

HALOCHOSCOPE

This week's question:

During the Nine Days laundering clothing is forbidden. If necessary one may launder clothing for children during this period, because they get filthy quickly. Someone is planning to go on vacation through the Nine Days period. She has enough clothing for her children to avoid laundering. However, this will involve taking twice the amount of luggage with her. She would prefer to take much less luggage. May she pack less in the full knowledge that she will need to launder her children's clothing?

The issues:

- A) Laundering and wearing freshly laundered clothing in the Nine Days
- B) The dispensation for children's clothing
- C) Making a *bide'eved*, something relied on after the fact, *lechatchilah*, 'the ideal'

A) Laundering in the Nine days

The Talmud cites the institution forbidding laundering during the week of *Tisha Bav*. There are three opinions, based on a verse. The *passuk* states that Hashem will end the joy of the *chag*, or holiday, the month and the week. The *chag* refers to *Rosh Chodesh*, which is also a holiday in many respects. The implication is that the joy will cease from *Rosh Chodesh* until *Tisha Bav*. Thus, in one view, the institution forbidding laundering and haircutting was always applied for the Nine Days. The second view interprets the *passuk* to forbid it for the entire month. The third view interprets the word *Shabbos* to mean the entire week, and forbids it for the week of *Tisha Bav*.

Having established the generic anonymous Talmudic opinion to forbid these activities during the week of *Tisha Bav*, a debate ensues on the status of the days following the fast. In one view, the institutions apply for the entire week, regardless of when the fast falls during the week. In the other view, it is a restriction in preparation for the mood of the fast. It is only forbidden in the preceding days. Thus, if the fast falls on Sunday, there is no additional restriction. If it falls on Friday, which could happen before the fixed and standardized calendar, the entire week is restricted. However, as we shall discuss, there can be a dispensation to prepare for *Shabbos*. This last view does not concur with either of the views mentioned earlier that are based on the *passuk*. The Talmud concludes that the first and third views are both followed in that the leniencies of each are applied. This is because, in reality, the issue of whether the restriction was applied past the fast is a separate debate, rolled into the three opinions. We follow the lenient view on this, while following the lenient view on the other debate on when it begins. In addition, the aforementioned opinion is supported by a fourth anonymous view, appearing in a separate source, that openly states the restriction for the week of *Tisha Bav*, but only until the fast.

According to the *passuk* cited, the restrictions are based on a cessation of joy for an extended period. The Rabbis determined the joy that should be restricted as that coming

from haircutting and laundering. What kind of joy was intended in this restriction? In one view, it is the joy of wearing fresh laundry. Though this is not mentioned explicitly, it is implied. There could be nothing wrong with the activity of laundering, which entails effort and labor. The issue must be with wearing the newly laundered clothing. Therefore, even if the clothes were laundered prior to this period, one may not wear them during this time. [A minority opinion (difficult to reconcile) maintains that this view would permit wearing fresh clothing.] More significantly, one may engage in the act of laundering, to prepare clothing for after the fast. In the other view, the activity detracts from the focus on the sadness. One does not feel the immediate joy of wearing fresh clothing while laundering, but he will anticipate it. This will act as a distraction from the mourning and sadness. Alternatively, just as general work is forbidden to mourners, laundering is forbidden here. It was chosen as the example here due to its time-consuming and distracting nature. This view agrees that it is forbidden to wear fresh laundry as well.

Two items are cited in support of the second view: The launderers of the Yeshiva of Rav were idle for the entire period. This proves that they applied the restriction on the activity, rather than on the wearing alone. Second, the aforementioned source forbidding only the week of *Tisha Bav*, and only until the fast is cited. This source states that if the fast should fall on *Erev Shabbos*, one may launder on Thursday due to *kavod Shabbos*. If the restriction only applied to laundering to wear immediately, there is no need for a dispensation to launder on Thursday for *Shabbos*. This is anyhow being laundered for later. In response, the Talmud says this applies to the specific case of one who only has one shirt. To he would normally prepare for *Shabbos* by laundering it before *Shabbos* and immediately wearing it. At least, it would be relatively clean on *Shabbos*. This would be like taking a haircut on Thursday, *lichvod Shabbos*.

The current practice to restrict laundering from *Rosh Chodesh* is a *minhag*, additional restriction originally undertaken voluntarily. When undertaken by a community, this assumes the status of a *neder*, or ban, binding on future generations as well. In Talmudic times, there were communities who considered this the *halacha* in accordance with the view that this is what is forbidden. Since we follow it as a *minhag*, certain leniencies are applied. When a *neder* is undertaken, in-built provisions relax it due to hardship. *Adaata dehachi lo kibluha*, they never meant to undertake it with this hardship in mind. Therefore, certain leniencies apply in the first part of the Nine days, before the week of *Tisha Bav*. [See Taanis 29b-30a, Yerushalmi, Poskim. Tur Sh Ar OC 551:3, commentaries.]

B) Dispensation for children's clothing

Children, certainly below the age of *chinuch*, training for *mitzvos*, need not practice mourning in their own right. The children probably do not even realize the difference, especially in the case of laundered clothing. Nonetheless, due to two considerations, we try to apply the restrictions of Nine Days to them in some form. When adults see children acting out mourning practices, the adults feel saddened as well. Second, the activity of laundering is also forbidden, as mentioned. However, in the case of young children, the type of soiling that their clothing endures usually requires laundering for health and other reasons. Accordingly, a dispensation is needed. First, as part of the restriction against the activity, one should launder all his clothing before *Rosh Chodesh*. Then, as is the common practice, one could lightly use them so that the freshness is not felt when wearing

them the first time after *Rosh Chodesh*. In the case of children's clothing, one might have fulfilled this requirement, but still needs to repeat the laundering a few days later. They will have used up all of their fresh laundry. Second, the soiling might be such that if it is not dealt with early, the clothing will be ruined. It might pose a health issue as well. Rather than throw away the clothing, which is not a requirement due to mourning and would constitute *bal tashchis*, wasteful, let them be laundered.

In addition, this laundering would constitute neither joy nor necessarily a major distraction, since only children's clothing would be laundered. The Talmud draws a parallel to the laws of *Chol Hamoed*. While it is forbidden to launder on *Chol Hamoed*, one who has only one shirt, that he laundered before *Yomtov*, may launder it on *Chol Hamoed*. In those days one wore a certain type of undergarment. While laundering his shirt, he would appear in his undergarments, which would show that this was his only shirt. This does not usually apply nowadays. Unless there is some way to alleviate the negative appearance, one may not launder on *Chol Hamoed*, even if he is short of clothing. However, children's clothing are quickly recognized. Any onlooker will realize that they are being laundered due to the frequency of their being soiled. Therefore, there is a dispensation to launder them on *Chol Hamoed*.

Can this be applied to the Nine Days? During a mourning period, ideally, one would wear the same clothing the entire period. The Talmud says the launderers were idle, implying that even those who had only one item of clothing refrained from laundering. For *Shabbos*, one must change. Thus, if one had no extra clothing, he would need to launder his one shirt for *Shabbos*. While the Talmud draws a parallel, it is in relation to the *Shabbos* following the fast, during which there is no mourning. In former times, the *Shabbos* before *Tisha Bav* was observed, for those who have the *minhag* to practice from *Rosh Chodesh*, by wearing weekday clothing. One item of *Shabbos* clothing was worn for *kavod Shabbos*. In terms of soiling, however, there is a good parallel.

The poskim permit laundering children's clothing including diapers and other items that get soiled easily. Furthermore, many permit laundering their clothing up to the age of *bar-mitzvah*. Though they perform *mitzvos* for *chinuch*, their clothing gets soiled. This dispensation applies on both *Chol Hamoed* and during the Nine Days. Some suggest stringency during the week of *Tisha Bav*. [See References to section A. Moed Katan 14a 18a Yerushalmi, Poskim. Tur Sh Ar OC 534:1 551:3 14, commentaries.]

C) Bide'eved and lechatchilah

If one has enough clothing to avoid laundering during the Nine Days, he should make sure to have it all available. Otherwise, he will be in a position wherein he has to launder some of it. The question is whether one should be penalized for allowing this situation to occur. The Talmud says, when *tisha Bav* falls on Friday, one may launder on Thursday for *kavod Shabbos*. If one did not do so, he may launder on Friday afternoon, on *Tisha Bav* itself. One who does so is ridiculed and cursed. This is because his negligence forced him to rely on this leniency. Is our case similar?

Once again, the comparison is made to *Chol Hamoed*. One who has two shirts, and they became soiled, may launder them on *Chol Hamoed*. The poskim infer that had they been soiled beforehand, he may not launder them. He is penalized for his negligence. In addition, one may not intentionally plan for a need to do *melacha* on *Chol Hamoed*, even

if when this happens it will be permissible under a dispensation. However, one who only owns one shirt has no such penalty. He is not expected to launder them beforehand, because this will not help him avoid laundering on *Chol Hamoed*. Nonetheless, this is debated by the poskim. The same debate applies to laundering children's clothing. Since one knows that he will have to launder them anyhow, no matter how great the supply, he might not be penalized for not laundering them ahead of time. One should not rely on this in a normal situation. However, in our case, the issue is whether to exert oneself to take extra luggage when one knows that he will probably need to launder anyhow later. This issue is debated with regard to traveling before *Yomtov*. Some maintain that one must pack enough children's clothing to avoid laundering on *Chol Hamoed*, while others are lenient. In general, the Talmud applies leniencies for travelers, in various situations.

Lechatchilah means 'ideal'. *Bide'eved* means after the fact. After an occurrence, certain leniencies are often applied. These would not apply before the situation arises. There is a rule that is applied to certain situations that are considered pressing. Even before the fact, one may sometimes rely on the leniencies usually applied *bide'eved*. This is known as *sha'as hadechak kedieved dami*. The poskim discuss where and when this may be applied. Some say it may not be used to make a new rule. Others maintain that it may be applied in a situation that could be determined to be pressing enough, even if it will ultimately come up many times. Thus the leniency will basically be institutionalized. In our case, the poskim debate whether to rely on a leniency which could be avoided with a lot of effort. The issue is whether the pressing circumstances allow one to assume the *bide'eved* rules beforehand. Usually pressing circumstances involve monetary loss or worse. [See e.g. Psachim 26b Tosafos, Sh Ar EH 126:4 Rema, etc. Sdei Chemed, Dalet 59-61, Klalim Dalet 30. Minchas Elazar V:5. SA OC 551:14, Piskei Teshuvos. Chol Hamoed Zichron Shlomo p. 31. Nitei Gavriel, Bain Hametzrim 36.]

In conclusion, it appears that there would be a dispute among the poskim in our situation. In the earlier part of the Nine Days, one may rely on the lenient view. One should, therefore, pack sufficient clothing to avoid laundering during the week of *Tisha Bav*.

On the Parsha ... *Your small children, whom you said would be captured, and your children who know not today the difference between good and evil, they will come[to Eretz Yisroel], to them I shall give it, and they shall inherit it. [1:39]* Why is the term for children doubled? Would not many adults under twenty also be allowed into the Land? [*Shelach 14:29 31*]. [See *Haamek Davar*; *R Hirsch*]. Perhaps this hints at the types of children expected to participate in the yearning for the Land. Small children are too young to understand the concepts of *chinuch*, mourning, and yearning for redemption. Children old enough for *chinuch* in other matters are still not expected to appreciate the loss of *Eretz Yisroel*. They need not be overburdened with the mourning practices. Thus, some say that they may wear fresh laundry until *bar-mitzvah*.

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