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בס"ד

Halakhot of Tisha B'ab and the Days Preceding It

I. Overview

The fast of the Ninth of Ab, referred to by the prophet Zechariah, was established as a national mourning day commemorating destruction of the Bet Hamiqdash, sacked on that day by the Babylonians in 586 B.C.E. The Mishnah (Ta'anit 4:6) relates that four other national calamities occurred in various years on this day: the Almighty's decree that the 'Generation of the Wilderness' be denied entry to the Land of Israel because of the transgression associated with the spies; destruction of the Second Temple (by the Romans in 70 C.E.); capture of the great city Bethar (the last stronghold of Bar Kokhba in the revolution he led, 7 miles southwest of Jerusalem, by the Romans in 135 C.E.); and Jerusalem was ploughed like a field (see Jer. 26:18).

The full degree of mourning is limited to Tisha B'ab day itself. Secondary rituals beginning prior to the fast day were established in the course of time which are increased in intensity as the day approaches.

The ultimate purpose of the fast days is to foster repentance and increase the national commitment to Torah and misvot. The giving of charity to the needy is essential on these days.

II. The Three Weeks

The three weeks beginning with the 17th of Tammuz through the 9th of Ab have often been times of adversity for the Jewish People. However, the sages did not establish formal restrictions until Rosh Hodesh Ab, as they did not wish to add to the nation's burden. We have been advised to be more

cautious than usual with potentially dangerous situations during these days of dejection.

It is a Sephardic custom to refrain from eating 'new' fruit during the three weeks so as to avoid reciting 'shehehiyanu.' This berakha is a joyful thanksgiving expression and it is difficult to mention 'lazeman hazeh' with the requisite happy heart during these days. We also desist from wearing new clothing during the three weeks. However, at a b'rit milah 'shehehiyanu' is recited. On Shabbat, it is permitted to partake of 'new' fruit and recite 'shehehiyanu' and wear new clothing.

Some Sephardic communities, as do virtually all Ashkenazic communities, desist from having weddings and musical functions for the three weeks. Most Sephardic communities, as is the practice in Israel, following Shulhan Arukh, desist for nine days only, beginning Rosh Hodesh Ab. For many decades the Aleppo-derived Brooklyn Syrian community has not held weddings during the three weeks.

III. The Nine Days

Beginning Rosh Hodesh Ab we refrain from optional festive occasions and reduce joyful pursuits. This includes purchases of luxuries, new clothing and wedding accoutrements. If a wedding is shortly after Tisha B'ab and time is of the essence, necessary shopping is permitted. We refrain from home decorating during these days.

We refrain from meat, including chicken, and wine during these days. Out of respect for Rosh Hodesh, the Syrian community begins these latter stringencies from the second of the month.

Meat and wine are permitted on Shabbat during the nine days as well as at a seudat misvah, such as a b'rit milah

or siyum masekhta (concluding study of a Talmudic tractate). Habdala wine is permitted.

One may have meat during these days if required for health purposes such as may be the case with an anemic person, a nursing or pregnant woman or one who gave birth within thirty days.

The Syrian community's custom has been to eat meat leftovers from Shabbat during the nine days providing that one did not purposely cook extra for this purpose. Most other Sephardic communities are strict on this. Many authorities hold that with the advent of efficient freezers it is now proper to be strict.

IV. The Week During Which Tisha B'ab Occurs

After the Shabbat that precedes Tisha B'ab through Tisha B'ab itself is the 'Week of Tisha B'ab.' If Tisha B'ab falls on a Sunday or on Shabbat - in which case the fast is pushed to Sunday - there is no 'Week of.'

During the 'Week of,' the following are prohibited:

- a) Washing the whole body with hot or warm water. Showering or bathing in cold water is permitted. A little warm water may be mixed in to break the chill.
- b) Wearing fresh clothes. It is advisable to accumulate slightly worn garments from before the 'Week of' to change into. Something worn a half-hour is no longer 'fresh.'
- c) Washing clothing even to wear after Tisha B'ab. Washing garments of little children, who constantly soil them, is permitted.
- d) Haircuts and shaving. A man who normally shaves daily or every other day, and requires to shave for business reasons, may do so except on Tisha B'ab day itself.

V. Seudat Hamafseket

The last meal before the fast, when taking place on a weekday, should be plain, comprised of bread and water with, at most, one cooked dish. If the dish preparation normally comprises more than one item,

such as eggs and tomatoes, it is acceptable. Fish is too luxurious for this meal. Uncooked vegetables and tea or coffee are permitted to be added to this meal.

For this meal it is customary to choose an item that symbolizes mourning, such as a hard-boiled egg or lentils.

One sits alone on the floor for this meal. Even if three men are in the same room they don't recite zimun before bircat hamazon.

When the last meal occurs on Shabbat there are no restrictions; one may eat meat, drink wine and enjoy a most festive meal together with family or friends.

VI. Tisha B'ab Night and Day

Tisha B'ab prohibitions apply from the sunset beginning the day until "appearance of the stars" the following evening, in the New York area about 30 minutes after sunset. The following are prohibited: eating, drinking, washing the body, anointing, wearing leather shoes and marital relations.

Studying Torah, which gladdens the heart, is also prohibited, except for the study of sad subjects. The obligation to study Torah daily, however, applies to Tisha B'ab. It is customary to study Lamentations (Eikha), the Book of Job, the many sad portions in Jeremiah and the Talmudic account of the destruction. The commentaries on these texts are also permitted to read.

One who is sick, even if the sickness does not pose danger to life, is exempt. One who senses he/she is becoming sick or would become sick upon continuing the fast may break it. Pregnant and nursing women, although straightaway exempt from the other rabbinical fasts, if healthy, are required to fast on Tisha B'ab, unless they are extremely weak. A woman who gave birth within thirty days before Tisha B'ab is exempt. When Tisha B'ab falls on Shabbat and the fast is pushed to Sunday, which lessens its status, pregnant and nursing women are exempt.

When Tisha B'ab falls on Sunday or on Shabbat and the fast is pushed to Sunday, one who is permitted to eat

must first make habdala. In such a case it is proper to have a minor listen to the berakha on the wine or grape juice and drink from it since we should not drink wine on this day. If a minor is not available the person making habdala may drink from the wine him/herself.

Washing of hands, including netilat yadayim, is up to the knuckles. Washing other parts of the body, whether in hot or cold water, is forbidden. One uses the dampness of the towel to wipe away the sediment from the eyes in the morning. Even after using the bathroom, or when one has touched a covered part of the body, washing is up to the knuckles. However, if somehow a part of the body became dirty or very sweaty, it is permitted to wash in a limited way, for the essential prohibition of washing is when done for pleasure.

Application of medication or deodorant is permitted. Those for whom brushing teeth is as a necessity, that they are extremely bothered when they do not brush, may do so in a minimal manner.

Non-leather sneakers with non-structural leather ornamentation are permitted. Leather garments other than shoes are permitted.

It is customary to sit on the floor as a mourner at night and in the day until minha. Laughter and levity are prohibited all day. If greetings are extended, one may respond but in a subdued manner.

In past centuries many communities established a custom not to work on Tisha B'ab. However, even in those communities it was permitted to work to prevent depreciation of capital or to take advantage of an unusual passing opportunity. The manner in which the modern economic system is structured, most businesses involve significant loss of capital when one closes as there are numerous fixed expenses, including payroll, rent and utilities. Thus, in our days most businesses are permitted to be open and most people are permitted to work. The rabbis said that those who can be off work without causing significant loss, to thus more fully participate in the mourning, should do so.

When there is a milah on Tisha B'ab, the father, sandak and mohel are not permitted to break their fast. However, when Tisha B'ab falls on Shabbat and the fast is pushed to Sunday, these three are permitted to curtail their fast and eat after an early minha.

All that is prohibited on Tisha B'ab is permitted immediately at the conclusion of the day except for eating meat and drinking wine. As a remembrance to the fire that continued burning in the Bet Hamikdash through the next day, we refrain from these until the conclusion of the following day. When Tisha B'ab falls on Shabbat and is pushed to Sunday, we only refrain from eating meat and drinking wine during the night immediately following the fast.

When the fast begins on Saturday night, the habdala on wine at the conclusion of Shabbat is recited Sunday night. Boreh Me'oreh Ha'esh, the blessing commemorating the creation of fire, however, is recited Saturday night.

VII. Prayers

On the afternoon preceding the fast most congregations pray minha early to allow partaking of a regular meal such that there would be a respectable interval between it and seudat mafseket, which is eaten close to sunset.

Tahanun supplications (ana) is not recited in minha before Tisha B'ab or on Tisha B'ab day, as it is called mo'ed in Megillat Eikha. Although in peshat this usage refers to a date for destruction, the midrash expounds it as indicating that eventually it will become a positive occasion and thus a great prompt for hope and redemption.

To create a suitable atmosphere, synagogue lights are dimmed during evening and morning services.

In most Aleppo-derived communities, Ha'azinu is recited before arbit and in shahrit in place of Az Yashir. It is generally chanted in unison by the congregation.

Eikha and various qinot (elegies) are recited both in the evening and morning services. In most Aleppo-derived communities Eikha is read before arbit; as Rabbi Matloub Abady a"h wrote, citing the 1525 Mahzor

Aram Soba, this was a pre-Shulhan Arukh custom in Aleppo. In virtually all other communities, following Shulhan Arukh, Eikha is read after arbit.

`Anenu is recited in all three amidot of the day. Nahem is recited in the Boneh Yerushalayim berakha of the amida. Following Shulhan Arukh, many Sephardic communities recite Nahem in all three amidot. Aleppo-derived communities recite it only in minha. The amida is not repeated if one forgot to recite `Anenu or Nahem. Since the establishment of the modern state of Israel, particularly since 1967, many recite a slightly modified version of Nahem so that it should be in harmony with the reality of today.. They deem it problematic to stand in prayer before the Almighty and say of Jerusalem “she dwells without her children,” etc.

Kaddish Titqabal is not recited in arbit. It is recited in the other prayers.

Sefer Torah is read in shahrit and minha. There is haftara reading in shahrit. Most Sephardic communities also read an haftara in minha. The Aleppo community, however, does not, based on HaRambam.

Following Shulhan Arukh, shahrit should not be prayed with talit and tefillin, emphasizing the mourning nature of the day. Talit and tefillin are donned for minha. Some don tefillin privately at home in the morning, recite shema, remove them, and come to synagogue for prayers. Some members of Aleppo-derived communities even pray individually at home until after the amida and come to synagogue for Sefer Torah, Eikha and kinot. In our days, when people from different communities and different customs congregate for prayers, it is most advisable to follow Shulhan Arukh and pray with a minyan in synagogue without talit and tefillin.

At the conclusion of minha selected comforting verses from Tanakh are recited.

תזכו בנחמת ציון