אבל בריא שרוצה לילך אחר שרירות ליבו לאכול בשר במקום שנוהגים בו איסור בימים אלה, עוונו גדול מנשוא, והרי הוא פורץ גדר וישכנו נחש (ש"ע סימן תקנ"א סי"א). [קול סיני עמ' קנ]

פ. מי שהיה חולה ונתרפא, אך נשאר חלש, מותר לו לאכול בשר בימים אלו. ואם אפשר לו להסתפק באכילת דגים, שאינם בכלל האיסור, טוב לעשות כן, ואין לו להקל באכילת בשר. ובבתי הבראה שאינו יכול להשיג אלא בשר, יוכל להקל בזה. [יחו"ד ח"א סימן מא. חזו"ע עמ' קצג, ובהערה עמ' קצד].

פא. מעוברת שסובלת הרבה בהריונה יש להתיר לה אכילת בשר בימים אלו. [ילקו"י עמ' תקע"ג]. וכן יולדת בתוך שלשים אחר לידתה מותרת בזה. [חזו"ע עמ' קצג. יבי"א ח"ט סו"ס נ] וכן "מינקת" שאם לא תאכל בשר, ישפיע הדבר על החלב שלה, ושמא יפגע קצת בתינוק, מותר לה לאכול בשר בימים אלו. והוא הדין מינקת הסובלת מחולשה שמותרת בזה. [קול סיני עמ' קמט ועמ' קנ ובהערה נ"ו. חזו"ע עמ' קצג, ושם עמ' קצד בהערה בשם האורחות חיים והשבות יעקב]

פב. החולה שרוצה לאכול בשר בימים אלו בהיתר, אינו צריך לעשות התרת נדרים לפני כן, שמכיון שאינו רוצה לחזור בו ממנהגו שלא לאכול בשר לגמרי, אלא רק בימים אלו שהוא חולה, ובדעתו

Someone who is healthy but decides to ignore the custom of his community and eat meat because he feels like it incurs a terrible sin. He has breached the fences of halakhic behavior and he is liable to be bitten by a snake.

Someone recovering from illness

80) If someone has recently recovered from an illness but he has yet to regain his strength, he may eat meat during the Nine Days. If it is possible for him to gain his needed nourishment through eating fish, that is a better choice since there is no restriction against eating fish. If he is in a convalescent home and only meat is on the menu, he may be lenient and eat it.

Difficult pregnancy

81) A woman who is experiencing a difficult pregnancy may eat meat during the Nine Days. Likewise, a woman may eat meat if it is within thirty days since she gave birth.[107] A nursing mother who fears that the quality of her breast milk will be adversely affected if she abstains from eating meat or one who feels unusually weak may also eat meat during the Nine Days.

***Hatarat nedarim* in these cases**

82) If someone is ill, he does not have to make *hatarat nedarim* in order to eat meat during the Nine Days. It is not his intent to discontinue this custom; he wishes to waive it while he is ill and continue to observe it in the future. Therefore, *hatarat nedarim* is not required in such a case. If he suffers from chronic illness and decides that it is best

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107. Maran the Rishon Letziyon (responsa *Yehave Da'at* page 116; *Hazon Ovadya Ta'aniyot* page 192) cited the responsa *Shevut Yaakov* (Vol. I, #27) who ruled that during the days that a woman menstruates she has the status of someone ill and therefore she may eat meat during the Nine Days. Since this restriction is only a custom, any degree of illness is sufficient to release one from that restriction. Maran (*Hazon Ovadya*, footnote on page 194) cited the *sefer Leket Yosher* (page 107) who disagreed, ruling that a woman who is menstruating may not eat meat during the Nine Days. Maran concluded that the matter needs further research.

שאחר כך כשיחזור לאיתנו ויהיה בריא יחזור למנהגו, אין צריך התרה. אמנם אם מחמת שאינו בריא רוצה לחזור בו לגמרי מן המנהג, שחושש שאפילו כשיבריא אחר כך שמא תחזור לו אותה חולשה, צריך שיעשה התרה בפני שלשה אנשים. [ראה ש"ע יו"ד סימן ריד ס"א, ובמטה יהודה עייאש סימן תקנ"א דין י' ד"ה שם הגה]. [חזו"ע עמ' קצה, וע"ע יבי"א ח"ב סי' ל אות ו]

פג. מותר לתת בשר לקטנים [אפילו בשר בהמה. חזו"ע עמ' קצג בהערה] גם אחר ראש חדש אב, בזמן הזה שירדה חולשא לעולם, ואפילו הגיעו לחינוך, ובפרט אם הוא קטן שאינו בריא כל כך. ורק כשהגיע הקטן לגיל שתים עשרה שנה ויום אחד, שהוא בגדר מופלא הסמוך לאיש, טוב להחמיר עליו שלא יאכל מאכלי בשר בימים אלה עד אחר יום ט' באב. [חזו"ע עמ' קצ. יבי"א ח"ט סי' נ]

that he never again abstain from eating meat, he must make *hatarat nedarim* to release him from this custom.[108]

Feeding meat to children

83) Since people are generally weaker in our times than they once were, it is permissible to feed meat, and even beef, to children during the Nine Days. This is so even for children who have reached the age of *hinukh*, and especially for children who have a weak constitution. Once a boy has become twelve years old, however, it is recommended to stop him from eating meat during the Nine Days.[109]

108. The *Shulhan Arukh* (*Y.D. Siman* 214:1) ruled that if someone is ill and decides to eat meat during the Nine Days, he must make *hatarat nedarim*. The *Matte Yehuda* Ayash qualified this ruling, saying that this rule applies to someone who is chronically sickly and decides to permanently cease observing the custom of abstaining from eating meat. If he hopes to continue observing the custom in the future, however, it is not necessary to make *hatarat nedarim*. Maran the Rishon Letziyon (*Hazon Ovadya* page 194) commented that although Harav Yitzhak Miyo (responsa *Sefat Hayam O.H.* #8) did not concur with the *Matte Yehuda*, in practice we follow his ruling since this is a matter concerning a stringency of our Sages and falls under the category of *safek derabanan lehakel*.

109. The Rambam (*Hilkhot Ma'akhalot Asurot* 17:27) and the *Shulhan Arukh* (*O.H. Siman* 343) ruled that it is forbidden to feed any forbidden food to children, even if it is forbidden by our Sages only. This disagrees with the opinion of Rashba (responsa Vol. I, #92) that it is permissible to feed children any food that is forbidden to adults by our Sages. Regarding the issue of feeding meat to children during the Nine Days, it is obvious that according to Rashba it is permitted. Since the *Shulhan Arukh* ruled like the opinion of Rambam, however, the *Eliya Rabba* (551:24) and the *Dagul Mervava* both ruled that it is forbidden to feed meat or wine to a healthy child during the Nine Days. The *Mishna Berura* (551:70) ruled likewise that it forbidden to feed meat to a child during the Nine Days even if he is too young to understand the concept of mourning. Maran the Rishon Letziyon (*Hazon Ovadya* page 190), however, commented it should be permitted to feed meat to children during the Nine Days even according to the *Shulhan Arukh*, since this is not something that is forbidden by our Sages. It is only a custom adopted by many communities, and children are not bound to observe the custom. See the responsa *Shem Arye* (*E.H.* #95).

The *Magen Avraham* (551:31) explained that when this custom was first adopted, it was never imposed on children who are too young to understand how to mourn over the destruction of Yerushalayim.

According to his ruling, it is forbidden to feed meat to children who are old enough to understand the mourning. Maran commented that we have an acceptable basis to permit feeding meat to all children who are not yet bar mitzvah, as written above. Besides this, he offered yet another rationale based on the responsa *Noda Bihuda Tinyana* (*Y.D.* #212), who wrote that the custom of abstaining from eating meat during the Nine Days is similar to having taken a vow (*neder*) to abstain from meat. If so, then it must be permissible to feed meat to children since the responsa *Hatam Sofer* (*O.H.* #83) ruled that it is permissible to feed children any food forbidden by a vow. This is likewise the opinion of Harav Ben Tziyon Abba Sha'ul in

אכילת בשר בסעודות מצוה

פד. בסעודת מצוה שאחר ראש חודש אב, כגון בסעודת ברית מילה, מותר לאכול בשר. וכל הקרובים של בעל הברית ריעיו ואוהביו הקרואים לסעודה רשאים לאכול שם בשר. אבל סתם בני אדם שהולכים שם אך ורק למטרה זו של אכילת בשר למלאת תאותם, הרי הם כעושים מצוה הבאה בעבירה. [חזו"ע עמ' קצו]

פה. בליל המילה, שעושים לימוד "ברית יצחק", אין הסעודה נחשבת לסעודת מצוה שיהיה מותר לאכול בה בשר. [חזו"ע קצו]. וראה לעיל הלכה ל"ח.

Eating Meat at Mitzvah Celebrations

Meat at a mitzvah celebration

84) It is permissible to eat meat at the celebration of a mitzvah during the Nine Days. For example, if a circumcision takes place during this period, the entire family of the infant's parents, their friends and whoever is invited to participate in the celebration[110] may eat meat at that meal.[111] Nevertheless, strangers to the family may not attend the ceremony for the express purpose of having the opportunity to eat meat during the Nine Days. A stranger who does attend for this purpose is considered to have performed a *mitzvah haba'a ba'avera*.

Meat at *berit Yitzhak* meal

85) The traditional meal served on the evening before a circumcision during which the participants recite the section of the holy *Zohar* known as *Berit Yitzhak* does not have the status of a mitzvah celebration. Therefore, it is forbidden to eat meat at that meal during the Nine Days. See above, halakha 38.

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responsa *Or Letziyon* (Vol. I, #38), that Sefardic children may be fed meat during the Nine Days even if they have reached the age of *hinukh* and they understand what it means to be in mourning. Ashkenazic Jews, however, may not feed meat to their children once they are old enough to understand the concept of mourning over the destruction of the *Bet Hamikdash*. Even Ashkenazic Jews may feed meat to children younger than this.

Maran offered yet another basis to permit feeding meat to children, that in our era people are weaker than they once were and children can be counted in the category of people who are moderately ill. The *Hazon Ish* (*O.H. Siman* 48) wrote that in our era there is a plethora of child illnesses, and therefore any change in their diet is liable to bring on some illness.

In *Hazon Ovadya* (page 193), Maran cited the *sefer Yukah Na* (*Siman* 471:6) who ruled that if the *Poskim* disagreed whether a certain food is permissible to adults, it is certainly permissible to feed that food to children even if in practice we follow the stringent opinion and forbid that food to adults. This in itself is a good basis to permit feeding chicken to children during the Nine Days, since there are *Poskim* who ruled that even adults may eat chicken. (See above, halakha 68 and the footnote there.)

Maran concluded his discussion in *Hazon Ovadya* as follows: "Although I wrote in *Kol Sinai* somewhat stringently regarding this issue (and as the original edition of *Yalkut Yosef* copied), the more correct approach to this halakha is to be lenient as I have written here."

110. The *Or Letziyon* (Vol. III, page 244) wrote that if a meal is prepared to celebrate a circumcision and after the guests have already arrived it is discovered that the infant is ill and cannot be circumcised on that day, the family and guests may nevertheless enjoy the meal and eat meat. Our Sages taught (*Berakhot* 6a) that if someone plans to perform a mitzvah and then is prevented from performing it, God gives him reward as if he had actually performed it. Therefore, this meal celebrates the mitzvah that the parents had planned to fulfill. **(Rabbi Y.B.)**

111. It is permissible to eat meat at the celebration itself along with the celebrating family. No one may take a portion of meat from the celebration and eat it at home. This is the ruling of the *Magen Avraham* (551:35) and other *Aharonim* cited in *Hazon Ovadya* (page 198, footnote #15). Many people mistakenly think otherwise. **(Rabbi Y.B.)**