**IN LOVING MEMORY OF
Jeffrey Paul Friedman
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**לע"נ**
**יהודה פנחס בן הרב שרגא פייוועל**
**כ"ב אב תשכ"ח – י' אב תשע"ב**
**ת.נ.צ.ב.ה**

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Dedicated in memory of Esther Leah Cymbalista z"l
Niftera 7 B'Av 5766, by her family.**

**Tisha Be-Av on Shabbat**

**By Rav Binyamin Tabory**

When the ninth of Av falls on Shabbat, the fast is postponed until Sunday. There are, however, a number of questions which must be considered:

1) Is Shabbat, the ninth of Av, considered to be a day of mourning?

2) Does the fast on Sunday have the same status as Tisha be-Av in a normal year?

3) One could combine these two questions into one: Have Chazal canceled the fast of the ninth of Av and instituted it instead on the tenth, or is the day of the ninth still the day of mourning in principle, with the actual fulfillment delayed to Sunday? It is possible to distinguish between the two questions, though; Shabbat may not be the day of the fast at all, but Sunday still could have a more lenient character than the ninth of Av in normal years. I shall discuss several halakhot which are dependent on these questions. Although these questions are applicable to any fast which falls on Shabbat, I shall refer only to Tisha be-Av.

A. The Week of Tisha be-Av

According to the Talmud, during the week in which Tisha be-Av falls, it is prohibited to wash clothes or cut one's hair. If Tisha be-Av falls on Sunday, this law does not apply, as Sunday is the fast, and afterwards no prohibitions remain. If Tisha be-Av falls on Shabbat, the Shulchan Arukh (551,4) rules that this law does not apply, just as if it fell on Sunday. This implies that the day is completely displaced to Sunday; hence there are no prohibitions in the preceding week. However, the Shulchan Arukh quotes the opinion of the Smag and the Smak, who ruled that the entire preceding week is prohibited (with the exception of Thursday and Friday - in honor of Shabbat). This opinion is clearly based on the assumption that Shabbat is still considered to be Tisha be-Av. In any event, the Rema rules that we follow the custom of prohibiting haircuts from the 17th of Tammuz and washing clothes from Rosh Chodesh, so that there are no practical ramifications of this controversy.

B. Intimate Matters (devarim she-betzin'a) on Shabbat

The Tosefta (Ta'anit, ch. 3) states that if Tisha be-Av falls on Shabbat, "a man may eat... and does not refuse himself anything." Many commentators (Rosh, Ramban, Meiri, R. Yerucham, etc.) infer from this that even intimate matters (sexual relations) are permitted. The Rema, however, cites the Or Zarua who prohibits sexual relations, adding, "and this is the minhag."

The Ktav Sofer (Responsa OC 101) explains that this controversy depends on our question. If Shabbat is considered in principle to be a day of mourning, then non-public prohibitions are in force; however, if Chazal have established Sunday (the tenth of Av) as the fast in this year, there is no reason to abstain from devarim she-betzin'a on Shabbat. The Ktav Sofer reinforced this possibility by citing R. Yochanan (Ta'anit 29a), who stated that had it been up to him, he would have preferred the tenth of Av as the day of the fast in all years (since, although the fire was started on the ninth, most of the destruction took place on the tenth). While in normal years the fast was in fact established on the ninth, the fact that the tenth is also an appropriate date supports the idea that in a year when the ninth is Shabbat, the next day is the proper day and not merely a delayed fulfillment. In fact, this appears to be the opinion of the Rashba (Responsa 1, 508): "In my opinion, no mourning applies (on Shabbat), since it is written that he may arrange a feast as great as that of Shlomo. This is because national mourning is different (than personal mourning), especially since (Chazal) have completely abrogated the ninth and reestablished it (on the tenth), as there was always reason to establish it on the tenth...."

C. Leniencies on a Postponed Fast

The Shulchan Arukh (559,9) rules that if there is a berit mila on a postponed Tisha be-Av, the father does not complete the fast, as it is considered a private holiday. The Magen Avraham (ibid.), after a lengthy discussion, concludes that this law applies only to a postponed fast, including the other three (on Ta'anit Esther the father doesn't complete the fast even if it is not postponed; see OC 686,1). The Gra disagrees and maintains that on other fasts, the father does not complete the fast even if it is not a postponed day; only on Tisha be-Av should he complete the fast in a regular year. In any event, they both agree that on a postponed Tisha be-Av, as opposed to a regular one, the father does not complete the fast, implying that the day is not completely equivalent to the regular Tisha be-Av.

In fact, we do not follow this ruling. The Arukh HaShulchan reports that the custom is that in all fasts, even when postponed, the father should complete the fast. Nonetheless, even though the law is not in force, it still indicates that in principle a postponed Tisha be-Av is not the equivalent of a regular one. (It is quite conceivable that the Rashba quoted above would disagree with this ruling.) Based on this, R. Akiva Eiger (Shulchan Arukh, ibid.) rules that on a postponed fast, a person who is slightly sick or a pregnant woman should eat.

D. Bar Mitzva on the Tenth of Av

This question is not mentioned in the Shulchan Arukh, but is widely discussed by the Achronim. The basic point should now be obvious. If the tenth is properly the day of the fast, as implied by the Rashba, the boy is an adult when the obligation comes into force and must fast. If, however, Shabbat is a day of mourning (and devarim she-betzin'a are prohibited), and Sunday is a delayed fulfillment of the obligation of Shabbat, it would appear that the boy is not obligated to fast, since on Shabbat (when the obligation originally came into existence) he was still a minor.

E. Summation

According to the Rashba, Shabbat the ninth of Av is not a day of mourning, no prohibitions apply to Shabbat, and it is reasonable to conclude that Sunday the tenth is the proper day of the fast and no leniencies should apply.

According to the Shulchan Arukh, Sunday is not in principle the proper day of mourning; hence, a father of a berit mila does not complete the fast. It is possible that Shabbat is considered to be a day of mourning, engendering a prohibition on devarim she-betzin'a (two opinions in the Shulchan Arukh), and perhaps defining the previous week as "the week in which Tisha be-Av falls" (two opinions in the Shulchan Arukh).

May we merit that God turn these days into days of joy and happiness, that we may ascend to the Beit HaMikdash and celebrate its rebuilding.