

THE NINE DAYS IN HALACHA

by Rabbi Doniel Neustadt

QUESTION: In practical terms, how should one conduct himself with regard to the Nine Days' prohibition against full-body bathing?

DISCUSSION: One of the Nine Days' restrictions is the prohibition against bathing and showering.⁽¹⁾ Nowadays, people find it most uncomfortable to observe this restriction, since we are all accustomed to bathing or showering daily, unlike in earlier times when people bathed much less frequently.

It is important to distinguish between the two reasons why people bathe: 1) for reasons of hygiene and cleanliness; 2) for pleasure; the hot water soothes them, the cold water cools them - it is a pleasurable experience. It is safe to assume that most people bathe or shower for both reasons - for cleanliness and for pleasure.

It is clearly forbidden to bathe or shower during the Nine Days for pleasure. Thus it is forbidden to take a hot bath, a long, hot, relaxing shower, or to go swimming in a lake or a pool. The primary purpose of these activities is the pleasure derived from them.

But one who became dirty or sweaty and must take a shower in order to rid himself of the odor, dirt or sweat, may take a short, cold or lukewarm shower. If he requires soap or shampoo in order to remove the dirt or sweat, that is permitted as well. If the dirt or sweat cannot be removed unless hot water is used, hot water may be used for those areas where it is needed.⁽²⁾

One who needs to take a hot shower or bath or go swimming for medical reasons is permitted to do so.

QUESTION: Which types of clothing are included in the prohibition against wearing freshly laundered clothes in the Nine Days?

DISCUSSION: Shulchan Aruch rules that all freshly laundered (or dry-cleaned) clothes and linens (such as towels, sheets and tablecloths), may not be worn or used during the Nine Days.⁽³⁾ It has become customary, therefore, that freshly laundered clothes are worn for a short while⁽⁴⁾ before the onset of the Nine Days, so that the clothes are no longer considered "freshly laundered".

Contemporary authorities debate whether or not garments that are constantly being changed because of perspiration - like socks and undergarments - must also be worn briefly before the Nine Days. Some poskim hold that they must,⁽⁵⁾ while many others hold that such garments are not

included in the prohibition of wearing freshly laundered clothes and one need not prepare them before the Nine Days begin.(6) The widespread custom in the U.S. follows the second opinion.

QUESTION: Who is eligible to join a siyum and eat meat and drink wine during the Nine Days?

DISCUSSION: The restriction against eating meat and drinking wine is lifted when a seudas mitzvah takes place. This includes a siyum,(7) a bris, (8) or a pidyon ha-ben. Several poskim also include a bar mitzvah dinner which takes place on the day the boy becomes bar mitzvah.(9)

For a seudas mitzvah one may invite any man or woman who would normally be invited at any other time of the year, e.g., relatives or friends. Thus all campers and staff of a summer camp, both men and women, may join in a public siyum.(10) During the week in which Tishah b'Av occurs, only a minyan of people plus close relatives may partake of meat and wine at a seudas mitzvah meal.(11)

There are conflicting opinions about whether or not it is permitted to make a siyum specifically in order to partake of meat and wine.(12) While it is preferable to be stringent, one should follow the custom and the directives of his rabbi.

Regarding the nature of the text upon which it is permitted to make a siyum, the custom follows the halachically preferred option that a siyum be made only on a tractate of the Talmud, either Bavli or Yerushalmi. But there are poskim who allow a siyum to be made upon completing the intensive study of either an entire seder of Mishnayos or on an entire book of Tanach. Some allow a siyum even on three tractates of Mishnayos while others allow it even on one.(13)

L'chatchilah, all the participants should listen to and understand the siyum of the text as it is being read.(14) B'diavad, some poskim permit even those who were not present at the siyum to eat meat and drink wine at the siyum meal,(15) while other poskim are stringent.(16)

When a seudas mitzvah takes place, it is also permitted to drink the wine after Birkas ha-Mazon.(17) But the cup of wine which is usually drunk at a bris should be given either to a minor or to the mother of the child. (18)

Those who are particular to recite Havdalah every week over wine or grape juice should do so during the Nine Days as well,(19) since this too is permitted, just as it is permitted to drink wine at a seudas mitzvah. (20) In some places it is customary for a minor,(21) if one is present, to drink the wine,(22) while in other places an adult drinks the Havdalah wine.(23)

Those who make Havdalah on beer or another chamar medinah year-round should do so this week as well.(24)

QUESTION: Do the restrictions of the Nine Days remain in effect until chatzos of Friday when Tishah b'Av falls on Thursday?

DISCUSSION: The poskim rule that due to the honor of the approaching Shabbos, several of the restrictions of the Nine Days that normally remain in effect until chatzos of the tenth of Av, are

lifted.(25) But they debate whether the restrictions are lifted as soon as the fast is over on Thursday night, or if they remain in place until it is actually erev Shabbos - on Friday morning. The poskim also debate whether or not these restrictions are completely suspended and these activities are permitted even for non-Shabbos needs, or if they are lifted only when they are needed for the sake of Shabbos. We will briefly review the various restrictions and the opinions of the poskim:

* Laundry - Although some poskim suggest waiting until Friday morning to do laundry,(26) the consensus of contemporary authorities is that doing laundry is permitted immediately on Thursday night.(27) Whether or not it is permitted to wash laundry which will not be used for Shabbos is a matter of dispute: Some permit it outright,(28) while others only allow adding such laundry to the load which is being washed for Shabbos use.(29)

* Haircuts, Shaves, Hot Showers and Baths - If possible, it is recommended to wait until Friday morning.(30) If this will prove difficult or impractical, it is permitted on Thursday night as well.(31) Whether or not it is permitted to shower or bathe when doing so is clearly not for the sake of Shabbos, e.g., one is planning to take another shower closer to Shabbos, or whether it is permitted to go swimming for pleasure, is a matter of dispute: Many permit it,(32) while others do not.(33)

The following activities have no connection at all with the approaching Shabbos. Thus all of them are forbidden until chatzos on Friday:

- * Eating meat(34) and drinking wine.(35)
- * Playing music and dancing.(36)
- * Wearing freshly laundered clothes.(37)
- * Reciting shehecheyanu.(38)

FOOTNOTES:

1 O.C. 551:16.

2 Entire Discussion based on Aruch ha-Shulchan 551:37; Harav Y.C. Sonnenfeld (Salmas Chayim 4:20; Toras Chayim, pg. 83); Igros Moshe, E.H. 4:84-4; Emes l'Yaakov 551, note 14; She'arim Metzuyananim b'Halachah 122:12.

3 O.C. 551:3.

4 There are several views - ranging from several days to several minutes - as to how long a garment should be worn in order for it be considered no longer fresh. In actual practice, the garment should be worn long enough so that it loses that special crispness and freshness that one associates with freshly laundered or dry cleaned clothes.

5 Kaf ha-Chayim 551:91; Orchos Rabbeinu, vol. 2, pg. 130; Minchas Yitzchak 10:44; Harav C. Kanievsky,

quoted in Nechams Yisrael 19:7.

6 Aruch ha-Shulchan Y.D. 389:6 (concerning shivah) Gesher ha-Chayim 21:10 (concerning shivah); Salmas Chayim 4:4; Harav M. Feinstein (oral ruling, quoted in Rivevos Efrayim 1:377 and 3:340, Moadei Yeshurun, pg. 134 and Kitzur Hilchos Bein ha-Meitzarim, pg. 9); Kinyan Torah 1:109; mi-Beis Levi, vol. 13, pg. 26.

7 Some poskim recommend that no siyum take place after the sixth of Av (Harav M. Feinstein, Moadei Yeshurun, pg. 132). See also Aruch ha-Shulchan 551:28, who advises that a siyum should not take place at all during the Nine Days, since we cannot properly rejoice and honor the Torah during this time of mourning.

8 Even if it was deferred due to illness, etc.; Sha'arei Teshuvah 551:15.

9 Yad Efrayim 551:31; Divrei Yatziv 2:238.

10 Harav M. Feinstein and Harav S.Z. Auerbach (quoted in Nitei Gavriel 18:7).

11 Mishnah Berurah 551:77. Some poskim hold that only a minyan - including the relatives - may eat meat or drink wine; Sha'ar ha-Tziyun 84.

12 See Mishnah Berurah 551:73, Aruch ha-Shulchan 551:28 and Kaf ha-Chayim 551:161.

13 See the various opinions in Ha-elef Lecha Shelomo 386; Igros Moshe O.C. 157 and O.C. 2:12, Yabia Omer 1:26, Yechaveh Da'as 1:40 and B'tzeil ha- Chochmah 4:99.

14 Mishnah Berurah 470:10.

15 Minchas Yitzchak 9:45; Teshuvos v'Hanhagos 1:300 quoting Harav Y.Y. Kanievsky, who says that it is customary to be lenient in this matter, provided that the participant is sincerely "happy" with the siyum taking place. See also the lenient ruling of Harav Y.Y. Fisher concerning a mourner (Pnei Baruch, pg. 463). Harav M. Feinstein is also quoted as being lenient (Moadei Yeshurun, pg. 132).

16 Ben Ish Chai 1:96-25; Chazon Ovadiah, pg. 99; Harav Y.S. Elyashiv (Siddur Pesach K'hilchaso, pg. 168).

17 Mishnah Berurah 551:72.

18 Harav Y.S. Elyashiv (quoted in Otzar ha-Bris, pg. 187).

19 Eishel Avraham 551; Chazon Ish (quoted in Imrei Yosher, pg. 4).

20 Mishnah Berurah 551:67.

21 The preferred minor for this purpose is a boy beyond the age of chinuch but who is not yet old enough to understand the concept of mourning the destruction of the Beis ha-Mikdash; Mishnah Berurah 551:70. [It is difficult to define the age of such a child.] If such a child is not present, any boy

under bar mitzvah age will do.

22 Rama O.C. 551:10.

23 Harav M. Feinstein (Moadei Yeshurun, pg. 154).

24 See Aruch ha-Shulchan 551:26.

25 Mishnah Berurah 558:3.

26 Harav M. Feinstein (oral ruling, quoted in Kitzur Hilchos Bein ha- Meitzarim, pg. 32); Toras ha-Moadim, pg. 13, quoting Harav C. Kanievsky.

27 Siddur Ya'avetz; Harav Y. Kamenetsky (Emes l'Yaakov, O.C. 558, note 527); Harav Y.Y. Fisher (Even Yisrael 7:27); Harav N. Karelitz (Chut Shani, vol. 2, pg. 328); Harav S. Vosner (mi-Beis Levi, Bein ha-Meitzarim, pg. 37); Lehoros Nosson 2:36; Shemiras Shabbos K'hilchasah 42:5; Machazeh Eliyahu 86.

28 Harav M. Feinstein (Kol ha-Torah, vol. 54, pg. 8); Harav N. Karelitz (Chut Shani, vol. 2, pg. 328)

29 Harav S.Z. Auerbach (Tikunim u'Miluim 42:16); Harav S. Vosner (mi-Beis Levi, Bein ha-Meitzarim, pg. 37) Shevet ha-Kehasi 3:182.

30 To satisfy the view of several poskim who allow these activities only on Friday morning; see Be'er Moshe 3:79 and Toras ha-Moadim, pg. 13.

31 Harav Y.Y. Fisher (Even Yisrael 7:27); Machazeh Eliyahu 86.

32 Harav N. Karelitz (Chut Shani, vol. 2, pg. 328); Harav C. Kanievsky and Harav S. Duvlitzky (quoted in Nechamas Yisrael 40:8). See also Machazeh Eliyahu 86.

33 Koveitz Hilchos Bein ha-Meitzarim, pg. 84. This may be the opinion of Harav S.Z. Auerbach (quoted in note 5) as well.

34 It is permitted, however, to eat a meaty dish on Thursday night if no meat or poultry is actually visible, e.g., clear chicken soup; Beiur Halachah 558:1, s.v. shelo.

35 Aruch ha-Shulchan 558:2. A minority opinion holds that it is permitted to eat meat and drink wine on Friday morning after Shacharis; see Orchos Chaim 558:1, quoting Rav Levi Yitzhchak of Barditchev.

36 Machazeh Eliyahu 86.

37 Shemiras Shabbos K'hilchasah 42, note 16.

38 Machazeh Eliyahu 86.

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