

HALOCHOSCOPE

This week's question:

At this time of year it has become popular to make a 'pilgrimage' to *Eretz Yisroel* for *Sukos*. When visiting the *kosel hamaaravi*, the site of the destruction of the *Bais Hamikdash*, one must do *kriah*, rend a garment in mourning, except on most days that *tachanun* is omitted from *davening*. Between *Yom Kippur* and *Sukos*, *tachanun* is omitted. Does this qualify to exempt one from *kriah*?

The issues:

- A) *Kriah* on the *Churban* or *Mekom Hamikdash*
 - B) How *tachanun* affects this
 - C) The days between *Yom Kippur* and *Sukos*
- A) *Kriah*

This demonstration of mourning is based on Scripture. Certain bereaved *kohanim* are forbidden to rend their garments. This implies that other bereaved people should be doing so. There is also a discussion on the leper rending his garments. The *metzora* is compared to one in mourning. Throughout *Tanach*, references are made to rending garments in grief. Under normal circumstances, this would be condemned. Destructive behavior violates the *mitzvah* not to waste resources. Certain other acts done in grief are forbidden. Accordingly, a biblical reference to such an act leads to the conclusion that it must be a permissible, and commendable, act of mourning.

The *psokim* debate the reason for *kriah*. Some maintain that it causes the mourner grief. This is implied by the restriction on the *kohanim*. Others maintain that it does the opposite: venting grief on clothing enables one to better control his feelings afterwards. Some say that one who is bereaved should conduct himself as though a part of him has ceased to live. Mourning practices shed some trappings of a living human. These include cutting hair and nails, wearing clothing, sitting on a chair, and sleeping on a bed.

The Torah says, a *kohain* who does not do *kriah* will not be put to death. We derive from this that others who neglect this *mitzvah* deserve a Heavenly death sentence. Based on this, one minority view considers *kriah* a Scriptural requirement. Others maintain that Scripture cites the practice, but that it is required Rabbinically. Some maintain that on the first day of mourning it is *halacha lemoshe misinai*, divine oral ('non-Scriptural') law.

A *metzora* must be seen wearing torn garments. Some say he should look different so he is able to stand apart from others. This is similar to a mourner. There is some discussion on whether the *metzora* rends his garment, or wears clothing that is already torn. In any event, the comparison implies that a mourner does *kriah*.

Besides for bereavement, other reasons for *kriah* include bad news, such as a defeat of Jews at war, including deaths and captives, hearing blasphemy, witnessing desecration of G-d's Name, such as wanton destruction of holy books and being helpless to prevent it.

Upon seeing the destruction or ruins of *Yehuda* (Judea), *Yerushalayim* and the *Bais Hamikdash*, one must also rend *kriah*. These cases of *kriah* are all derived from *pesukim* in the *Navi*. From some of the details of this *halacha*, such as whether or how it may be subsequently repaired, on which side it is done, etc., clearly this *kriah* is treated like *kriah* for the loss of a parent. This indicates that it is to be taken as seriously.

The Talmud requires *kriah* when one first sees the ruins of *Yehuda*, then again when one sees the ruins of *Yerushalayim*, and again when seeing the ruins of the *Bais Hamikdash*. Many of the other sites are not known to us nowadays, with any certainty. Therefore, we only do *kriah* on the *mekom hamikdash*. It is considered under the control of gentiles. Even if it were under total Jewish control, it is inaccessible due to the laws of *tum'ah*, ritual defilement, that cannot be properly corrected nowadays. This makes it impossible to be rebuilt. This is reason enough for continuing the *kriah* practice. One need not repeat the *kriah* each time he sees the *mekom hamikdash*, but if thirty days elapse after seeing it, one should do it again when he next sees it. [See Vayikra 10:6-7, 13:45, 21:10-12. Shabos 105b, Moed Katan 15a 20b 24a-26a, Avoda Zara 27b, Poskim. Tur Sh Ar OC 561, YD 340:1-10 36-39, commentaries. Minchas Chinuch 171.]

B) Days without Tachanun

Tachanun consists of prayers and supplication added at the end of *shemone esrai*. According to some, the purpose is to include something recited while falling on one's face, bowing, or according to some, while covering one's face (in shame), some prayers recited in a sitting position, and then some recited standing up. The prayers are for personal needs, forgiveness and to show subordination to Hashem. They include *piyus*, appeasement, and mention of the *churban*. It is considered an appendix to *shemone esrai*, and one may not interrupt between the end of *shemone esrai* and *tachanun*, except to respond to the *chazaras hashatz*, *chazan's* repetition.

Some days are too festive to mention sin's or the *churban*. *Tachanun* is omitted on these days. Even days of private festivity, such as a *bris milah* or a wedding, give cause to omit it. This is based on the impropriety of sadness on a day that Hashem ordained for happiness and rejoicing. Sadness is sometimes unavoidable, such as at a funeral. However, there are activities that invoke more sadness, such as eulogies and public fast-days. If a funeral occurs on a holiday, eulogies are not made, so as not to arouse weeping. The days immediately preceding or following a holiday are also restricted in terms of outward demonstrations of sadness and weeping. There is concern that the weeping could overflow into the holiday. Public fasts are proclaimed for repentance when there is a drought or other times of peril. The authorities may not initiate fasts on holidays.

In Talmudic times, many occasions called for public rejoicing, such as spiritual vindications or national days of accomplishment. These dates were proclaimed as national holidays in the sense that eulogies and fasting were banned, though work was never forbidden. These include the days of the original *chanukas hamizbaiach* during the first twelve days of Nissan, and other such days. On some days, fasting was permitted but not eulogies. On others, both were forbidden. These were all listed in *megilas taanis*, an ancient scroll adhered to in early Talmudic times. In later generations, especially as a result of the *churban*, many of these dates were no longer observed as festive. The poskim debate the propriety of *tachanun* on many of these days. In general, the common *Ashkenazi*

practice is to refrain from reciting *tachanun* on days that have a lasting festive cause, or that commemorate a national event for all time. In addition to the simple idea of a *chag* or *Yomtov* as a festive day, some point out the impropriety of mournful conduct on a day that a festive offering is made. This would include communal offerings, or those offered by an individual for thanksgiving. He would then invite others to join him in celebrating.

On *Shabbos* and *Yomtov*, *kriah* is forbidden due to *melacha*. On days that *melacha* is permitted, but public mourning is forbidden, *kriah* is forbidden for the aforementioned reasons. On many of the days that we do not recite *tachanun* nowadays, a mourner nonetheless does *kriah*. However, *kriah* on the *mekom hamikdash* is not practiced.

Kriah on the *mekom hamikdash* is somewhat like eulogizing. It also appears connected to *tefilos* recited at the time of *kriah*. Talmudically, the *tefilah* seems to be the primary institution, with *kriah* as accompaniment. One also recited *tziduk hadin*, declaring faith in Hashem's wisdom and justice, despite the tragic circumstances. *Tziduk hadin* could not be recited on days that *tachanun* is omitted. Though many do not recite this special *tefilah* or *tziduk hadin* nowadays, we still do not perform *kriah* on these days. Some poskim maintain that this is not a satisfactory excuse for the prevailing practice to refrain from *kriah* on *Erev Shabbos* afternoon. However, having become the accepted *minhag*, it may be followed. Some say that if one visited the *kosel* on a subsequent day when *kriah* is permitted, he is obliged to perform it. [See Shabos 105b Moed Katan 26a, Poskim. Tur (BY DM) Sh Ar OC 131:4-7, 561:1-2, commentaries. Igros Moshe IV:52:4.]

C) Between Yom Kippur and Sukos

These days are considered festive due to the original *chanukas habayis* of the first *Bais Hamikdash* in the days of *Shlomo Hamelech*. The *chanukas habayis* actually began on the eighth of *Tishrei*. However, we do not omit *tachanun* on that day, possibly because it is right in the middle of the *aseres yemel teshuva*. Many have the practice to fast on these days, except on *Rosh Hashana*, *Shabbos* and the ninth. This seems to override the *simcha* of the *chanukas habayis*. In many communities that day is reserved for special *selichos*, based on the special *tefilos* recited by *Shlomo* on that day. These *tefilos* were for all time, to protect the Jews in all times of hardship. Perhaps this is why *tachanun* was preserved on that day. In the times when *megilas taanis* was observed, it seems that this day was also observed as a holiday, in terms of eulogizing and fasting.

Nowadays, all other days that were observed as festive are still observed by omitting *tachanun*. Other reasons are offered for the omission of *tachanun* during this period. Some say that the entire month of *Tishrei* should be exempt from *tachanun*. It is so full of special *mitzvos*, including *shofar*, *teshuvah*, *sukah*, *lulav*, *aravah* and *nisuch hamayim*. Only during the days of *selichos*, *tachanun* is appropriate. Some say that since Hashem does not begin the new account of sins until the first day of *Sukos*, we celebrate His kindness by refraining from *tachanun* until this day. Kabalistically, this is the period when we cross over from a more serious 'mood' into a more festive 'mood'. Some add, these days are also times that Jews are busy occupying themselves with the *mitzvos* of *sukah* and the *arba minim*, four species. This involves festivity as well.

The erection and dedication of the first *Bais Hamikdash* signaled the *nachalah*, the final permanent exclusive place to offer *korbanos*. Henceforth, no private or public *bamah*, alternative altar was permitted. Many special *korbanos* were offered during the

days of the *chanukas hamizbaitach*. It is thus, a day of celebration for all time.

In a sense, these days are really like *Chanukah*. The reason that *Chanukah* merits a special *Yomtov*, while this *chanukas habayis* does not, seems to be due to the additional victory in the struggle between the *Chashmonaim* and the Greeks. Therefore, the eight days of the miracle of the oil were dedicated to *Hallel* and thanksgiving. In terms of a holiday to omit *tachanun*, they seem to be equal.

It has become common practice to refrain from *kriah* on days that *tachanun* is not recited, including after midday on *Erev Shabbos*. *Chanukah* and the days between *Yom Kippur* and *Sukos* should also be included in this practice. It does seem ironic to be observing this practice at this time, where the loss of the very cause of the celebration is so evident. However, in light of the issue of *bal tashchis*, forbidding wastefulness of a good garment, one is better off relying on *minhag yisroel*. If there was no such *minhag*, *bal tashchis* would not apply. Now that the *minhag* has caught on, it would seem to be inappropriate to violate it. [See Moed Katan 8b. Tur Sh Ar OC 231:7, 624:5 670:2, commentaries. Sefer Hatoda'ah. Bnei Yisaschar.]

On the Parsha ... Remember the days of old, understand the years of each generation, ask your father and he will tell you, your grandfathers and they will say to you ... [32:7] The commentaries explain, the days of old [the universe] refer to Hashem's kindnesses [Creation]. The years of the generations can mean the corruption of man. Also, perhaps, there is a good memory, of the times when the *Bais Hamikdash* was fresh and new due to Hashem's kindness. There are the bad memories, of destruction due to sins. *Veyagaidcha*, your father will tell you, is a strong term, 'words hard like sinews.' *Veyomeru*, your grandfathers will 'say' in softer tones, a reference to the earlier times when the Temple stood. [See Rashi Yisro 19:3.]

Zecher lechurban means that we should never be too frivolous in times of joy to forget the destruction and the lack of the Temple. *Zecher lemikdash* means that we should actively remember the good times. Both embody appreciation of the value of the *Bais Hamikdash*, in different ways, and remembering different times. Perhaps this is another good reason not to do *kriah* at this time of year. It combines remembering the good times, the building of the *Bais Hamikdash*, with the *zecher lemikdash* of all the *mitzvos* on *sukos*, such as the *lulav* on the last six days, the circling of the *bimah*, the *simchas bais hashoivah*, the *aravah*. All of these are instituted at a time that the Torah tells us to 'rejoice before Hashem' to underline that joy is most appropriate in connection to *zecher lemikdash*. [See *Matnas Chaim*, *Sukos*]. Thus, it is all the more appropriate to make the 'pilgrimage' to the holy site during this time, especially in the days of preparation for these remembrances. The pilgrimage thus becomes one of *zecher lemikdash*, when, rather than marking the memory of the sad times with *kriah*, we should show our appreciation by rejoicing and memorializing the good times. Perhaps it is appropriate to wear *Yomtov* clothing for this visit, even before *Yomtov*, celebrating the *Yomtov* of *chanukas habayis*.

[*Binyamin*] hovers over it all the day[s, therefore] between his shoulders does [*Hashem*] rest [33:12]. By showing such yearning for the *Bais Hamikdash* in his portion, he merited this. [*Zevachim* 54b]. May we see the next *Bayis* in merit of our *zecher lemikdash* joy!

8 In honor and in memory of my mother, Yitele bas R. Shimon a'h, Henriette Silver. ♣

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