

## Laws of Chanukah (5780)

### Rav Eytan Weisz – Administrator of Efrat Religious Council

During the time of the Second Temple, the Greek kingdom promulgated decrees against the Jewish people, abolishing their faith and preventing them from observing the Torah and its commandments. They laid hands on their property and their daughters; they entered the Sanctuary, in which they created havoc and defiled the sacraments. The Jews were greatly distressed by them and by the oppression that they inflicted, until the God of our ancestors had mercy upon them, delivered them from their hand, and saved them. The sons of the Hasmoneans, the High Priests, defeated them, slew them, and delivered the Jewish people from their hand. They selected a king from the priests, and Jewish sovereignty was restored for over 200 years, until the destruction of the Second Temple.

When the Jews defeated their enemies and destroyed them, they entered the Sanctuary – this was on the twenty-fifth of Kislev – and they could not find any pure oil in the Temple aside from a single jar, which contained only enough oil to burn for one day. They used this oil to light the candle arrangement for eight days until they could press olives and extract pure oil.

Therefore, the sages of that generation established that these eight days that begin from the twenty-fifth of Kislev, should be marked as days of gladness and praise of God and that candles should be lit in the evening at the entrance to the houses on each of these eight nights to demonstrate and to proclaim the miracle. These days are known as Chanukah, during which it is forbidden to eulogize and to fast, as on the days of Purim. Like the reading of the Megillah, lighting the candles on these days is a rabbinic ordinance.

(Rambam Hilchot Megillah ve Chanukah Ch. 3 Halachot 1-3)

### **Lighting the Chanukah candles**

1. All types of oils and wicks are kosher for Chanukah candles yet olive oil is the choicest option for fulfilling the mitzvah of candle lighting.
2. The basic mitzvah can be fulfilled through lighting one candle each night; however, it is the custom to enhance the mitzvah by lighting candles in correspondence with the elapsing days of the holiday, reaching eight candles by the eighth night.<sup>1</sup>
3. On the first night, the candle should be placed on the right side of the chanukiyah; on the second night, when an adjacent candle is added, the blessings will be recited on the new candle added on the left and from there one proceeds to the right. Accordingly, each subsequent night we first light the newly added candle and then proceed to the right. Thus, each night the blessings are recited over the newly added candle symbolizing the miracle that was amplified by each successive day.<sup>2</sup>

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<sup>1</sup> Shulchan Aruch, (Orach Chayim), 671:2. Mishnah Berurah 671:4

<sup>2</sup> Shulchan Aruch, 676:5 – this is the most prevalent custom regarding candle lighting. There are additional customs: lighting the candle nearest the mezuzah on the doorpost and proceeding thenceforth to the other

4. Two blessings are recited before lighting the candles: “Baruch....asher kid’shanu b’mitzvotav v’tsivanu l’hadlik ner (shel)<sup>3</sup> Hanukkah”, and “Baruch...she-asah nisim la’avoteinu...”. On the first day one also recites an additional blessing: “Baruch ... shehecheyanu, v’kiymanu, v’higiyanu la’zman hazeh”.<sup>4</sup> After lighting the first candle and while lighting the remaining candles, we recite the “Hanerot Hallalu” piyut (liturgical poem). Thereafter, it is traditional to recite additional piyutim such as “Ma’oz Tzur”, “Mizmor Shir Chanukat Habayit Le-David” etc. – according to one’s custom.
5. It is forbidden to derive benefit from the Chanukah candles – even momentary activities like counting change or glancing at one’s watch may not be performed by their light. Their light may not even be used to assist Torah study. Therefore, it is customary to light an auxiliary candle – the shamash, so that if one inadvertently does utilize the light of the Chanukah candles the light can be ascribed to the shamash as the last candle lit. The shamash should be positioned higher or slightly away from the other candles of the chanukiyah.<sup>5</sup>
6. It is forbidden to use the Chanukah candles to light the shamash.<sup>6</sup> However, according to the Shulchan Aruch, it is permissible to transfer fire from one Chanukah candle to another (e.g. by using a long wick) but only from the first candle, and not from the additional candles that serve to enhance the mitzvah. According to the Remah this is forbidden.
7. Electric candles – according to most poskim, one may not fulfill the mitzvah by using electric candles. However, de facto – if no other candles are available one may light the electric candles without reciting the blessings.<sup>7</sup>
8. “The mitzvah is fulfilled by lighting and not by placing”: this means that the mitzvah is performed at the moment of lighting and therefore the candles should not be moved.
9. “If they were extinguished they need not be rekindled”: thus, if the candles were suddenly extinguished – if they had been positioned in a suitable place and adequately stoked to burn for a half hour after nightfall, then the mitzvah is considered to have been fulfilled, even if the candles were extinguished immediately after being kindled.
10. It is customary for women to refrain from work for the first half hour after lighting the candles:<sup>8</sup> The work that this custom encompasses is the category of work that is forbidden to perform on Chol Hamoed.<sup>9</sup>
11. It is forbidden to derive benefit from the oil and wicks used for the mitzvah of candle lighting as well as from the residual candle wax deposited in the chanikuyah after the eighth day:<sup>10</sup> they should be burned after Chanukah and not used for other purposes such as for Shabbat candles etc.
12. Business owners – for example storeowners – are obligated to light candles in a kosher chanukiyah or at least to operate an electric chanukiyah in order to publicize the miracle: in any event, they do not recite the blessings on his lighting.

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candles (the Maharashal and the Gra’s method) or lighting the candles from left to right, i.e. from the second day on, one lights the candle on the extreme left and then proceeds to the right (the method of the Taz).

<sup>3</sup> Mishnah Berurah 676:1 “ Ner **Shel** Chanukah”

<sup>4</sup> Shulchan Aruch 676:1-2

<sup>5</sup> Shulchan Aruch and Rema 673:1, Mishnah Berurah 673:21

<sup>6</sup> Shulchan Aruch and Rema 674:1, Yalkut Yosef, Moadim p. 222:1, the Mikraei Kodesh 6:13 permits this after the time required for the fulfillment of the mitzvah (half an hour) has elapsed.

<sup>7</sup> Peninei Halachah, Zmanim, ch. 11 see note 8.

<sup>8</sup> Shulchan Aruch 670:1, Mishnah Berurah 670:3-4

<sup>9</sup> Mikraei Kodesh, Chanukah, 1:7 citing Rav Moshe Feinstein ztz”l and Rav Mordechai Eliyahu ztz”l.

<sup>10</sup> Shulchan Aruch 677:4, Mishnah Berurah 677:18 brings down that one may make a mental condition in advance designating any extraneous oil beyond the amount needed to fulfill the mitzvah as useable for other purposes.

### Those obligated in candle lighting and guests

13. According to Sephardic custom, only one household member lights the Chanukah candles. In Ashkenazi households, each family member lights their own candles.<sup>11</sup> Women are obligated in the same manner as men despite the fact that this is a time-bound positive commandment from which women are generally exempt: they are obligated because they were also included in the miracle of Chanukah.<sup>12</sup> Married women traditionally did not light their own candles but rather discharged their obligation through their husbands' lighting, as the husband and wife are "one body". Girls who have reached the age of chinuch (an educable age) should be encouraged to light the candles, as the act of lighting promotes their connection with Torah and mitzvot.<sup>13</sup>
14. A guest who is being hosted must give his host a small sum of money (a perutah= 6 agurot) in order to participate in the candle lighting,<sup>14</sup> unless he is counted as a member of the household. In this context, a son in law or a married son who is a guest at his parents' home is considered a member of the household.<sup>15</sup> It is preferable for a guest of Ashkenazi extraction who has his own candles to light them himself.<sup>16</sup>
15. A person who leaves his home with his family before Plag Hamincha (one and a quarter proportionate hours before sunset) with the intention of returning later in the evening: if he returns before 21:00, he should light at home and recite the blessings upon returning.<sup>17</sup> If he returns later than 21:00, he should light at the home of his hosts and recite the blessings: those who wish to be stringent may light again at home without a blessing. According to other opinions that view the place where one sleeps as determining where one should light candles, he should in any event light again at home and recite the blessings.<sup>18</sup>
16. A person who is away from home – e.g. a soldier or a civilian performing reserve duty – is exempted by his wife's candle lighting or – if single – by his parents' candle lighting. However, according to Ashkenazi custom, a married soldier is required to light his own candles but should recite the blessings only if he knows that his wife has not yet lit candles.<sup>19</sup> If no one in his home will be lighting candles, he should light his own and recite the blessings.
17. The prevalent custom among Ashkenazim is that a minor who reaches the age of chinuch may light candles with a blessing.<sup>20</sup> The Mishnah Berurah<sup>21</sup> brings other opinions according to which a minor who does not have his own home should not recite the blessings upon lighting. According to all customs – Ashkenazi and Sephardic – a child before bar mitzvah age who has reached the age of chinuch should only light with a blessing when he is alone at home (as when his parents are away).<sup>22</sup>

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<sup>11</sup> Shulchan Aruch and Rema 671:2

<sup>12</sup> Peninei Halachah, Zmanim, p.235, Yalkut Yosef, Zmanim,683:9.

<sup>13</sup> Peninei Halachah, Zmanim, p. 240

<sup>14</sup> Shulchan Aruch, 677:1

<sup>15</sup> Yalkut Yosef, Moadim, p. 233, halachah 4

<sup>16</sup> Mishnah Berurah 677:3

<sup>17</sup> Mikraei Kodesh ch. 9 halachah 20 and note 49 that cites Rav Mordechai Eliyahu ztz"l

<sup>18</sup> Chazon Ovadia (p. 155) Mahari Katz et al.

<sup>19</sup> Mishnah Berurah 677:16, Yalkut Yosef, Moadim p. 232.

<sup>20</sup> Shulchan Aruch 677:2

<sup>21</sup> Mishnah Berurah 677:13

<sup>22</sup> See also Mikraei Kodesh ch. 9 para. 6-7 and notes.

### **The proper place to light Chanukah candles<sup>23</sup>**

18. The Gemara<sup>24</sup> states that the mitzvah entails placing the candles “outside of the house, at the entrance”. Rashi and Tosfot disagree regarding this. According to Rashi the candles should be lit at the entrance to the home, even if it is preceded by a forecourt. According to Tosfot, Rashba and others, the candles should be lit at the entrance to the forecourt. The Shulchan Aruch<sup>25</sup> rules in accordance with Tosfot’s view and therefore candle lighting should take place at the entrance to the forecourt. Rabbi Eliezer Melamed writes in his book<sup>26</sup> that if the entrance to the house is visible from the street and the chanukiyah would be visible to more people when placed at the entrance to the house, then it is indeed preferable to light candles at the entrance to the house.
19. The candles are lit to the left of the entrance so that those lighting should be surrounded by mitzvot: the mezuzah on the right and the Chanukah candles on the left.<sup>27</sup>
20. Where should those who light in the house (and not outside) perform the candle lighting? According to the Rema, the custom is to place the chanukiyah within a ‘tefach’ of the entrance from the inside and this is how Rav Mordechai Eliyahu ruled. The Mishnah Berurah, however, wrote that it is preferable to light the candles on the windowsill of a window facing a public thoroughfare<sup>28</sup> and most Achronim rule similarly.
21. Apartment dwellers: Rav Eliyahu Schlesinger, in his book<sup>29</sup>, outlines the dispute between Achronim on this topic. According to one opinion<sup>30</sup> the stairwell counts as a courtyard; the other opinion<sup>31</sup> views the stairwell as an alleyway. According to the first opinion, the chanukiya should be lit at the entrance to the stairwell, while according to the second opinion it should be lit inside the home.
22. Are apartment dwellers who reside on upper floors (higher than 20 amot [10.8m] from street level) obligated to light candles in a window facing a public thoroughfare? According to most poskim there is no need to light on a windowsill since the chanukiya would not be visible to passersby. However, according to some opinions, the candles should be lit on a windowsill since the 20 amot are measured from the floor of the home and not from the street. Moreover, the miracle can be publicized to residents of similarly high floors in neighboring buildings.
23. Residents of a dormitory or a hotel: According to Rav Shapira ztz”l the chanukiya should be lit at the entrance to the room (that faces the hallway). According to other opinions, it should be lit on a windowsill facing the public realm (as long as this presents no safety hazard of course).

### **Candle lighting times**

24. Opinions are divided regarding the correct time for candle lighting. The Gemara states: “the mitzvah should be performed at sunset”. According to the Turim’s method as well as the Shulchan Aruch’s ruling, “sunset” indicates the final setting of the sun, i.e. nightfall. However, many Rishonim interpret “sunset” as when the sun begins to set (the sun’s “disappearance” from

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<sup>23</sup> From Rav Shimon Golan’s digest of the Laws of Chanukah, 2008.

<sup>24</sup> Tractate Shabbat 21b

<sup>25</sup> Shulchan Aruch, 671:5

<sup>26</sup> Peninei Halachah, Zmanim, p. 261 and note 2 and p.263

<sup>27</sup> Shulchan Aruch, 671:7

<sup>28</sup> Rema 671:7, Mishnah Berurah 671:38

<sup>29</sup> Ner Ish U’Veito, 5:6

<sup>30</sup> The Brisker Rav

<sup>31</sup> The Chazon Ish

its place) and the Gra rules in line with this view. Those who follow the Gra's ruling recite the Mincha (afternoon) prayer and light thereafter. Those who follow the ruling of the Shulchan Aruch recite the Ma'ariv (evening) prayer at nightfall and light immediately thereafter. It is advisable to prepare the candles and the wicks in advance so as not to delay the lighting more than necessary.<sup>32</sup> Those who recite Ma'ariv later should also light the candles at nightfall.

25. In exceptional circumstances, as on erev Shabbat or if someone must leave home before sunset for an important reason, one may light from Plag Hamincha.<sup>33</sup> In this case, one should ensure that the candles remain lit for half an hour after nightfall.<sup>34</sup>
26. While the time for candle lighting is in fact all night long until dawn, if one lights after 21:00-22:00 the blessings should not be recited since the aspect of publicizing the miracle is absent.<sup>35</sup>

### **Candle lighting at the synagogue, public gatherings and parties**

27. In addition to the candle lighting at private homes, Chanukah candles are also lit at the synagogue and the blessings are recited. The sole purpose of this lighting is to publicize the miracle: one cannot discharge one's personal obligation through this lighting.<sup>36</sup>
28. The person who kindles the Chanukah candles at the synagogue should not repeat the blessing of "Shehechyanu" when lighting at home unless others will be discharging their obligation through his lighting (some say that the same applies to the "Al Hanisim" blessing).
29. The candles are kindled at the synagogue between Mincha and Ma'ariv;<sup>37</sup> the prevalent custom is to light before the "Alenu" prayer. Some light closer to the Ma'ariv prayer.<sup>38</sup>
30. The chanukiyah should be positioned at the south side of the synagogue, with the candles aligned in an east-west direction. The Ashkenazi custom<sup>39</sup> is for the person lighting the candles to face north and to light the other candles from that day's new candle on the left, proceeding to his right. According to the Sephardic custom<sup>40</sup>, the person lighting the candles faces south and lights starting from the right, from east to west.
31. In principle, the candles should burn for at least half an hour: some poskim permit extinguishing the candles if one had made this a mental condition from the outset. Another practice is to use candles or just enough oil to burn only through the end of the Ma'ariv service.
32. It is forbidden to benefit from the light of the Chanukah candles in the synagogue in the same manner that this is prohibited at home (as distinct from what is permitted at home, some poskim also prohibit benefiting from the light of the shamash in the synagogue).
33. One should, in principle, recite the blessings while lighting only once ten adult men are gathered;<sup>41</sup> however, some poskim are lenient on this matter if it is known that ten adult men will be arriving even if at the time of lighting they are not yet present.

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<sup>32</sup> Shulchan Aruch 672:1, Mishnah Berurah 672:1

<sup>33</sup> One and a quarter proportional hours before sunset.

<sup>34</sup> Shulchan Aruch 672:1, Mishnah Berurah 672:2

<sup>35</sup> Mikraei Kodesh ch. 9 halachah 20 and note 49 citing Rav Mordechai Eliyahu ztz"l

<sup>36</sup> Shulchan Aruch and Rema 671:7

<sup>37</sup> Rema 671:7 and Mishnah Berurah 671: 46, Yalkut Yosef, Moadim p. 200

<sup>38</sup> Shav Ya'acov Responsa (Rabbi Ya'acov Katz ztz"l of Prague) Orach Chayim section question 22

<sup>39</sup> Mishnah Berurah 671:43

<sup>40</sup> Kaf Hachayim 671: 69

<sup>41</sup> Kaf Hachayim 671:72, Yalkut Yosef, Moadim, p. 203 para 17

### Prayers and Birkat Hamazon (Grace after meals)

34. The “Al Hanisim” prayer is added to the Amida (the standing prayer) and to Birkat Hamazon.<sup>42</sup> If a person forgot to add “Al Hanisim” and only remembered after he concluded the blessing then he does not repeat the prayer. In this event, it is customary to add “Harachaman Hu Ya’aseh Lanu Nisim” after Birkat Hamazon and at the end of the Amida, before “Yehiyu Le-ratzon”.<sup>43</sup>
35. We recite the full Hallel (psalms of praise), with a blessing, on all eight days of Chanukah.<sup>44</sup> The Rambam<sup>45</sup> ruled that women are exempt (although they are obligated to light candles because they “were included in the miracle”). Relying on the Rambam, Rav Ovadiah Yosef<sup>46</sup> ruled that a woman of Middle Eastern/North African extraction (Edot Hamizrach) is exempt from saying Hallel although she is obligated in candle lighting. Nevertheless, if she wishes to say Hallel on Chanukah she should recite it without the blessing following the rule of “safek brachot lehake” (in case of doubt regarding blessings we follow the lenient position). Ashkenazi women may recite Hallel with a blessing<sup>47</sup> as is the rule regarding positive, time-bound commandments.
36. On Chanukah, we do not recite “Tachanun”, “La-me’natzeach”, “Yehi Ratzon” following the Torah reading, “El Erech Apayim” and “Tzidkatcha” on Shabbat.<sup>48</sup>
37. After Hallel is recited on weekdays during Chanukah, three men are called up to the Torah. The Torah portion that is read relates the sacrifices of the Nesi’im (chieftains) of the corresponding day (second, third etc. until the seventh day) of the dedication of the altar. The account of the day’s sacrifice is read during the first two aliyot of the Cohen and Levi, and the entire segment is repeated for the third aliya (Yisrael). The Rema<sup>49</sup> wrote, “Some say that the next day’s sacrifice should be read for the Yisrael’s (third) aliya” but this is the practice only outside of Israel.

### Festive meals on Chanukah

38. According to Rabbi Yosef Karo<sup>50</sup>, there is no specific mitzvah to have a festive meal on Chanukah; however, the Rema added, “And there are some who say that there is somewhat of a mitzvah to have many meals” and “It is customary to sing songs and praise during the many meals so that they become a “seudat mitzvah”. Some say that milk and cheese should be consumed...”. The Be’ur Halachah brings the Maharashal’s responsum that states that “the rejoicing should be mixed and infused with the joy of Torah and should not come at the expense of Torah study...”. It is desirable to make the meals of Shabbat Chanukah more lavish than those of regular Shabbatot and this applies to Rosh Chodesh Tevet as well.<sup>51</sup>

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<sup>42</sup> Shulchan Aruch, 682:1

<sup>43</sup> Mishnah Berurah 682:4, Yalkut Yosef, Moadim, p. 239 para 4 and p. 240 para 7

<sup>44</sup> Sephardim too.

<sup>45</sup> Hilchot Chanukah 83:6

<sup>46</sup> Yalkut Yosef, Moadim, p.242 para 12.

<sup>47</sup> Mikraei Kodesh, ch. 12 para 15

<sup>48</sup> Shulchan Aruch and Rema 683:1 and Mishnah Berurah 683:1

<sup>49</sup> 684:1

<sup>50</sup> Shulchan Aruch and Rema 670:2

<sup>51</sup> From Rav Golan’s digest (2008)

## Shabbat Chanukah

39. Mincha should ideally be recited on Friday before candle lighting.<sup>52</sup>
40. This year, Rosh Chodesh Tevet falls out on Shabbat (Parshat Miketz); therefore, aside from “Al Hanisim”, we add “Ya’aleh Veyavo” in all the prayer services and in Birkat Hamazon (on Shabbat and on Sunday) as well as Hallel, recited with the blessings, during Shacharit (morning service)<sup>53</sup>. Three Torah scrolls are taken out for the Torah reading. Six men are called up to the Torah for the reading of the weekly portion; the portion for Rosh Chodesh is read from the second Torah, while the Maftir aliya – the portion relating the sacrifices of the Nesi’im of the corresponding day – is read from the third Torah and the Haftarah is “Rani Ve-Simchi”<sup>54</sup>. It is customary for Sephardim, at the conclusion of the Haftarah, to append the first and final verses from the Haftarah of Shabbat Rosh Chodesh (“Hashamayim Kis’l”) as well as the first and final verses from the Haftarah of “Machar Chodesh”. “Av Harachamim” is not recited and “Atah Yatzarta” is recited during Musaf (the additional service).

## Aveilut (mourning) during Chanukah

1. Chanukah does not disrupt Aveilut: the days of Chanukah are counted for Aveilut.
2. A mourner may light Chanukah candles at the synagogue yet Ashkenazim and some Sephardim<sup>55</sup> are stringent regarding the first night because a mourner may not recite the “Shehecheyanu” blessing. However, when lighting at home he may recite the “Shehecheyanu blessing”<sup>56</sup>.
3. A mourner (according to his custom) may serve as the Shliach Tzibur (prayer leader) for Mincha and Ma’ariv on days when Hallel is not recited.
4. Ashkenazi custom is divided regarding saying Hallel at the house of mourning. In any event, the mourner himself should not recite Hallel<sup>57</sup>. According to Sephardic custom, the mourner and the other congregants all recite Hallel.<sup>58</sup>

## Times (Zmanim) For Chanukah 5780 (First Candle)

According to Rav Tikochinsky (Jerusalem horizon)

**Plag Hamincha** (earliest candle lighting time, when necessary):

Ashkenazim: **15:40**

Sephardim: **15:56**

**Sunset** (candle lighting time according to the Gra) **16:48**

**Nightfall** (candle lighting time according to other calculations) **17:08**

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<sup>52</sup> Mishnah Berurah 679:2, Yalkut Yosef p. 212 para 7

<sup>53</sup> Sephardim too.

<sup>54</sup> Shulchan Aruch 684:3

<sup>55</sup> Mishnah Berurah 681:43, Yalkut Yosef, Moadim, p. 205 para 22

<sup>56</sup> Yalkut Yosef, Moadim, p. 205 note 51

<sup>57</sup> Mishnah Berurah 684:1

<sup>58</sup> Mikraei Kodesh, ch. 12 para 16

## The Tenth of Tevet<sup>59</sup>

“There are days that commemorate dire events on which all Jews fast to arouse the hearts and open the paths to repentance and to serve as a reminder of our evil deeds and those of our ancestors which resemble our present deeds that caused us and them the same type of tribulations”.<sup>60</sup>

1. The Tenth of Tevet is one of the four fast days originating in the words of the prophets<sup>61</sup> and commemorating the destruction of our Temple. On the Tenth of Tevet, the Babylonian king, Nebuchadnezzar, lay siege to Jerusalem.
2. According to the discussion in tractate Rosh Hashanah<sup>62</sup>, we distinguish between three situations regarding these fast days aside from Tisha B’Av, which was “doubly distressing”. During “times of peace”, these fast days will be transformed into days of gladness and rejoicing, during “times of oppression” they will remain fast days, and during times when “there is no peace and no oppression” fasting is optional. Although there is disagreement between Rishonim regarding how to define the terms “peace” and “oppression”, according to most views, our situation nowadays is equivalent to “no peace and no oppression” and therefore, in principle fasting is optional. However, the Mishnah Berurah writes “Poskim have written that since the Jewish people have already willingly accepted this (the fasting) for many generations, it is forbidden to “breach the fence”. Therefore, the Shulchan Aruch ruled<sup>63</sup>, “all are obligated to fast these four fasts and we are forbidden to breach the fence”.
3. Since the obligation to fast on the Tenth of Tevet derives from the volition of the people – “at the time that they willingly accepted the four fasts, they did not accept the stringencies of Tisha B’Av regarding the other public fasts”.<sup>64</sup>
4. One of the differences is the length of the fast: on Tisha B’Av we fast from nightfall to nightfall while on the Tenth of Tevet the fast begins at daybreak: 05:05 (90 minutes before sunrise)/05:32 (72 minutes) and concludes at 17:14 – nightfall. It is permissible to eat before daybreak if one made a mental condition to do this before going to sleep. According to the Rema it is permissible to drink unconditionally.<sup>65</sup>
5. Another difference pertains to the prohibitions that inhere on the fast day. In contrast with Tisha B’Av regarding which the five prohibitions – eating and drinking, bathing, anointing, wearing leather shoes and marital intimacy – apply, only eating and drinking is prohibited on the Tenth of Tevet. The Mishnah Berurah<sup>66</sup>, however, writes, “The sensitive person will be stringent on all these as on Tisha B’Av”. Thus, there are poskim who prohibit bathing in warm water although in principle, all these activities are permissible.
6. Regarding brushing ones teeth and rinsing ones mouth, the Shulchan Aruch writes, “Those who normally rinse their mouths on public fasts are acting improperly”<sup>67</sup>. However, the Aruch Hashulchan adds “And it seems to me that this is referring to one who takes a deep mouthful of water, swills it around to the roof of his mouth and the water seeps into his throat. However, if he is bent over and puts water into his mouth just in order to clean his teeth and there is no

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<sup>59</sup> Based on Rav Golan’s digest (2008)

<sup>60</sup> Rambam, Hilchot Ta’anuyot, 5:1

<sup>61</sup> Zechariah 8:19

<sup>62</sup> 18b

<sup>63</sup> Shulchan Aruch, 550:1 and Mishnah Berurah 550:1

<sup>64</sup> Mishnah Berurah 550:6

<sup>65</sup> Rema, 564:6

<sup>66</sup> Mishnah Berurah 550:6

<sup>67</sup> Shulchan Aruch 567:3 and Mishnah Berurah 567:11



chance of it seeping down into his throat – this is allowed except on Tisha B’Av and Yom Kippur”. The Mishnah Berurah rules, “And when it causes discomfort it is permissible to rinse one’s mouth with water (without toothpaste according to Shearim Metzuyanim B’Halacha) however one should be extra cautious in bending one’s head and mouth downwards”.

7. Another difference between the three fasts and Tisha B’Av is the definition of those who are exempted from fasting. On the Tenth of Tevet a sick person who is not dangerously sick is exempt from fasting (i.e. one who has fever or has pain throughout his body although his illness is not life threatening. However, a person who suffers minor pain that does not hamper his general functioning is not exempt from the fast). Pregnant women and nursing mothers are also exempt from the fast. However, Sephardim and Ashkenazim diverge on this point: according to Rabbi Yosef Karo<sup>68</sup> they are exempt from fasting while the Rema<sup>69</sup> rules that they are exempt only if they are in “great discomfort” from fasting. The accepted practice is that pregnant women and nursing mothers do no fast.
8. The Chief Rabbinate instituted the Tenth of Tevet as the Yom Hakadish Haklali, a day to recite Kaddish for Holocaust victims for whom there is no recorded date of death. Additionally, memorial prayers are held l’iluy nishmat (elevation of the souls) those who perished in the Holocaust.

**Thus said the Lord of hosts; The fast of the fourth month, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth, shall be to the house of Judah joy and gladness, and cheerful feasts”<sup>70</sup>**

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<sup>68</sup> Shulchan Aruch 554:5

<sup>69</sup> Rema 550:5

<sup>70</sup> Zechariah 8:19