet Ezekiel himself is precluded from any manifestation of outward sorrow – "Sigh in silence." Rabbenu Chananel explains that our sages implied that such is the Halacha in this case only, that indeed all others are to manifest their grief in an open, public manner.

In truth, we do find a Gemara (*Ta'anit* 30a) stating that all customary restrictions relating to the mourner during the seven days of mourning apply as well to the community as a whole on the Ninth of Av.

However, there is a difference. In the case of the national mourning on Tisha B'Av, one is prohibited from eating and drinking [Rashi s.v. "*Asur be'achila uvi'shetiya*," explains that these two restrictions apply only to the mourning for the Temples' destruction. Indeed, both Rosh and Rif, simply, remove these first two restrictions from their amended texts].

The Gemara (*Ta'anit ad loc*) explains that one is prohibited from [washing and] anointing, the donning of [leather] shoes, and marital relations. One is also forbidden to read from the Torah, Prophets and Writings, and to study Mishna, Talmud, Midrash as well as halachot and aggadot. However, one is permitted to read that which he usually does not read [Rashi s.v. "*B'makom she'eino ragil likrot*" explains that since this is a matter beyond his familiarity and understanding, it actually causes distress to the mourner] and similarly he may study [a Mishna or Gemara] that he does not usually study. He may read the Kinot and Job and the elegies in Jeremiah. Young schoolchildren – *tinokot shel beit rabban* – remain idle [we do not study with them on the Ninth of Av], as the verse (Psalms 19:9) states, "*Pikudei Hashem yesharim mesamchei lev* – The commands of Hashem are right; they gladden the heart."

R. Yehuda states that the restrictions include even those matters [of Torah and Mishna, etc.] that one is not used to reading, the only exception being reading Job, *Kinot*, and the elegies in Jeremiah.

Thus we see that both verses apply: 1) The Gemara's (*Mo'ed Katan* 15a) citation from *Ezekiel* (24:17), "*He' anek dom* – sigh in silence," that only Ezekiel must sigh in silence, but all others are to manifest their mourning outwardly and thus not study Torah publicly. 2) The Gemara in *Ta'anit* explains further that this is due to the fact that (*Psalms* 19:9) "the commands of Hashem are right; they gladden the heart," which is surely forbidden in the midst of mourning.

Regarding the reading of the Torah in the synagogue on *Tisha B'Av*, at both *Shacharit* and *Mincha*, the *Mechaber* (*Orach Chayyim* 554:4) addresses that as follows: "One is permitted to read the complete order of the day [he is referring to the order of the daily prayer service] as well as the portion of the korbanot – sacrifices, the Mishna of Eizehu Mekoman (Tractate *Zevachim*, Chapter 5) and the midrash of Rabbi Yishmael (*Baraita*, in *Sifra*). [The latter three constitute the portion of the Tefillah referred to collectively as *Korbanot*.] The Rema adds that one is allowed to review the Parasha on *Tisha B'Av*. However, both the *Ba'er Heitev* and *Mishna Berurah* (ad loc) note that this applies only to the Chazzan, who reads the Torah publicly for the congregation. His reading and advance preparation are obviously considered *tzorech ha'tzibbur* – a public need.

We pray and hope that in the merit of the discussion of these halachot, Hashem will have mercy on our people and bring forth our redemption, speedily in our days.

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