

THE 17TH DAY OF TAMMUZ

by Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The three-week period known as Bein ha-Metzarim, the time of year when we mourn the destruction of the two Batei Mikdash, begins with a fast day on the 17th day of Tammuz, and ends with a fast day, on the ninth day of Av. Let us review the laws of the day known as Shivah Assar b'Tamuz - the 17th Day of Tammuz.

In most places the fast begins 72 minutes before sunrise (alos amud ha-shachar)(1) and ends 50 minutes after sunset (tzeis ha-kochavim)(2). Sunrise and sunset times are calculated by various government agencies and are readily available to the general public.

Food and drink may be consumed any time(3) during the night of the 17th(4) - but only if one remains awake all night. Once a person retires for the evening, the fast begins, because people do not normally eat until breakfast the following morning - which is well past alos amud ha-shachar. Retiring the evening before, therefore, is tantamount to starting the fast. Consequently: Unless one explicitly states(5) before going to sleep that he plans to wake up early to eat before the fast begins, he may not eat in the morning upon awakening, even before alos amud ha-shachar. For him, the fast has already begun(6).

One who normally drinks coffee, juice, etc., in the morning upon arising, does not need to stipulate that he will drink this morning as well. One who normally does not drink anything in the morning should stipulate before retiring that he is planning to get up in the morning to drink. B'dieved, if he failed to do so, he may drink nevertheless(7). "Going to sleep" means deep sleep, whether in a bed or not. Napping or dozing does not mean that the individual has finished eating and begun the fast(8). Although, as stated, it is permitted to eat before alos amud ha-shachar [if one intended to do so the evening before the fast], one who eats then must contend with another halachic issue - the strict prohibition against eating before davening Shacharis(9). The rules are as follows: According to the Zohar(10), one who wakes up at any time during the night [after midnight] may not eat before davening - even though the time of davening is several hours off. Although there are special individuals who abide by the Zohar(11), the basic halachah is not as stated in the Zohar and the prohibition does not begin until the earliest time for davening, which is alos amud ha-shachar(12). As

stated, it is permitted to eat until alos amud ha-shachar. However, one who did not begin to eat until he was within half an hour of alos amud ha-shachar must do one of the following(13): Limit his food intake: Eat fruit (any amount)(14), eat any shehakol type of food but without being kovei'a seudah (eating a regular, scheduled meal)(15), or eat less than 2.2 fl. oz. of bread, cake, cereal, etc.(16) All drinks,- except intoxicating beverages,- are permitted in any amount(17). Eat any kind and any amount of food, but appoint another person to remind him to recite Kerias Shema and Shemoneh Esrei(18). Once alos amud ha-shachar arrives, it is questionable if it is permitted to go back to sleep before davening. If he does go back to sleep, he should appoint another person to wake him up for davening(19). An alarm clock is not sufficient for this purpose(20).

FAST DAY ACTIVITIES

Although it is permitted to bathe on a fast day, it has become customary not to take a hot shower or bath(21). It is also proper for adults to refrain from swimming(22), unless it is needed for a medical condition or to cool off on a hot day.

The poskim differ as to whether it is permitted to rinse one's mouth with water on the 17th of Tammuz(23). Some permit rinsing the front part of the mouth, taking care that no water enters the throat area(24), while other poskim allow this only when in distress (tza'ar)(25). According to the second view, then, one may not schedule a fast-day visit to a dentist [which will require him to rinse his mouth] unless he is in pain(26).

Medications prescribed by a doctor may be taken on the 17th of Tammuz. One who has difficulty swallowing pills without water may drink the amount of water required to swallow them. There is no need to ruin the taste of the water before drinking it(27).

When suffering from a severe headache, etc., aspirin or Tylenol, etc., may be taken. The poskim, however, do not permit taking those medications with water, unless the water is first made to have a bad taste(28).

DAVENING ON A FAST DAY:

During the reading of the Torah on a fast day, the custom is that certain verses are read aloud by the congregation. The individual who is called up for that aliyah should not read the verses aloud with the congregation. Instead, he should wait until the reader says them aloud and read along with him(29).

One who mistakenly ate on a fast day must resume and complete the fast(30), and he may recite aneinu at Minchah(31). One who is not fasting altogether should not say aneinu(32). A minor who is not fasting need not say aneinu [for the purpose of chinuch](33).

One who is davening Shemoneh Esrei together with the sheliach tzibur should not say aneinu as a separate blessing like the sheliach tzibur does; he should say it as it is said in private recitation, in Shema koleinu(34).

At the Minchah service, Avinu malkeinu is recited,- even when one is davening without a minyan(35).

FOOTOTES:

- 1** Beiur Halachah 89:1 quoting Rambam. [While some calendars list alos amud ha-shachar as 50 minutes before sunrise, there is no halachic basis for this calculation.] The custom in Israel is to calculate alos amud ha-shachar as 90 minutes before sunrise. In England and in other countries, alos may be much earlier; see Minchas Yitzchak 9:9.
- 2** Igros Moshe O.C. 4:62.
- 3** Some authorities maintain that it is improper to eat more than one normally does on the night before the fast, since that defeats the purpose of fasting (Eliyahu Rabbah 563:1). This stringency is quoted by some poskim but omitted by the Mishnah Berurah and many others (see Be'er Heitev 568:22; Aishel Avraham Tanina, ibid.; Elef ha-Magen 602:6; Kaf ha-Chayim 563:11; Igros Moshe O.C. 3:88; b'Tzeil ha-Chochmah 2:48).
- 4** A ba'al nefesh should begin the fast before nightfall of the 17th; Sha'ar ha-Tziyun 550:9. See also Sha'ar ha-Tziyun 565:8.
- 5** It is preferable to do so verbally, but it is valid as long as one had the condition in mind.
- 6** O.C. 564:1. One who did not know this halachah and ate in the morning without having made the stipulation the night before, may still recite aneinu (Shevet ha-Kehasi 1:180).
- 7** Mishnah Berurah 564:6 and Aruch ha-Shulchan 564:2 based on Rama, ibid. See, however, Mateh Efrayim 206:6, who is more stringent.
- 8** Mishnah Berurah 564:3.
- 9** O.C. 89:3. According to the Minchas Chinuch (#248), this may be a Biblical prohibition.
- 10** Quoted by the Magen Avraham 89:14 and by all the latter poskim.
- 11** Aruch ha-Shulchan 89:26.
- 12** Consensus of all the poskim; see Mishnah Berurah 89:28; Aruch ha-Shulchan 89:26; Yalkut Yosef, pg. 147.
- 13** Women are exempt from the following rules (Harav S.Z. Auerbach, written responsum published in Lev Avraham, vol. 2, pg. 20).
- 14** Based on Mishnah Berurah 232:34 and 286:9.
- 15** Based on Mishnah Berurah 639:15.
- 16** Mishnah Berurah 89:27.

- 17** Based on Mishnah Berurah 232:35.
- 18** Based on Mishnah Berurah 235:18. See also 89:34.
- 19** See Siddur ha-Gra, pg. 88, quoting Harav Y.L. Diskin and Binyan Olam 1. See Siyach Halachah, pg. 149.
- 20** Harav S.Z. Auerbach, quoted in Shevus Yitzchak, vol. 2, pg. 287.
- 21** Sha'ar ha-Tziyun 550:8; Aruch ha-Shulchan 550:3.
- 22** Be'er Moshe 3:77; Harav M. Feinstein (oral ruling quoted in Mo'adei Yeshurun, pg. 108). Minors, however, may swim; Nitei Gavriel, pg. 34 quoting Pappa Rav.
- 23** O.C. 567:3.
- 24** Aruch ha-Shulchan 567:3 This seems to be the view of Be'er Heitev 567:5 and Da'as Torah 567:3 as well. See also Magen Avraham, who allows rinsing the mouth as long as less than 3.3 fl. oz. of water are used at a time.
- 25** Mishnah Berurah 567:11 following the view of the Chayei Adam. Kaf ha-Chayim 567:13-14 also rules stringently.
- 26** Nishmas Avraham O.C., pg. 290.
- 27** Harav S.Z. Auerbach (quoted in Nishmas Avraham, vol. 5, pg. 46). This is permitted on Tishah b'Av as well, ibid.; Harav M. Stern (Debreciner Rav, written responsum in Nitei Gavriel, Bein ha-Metzarim, pg. 30).
- 28** See Nishmas Avraham O.C., pg. 282, concerning Tishah b'Av.
- 29** Mishnah Berurah 566:3.
- 30** Ibid. 549:3.
- 31** Ibid. 568:3. See Shevet ha-Levi 5:60.
- 32** Beiur Halachah 565:1.
- 33** Shevet ha-Levi 8:131.
- 34** Ibid. 565:1.
- 35** Sha'arei Teshuvah O.C. 584:2 quoting Shevus Yaakov and Kitzur Shalah; Harav M. Feinstein (oral ruling quoted in Mo'adei Yeshurun, pg. 112). See, however, Da'as Torah 584:1 who states that some do not recite Avinu malkeinu when praying without a minyan.

