

לוקוטי ופסקי הלכות

"חוקי חיים"

ותלמוד
"חוקי חיים"
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 The Tishah B'Av

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ותלמדם
"תוקף חיים"
לעשות רצונך
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שע"י "חדר הוראה" שבגנת מנחת יצחק פיעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos of Tishah B'Av

Parshas Devarim 5781

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Shabbos Chazon on Erev Tishah B'Av

"Kali Tzom," Pills, Drops

- "Kali Tzom" pills and the like are made from concentrated food supplements and have an immediate benefit. Thus, strictly speaking, taking them is not a problem of refuah or preparing for the week. Still, lechatchila it is best to crush the pill and mix it with food or pour the liquid into food before Shabbos so it is not clear it is being taken on Shabbos. If one did not do this, he may mix it into a food or drink on Shabbos and eat/drink it (קר מבית לוי, בין המצרים עמ"מ"ד). (הגר"ש וואזנר, קר מבית לוי, בין המצרים עמ"מ"ד).
- When eating on Shabbos, one may eat more than usual, but he should not say he is eating a lot to have strength for the fast; that is like preparing for the week (מ"ב ר"צ סק"ד).

Taking a Walk on Shabbos

- On Tishah B'Av, one should not take a walk outdoors lest it lead to levity or frivolity (ש"ע תקנ"ג ס"א). One should also not take a walk on erev Tishah B'Av (רמ"א תקנ"ג ס"ב) so that he does not lose focus of the aveilus.
- Erev Tishah B'Av on Shabbos.** When Tishah B'Av falls on Sunday, one should not take a walk with other people on Shabbos in a garden or orchard after chatzos lest it lead to levity or frivolity. However, one may take his children to a local park as usual.

Learning Torah

- In a regular year, the minhag is to only learn topics which may be learned on Tishah B'Av starting at chatzos of erev Tishah B'Av (רמ"א). (סי תקנ"ג ס"ב). The poskim argue whether one may learn as usual on Shabbos when it coincides with erev Tishah B'Av [or Tishah B'Av itself] (מ"ב שם סק"ט), or whether one may only learn topics that can be learned on Tishah B'Av itself (חזו"א, ארוחת רבינו ח"ב עמ"מ קל"ו).
- In practice.** One should be machmir in public. Thus, a Pirkei Avos shiur should not take place on this Shabbos (הגר"ש"א תורת המועדים סק"ה), but there are poskim to rely on to be meikel to learn alone or with a chavrusa (מ"ב שם סק"ז). Learning within an "Avos Ubanim" framework is not considered public learning since each father only learns with his son (תורת המועדים שם).

Seudoh Hamafsekas

- One must daven Minchah early enough that he can finish his seudoh shlishis before shkiyoh.
- Out of honor for Shabbos, the usual halachos of the seudoh hamafsekas – eating just one food, sitting on the floor, eating bread with ashes, etc. – do not apply. One may eat meat, drink wine, make a meal fit for a king (ש"ע סי' תקנ"ב ס"י), sing zemiros as usual (מ"ב שם סק"י). However, the seudoh should not be a gathering of friends (מ"ב סק"ג). (מג"א שם, מ"ב סק"ג).
- Although we do not fast on Shabbos, one must stop eating and drinking by shkiyoh (רמ"א שם). This should be announced publicly so that people do not think it is like any other week (מ"ב סק"ד).
- The issur to wash also takes effect at shkiyoh. However, one should not remove his shoes or sit on the floor until it is actually Motzei Shabbos (רמ"א סי' תקנ"ג ס"ב).

Motzei Shabbos – Tishah B'Av Night

Motzei Shabbos

- Shabbos clothes.** In places where Maariv is right at tzeis, one should take his shoes off after Barchu, making sure not to touch them (תקנ"ג סק"ו) [he should take his Tishah B'Av shoes to shul before Shabbos]. In these places, one ends up remaining in his Shabbos clothes for Eichah and Kinos.

- Weekday clothes.** In many places, Maariv is delayed to give people time to take off their shoes and change their clothes at home before coming back to shul. In these places, one must also take off his Shabbos clothes and put on weekday clothes. The weekday clothes must have been worn before Shabbos; they may not be freshly laundered.

Havdalah on Motzei Shabbos Chazon

- Havdalah is not made with wine on this motzei Shabbos since the wine may not be drunk due to the fast. It also cannot be given to a child to drink since that child may make the mistake of drinking it even after he becomes a bar mitzvah (מ"ב סי' תקנ"ט סק"ל). Instead, Havdalah is made after the fast. Atah Chonantanu is still said in Shmoneh Esrei.
- Borei Me'orei Ha'eish.** However, one must make Borei Me'orei Ha'eish on a candle. The minhag is to make the brachah on a candle in shul between Maariv and Eichah (ש"ע תקנ"ז ובמ"ב שם).
- Some people make the brachah on a candle in their house, either before coming to shul or after Kinos, to be motzi the women of the home, thereby avoiding the questions involved in them making the brachah (הגר"ש"א, ש"כ פס"ב הע"ב צח). When making the brachah at home after shul, one must have in mind not to be yotzei with the brachah in shul since he should not say the brachah for women only.
- No brachah is made on besamim, neither on motzei Shabbos nor after the fast (ש"ע תקנ"ז).
- Not fasting.** Someone who is not even fasting at night, e.g., he is ill, etc., must make Havdalah at night. He should not start with the pesukim of "הנה קל"; he should just say the brachah on the wine, the candle, and Hamavdil. If he uses grape juice, a child should drink it. If there is no child available, he should drink no more than a revli's.
- Women.** A man who is fasting may make Havdalah with a cup of wine to be motzi his wife who is not fasting. When doing so, he is also yotzei and does not need to make Havdalah after the fast. Either his wife or a child should drink the wine (ש"ע מגדנות אליהו ח"ד סי' נד).
- If she does not want to drink from the Havdalah cup and there is no child around, or if her husband is in shul and cannot make Havdalah for her, she may rely on the poskim who hold that Havdalah was not enacted for this motzei Shabbos. She should just say "ברוך המבדיל וכו'" eat, and listen to her husband's Havdalah after the fast (ש"ע קנין תורה ח"ה סי' נ"א, ש"ע שרגא המאיר ח"א סי' נ"ט).

Washing Dishes

- Due to the issur to do melachah on Tishah B'Av, one should not wash the Shabbos dishes on motzei Shabbos. For the same reason, one should not wash them the following morning. One may be meikel after chatzos in accordance with the halachah regarding melachah after chatzos (ש"ע שמלת בנימין ב' י, אורחות חיים סק"ג).
- One may have a non-Jew wash the dishes on motzei Shabbos. One may also turn on the dishwasher if the dishes were placed inside earlier since turning it on takes no time.

Halachos of Tishah B'Av

Doing Melachah

- 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 (ש"ע). (תקנ"ג ס"ב). The reason for the minhag not to do melachah is to ensure that we do not lose focus of the aveilus. Today, the universal minhag is not to do melachah, at least until chatzos (ביאה"ל בשם מטה יהודה).

23. Conducting business for profit is included in the issur melachah.
24. One may do a melachah which does not take up time since it does not distract from the aveilus (מ"ב שם סקני"ג). Accordingly, one may seemingly send a single email if it is urgent or do something very minor and quick on a computer. Still, a yerei Shomayim should be machmir to avoid everything (ה"א כלל קליה ט"ו) so that he is not distracted from the aveilus.
25. **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 (כ"ה חיים סקני"ג).
26. **Tishah B'Av day camps.** 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 it much easier for parents to fast and mourn properly.
27. 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

28. One may not ask someone else how he is doing on Tishah B'Av (ש"ע (תקני"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 brachah. One may also wish someone "Refuah sheleimah" (גשר החיים פכ"א ס"ז אות ז).
29. One may answer "Hello" on the phone since that is not a greeting as much as a way of answering the phone (ע"י ש"ת באר משה ח"ו סי' ל"ג ח"ד), but one should make sure not to say "Shalom" on the phone.
30. For the same reason we do not greet people, one may also not send someone a gift. One may, however, send food for a friend or neighbor to have after the fast (ש"ת התעוררת תשובה ח"ג סי' שני"ה).

Sitting on the Floor

31. We sit on the floor in shul on Tishah B'Av night and day until Minchah [or chatzos (רמ"א)] (ש"ע תקני"ט ס"ג). One who finds it difficult to sit on the floor may place a sack or small cushion underneath him or sit on a low bench (מ"ב סקני"א).
32. 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 (ס"ל שפ"ז ס"ג).
33. The person who does hagbah on the sefer Torah (דרישה י"ד שפ"ד) and the sandek at a bris may sit on a regular chair.
34. Some poskim hold sitting on the steps in front of the aron or bimah is considered sitting on the floor (מקור חיים לה"י סי' מ"ג סס"א). However, others point out that the Maharil specifically sat on the floor, not on a step in front of the aron (באר היטב תקני"ט סקני"ג).
35. **On a 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

36. The Knesses Hagedolah forbids smoking on Tishah B'Av. He is very serious about this, writing that one who does so should be placed in cherem. The Mishnah Berurah (תקני"ה סקני"ה) writes that one may not even smoke on the other four fast days and certainly not on Tishah B'Av, but he says that some Acharonim 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.

Halachos of the Fast

Pregnant Woman

37. Pregnant and nursing women fast on Tishah B'Av as they do on Yom Kippur (ש"ע תקני"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 term [after 40 days] or the end [even at the end of the ninth month], 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 Woman

38. Nursing women fast on Tishah B'Av (ש"ע שם). If they feel weak or dizzy or that they are not producing enough milk, they do not need to continue fasting (ש"ע סקני"ו).
39. 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).

Yoledes

40. The Mechaber (ש"ע תקני"ד ס"ו) holds that a yoledes within thirty days of giving birth does not need to fast. The Rama says only a yoledes within seven days does not fast, but after that she must fast even if she feels she needs to eat. However, if she is in great pain or somewhat ill, fasting is potentially dangerous (מ"ב י"ד). On the other hand, the Aruch Hashulchan (ס"ח) writes that the Rama's words were for his day, but in today's weaker generation, a

woman within thirty days of giving birth should not fast at all. Each woman should ask her own shailah.

41. A woman who miscarried, lo aleinu, at least forty days after conception has the status of a woman who gave birth for these purposes (ביאה"ל תרי"ז).

Pills

42. One who has to take pills daily for physical or mental health reasons may take his pills with some bitter water, e.g., strong tea (באה"ל תקני"ז סקני"ז בשם הלכות קטנות), and is still considered to be fasting, so he can say Aneinu and get an aliyah.

Washing

43. One may not wash himself on Tishah B'Av, even with cold water. But 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"ע תקני"ד ס"ט). If necessary, he may use soap.
44. Netilas yodayim after waking up or using the bathroom is done until the knuckles (ש"ע תקני"ד ס"י).
45. Someone ill who is washing to eat may wash his entire hand since he is not doing so for pleasure (ש"ת שבה"ל ח"ה קל"ט). The same is true for a Kohen washing for Birkas Kohanim (מ"ב תרי"ג סקני"ז). The poskim explain the difference between these instances and netilas yodayim in the morning (ש"ת שרגא המאיר ח"ה סי' מ"ד, ש"ת רבבות אפרים ח"א שפ"ד).
46. 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.
47. One may not go to the mikveh on Tishah B'Av even if he goes every day.

Smearing

48. On Tishah B'Av, one may not rub onto his body any substances that are normal to rub on. Thus, one may not use perfume. Some poskim allow unscented deodorant since it is only used to prevent perspiration (הגר"מ פיינשטיין והגר"ש אויערבאך); others forbid it (הגר"ש אלישיב).
49. Creams may be used for medical purposes but creams for moisturizing or softening the skin are included in the issur.
50. One should not use makeup or lipstick, with the exception of a kallah within thirty days of her wedding [i.e., a woman who got married after 8 Tammuz] who may wash her face and put on makeup so as not to look unpleasant to her chosson (מ"ב שם סקני"ט).

Motzei Tishah B'Av

Kiddush Levanah

51. We say Kiddush Levanah on motzei Tishah B'Av (באר היטב תקני"ט כ"ה) because Moshiach ben David 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.
52. 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

53. The Beis Hamikdash caught fire toward evening on the 9th of Av and burned through shekiyah of the 10th. Therefore, certain aspects of aveilus apply on the 10th (ש"ע סי' תקני"ה), 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 סקני"א בשם הגמ').
54. The Mechaber writes that it is proper to abstain from meat and wine on the night and day of the 10th (ש"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 mutar. This is the Sephardi minhag (ש"ת אור לציון ח"ג פכ"ט תש"ר כ"ו).
55. **Issur until chatzos.** 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 סקני"ג). Other issurim of the Nine Days, e.g., **mending clothes, wearing fresh clothes, and listening to music**, are also followed until chatzos of the 10th (מ"ב סקני"ג).
56. **Pressing need.** Someone who will be traveling to a far place the day after Tishah B'Av and will not get a chance to do laundry on the 10th of Av may do laundry right away on motzei Tishah B'Av if he has a pressing need (הגר"ש האגור, קובץ מבית לוי בין המצרים עמ' ל"ח). He can rely on the poskim who hold we are not machmir on anything other than eating meat and drinking wine (מאמר מודכי, שיורי כעגל הובא בביאה"ל שם).

הגליון נתרם ע"י
הרוצה בעילום שמו
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