

TORAH & HORAHAH



Devarim 5777

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Dear Reader,

The Gemara (Yoma 9b) teaches that the first Temple was destroyed on account of the grave sins of the nation, including idolatry, promiscuity and murder. With regard to the Second Temple, however, the Gemara writes that the people were scholarly and righteous. Why, if so, was the Second Temple destroyed?

The Gemara replies: "Because there was baseless hatred amongst them. This teaches you that baseless hatred is weighed against the three cardinal sins: [namely] idolatry, promiscuity, and murder."

The Maharal of Prague (*Netzach Yisrael* Chap. 4) explains why baseless hatred led to the Destruction:

"This matter is clear, in that the people of Israel are united by means of the Temple: There was one Kohen and one altar – for the external altars (*bamos*)

This week's article deals with the halachos of wearing shoes on Tisha Be'Av. Is it permitted to wear shoes no less comfortable than leather, yet made of plastic or other materials? Is the leather itself the problem, or did the sages prohibit the wearing of comfortable, leather-like shoes, even if made of plastic? Are there cases in which it is permitted to wear leather shoes on Tisha Be'Av? It is permitted to wear such shoes to work, for somebody who needs to come into the office? We will address these questions in this week's article.

This week's Q & A deals with the issue of washing clothes in the Nine Days.

Shoes on Tisha Be'Av

Tisha be'Av is the saddest day of the Jewish calendar, when we mourn the destruction of two Temples, and the exile from our land.

As such, it is also most strict of all fast days except for Yom Kippur, which is a day of atonement and not of mourning. Like Yom Kippur, it lasts a full twenty-four hours, by contrast with other fasts that apply only from dawn to nightfall.

Also like Yom Kippur, Tisha Be'Av includes restrictions other than eating and drinking. On Yom Kippur these are known as the five *innuyim* (afflictions), and include (in addition to eating and drinking) prohibitions against washing, wearing shoes, and marital relations.

In the present article we will discuss the prohibition against wearing shoes. Some people have the misconception that is forbidden to wear any leather on Tisha Be'Av. This is incorrect.



were prohibited –to indicate that there was no division and disparity among Israel.

By means of the Temple, they are a single, complete nation. Accordingly, the [Second] Temple was destroyed on account of baseless hatred, which caused their hearts to be alienated, and they were divided. They were no longer worthy of the Temple, which is the unity of Israel.”

The Mikdash is itself the unity of the nation. During the Temple era there was “one Kohen and one altar” – the national service of Israel was focused on the single focal point of Jerusalem. The Temple was *beis chayeinu*, the “house of our lives,” where we all lived our spiritual lives.

Because of baseless hatred, because of division and disparity, the people were no longer worthy of the spiritual unity of the Temple. The Mikdash was destroyed, and the people exiled to the four corners of the earth.

Latent in the words of the above Gemara is a deeply pertinent lesson. The Gemara states that during the Second Temple era, the people were not only studious and righteous, but even “performed kindness with each other.” If baseless

The restriction refers exclusively to shoes, not to leather.

The fact that there is no inherent restriction against leather, but rather against leather shoes, raises the question of whether shoes that are no less comfortable than leather, yet made of plastic or other materials, are permitted on Tisha Be’Av. Is the leather itself the problem, or did the sages prohibit the wearing of comfortable, leather-like shoes, even if made of plastic?

Moreover, are there cases in which it is permitted to wear leather shoes on Tisha Be’Av? Is it permitted to wear such shoes to work, for somebody who needs to come into the office? And is anyone exempt from the prohibition against wearing leather shoes?

These questions, among others, are discussed below.

Exemptions from the Prohibition

The prohibitions on Tishah Be’Av, parallel to those on Yom Kippur (see *Vayikra* 16:29, 31; 23:27, 29; *Bamidbar* 29:7), and are enumerated in the Mishnah (*Yoma* 73b; *Taanit* 30a), and ruled by the Shulchan Aruch (*Orach Chaim* 554, 612–615). One of them is *ne’ilas ha’sandal*—the prohibition against wearing shoes (*Shulchan Aruch, Orach Chaim* 554:16; 614:2).

The Gemara (*Yoma* 77a) learns that walking barefoot is considered an *innuy* from a statement made by the Pasuk (*II Shmuel* 15:30) about King David. In his grief over Avshalom’s rebellion, the Pasuk writes that King David walked *yachef*, meaning he went barefoot (see *Yirmiyahu* 2:25).

Concerning Yom Kippur, there is a dispute among authorities whether the extra *innuyim*, including wearing shoes, are Torah-based (the *Ran*) or rabbinic (the *Rosh*) prohibitions. But even if they are Torah prohibitions, they are more lenient than eating and drinking, because they are not explicit in the Pasuk, and were left to the Sages to define. Therefore, Chazal made a number of exemptions to the prohibition of wearing shoes.

Since the obligation to refrain from wearing shoes is a prohibition

against luxury, much like the prohibition against washing oneself, Chazal say that where shoes are worn for a purpose other than luxury the prohibition does not apply. This is parallel to the case of washing to get rid of dirt on one's body: since it is not done for pleasure, it is permitted.

The Mishnah (*Yoma* 8:1, according to Rabbi Eliezer) teaches that a postpartum woman is exempt from the prohibition. The Gemara (*Yoma* 78b) explains that she must wear shoes to protect her from the cold. Authorities explain that this exemption applies to all sick people, provided there is a health-related reason for wearing leather shoes (even if his life is not endangered). This is ruled by the Shulchan Aruch (*Orach Chaim* 614:3).

Note that these rulings apply even to Yom Kippur, and of course they apply even to the parallel prohibition on Tisha Be'Av, which is certainly only rabbinic in nature. However, if there are non-leather alternatives that perform the same function—as is generally the case today—it is not permitted to wear the leather shoes.

Young Children

Do children need to refrain from wearing shoes on Tisha Be'Av?

Concerning Yom Kippur, we find that children are prohibited from wearing shoes, because it does not involve significant pain (*Orach Chaim* 617:1). However, concerning Tisha Be'Av the *Chochmas Adam* (152:17) writes that there is no need to prevent children from wearing shoes. The stringency concerning children applies only to Yom Kippur, and not to the mourning of Tisha Be'Av.

The *Mishnah Berurah* (551:81) cites in this matter the *Magen Avraham* (551:38), who writes that for public mourning we must educate our children, and the restrictions therefore do apply.

Concerning haircuts in the Nine Days, the *Mishnah Berurah* (see *Sha'ar HaTziyun* 551:9) writes that the prohibition

hatred was rife, how can it be that the people excelled even in performance of *chessed*?

We learn from the Gemara that this is indeed possible. Performance of kindness can be done with a heart full of love, and it can be done as a technical obligation, as an obligatory *mitzvah* without any inner feeling. Although the people excelled in *chessed*, they were guilty of *sinas chinam*, and for this reason, the Temple was destroyed.

Today, we live in a generation where there is much (though of course, not enough...) Torah study and observance. Moreover, there is a wealth of *chessed*, acts of kindness performed by organizations and individuals alike. Yet, the time of Tisha Be'Av calls us to look inwards, to dwell not on actions, but on the heart.

Do we truly love, accepting, and desire the good of the 'other'? With all the *chessed* we perform, do we truly fulfill the Torah instruction of loving our neighbor as ourselves?

The more we move towards *ahavas chinam*, towards love and true unity – the closer we come to the rebuilding of the Temple. May it come speedily, and in our days.

against haircuts might apply even to very young children, since this contributes to the atmosphere of distress. It is not clear that this will apply to wearing shoes. Rav Moshe Feinstein writes explicitly that the prohibition applies only from an age when the child understands the concept of mourning over the Churban (*Shut Igros Moshe, Yoreh De'ah 1:224*).

What Defines Shoes?

We have seen that there is a prohibition on Tisha Be'Av (as on Yom Kippur) against wearing shoes. But what defines a halachic shoe? In fact, there are three different opinions as to how a shoe is classified (as cited by the *Ran, Yoma 78b*). The opinions are based on the Gemara in *Yevamos (101-102)* concerning how to define a shoe for purposes of *chalitzah*, and on the Gemara in *Yoma (78a-b)* concerning Amoraim who wore non-leather shoes on Yom Kippur.

According to the *Ba'al Hama'or*, any kind of protective footwear is considered a shoe, irrespective of the material. Thus, the *Ba'al Hama'or* does not restrict the prohibition to leather shoes, but rather applies it to all shoes that adequately protect a person's feet. The Ramban defers this opinion.

Rashi, however, limits the definition to footwear made of leather or of wood. The *Aruch Hashulchan (614:3)* adds that even according to Tosafos, the prohibition applies both to leather shoes and to wooden shoes—but not to other materials such as rubber, cork and cloth.

The third, and most familiar opinion is that of

the *Rif* and the *Rosh*, who rule that only a shoe made of leather constitutes a halachic shoe, while footwear made of any other material is not considered a shoe.

There is some discussion concerning the Rambam's opinion on this matter. The *Aruch Hashulchan* states that it seems the Rambam agrees with Rashi, and is therefore stringent concerning wearing wooden shoes on Yom Kippur.

Halachic Rulings

The *Shulchan Aruch (614:2)* rules according to the *Rif* and *Rosh* that only leather shoes, or shoes made of another material but coated with leather, are prohibited. This means that it is permitted to wear any shoes that are not made of leather, and this ruling is noted by the *Magen Avraham* and *Taz*.

However, some authorities lean toward greater stringency. In fact, the *Bach (614)* testifies that several of his teachers would walk completely barefoot on Yom Kippur, and rules that this is the correct conduct. Clearly, this is not the common custom.

But the *Sha'arei Teshuvah (Orach Chaim 554:11)*, citing *Shut Panim Me'iros 2:28* and the *Kaf Hachaim (Orach Chaim 554:72)* cite the opinion that prohibits any protective footwear, in accordance with the stringent opinion noted above. The *Sha'ar HaTziyun (614:5)* quotes the *Chasam Sofer* that when walking in the street on Yom Kippur one should wear thin shoes, so as to feel the discomfort of the earth, and sense that he is barefoot (this

is based on the Rambam in the laws of Yom Kippur).

The stringent opinions noted above refer to Yom Kippur, and there is room to suggest that they, too, will not be stringent in this matter concerning the lesser stringency of shoes on Tisha Be'Av. The *Mishnah Berurah* (614:5), mentions the stringency of the Panim Me'iros (cited by the *Shaarei Teshuva*) specifically concerning Yom Kippur, and does not mention it concerning Tisha Be'Av—though this does not necessarily mean that the stringency does not apply to Tisha Be'Av.

In fact, the *Maharshag* (cited in *Mekadesh Yisrael* 242) is lenient specifically concerning Yom Kippur, because a person should not afflict himself too much on the great and holy day; for the tragic mourning day of Tisha Be'Av, this logic does not apply.

Rav Chaim Kanievsky (*Shoneh Halachos* 614:3) and Rav Moshe Sternbuch (*Moadim U'Zemanim* 6:28; see also Vol. 8, addendum to 6:28, where he discusses the opinion of the Gra), also recommend following the strict opinion when possible.

However, Rav Shlomo Zalman Auerbach (*Halichos Shlomo, Moadim* 5:17) disagrees, noting that our custom is to permit all non-leather shoes, even if they are comfortable, explaining that today we are all considered “*istinisim*” (sensitive).

The discussion is pertinent concerning sneakers on Tisha Be'Av. While there is room for stringency, as noted in the matter of protective

and comfortable non-leather shoes, one certainly need not be stringent in this matter for children.

Walking Among Non-Jews

The Rema (554:17) rules that those who walk among non-Jews need not take off their shoes in public. The source of this *halachah* is the Tur (and other early authorities), and the *Beis Yosef* explains that this is permitted to avoid shame and denigration at the hands of non-Jews. The *Beis Yosef* (citing Rabbeinu Yerucham) writes that shame among non-Jews is no reason for leniency, and therefore defers the ruling—but as noted, it is cited by the Rema.

The *Mishnah Berurah* (554:36), citing the Chayei Adam, notes that non-Jews ridicule Jews in any case, so that the leniency seems strained. Thus while there is room to be lenient—the Rema writes that this is the common custom—one should be certainly try to wear sneakers or other non-leather shoes which are both respectable and do not incur the prohibition of leather shoes. In Israel, where it is acceptable to wear sandals and other footwear, the leniency will generally not apply.

Walking in the Rain

Concerning walking in the rain, the Aruch Hashulchan (554:17) writes that it is clear that one may wear regular shoes to protect one's feet from the rain (on Tisha Be'Av; concerning Yom Kippur he is stringent), since this is for protection from the elements and not for comfort. Today, it is easy to find non-leather boots (and the like) to protect one's feet, so the

leniency will not generally apply.

Reciting She'asa Li Kol Tzarchi

Opinions are divided as to whether one should recite the morning blessing of “she’asah li kol tzarchi,” which is the blessing of thanks to Hashem for giving us shoes (*Tur, Orach Chaim 46*).

The Gra (*Maaseh Rav*), together with several Sephardic authorities (see *Kaf Hachaim 554:78; 613:10; Kaf Hachaim Filagi*

46:17) write that the blessing should not be recited. However, many Ashkenazim have the custom to recite the *berachah* (see *Mishnah Berurah 554:31; Shaar HaTziyun 554:39*).

The custom among Ashkenazim who do not recite the *berachah* is to recite it after Tishah Be’Av, upon putting on leather shoes. Some have the custom of reciting the blessing already at Mincha.

May we speedily merit to welcome Moshiach when Tisha Be’av will turn into a day of joy.

Halachic Responsa

to Questions that have been asked on our website dinonline.org



The Question:

Washing clothes is forbidden during the 9 days. What should a person do if he has no clean clothes left to wear?



Answer:

In the event that a person runs out of clothes, the preferable advice is to wash the clothes “locally,” taking out stains by washing with water, and with soap if required.

This is not considered actual “laundry” and is therefore permitted.

If this is not possible, and one has nothing clean to wear, it is permitted to wash the minimum amount of clothes needed for the duration of the Nine Days.

It is better to do this before the Shabbos before Tisha Be’Av (before the onset of *shavu’a she-chal bo*)

Preferably, clothes should be washed together with a load of children’s laundry.

Best wishes.



Sources:

For the concept of “local washing” to remove stains, see *Gesher Ha-Chaim 21:10-11* concerning an *avel*, and the same will apply here; see *Hilchos Chag Be-Chag 4:14*.

If one has no clothes to wear, it will be permitted to wash the minimum amount because of *kevod ha-brios*.