

## תשעה באב שנדחת ליום ראשון הרב שמחה קוק

In this *shiur*, I would like to discuss a *machlokes* regarding *Tisha B'Av* which falls out on Shabbos and is pushed off to Sunday. Particularly, whether there is a *din* of שבוע שחל בה or not. Before we get to that, we need to know what *issurim* and *minhagim* there are which are observed during the week in which *Tisha B'Av* falls out.

The Mishna in : כו : states that during the week of *Tisha B'Av* it is *assur* to shave, take a haircut, or wash one's clothes. The Gemara, three *bletter* later, explains this line and brings a *machlokes* between Tannaim. R. Meir holds that one cannot do these things from Rosh Chodesh Av through the *ta'anis*, R. Yehuda holds they are *assur* the whole month, and R. Shimon ben Gamliel holds that they are only *assur* during the particular week in which *Tisha B'Av* occurs. For the purpose of this *shiur*, we will focus only on the *machlokes* of when the *issur* begins. The Gemara continues with a statement from Rava: the *halacha* is like R. Shimon ben Gamliel, and therefore the *issur* of cutting hair and laundry is effective for the week of *Tisha B'Av*.

*Lichora*, we would say that this *issur* is a *din* in *aveilus*. Just like an *avel* cannot do these things, we too are *noheg aveilus* before *Tisha B'Av* over the *Churban Beis Hamikdosh*. The Tur *paskens* like Rava, that the *issur* is for באב טי שבוע שחל בה, but he also brings a *shita* that some are *machmir* to begin on Rosh Chodesh (like R. Meir and R. Yehuda) because those things bring שמחה and we should stay away from that at this time. So, we see another *din* by *Tisha B'Av*, and that is the Mishna which states, "משנכנס אב ממעטים בשמחה". This is the *inyan* of holding back and containing שמחה during the month of Av. This is different than the *inyan* of *aveilus* which commences at the week of *Tisha B'Av*.

It is interesting to note that the Shulchan Aruch does not cite this "...מחמירין" and simply *paskens* the *din* of שבוע שחל בה like Rava. I would imagine that he holds that these things are not enough of a שמחה to be included in the *klal* of "משנכנס אב ממעטים בשמחה". The Rema, however, does cite this opinion and *paskens* that we do keep this *issur* for the entire Nine Days.

There is another *halacha* of not wearing new clothes or repairing old ones, and that is brought down by the Shulchan Aruch to begin at Rosh Chodesh. This is because this is actually a *davar simcha* which then must begin with Rosh Chodesh Av.

The other *din*, which is very *nogei'a* to all of us, is the *din* of not eating בשר ויין. Really, the *lashon* of the Shulchan Aruch is only that it is a *minhag* to not eat them during שבוע שחל בה. The actual *issur* of it is only on *Erev Tisha B'Av*. Additionally, it is by this *din* that the Shulchan Aruch brings three *shitos* of when the *minhag* begins: שבוע שחל בה, Rosh Chodesh, and *Shiva Asar B'Tammuz*.

Why is it only by the *din* of בשר ויין that the Shulchan Aruch brings this third *shita* of *Shiva Asar B'Tammuz*? The Gaon says that the *mekor* for this *minhag* is the Gemara at the end of פרק חזקת הבתים, where R. Yishmael ben Elisha said that they really would have made a *takana* to not eat any בשר ויין after the Churban no matter what because doing so is *mesamei'ach* a person. However, that would have been too severe a *gezeira* and Klal Yisroel would not have been able to be *sovel* that, so they didn't make that *takana*. The Gaon says that we could be *sovel* a *gezeira* to refrain from בשר ויין for a short period of time, and therefore the *minhag* became to desist from בשר ויין from *Shiva Asar B'Tammuz* through *Tisha B'Av*, and it is a *din* of בשמחה.

It comes out that the *ikur gezeira* for these *dinim* is שבוע שחל בה, but there are differing *minhagim* to begin at *Shiva Asar B'Tammuz* or Rosh Chodesh Av.

The question we will now address is *nogei'a* to the *ikur din* of שבוע שחל בה. When *Tisha B'Av* falls out on Shabbos and is pushed off to Sunday, is there a *din* of שבוע שחל בה that year? The Shulchan Aruch *paskens* that there is no *din* of שבוע שחל בה when *Tisha B'Av* falls out on a Sunday, and that is because it is the beginning of the week. The Shulchan Aruch says the same applies when *Tisha B'Av* falls out on Shabbos but is pushed off, but also cites a second *shita*, the SMAg, who holds there is still a *din* of שבוע שחל בה when it is a *nidcheh*. Let us examine this *machlokes*.

(It is interesting to note that the Rema says this *machlokes* isn't *nogei'a* to us because the *issur* of laundering and cutting hair starts at Rosh Chodesh. He makes no mention of the *minhag* of refraining from בשר ויין.)

There is a Gemara in מגילה מס' which says that among a few of the things Rebbe wanted to establish for the public was to take a bath on *Shiva Asar B'Tammuz* and uproot *Tisha B'Av*. R. Abba bar Zavda explains this means that Rebbe only wanted to do so when *Tisha B'Av* was a *nidcheh* from Shabbos to Sunday. Tosafos asks what was Rebbe's *hava amina* was to do this, and answers with a *yesod*: Rebbe did not want to uproot the actual *ta'anis*, rather he just wanted to uproot the *chamisha inuyim*.

There is a famous *kushya* from the Chasam Sofer: Whenever *Tisha B'Av* falls out on Shabbos, so does *Shiva Asar B'Tammuz*. Therefore, why didn't the Gemara say that he wanted to uproot *Shiva Asar B'Tammuz* when it was a *nidcheh* as well? Why only *Tisha B'Av*? Moreinu HaRav Kulefsky zt"l used to say the following *teretz*: That which Tosafos explains in the *hava amina* that Rebbe only wanted to uproot the *chamisha inuyim*, is also true in the *maskana*. Those five things are a *din* of *aveilus* by *Tisha B'Av*, unlike by Yom Kippur where it is a *din* of *inuy*.

Rebbe held that on the actual *yahrtzeit*, there is a *din* of *aveilus*. This is similar to the *hanhagos* a person has for a *yahrtzeit* of a parent and such. When *Tisha B'Av* is only being observed on י' באב, there is no *din aveilus* present to keep the *chamisha inuyim*. However, the fast itself would still be in effect. This is because a *ta'anis* comes from a *din* of *teshuva* and *kappara*, which can be done on any day. Therefore, HaRav Kulefsky answered the Chasam Sofer's *kushya* because *Shiva Asar B'Tammuz* does not have the *din* of *chamisha inuyim* like *Tisha B'Av*. Therefore, the Gemara could not have said Rebbe wanted to uproot *Shiva Asar B'Tammuz* like *Tisha B'Av* when it is a *nidcheh*.

What did the Rabonon, who argued with Rebbe, hold? Why were they not *maskim* to him about this? Perhaps we can say that they agreed that *b'etzem* there is no *inyan aveilus* when *Tisha B'Av* is not on the *yahrtzeit* itself. However, they held that *Asara B'Av* is also part of *Tisha B'Av* because that is when most of the Beis Hamikdosh burned down, as R. Yochanan says in מס' תענית. Therefore, when *Tisha B'Av* is *nidcheh* to Sunday, it is not simply past the *yahrtzeit*, rather there is still an *inyan* of *aveilus* present on *Asara B'Av* as well. The only reason we go with *Tisha B'Av* on a regular year is because that was the *has'chala* of the *churban*, like the Rabonon who argue on R. Yochanan in מס' תענית.

Maybe this is also *peshat* in the *machlokes* of שבוע שחל בה when *Tisha B'Av* is a *nidcheh*. Those who hold there is no *inyan* of שבוע שחל בה in such a case learn *peshat* in the Rabonon that the *aveilus* of *Tisha B'Av* is present on Sunday of the *nidcheh* because *Asara B'Av* is the *ikur* day in a *nidcheh* year. Therefore, it is the same as *Tisha B'Av* itself falling out on Sunday in which there is no שבוע שחל בה. However, those who hold there is שבוע שחל בה even by a *nidcheh* can learn the Gemara's answer to Rebbe differently. They can learn that even when *Tisha B'Av* is a *nidcheh* there is an *inyan* of *chamisha inuyim* just like fasting on any other *nidcheh*, and still the *ikur* day is *Tisha B'Av* itself which means there is a *din* of שבוע שחל בה in place.

There is so much more to say on this *inyan* but hopefully it will not be *nogei'a* as we hope to be *zoche* to בנין בית המקדש במהרה בימינו.