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"חוקי חיים"

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לעשות רצונך
בלבב שלם



שע"י "חדר הזדאה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochohs compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Halochohs of

Tishah

B'av

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Halachos of Tishah B'Av

Parshas Va'eschanan 5780

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Halachos of Tishah B'Av

Tishah B'Av in Quarantine

1. These days in Eretz Yisroel, many people are in quarantine, either because they themselves are sick, lo aleinu, or because they were exposed to someone who was confirmed to have the virus from China. [There are also many more people who are supposed to be in quarantine but have decided to endanger others and not follow the quarantine instructions...]
2. **Eichah.** An individual at home also says Eichah (ח"א, מ"ב סי' תקנ"ט סק"ה). However, even if he reads it from a klaf and has the minhag to say the brochah in shul, he should not say the brochah when reading it alone since the brochah was only instituted for public reading (לוח א"י).
3. **Kinos.** An individual should also say kinos, both by night and by day.
4. **Reducing light.** There is a minhag to reduce the amount of light in shul on Tishah B'Av night. This is primarily based on the Medrash Eichah: "Hashem said to the malachim, 'When a human king is in mourning, he extinguishes the lanterns; I do this too'" (רא"ש סוף תענית, הגה"ר מיימוני) (פ"ה תענית). This implies that the minhag is only in a shul, which is a mini Beis Hamikdash, but in a house, there is no need to diminish the light. Still, some people reduce the amount of light even at home, based on the posuk, "הל' חג בחג" – "In darkness He placed me" (במחשכים הושבני).

Doing Melachah

5. In a place where the minhag is to do melachah on Tishah B'Av, one may do melachah; in a place where the minhag is not to, one may not (שו"ע תקנ"ד ס"ב). The minhag not to do melachah is to ensure that we don't lose focus on the aveilus. Today, the universal minhag is not to do melachah, at least until chatzos (ביאה"ל בשם מטה יהודה).
6. Conducting business for profit is included in the issur melachah.
7. One may do melachah which does not take up time since it does not distract from the aveilus (מ"ב שם סקמ"ג). Accordingly, it would seem that one may send a single email if it is urgent or do something very minor and quick on a computer. Still, a G-d-fearing person should be machmir to avoid everything (ד"א כלל קל"ה ט"ז) and focus only on the aveilus.
8. **Grocery store.** One may open his store to sell staples such as bread, milk, and the like for children and others who are not fasting, as well as for after the fast (כף החיים סקק"ו).
9. **Tishah B'Av day camp.** One may organize a Tishah B'Av day camp for local children, even for pay. This is not a problem of business on Tishah B'Av since it is a necessity, as it makes fasting and aveilus much easier on the parents.
10. Other than construction or other loud work, one may have a non-Jew do melachah for him even in his house (מ"ב מ"ו).

Greeting People

11. One may not ask someone else how he is doing on Tishah B'Av (שו"ע תקנ"ה ס"ב). Similarly, one may not say "Good morning" (מ"ב מ"א). One may wish "Mazel tov" on a simchah, since that is just a brochah. One may also wish someone a "Refuah sheleimah" (גשר החיים כ"א ס"ז אות ז).
12. One may answer "Hello" on the phone since that is not a greeting as much as a way of answering the phone (ע"י שו"ת באר משה ח"ז סי' ל"ג ח"ד) (סי' ק"ז). Just make sure not to say "Sholom" on the phone.
13. For the same reason that we do not greet people, one may also not send someone a gift. One may, however, send food to a friend or neighbor for after the fast (שו"ת התעוררת תשובה ח"ג סי' שני').

Sitting on the Floor

14. On Tishah B'Av night and Tishah B'Av day until Minchah [or chatzos (רמ"א)], we sit on the floor in shul (שו"ע תקנ"ט ס"ג). One who finds it difficult to sit on the floor may place a sack or small cushion underneath himself or sit on a low bench (מ"ב סק"א).
15. A person who is ill, elderly, pregnant, or cannot sit on a low seat for some other reason may sit at a regular height (ערוך השלחן י"ד) (סי' שפ"ז ס"ג).
16. The person who does hagbah on the sefer Torah (דרשה י"ד שפ"ד) and the sandek at a bris may sit on a regular chair (אות ב').
17. Some poskim hold that sitting on the steps in front of the aron or bimah is considered sitting on the floor (מקור חיים לח"י סי' מ"ג ס"א). However, others point out that the Maharil specifically sat on the floor and not on a step in front of the aron (באר היטב תקנ"ט סק"ג).
18. **Bus.** When traveling on a bus or train one does not need to stand throughout the ride since his intent in sitting is for safety reasons, not for pleasure or comfort (טעמא דקרא בשם החזו"א).

Smoking

19. The Knesses Hagedolah forbids smoking on Tishah B'Av. He is very strict, writing that one who does so should be placed in cheirem. The Mishnah Berurah (תקנ"ה סק"ח) writes that one may not even smoke on the other four fast days and certainly not on Tishah B'Av, but he says that there are Acharonim who are meikel. Thus, if someone is used to smoking and it would be very difficult for him not to, he may be meikel after chatzos in private.

Pregnant

20. Pregnant and nursing women fast on Tishah B'Av as they do on Yom Kippur (שו"ע תקנ"ד ס"ה). Due to the weakness of the current generation, many poskim in Eretz Yisroel rule that in very hot places, a pregnant woman, whether in the beginning of her pregnancy [after 40 days] or the end, may eat and drink. Even so, if she can fast until the morning, it is proper to do so. If she is parched and needs to drink in the middle of the night, she may. Each woman should ask her own shailah.

Nursing

21. Nursing women fast on Tishah B'Av (שו"ע שם). If they feel weak or dizzy or that they are not producing enough milk, they do not need to continue to fast (שע"ת סק"ו).
22. If a nursing woman's baby sometimes takes formula, she can nurse him less and supplement with some formula. If her baby does not take formula, she is not obligated to try to give it to him in order to fast since mother's milk is better for a baby's health. Thus, in such a case, if she is weak or the like, she may eat (בשם החזו"א).

Recently Gave Birth

23. The Mechaber (שו"ע תקנ"ד ס"ו) holds that a woman within 30 days of giving birth does not need to fast. The Rama says within seven days; but after that, she must fast, even if she feels she needs to eat, unless she is in great pain or somewhat ill, in which case fasting is potentially dangerous (מ"ב י"ד). However, the Aruch Hashulchan (סי"ח) writes that the Rama's words were for his day, but in today's weaker generation, a woman within 30 days of giving birth should not fast at all. Each woman should ask her own shailah.
24. A woman who miscarried, lo aleinu, at least 40 days after conception has the status of a woman who gave birth for these purposes (ביאה"ל תרי"ז).

Choleh

25. A person who is ill and weak or in pain may eat on Tishah B'Av, even if he is not in danger (ש"י"ע שם ס"ו, מ"ב סק"א). A person with somewhat of a fever should certainly not fast, nor should individuals with diabetes, high blood pressure, or the like. Chazal did not decree a fast for someone who is ill (ש"י"ע שם).
26. **The virus from China.** Someone who is, lo aleinu, sick with the virus from China, which is still raging in many places, especially Eretz Yisroel, and has a fever higher than 38°C [100.4°F] is considered a choleh and should not fast on Tishah B'Av. He should drink lots of hot water and eat to strengthen his body so that his situation doesn't worsen, chas veshalom.
27. Even if he doesn't have a fever, if he feels weak due to the virus from China or has symptoms of the flu – e.g., pains in the muscles, bones, chest, head, etc. – he should not fast at all and has a mitzvah to eat and drink.
28. If someone experiences loss of taste or smell – a recognized symptom of the virus from China – but is generally healthy and not in the at-risk population, he must fast. However, someone in the at-risk population or over 70 years old should eat and drink less than the shiur even if he feels fine, as his situation can easily deteriorate and become dangerous, ch"v (ביאה"ל תקנ"ד ד"ה דבמקום).

Pills

29. One who takes pills daily for physical or mental health reasons may take his pills with some bitter water, e.g., strong tea (באה"ט תקנ"ז) (באה"ט תקנ"ז), and is still considered to be fasting, so he can say Aneinu and get an aliyah.

Washing

30. One may not wash himself on Tishah B'Av, even with cold water. Only washing for pleasure is forbidden; if one's body or hands are dirty, he may wash them to get rid of the dirt (ש"י"ע תקנ"ד ס"ט) if necessary, he may use soap.
31. Netilas yodayim after waking up or using the bathroom is done until the knuckles (ש"י"ע תקנ"ד ס"י).
32. Due to the pandemic, frequent handwashing is necessary these days. Thus, one may wash his hands with soap since it is not for pleasure, but for health. This is similar to the halachah about dirty hands.
33. Someone who is ill and is washing to eat may wash his entire hand since he is not doing so for pleasure (ש"י"ע שבה"ל ח"ה קל"ט). The same is true for a Kohein washing for Birkas Kohanim (מ"ב תרי"ג סק"ז). The poskim explain the difference between these instances and netilas yodayim in the morning (ש"י"ע ש"ת ד"ה המאיר ח"ה ס"י מ"ד, ש"ת רבבות אפרים ח"ה שפ"ד).
34. When cooking on Tishah B'Av, one may wash vegetables or utensils as needed even if his hands will get wet since that is not washing for pleasure (מ"ב שם י"ט). Some are careful to wear gloves, but that is just a chumra.
35. One may not go to the mikveh on Tishah B'Av even if he goes every day.

Smearing

36. On Tishah B'Av, one may not rub onto his body any commonly-applied substances. Thus, one may not use perfume. Some poskim allow unscented deodorant since it is only used to prevent perspiration (הגר"מ פנינשטיין והגר"ש אויערבאך); others forbid it (הגר"ש אלישיב).
37. Creams may be used for medical purposes but not to moisturize or soften the skin.
38. **Hand sanitizer ["alcoGel"].** One may use hand sanitizer during this time since it is used for health and hygiene of the hands, not pleasure, and it is very important at this time. Sanitizer may be applied to the whole hand; unlike when washing, one does not need to only go to the knuckles.
39. One should not use makeup or lipstick, with the exception of a kallah within 30 days of her wedding [i.e., a woman who got married after the 8th of Tammuz] who may wash her face and put on makeup so as not to look unpleasant to her chosson (מ"ב שם סק"ב).

Shoes

40. Strictly speaking, only shoes made of leather or containing leather may not be worn. Shoes made of wood, fabric, or rubber may be worn (ש"י"ע שם סט"ז).

41. Nevertheless, there is a dispute among the poskim whether one may wear any comfortable shoes. Therefore, one who is machmir not to wear them will receive a brochoh (מ"ב תרי"ד סק"ה).
42. **Crocs.** Women's Crocs, which are made to also be worn outside like regular shoes, should not be worn. Also, if someone wears regular Crocs outdoors throughout the year, it is improper for him to wear them on Tishah B'Av. One who only wears them inside, in the shower, etc. may wear them on Tishah B'Av, but again, one who is machmir will receive a brochoh.

Motzei Tishah B'Av

Kiddush Levanah

43. We say Kiddush Levanah on Motzei Tishah B'Av (באר היטב תקנ"ט כ"ה) (בשם האר"י). This is because Moshiach ben Dovid is born on Motzei Tishah B'Av, so we "inform the moon" and Klal Yisroel that they are going to be renewed. May we hear this news this year.
44. It is preferable to put on shoes and taste something before saying Kiddush Levanah since one should only greet the Shechinah when he is happy, smells good, and is wearing nice clothing.

10th of Av in a Regular Year

45. The Beis Hamikdash caught fire on the 9th of Av, toward evening, and it burned through shkiyah of the 10th. Therefore, certain aspects of aveilus apply on the 10th (ש"י"ע ס"י תקנ"ח), as will be explained. Although the Beis Hamikdash burned mostly on the 10th, Chazal instituted aveilus primarily on the 9th since that was when the tragedy began (מ"ב סק"א בשם הגמ').
46. The Mechaber writes that it is proper to abstain from meat and wine on the night and day of the 10th (ש"י"ע שם). This implies that the issur to eat meat or drink wine applies all day. However, it is clear that the Mechaber holds that the other aspects of aveilus are muttar. This is the Sephardi minhag (ש"י"ע אור לציון ח"ג פכ"ט תש"ו כ"ו).
47. The Rama mentions that some people only practice aveilus until chatzos of the 10th. The minhag is to not wash, cut hair, or do laundry until chatzos (מ"ב סק"ג). Other practices of the Nine Days, e.g., not mending clothes, not wearing fresh clothes, and not listening to music, are also followed until chatzos of the 10th (מ"ב סק"ב).

10th of Av on Friday

48. This year [5780/2020], Tishah B'Av falls on Thursday and the 10th falls on Erev Shabbos. The poskim discuss at what point on the 10th one may be meikel on several halachos of aveilus in order to prepare for Shabbos. The Mishnah Berurah writes that when Tishah B'Av falls on a Thursday and the 10th is Erev Shabbos, "all of this may be done in honor of Shabbos" (מ"ב תקנ"ח סק"ג). The poskim argue what he meant.
49. **Laundry.** Some poskim say laundry in a year like this may be done on the morning of the 10th but not the night (קצשו"ע ס"י קכ"ד ס"ב, ע"ה). Others say since Ezra decreed that laundry should be done on Thursday to leave Friday available for Shabbos preparations, laundry may be done on the night of the 10th. Most poskim hold this view, and one may rely on them lechatchilah (יעב"ץ בסידור, הגרש"א שש"כ פמ"ב ע"ט, הגר"ש וואזנר קובץ מבית לוי בין המצרים עמ' ל"ט, ל"ט, הגר"נ קרליץ חוט שני שבת ח"ב עמ' שכ"ח).
50. **Washing, haircuts.** Some say washing with hot water and haircuts are only permissible starting the morning of the 10th, not the night (קצשו"ע, ע"ה). Others say washing and haircuts are also permitted on Motzei Tishah B'Av at night (ש"ת אבן ישראל ח"ז ס"י כ"ז, ש"ת מחזה אליהו ח"א ס"י פ"ז אות ט'). Therefore, if necessary, one may be meikel to wash and get a haircut at night. Washing with cold water is completely fine on Motzei Tishah B'Av (הגר"ש וואזנר שם).
51. **Wearing laundered clothes.** Even when the 10th falls on Erev Shabbos, one may not wear laundered weekday clothes until chatzos on Erev Shabbos since doing so is not necessary for Shabbos. However, if one is already putting on his Shabbos clothes, e.g., after his shower, he may do so even before chatzos (קרא עלי מועד פ"ה סקמ"א).
52. **Meat, wine.** One should refrain from eating meat and drinking wine until chatzos of the 10th day even when it falls on Erev Shabbos (ע"ה). (השלחן ס"ב, הגר"ז וואזנר שם).
53. **Listening to music.** Also, one may not listen to music until chatzos, just like a regular year since listening to music does not contribute to the honor of Shabbos.

May we be zocheh that these halachos be for the sake of learning but not relevant in practice. May we be zocheh to see Tishah B'Av become a Yom Tov this year, with the building of the Beis Hamikdash, bimheirah veyameinu, Amein.

