Preface Bathing on the Week of Tish'a Be'Av

Day 28

The Talmud does not mention any rule prohibiting bathing during the days preceding Tish'a Be'Av. On the contrary, the Talmud (*Ta'anit* 30a) implies that it is permissible to bathe even on the day before the fast up until the time one eats the final meal. The *Maggid Mishne* (*Hilkhot Ta'anit* 5:6) ruled explicitly that it is permissible technically to bathe even on the day before Tish'a Be'Av. Nevertheless, all Jewish communities accepted upon themselves the custom of refraining from bathing on the days preceding Tish'a Be'Av, and we are obligated to observe this time-honored custom. This is the ruling of the *Arba'a Turim* (*Siman* 551). Our Sages taught (*Nedarim* 15a): If there are things that are technically permitted but the people in your community have the custom to treat them as forbidden, you may not permit them for yourselves.

Various communities established different customs regarding bathing during these days. In *sefer Haroke'ah* (#312) it is written that Rabbenu Kelonimos of Rome instructed the people to refrain from bathing starting from *Rosh Hodesh* Av. This custom is cited as well in *sefer Pardes Hagadol* (#156), the *Shibole Haleket* (#264), Harav Avi Ha'ezri (#882), the *Or Zaru'a* (Vol. II, #414) and the *Mordekhi* at the end of *Ta'anit*. Because of this, the Maharil wrote (responsa #15) that "the common custom forbids everyone from bathing his entire body in warm water on Friday before *Shabbat Hazon*; he may wash his hair, his face, his hands and his feet only, and he must use cold water. There are those who are lenient, and if someone has the habit of washing his hair with hot water every Friday all year long, they permit him to do the same on this Friday as well." This is cited by Rama. Rabbenu Shelomo Luria wrote that although he does not appreciate this custom, it is an established custom and it must be practiced. This is the common custom of all Ashkenazic Jews.

In contrast, the great Sefardic rabbis, including the Rambam (*Hilkhot Ta'anit* 5:6) ruled that there is no halakhic restriction against bathing the entire body in hot water during the week of Tish'a Be'Av, but that the custom is not to visit the bathhouse during that week and we are bound to observe this custom. This means that the custom is to abstain from bathing in hot water, but that bathing in cold water in permitted. Likewise, the Ramban wrote (*sefer Torat Ha'adam*, page 81a) that the custom is not to visit the bathhouse during the week of Tish'a Be'Av and it is forbidden to stray from our ancestors' practices. This is

the ruling of Rabbenu Aharon Halevi (*sefer Pekudat Halviyim*), Rabbenu Menahem Hame'iri, Rabbenu Nissim and the author of *Hame'orot* (all these in their commentaries to the end of tractate *Ta'anit*). The *Ohel Mo'ed* (Vol. II, page 68b) ruled likewise.

Following all these *Rishonim*, the *Shulhan Arukh* (551:16) ruled: "Some people have the custom to refrain from bathing from *Rosh Hodesh* Av until after the fast, and others refrain from bathing during the week of Tish'a Be'Av only." It appears from this that both customs are legitimate and everyone should follow his community's tradition.

Sefardic Jews have traditionally followed the rulings of the great *Rishonim* of Spain that the custom is to refrain from bathing during the week of Tish'a Be'Av only. Harav Hayim Palachi (*Ru'ah Hayim*, 551:7) testified that this was the custom in Smyrna, and the *Shulhan Gavo'ah* (551:49) testified that this was the custom in Salonika. We may assume that this has always been the custom in the Land of Yisrael as well, since if the custom was otherwise the rabbis of Yerushalayim would certainly have alerted us to it.

In light of the above, although the *Ben Ish Hai* (*parashat Devarim* halakha 16) wrote that the custom is to refrain from bathing the entire body throughout the Nine Days, Maran the Rishon Letziyon (responsa *Yehave Da'at* Vol. I, #38; *Hazon Ovadya* page 240) commented that the custom in the Land of Yisrael remains as the *Rishonim* stated, and it is forbidden during the week of Tish'a Be'Av only. Even if we would be unsure what the custom is in the Land of Yisrael, we would still assume the more lenient position. Rabbenu Asher (responsa #79:4), cited by the *Arba'a Turim* (*H.M.* #60:1), ruled that whenever one is unsure whether or not one is bound by a stringent custom, one should assume the lenient position. This is likewise the ruling of Rama (*E.H.* #118:6) and of Harav HIDA in *Shiyure Berakha* (*Y.D.* #214) in the name of Maharash Amar.

דיני רחיצה בשבוע שחל בו תשעה באב

קכח. אף על פי שאיסור רחיצת גופו מן הדין אינו אסור אלא ביום תשעה באב, מכל מקום מנהג הספרדים שלא להתרחץ כל גופו בחמין בכל השבוע שחל בו תשעה באב. וקודם השבוע שחל בו תשעה באב, מותר לרחוץ כל גופו אפילו במים חמים, ואפילו עם סבון. ואחינו האשכנזים נוהגים להחמיר בזה מיום ראש חודש אב. וכל עדה תחזיק במנהגה.

ולכן לפי מנהג הספרדים מותר להם להתרחץ כל גופם בחמין בערב שבת חזון, ולחפוף ראשם וגופם בסבון ללא כל הגבלה. ואפילו למי שנתרשל איזה פעמים מלהתרחץ בערב שבת, משום צינה, או טירדא, מותר לו להתרחץ בערב שבת חזון. ורק בשבוע שחל בו תשעה באב יש להמנע מלהתרחץ **בחמין.** [חזו"ע עמ' רלח. הליכו"ע ח"ב עמ' קמז. יחו"ד ח"א סימן לח. יבי"א ח"ה סי' מא]

Bathing on the Week of Tish'a Be'Av

Bathing during the week of Tish'a Be'Av

128) Although the Talmud forbade bathing during the fast day of Tish'a Be'Av only, the custom of Sefardic Jews is to refrain from bathing the entire body in hot water during the week of Tish'a Be'Av. Until *Shabbat Hazon*, however, it is permitted to bathe the entire body even in hot water and with soap. Ashkenazic Jews refrain from bathing beginning *Rosh Hodesh* Av. Every community must maintain its own custom.

Bathing on Friday before *Shabbat Hazon*

Accordingly, Sefardic Jews are free to bathe on Friday before *Shabbat Hazon* however they wish, with hot water, shampoo and soap as usual. Even if someone has sometimes gone without bathing for Shabbat during the year for one reason or another, he may still bathe on this Friday.[139] Sefardic Jews refrain from bathing in hot water during the week of Tish'a Be'Av only.

139. Since the Friday before *Shabbat Hazon* is never during the week of Tish'a Be'Av, there is no restriction against bathing one's entire body in hot water that day. This is especially so since it is a mitzvah to bathe in honor of Shabbat, as the Talmud teaches (*Shabbat* 25b and 31a). This mitzvah is recorded as the halakha in the *Arba'a Turim* and the *Shulhan Arukh* (#260:1). Besides this, it makes a person feel good to clean himself of the dirt and perspiration that is clinging to his body, and that adds to the pleasure of the Shabbat experience.

Actually, some *Poskim* ruled leniently about bathing on Friday before *Shabbat Hazon* even for Ashkenazic Jews. The responsa Mahari of Brona (#12) ruled that it is perfectly acceptable to bathe and shampoo one's hair in hot water in honor of Shabbat. He testified that this was the practice of Maharam Mintz and Mahariv and the community of Ostreich. Maharam Mintz commented that although the Maharil washed his hair using only cold water, that was his own personal stringency. The *Darkhe Moshe* cited the responsa of Maharil (#15) and commented that many people are stringent about this.

On the other hand, Harav Shelomo Luria wrote in his responsa (#92) that it is forbidden to keep such a stringency since it detracts from the honor of Shabbat. He commented, "Although I am not at peace with the custom to refrain from bathing on Friday before *Shabbat Hazon*, there is nothing I can do about it. The custom of refraining from bathing at this time has become widespread. We see from the Rambam that in his vicinity they refrained from bathing during the week of Tish'a Be'Av only, and that is far more correct since it does not detract from the mitzvah of having a pleasant Shabbat." Likewise, the *sefer Mishmeret Shalom*

קכט. מותר לספרדים להתקלח בצונן [דוש] אף בשבוע שחל בו תשעה באב. ולכן מותר להכנס לבריכה או לים [שאין שם תערובת אנשים ונשים ח"ו]. [חזו"ע עמ' רלח. הליכות עולם ח"ב עמ' קמו]. וראה לעיל הלכה ה'.
ואף למנהג אחינו האשכנזים, פועלים השבים ממלאכתם שטופי זיעה במקומות החמים, מותרים להתקלח בצונן, שאין רחיצה זו לתענוג אלא למנוע מהם צער. וכן יש להקל לבני ישיבות שמזיעים מרוב החום. [חזו"ע עמ' רמג,רמה בהערה. הליכו"ע ח"ב עמ' קמט בהערה]

Bathing in cold water

129) Sefardic Jews may shower or bathe in cold water even during the week of Tish'a Be'Av.[140] Therefore, it is permissible to swim in a pool or a lake during these days [assuming that the men and women swim in separate locations]. See above, halakha 5.

Someone who is drenched with sweat

Even according to the Ashkenazic custom, it is permissible for a laborer who has become drenched with sweat over the course of the day to shower in cold water. This bathing is not for the sake of pleasure; it is necessary to avoid the discomfort of being sweaty and dirty. Likewise, yeshiva students who sweat through the day while studying Torah may shower in cold water.[141]

Kaidenov (#40:1) testified that his ancestors' custom "was to bathe in hot water on Friday before *Shabbat Hazon* since this is for the mitzvah of honoring Shabbat. Especially according to the Kabbala, it is forbidden to treat *Shabbat Hazon* any different than any other Shabbat. Nowadays, most people do bathe with hot water."

For Sefardic Jews, this is a moot point since we have no custom to refrain from bathing until the week of Tish'a Be'Av. There is no basis to refrain from bathing in hot water on Friday before *Shabbat Hazon*. Nevertheless, there are *Poskim* who ruled stringently in this matter. The *Matte Yehuda* Ayash (#551:16) wrote that the custom is to refrain from bathing on Friday before *Shabbat Hazon*, and the *Ben Ish Hai* (*parashat Devarim* halakha 16) permitted one to immerse in a mikveh on this Friday, but only if one has the custom of doing so every Friday. Likewise, he permitted one to wash one's face, hands and feet with hot water, but only if one is accustomed to doing so every Friday, implying that it is forbidden for anyone to bathe the entire body in hot water.

Despite those *Poskim*, Maran the Rishon Letziyon (*Hazon Ovadya* page 241) wrote that in practice one may bathe the entire body in hot water on Friday before *Shabbat Hazon* in honor of Shabbat. Finally, he cited the *She'arim Hametzuyanim Bahalakha* (#122:13) who testified that nowadays the Ashkenazic Jews bathe in hot water on Friday before *Shabbat Hazon* since they are not simply bathing for pleasure. In olden times when people went to bathhouses, it was an act of pleasure to soak in a hot tub. Nowadays, when we simply shower at home, there is a basis to permit it even using hot water.

140. It is clear from the ruling of Rambam, Ramban and other *Rishonim* that the restriction of bathing during the week of Tish'a Be'Av applies only to bathing in hot water, but there is no restriction against bathing in cold water. For this reason, they wrote that the custom is to refrain from going to a bathhouse [where the water is heated]. The responsa *Terumat Hadeshen* (#150) made the same inference. The *Shulhan Gavo'ah* (#551:48, 49) wrote that in Salonika the custom follows the opinion of the Rambam and Ramban that it is forbidden to bathe in hot water during the week of Tish'a Be'Av, but it is permissible to bathe in cold water. Therefore, the people go out to swim in the sea even on the day before Tish'a Be'Av and no rabbi has ever voiced a complaint. This is the opinion of the *Ru'ah Hayim* Palachi (#551:7).

This is unlike the ruling of the *Matte Yehuda* Ayash, who permitted only to wash one's face, hands and feet in cold water. Likewise, the *Ben Ish Hai* (*parashat Devarim* halakha 16) wrote that bathing is prohibited during this week whether the water is hot or cold. Maran the Rishon Letziyon (*Hazon Ovadya* page 242) wrote that in practice we may follow the ruling of Rambam and Ramban. He demonstrated that the *sefer Haroke'ah* and the *Shibole Haleket*, citing Harav Kelonimos, agreed that the restriction is against bathing in hot water only.

The *Or Letziyon* (Vol. III, page 251) wrote that if it is difficult for someone to bathe in very cold water he may add some hot water to it to make it bearable. **(Rabbi Y.B.)**

141. Maran the Rishon Letziyon (*Hazon Ovadya*, footnote on page 243) cited the responsa Mahari of Brona (#12) that there is a basis to permit bathing in cold water