

HALOCHOSCOPE ^{TOI}

When visiting the site of the *Bais Hamikdash* one is obliged to tear "*Kria*," rend one's garments. This is not done when Tachanun is not recited. A Choson and Kallah do not recite Tachanun, and they actually exempt the congregation that davens with them. In some circles, particularly in Yerushalayim, it is customary for a congregation not to recite Tachanun on the day a boy becomes Bar-Mitzvah. Must a Bar-Mitzvah boy, davening at the Kossel Maaravi, tear his garments?

The issues:

- (A) *Kria* at the site of the *Bais Hamikdash*
- (B) *Kria* on days when one does not recite Tachanun
- (C) The Bar-Mitzvah boy, and his congregation

(A) *Kria*

The obligation to demonstrate one's mourning by rending a garment is based on Scriptural references. It is based on restrictions on bereaved *Kohanim*, implying that others should practice these mourning practices, and a discussion on the need for one stricken with *Tzara'as*, "leprosy," and his comparison to an *Aveil*, mourner. In addition, there are references throughout *Tanach* to rending garments in grief. Normally one may not engage in destructive behavior, due to the mitzvah not to waste. Furthermore, some acts normally done in grief are forbidden. The obvious conclusion is that *kria* is a permissible or commendable act of mourning.

The Poskim debate the reason that *kria* is considered an act of mourning. Some say it causes the mourner to be grief-stricken. This is implied from the restriction on *kohanim*. Others maintain that it does the opposite. By venting one's grief on the clothing he is able to control himself better. [See Vayikra 10:6-7 (e.g. Ramban) 13:45 (e.g. Ibn Ezra) 21:10-12, commentaries. Moed Katan 15a 20b 24a-25a Shabbos 105b Avoda Zara 27b, Poskim. Tur, Shulchan Aruch Yoreh Deah 340:1-10 etc., commentaries. Minchas Chinuch 171.]

Apart from bereavement, *kria* is required for other reasons. These include bad news such as a defeat of Jews at war, where some were killed or captured; hearing blasphemy; witnessing the desecration of Hashem's Name, such as the wanton destruction of holy books, while helpless to stop it; the death of a major Torah scholar or one's teacher. One is also obliged to do *kria* on seeing the ruins of *Yehuda* (Judea), *Yerushalayim* and the *Bais Hamikdash*. All these cases of *kria* are derived from *pes-sukim* in the *Navi*. One may not repair these *krias* properly, but may repair it irregu-

larly. Thus these *krios* are as serious as those made for the death of a parent, and are on the left side, down to the heart, but only on the outer garment.

The Talmud requires that one tears *kria* first when the ruins of Jewish settlement in *Yehuda* come into sight, then again on the ruins of *Yerushalayim*, and again on the ruins of the *Bais hamikdash*. The *poskim* say that nowadays one tears only on seeing the site of the *Bais Hamikdash*. This site is considered under the control of the Gentiles, and even if were not, is inaccessible to Jews to rebuild it, due to the laws of *Tum'ah*. One may repair these tears the next day in an irregular fashion. One need not tear again for the site of the *Bais Hamikdash* every time he sees it. However, if one does not see it for thirty days he must tear again when he sees it next. [See *Moed Katan* 26a, *Poskim*. *Tur Sh. Ar.* Y.D. 304:36-39, *Orach Chaim* 561, commentaries. *Halochoscope* VII:20.]

(B) *Kria* on days when *Tachanun* is not recited

The common practice is not to perform *Kria* on days when *Tachanun* is not recited. It is difficult to find a clear source for this practice. On *Shabbos* or *Yomtov* *Kria* is forbidden, though the garment thus torn is being destroyed. Despite its destructive nature, the act is considered constructive enough as a way of calming one's nerves, to be considered a *Melacha*. On days that *Melacha* is permitted, this reasoning is insufficient. General public practices of mourning are suspended on festive occasions. However, on many of the days that *Tachanun* is omitted nowadays, a regular *Aveil* would nonetheless tear *Kria*. It seems that this type of *Kria* is somewhat connected to the prayers recited at the time of *Kria*. Though we do not necessarily recite them, the Talmud imposes this *Kria* to accompany a prayer on the state of the destruction. Along with the special prayer, one recites *Tziduk Hadin*, declaring one's trust in the just ways of Hashem, despite the tragic situation. This may not be recited on the days when *Tachanun* is omitted. *Kria* would thus not be performed when *Tziduk Hadin* would be omitted. This is by no means considered a satisfactory explanation of the source for this dispensation. One *Posek* questions the practice to refrain from *Kria* on Friday afternoons, and justifies it only on grounds that one does not have to rip his *Shabbos* clothing if he does not have others to wear on *Shabbos*. (Public *Aveilus*, including wearing a torn garment is forbidden on *Shabbos*.) Nonetheless, he rules that if it has become an accepted *Minhag*, it may be followed. He also maintains that if one used this justification, he must do *Kria* on a subsequent visit, even within thirty days. [See *Shabbos* 105b *Moed Katan* 26a, *Poskim*. *Igros Moshe* Y.D. III:53:4.]

(C) *Tachanun*; its relevance on a *Bar-mitzvah* and his congregation

Tachanun was formally instituted together with *Shemone Esrei*. It is a prayer for personal needs, forgiveness and subordination to Hashem. It includes *Piyus*, appeasement, and mention of the *Churban Bais Hamikdash*. It is recited after the *Shemone Esrei*, without interruption. The *Poskim* consider it an appendix to *Shemone Esrei*, maintaining that one must recite some *Tachanunim* standing, some bowing and some sitting.

Some days are too festive to mention one's sins or to mourn the *Churban*. *Tachanun* is omitted on these days. Sometimes, an individual may not recite it for personal reasons. These include a bride or groom. They do remember the *Churban* and recite a confession, but the occasion is nonetheless festive. The Talmudic basis for this is given by some commentaries by the fact that certain days were singled out as being forbidden to fast or eulogize. Some of these apply to the whole nation, while others apply to specific families. This was the day that the family was privileged to bring an special offering in the *Bais Hamikdash*. Accordingly, any time one celebrates a personal holiday he is forbidden to eulogize. (Brides and grooms anyhow fast, like on *Yom Kippur*, unless it is a day that is forbidden to fast for the entire community as well.) For this reason we may not recite *Tachanun* at the *Mincha* service before a holiday either. At *Shacharis* on *Erev Pesach*, a day when people bring an offering in the afternoon, *Tachanun* is omitted for this reason.

The *Poskim* discuss whether *Tachanun* should be omitted by the congregation in the presence of a groom. In the presence of a father of a boy who will be having a *Bris Milah* that day, the *Mohel*, or others officiating, the entire congregation omits it. The common practice is for the congregants to omit it in presence of a groom from the wedding day throughout the week of his *Sheva Brochos*. *Tachanun* is also omitted in a house of mourning, during the *Shiva*. This is due to the *Navi's* juxtapositioning of the words for mourning and joy, while assuring us that our mourning will be turned into joy.

A groom may not practice *Aveilus* until the *Sheva Brochos* is over. Accordingly, presumably, he may not tear *Kria* either, even if it is indeed a mourning practice in its own right. If the exemption of those present from *Tachanun* is based on their obligation to refrain from mourning in his presence, they should also be exempt from *Kria*. [This should then exempt everyone at the *Makom Hamikdash* at the time. However, the *Poskim* discuss this as a general issue. Normally, the entire congregation, indeed the city as a whole, must follow a uniform practice. However, the *Kosel Maaravi*, and, in fact, the entire *Makom Hamikdash* and the holy city is considered the possession of the whole people. Thus, though for those residing in the city their own *Minhagim* are binding, as they are on those who come to join with them in their shuls, these *Minhagim* are not binding on all those participating in services at the *Kossel*. Accordingly, the rule that a congregation must act with uniformity only applies to a shul or in a community with one *Bais Din*. It could not be applied in the case of the *Kossel Maaravi*.]

It is more likely to be due to the congregation's requirement to practice uniformity, in which case it only applies while they are davening. It has little to do with it being a day of festivities for the assembled. This would mean that they may not be exempt from *Kria* in their own right. *Kria* has nothing to do with the presence of the groom.

In the case of the *Bar-Mitzvah*, there is yet less reason to exempt anyone from *Kria*. The common practice is to recite *Tachanun* in the presence of a *Bar Mitzvah* boy. The *Poskim* discuss what seems to be a *Minhag* in *Yerushalayim* that in the presence of a

Bar-Mitzvah the congregation does not recite Tachanun. Some Poskim discredit the Minhag outright. Some try to justify it for various reasons: There is a source in Kabalah to equate the day of a Bar-Mitzvah with the day of a wedding. This is the basis for the Bar-Mitzvah celebration. Due to the equal amount of joy, which may not be marred by Tachanun, to the high spiritual level attained by the soul of the Bar-Mitzvah on that day, the newly acquired status as one who is commanded in all Mitzvos, or the fact that he begins to wear Tefilin, the joy is such that it exempts the entire congregation from Tachanun.

In terms of the heightened level of the soul, some Poskim maintain that this can not be applied to every Bar-Mitzvah, and indeed, may only be applied in situations where this is actually known by Divine revelation. The Mitzvah of Tefilin is, firstly, usually practiced before the day of the Bar-Mitzvah, and, in addition, seems to be a questionable basis. The fact that he becomes obligated in all Mitzvos, which is based on the exemption at a Bris Milah, where being obligated in a single Mitzvah exempts Tachanun, is also flawed. The special Simcha at a Bris Milah is attributed to the joy with which it was accepted originally, and does not generally apply to all other Mitzvos. The fact that Tefilin is a Mitzvah corresponding to the whole Torah is also considered a tenuous argument. Becoming obligated in the entire Torah is also nothing new for this day. Many Poskim consider a child obliged due to Chinuch, the Mitzvah to train children. Since, by becoming obligated the child can be punished, it might be considered an opportune moment for Tachanun. The father is obliged to rejoice, partly due to his being excused henceforth for the sins of his son. However, this is considered sufficient reason for celebration, but not to exempt Tachanun. While a groom is forgiven, raising the spiritual level of himself and the whole world, the father of a Bar-Mitzvah is not forgiven. His son was never liable for punishment. His celebration is that henceforth, when the son is liable, his father is not held liable. The father is, of course, liable for his own sins as before.

In conclusion, the Poskim find little basis for refraining from Tachanun at a Bar-Mitzvah minyan, though they do not suggest loudly protesting the practice. It follows that there should be even less reason to exempt those present from Kria, including the Bar-Mitzvah boy, notwithstanding his moment of extreme Simcha. He may wear an old garment for Kria. Some people exchange clothing with another person before sighting the Makom Hamikdash. Thus, one can not do Kria, since the garment does not belong to him. It might be appropriate in this case for the Bar-Mitzvah himself to do Kria before davening, then change into his best clothes for davening. [See Tur Sh. Ar. O.C. 131:4-7, commentaries. Tzitz Eliezer X:15 XI:17. Halochoscope III:9.]