

HALOCHOSCOPE

Congregation Shaaray Teffillah, Pittsburgh, PA

This week's question:

May one allow children to play in a shallow paddling pool during the "Nine Days"? May one allow "slip-sliding" for children? May a camp-counselor, working with a camp where there is a swimming program during this period, go into the pool with the children?

What are the issues?

- (A) The "Nine Days" - from Rosh Chodesh Av until Tisha B'av.
- (B) The prohibition of washing oneself during this period.
- (C) *Chinuch* - educating children in Mitzvos.
- (D) Avoiding possible dangerous situations during this period.
- (E) Does *Parnasa*, earning a livelihood, affect this Halacha?

(A) The "Nine Days"

The three-week period from the Seventeenth of Tamuz until the Ninth of Av (Tisha B'av) is observed as a period of mourning for the destruction of the two Temples in Jerusalem. Although the real day of mourning is Tisha B'av itself, there is a gradual build-up, by observing various mourning practices from the Seventeenth of Tamuz. Perhaps it is easier to work backwards from Tisha B'av to explain this. On Tisha B'av, besides fasting and sitting on the ground, there are a number of other mourning practices including walking without leather shoes, and refraining from washing any parts of the body. Only washing hands for ritual purposes up to the knuckles and washing off pieces of dirt is allowed. Learning Torah, which leads one to rejoice, is also forbidden, except for those passages that are saddening. On Erev Tisha B'av, when eating the final meal before the fast, one may not eat two cooked dishes, nor may one eat meat or drink wine. During the week of Tisha B'av, it is forbidden to wash, or to wear freshly washed, clothing, or to take a haircut. From Rosh Chodesh on, one minimizes rejoicing by not holding weddings or building fancy structures or planting fancy tree gardens in the style of nobility. One should delay appearances in court until after Tisha B'av because it is an ominous time of year. These are the practices mentioned in the Talmud. [See Ta'anis 26b, 29b-30a, etc.] However, different communities of the world have extended these practices. For instance, in European communities, the haircutting prohibition begins on the Seventeenth of Tamuz. In addition to those mentioned in the Talmud, many new practices were accepted by the Jewish communities. We shall focus on one such practice in the next section [See Tur and Shulchan Aruch Orach Chaim 551 and commentaries.]

(B) Bathing in the "Nine Days"

On Tisha B'av, everyone is considered an *Aveil*, a mourner, for the destruction of the Temple. Accordingly, all the laws of mourning apply besides the laws of the fast day, including washing even one finger. [See Ta'anis 30a.] In the times of the Mishna, in cases of extreme drought in Eretz Yisroel, penitential practices were imposed on the community along with the customary fasts for rain. One such additional practice was the closing of the bath-houses and refraining from washing on the days of the fasts. The Talmud states that those fast days, such as Tisha B'av, that were instituted as a mourning day, have all the rules of *Aveil*, and that, therefore, even washing in cold water is forbidden. However, on those fast days that were instituted as days of public prayer, it is only forbidden to bathe in warm water. This is a penitential practice, refraining from the *Ta'anug*, enjoyment, of a warm bath. In Ashkenazic communities, there is a practice of not bathing from Rosh Chodesh to Tisha B'av. The question arises: What is this practice based on? Is it a mourning practice or a penitential practice? Although it would seem to be an extension of the mourning practices, the source for this Minhag seems to forbid only warm bathing. Nonetheless, the prevailing practice is to forbid even cold-water bathing. However, there are some exceptions, for example on Erev Shabbos, washing parts of the body is permitted in honor of Shabbos, and for those who usually wash thoroughly for Shabbos, even more is allowed. Those who go to a Mikvah daily may continue their practice. One may wash the face, hands and feet. All of these are permitted in cool water only, because if one uses warm water, it would appear a definite *Ta'anug*, which is forbidden according to all customs. [See Rambam Hil. Taaniyos 5:6. Terumas Hadeshen No 150. Tur and Sh. Ar. O.C. 551:15. Rema, Biur Hagra, Mishna Berurah 94,95 etc. Shaar Hatziyun 98, Aruch Hashulchan 35-36.]

Accordingly, one may not go swimming during this period even in a cool pool since the whole body is immersed in water. Since swimming is not for washing, but for pleasure, it would be forbidden according to all Poskim.

(C) Chinuch

We are obligated to educate our children in all Jewish practices, including Minhagim. With regard to *Aveilus*, the laws and practices of mourning, children are not included, although one opinion excludes only a child in mourning for the loss of a father, who thus has no-one to educate him. (Chinuch is the obligation of the father alone.) It is clear in the Poskim that a child, even one day younger than Bar-Mitzvah or Bas-Mitzvah, is allowed to wash himself when in mourning. One explanation offered is that the practices of mourning are for repentance; they are more stringent than a communal fast because of the mourner's anguish. Since a child is not punished because of his sins, he does not need to repent. [See HalochoScope Vol 1 No 14. Taanis 13b, Rashi. Sh. Ar. Y.D. 396:3., Taz 384:5. 381:6, Bais Hillel, etc]

However, in mourning the loss of the Temple, we do include children by refraining from cutting their hair or washing their clothing. This is either because of *Agmas Nefesh*, anguish, that adults will be reminded of the mourning when they see the children, or Chinuch. The reason that Chinuch applies here is that it is communal mourning for the loss of the Temple, a subject in which children should be educated. The difference between the two reasons is that *Agmas Nefesh* would require even very young children to join in these practices, while Chinuch only applies to older

children who are able to understand the issues. There is, however, one opinion that the reason that children's clothing may not be washed is so the adult washing them not be distracted from his own *Aveilus*. Although this would automatically include the clothing of very young children, since Chinuch is not the issue, the children would be allowed to do their own laundry. [See Sh. Ar. O.C. 551:14, Gra, Magen Avrohom 38 Machatzis Hashekel. Aruch Hashulchan 31. Shaar Hatziyun 9. Levush 14.]

Accordingly, washing or bathing might also be forbidden even for younger children. However, it would appear that an adult watching children bathing would still be reminded of his own mourning in the knowledge that himself may not bathe. Furthermore, *Agmas Nefesh*, which is learned from the practice of *Kriah*, rending the garments, of young mourners, is not mentioned in regard to bathing. [See Taanis 13b. Rashi] According to the final opinion mentioned, children may bathe themselves. However, most authorities say that Chinuch is the issue. Accordingly, all older children who understand the meaning of mourning would be forbidden to bathe even in a paddling pool or slip-slide, but young children may. (Note: it is customary in America to shower for cleanliness, but to minimize one's pleasure by using cooler water.)

(D) Sakanah, Danger, in the "Nine Days"

Since the beginning of the month of Av is viewed as an ominous time, we are careful not to expose ourselves to unnecessary danger. There is also a practice not to walk alone in desolate places between the fourth and ninth hours of the day, for the whole three-week period. We know that at a time of danger one is more susceptible to Divine justice for one's sins. Consequently, there is another reason not to go swimming in a river where one is possibly in danger of losing control and drowning. Although youngsters are not usually judged and punished for their sins, in matters of danger, one cannot rely on this. In light of this, a teacher, who is permitted to strike a student to discipline him, should not do so during the entire three-week period. [See Sh. Ar. O.C. 551:18. Aruch Hashulchan 39. Shabbos 31b, Mishna and Yerushalmi 2:6]

(E) Parnasa

If one earns his livelihood from an activity that is restricted in this period, he might have a special dispensation. Although laundering even the clothes of a gentile is forbidden (with certain exceptions), with regard to tailoring, the common practice is to allow the tailor to work for his livelihood. One explanation of this leniency is that, whereas laundering is a practice forbidden by the Talmud, the prohibition against tailoring was added later. [See Sh.Ar. O.C. 551:5-6 commentaries, Aruch Hashulchan 20.]

There is a custom to refrain from playing or listening to music during the "Three Weeks". This, too, was not mentioned in the Talmud. Here, there is also a clear dispensation for a musician to play in the house of a gentile for his livelihood. Presumably, there is an additional reason to permit it: Since music is really forbidden as a *Ta'anug*, when one is not playing for joy, but as a job, especially if one is not free to play how and what he wishes, it is not really a *Ta'anug*. [See Pri Megadim, Eshel Avraham 551:10.]

If this is true, one could use the same logic to allow a lifeguard or swimming teacher to enter a pool to earn his livelihood. In addition, the bathing

restriction, a post-Talmudical practice, is, according to some Poskim, only with warm water, as explained.

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 AM
SHABBOS MINCHA	8:20 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY	7:15 PM
MINCHA MONDAY - THURSDAY	8:35 PM
CANDLE-LIGHTING DEVARIM	8:25 PM
Plag Hamincha-earliest time to light candles	7:13 PM
MINCHA EREV SHABBOS DEVARIM	7:00 PM

Kiddush and Shalosh Seudos is being given by Mr. Leon Siebzener in honor of the Yortzite of his wife on the 26th of Tamuz.

Shalosh Seudos is also sponsored by Rabbi Silver in honor of Dovid Angel.

SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHA B'IYUN	MONDAY	9:00 PM
HALACHOS OF BUSINESS	THURSDAY	4:30 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM
DAF YOMI - Sotah begins on Thursday.		7:40 PM

The entire community is invited to a public lecture sponsored by the Kollel on Sunday July 18th at 7:30 on "Torah and Addiction, Alcohol, Drugs and Halacha." Speaker: Dr. Abraham J. Twerski.

This issue of HALOCHOSCOPE has been sponsored by Brad and Joanne Perelman in honor of Abe and Sylvia Butler.

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Any and all comments and suggestions are welcome and can be addressed to :
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