

HALACHOS OF A TAANIS

The fast days of *Tzom Gedaliah*, *Asarah BiTeves*, and *Shiva Asar BiTammuz* (know as “the three Taaniyos” or “the minor fasts”) share the same set of *Halachos*. Following is a basic review of the *Halachos* that apply to these fasts. It should be noted that other fasts such as *Tisha B’Av* and *Yom Kippur* are governed by other rules.¹

Pregnant and nursing women

While pregnant and nursing women were originally exempt from the obligation to fast², the *Rama*³ writes that they adopted a stringency to fast nonetheless. However, the *Mishnah Berurah*⁴ writes that they should not fast if a woman feels weak or if the fast causes significant distress.⁵ Accordingly, each case should be looked at independently based upon the individual woman, the way she feels (and responds to fasting) at that stage of pregnancy or nursing, and the length and difficulty of the fast. To illustrate, it is more likely that a pregnant or nursing woman will be able to fast on *Asara BiTeves* than *Shiva Asar BiTammuz*, given both the length of the fast and the probable weather. While it seems likely that many pregnant and nursing women will not feel well at the conclusion of a fast and are therefore exempt from fasting, a Rav should be consulted to determine the *Halachah* for that person. There is additional reason to exempt a woman from fasting when the *Taanis* is a *nidcheh* (i.e. when *Shiva Asar Bi’Tammuz* falls on *Shabbos* and is kept on Sunday)⁶.

Some *Poskim* allow a nursing mother to eat on a fast day if fasting will disrupt her ability to nurse the child due to dehydration etc.⁷ A Rabbi should be consulted for guidance.

If a woman is not nursing, she is nonetheless exempt from fasting for the first 30 days of the postpartum period.⁸

Regarding other criteria for when these leniencies apply to pregnant women, see note.⁹

Regarding *Taanis Esther*, see note.¹⁰

1 *Taanis Esther* is generally treated like *the three Ta’aniyos*, and in certain ways is slightly more lenient.

2 *Shulchan Aruch* 554:5

3 550:1

4 550:5, *Sha’ar Ha’Tziyun* 3.

5 If the fast causes some strain but does not cause significant distress, a pregnant or nursing woman is not obligated to fast but is allowed to if she wishes. (Rav Moshe Mordechai Karp, *Hilchos U’Minhagei Bein Ha’Meitzarim*, Ch. 2, n. 8, based on *Chayei Adam*, *Kitzur Shulchan Aruch*, and *Aruch HaShulchan*).

6 See *Bi’ur Halacha* 559:10 s.v. *ve’aino* regarding *Tisha B’Av*; *Hilchos U’Minhagei Bein Ha’Meitzarim*, Ch. 2, par. 17.

7 See e.g. *Halichos Shlomo*, vol. 1, Ch. 16, par. 2.

8 See *Shulchan Aruch* O.C. 554:6 and Y.D. 265:4.

9 The *Mishnah Berurah* (550:3) first suggests that the status of *מעוברת* begins at three months after conception, but also states that if forty days have passed since conception, a woman is considered a *מעוברת* if she feels *צער*. He concludes, however, by quoting from Rav Yaakov Emden that if a woman feels weakness (*חולשה*) prior to the forty day threshold, she should not fast out of concern for the fetus’ welfare, and *והמיקל נשכר בלי ספק* - “the person who is lenient will undoubtedly be rewarded” (*Sha’ar Hatziyun* 2). On a practical level, it would appear that these guidelines would mean that the majority of pregnant women should not fast, as they will feel weakness or considerable strain. See similarly *Hilchos U’Minhagei Bein Ha’Meitzarim*, Ch. 2. n. 9.

10 There is a dispute amongst the *Acharonim* if *Taanis Esther* is more lenient in this regard; the *Mishna Berura* (686:4) cites those who categorically exempt pregnant and nursing women from fasting, while others treat *Taanis Esther* like the other fast days. Thus, taken together with the above discussion, there is even greater reason to exempt pregnant and nursing women on *Taanis Esther*.

Illness

Someone who is ill or will become ill as a result of fasting is exempt from the fast. The threshold of illness that exempts someone is the status of *choleh she'ain bo sakanah*, which means that the person cannot function normally. Some examples of this are dizziness or a headache that would cause the person to lie down.¹¹ As well, a feeling of abnormal weakness is the equivalent of illness.¹²

If a person will suffer physical discomfort following the fast, a Rabbi should be consulted. Doctors or nurses whose ability to focus will be impaired by fasting should ask a shailah.¹³

Children

Children until the age of *Bar/Bas Mitzvah* have no obligation to fast on *the three Ta'aniyos*, even for a number of hours.¹⁴ If a child wishes to fast, the parents should carefully monitor the child to make sure that he/she is not compromising his/her health.¹⁵ A child under the age of 9 is prohibited from fasting for even a short time.¹⁶

There is oft-quoted custom that a child fasts the last three fast days prior to his/her *Bar/Bas Mitzvah*. However, Rav Shlomo Zalman Auerbach questioned the standing of this custom and ruled that children should not be compelled to fast.¹⁷

Guidelines for the person who is permitted to eat

An individual who is exempt from fasting due to illness, pregnancy, etc., does not have to fast at all, even if the person is capable of fasting for a number of hours without negative effects.¹⁸ There is also no requirement to eat small amounts of foods (as is the case on *Yom Kippur*).¹⁹ The individual should try to limit oneself to eating the food that is needed for maintaining one's health (and in the case of the pregnant or nursing mother, the health of the baby).²⁰

Eating before the fast

The fast begins at *alos hashachar*, when the first rays of light come over the horizon. Our calendar uses the time of **3:39am** as the time of *alos hashachar*.

If a person would like to eat before the start of the fast, it is necessary to stipulate before going to sleep that one is not accepting the fast yet. There is also a preference to make such a stipulation even if one is only planning to

11 This ruling appears in the *Shulchan Aruch* in *Hilchos Shabbos*, 328:17. The definition of a *choleh she'ain bo sakanah* as someone who cannot function normally is presented by Rav Herschel Schachter in *Bi'ikvei Ha'tzon*, p. 53, n. 3.

There is a discussion whether lesser forms of physical discomfort might sometimes exempt a person from fasting; see *Biur Halachah* 686:2 s.v. mihu. Also see *Halachos U'Minhagei Bein Ha'Meitzarim*, Ch. 2, par. 14.

12 *Mishnah Berurah* 554:11. Rav Moshe Feinstein (*Igros Moshe* O.C. vol. 4 *Siman* 114, s.v. *ve'im*) says that if a person is by nature very weak, this also exempts the person from fasting. This seems to be the view of the *Aruch HaShulchan* (550:1) as well.

13 See *Halichos Shlomo*, vol. 1, Ch. 13, fn. 12. Cf. *Igros Moshe* (O.C. vol. 4, *Siman* 114, s.v. *ve'im*), regarding someone involved in communal responsibilities (צורכי ציבור). A similar question arises if a parent feels that he/she will not be able to care for younger children responsibly because of weakness etc.

14 *Mishnah Berurah* 550:5

15 It should be noted that some *Poskim* emphasize that there is no reason for children under *Bar/Bas Mitzvah* to fast on *the three Ta'aniyos*. See *Chazon Ovadiah*, pp. 66-68. Rav Shlomo Zalman Auerbach (*Halichos Shlomo*, vol. 1, Ch. 13 par. 3) permitted children to skip breakfast, but did not allow them to fast beyond their regular lunchtime. Cf. *Hilchos U'Minhagei Bein Ha'Meitzarim*, Ch. 2 n. 2.

16 This *Halacha* appears in regards to *Yom Kippur*, in the *Shulchan Aruch & Rama*, end of *Siman* 616.

17 *Halichos Shlomo*, *ibid*.

18 *Moadim U'zmanim* (5:335), quoting from the Brisker Rav in the name of Rav Chaim Soloveitchik, *Chazon Ovadiah*, p. 59.

19 *Aruch HaShulchan* 554:7; ספר שמעתתא דמשה, *Siman* 554 par. 6; *Chazon Ovadiah: Arbah Ta'aniyos*, pp. 25-27.

There is a view that a healthy person who needs to eat to prevent illness should eat פחות מכשיעור - in small increments, as is mentioned in regard to *Yom Kippur*. See *Halichos Shlomo*, vol. 1, Ch. 13, par. 5; ספר שמעתתא דמשה, *Siman* 554 n. 5.

20 *Shulchan Aruch* 554:5.

drink before the start of the fast. However, if the person regularly drinks before davening, no stipulation is required.²¹

When does one have to start eating? There is another *Halachah* that comes into play when eating before *alos hashachar* - the prohibition against eating before davening *Shacharis*. The *Poskim* assert that time that one must begin eating depends upon the type of food that one is eating:

- if the person eats a *seudah*, i.e. more than an egg-size of bread, then the meal must begin at least a half-hour prior to *alos hashachar* (3:39am); one may not eat past *alos hashachar*
- if the person is eating a lot of “*mezonos*” (such as cake, oatmeal), it is *preferable* to start eating a half-hour before *alos hashachar*; one may not eat past *alos hashachar*
- if the person is not having a *seudah*, but is eating fruit, yogurt, eggs etc., and modest amounts of “*mezonos*”, it is permissible to begin the meal within the half-hour before *alos hashachar*, and one must conclude before *alos hashachar*²².

Taking medicine

Rav Shlomo Zalman Auerbach ruled that a person who must take medication may swallow a bitter or tasteless pill with a little water.²³

Washing out one's mouth

If a person would suffer discomfort if he/she would not be able to wash one's mouth, it is permissible to brush one's teeth with toothpaste or rinse with water or mouthwash.²⁴ One should make sure to tilt the head forward to make sure not to swallow water.

Krias HaTorah

Someone who is not fasting should not serve as *Shaliach Tzibur* on a *ta'anis*,²⁵ and should not receive an *aliyah* or read the Torah.²⁶

21 *Shulchan Aruch* 564:1 and *Mishnah Berurah*.

22 See *Shulchan Aruch* 89:5, *Mishnah Berurah* 27; *Mishnah Berurah* 232:34; *Sha'ar Hatziyun* 286:7. A similar issue was discussed in the first issue of *Itim LaTorah*, regarding eating before lighting *neros Chanukah*.

23 *Halichos Shlomo* vol. 1, Ch. 16. par. 3. He states this even in regard to *Tisha B'Av*. See similar rulings in the name of Rav Moshe Feinstein, ספר שמעתתא דמשה, Siman 554 par. 5, Siman 568 par. 2; *Chazon Ovadia*, pp. 30-32.

24 The *Mishnah Berurah* (567:11) quotes the *Chayei Adam* as presenting three rules: (1) on *the three Ta'anios*, it is permissible to wash out one's mouth with water to alleviate discomfort "במקום צער" (2) on *Tisha B'Av*, it is permissible to wash out one's mouth to address great discomfort ("צער גדול") (3) on *Yom Kippur*, one should not wash out one's mouth even in a situation of great discomfort. Mouthwash and brushing one's teeth would similarly be permitted on *the three Ta'anios* in a situation of צער. In fact, mouthwash or toothpaste would seem to be preferable to water as they are not considered edible.

Regarding *Tisha B'Av*, Rav Moshe Feinstein is quoted as taking the view that washing out one's mouth is a violation of the prohibition of רחיצה (bathing/washing) on *Tisha B'Av* (Rav Shimon Eider, *Halachos of the Three Weeks*, p. 19, par. 6). This view would seem to be in conflict with the above-mentioned position of the *Chayei Adam* quoted by the *Mishnah Berurah*. In ספר שמעתתא דמשה (Siman 554, n. 54) the suggestion is made that Rav Moshe would in fact agree that washing one's mouth out to alleviate great discomfort is permissible on *Tisha B'Av*, because such rinsing is not considered *rechitzah shel ta'anug*, washing for the sake of pleasure.

As well, *Teshuvos Minchas Yitzchak* (4:109) allows a person to brush one's teeth on *Tisha B'Av* when the person is experiencing צער גדול.

Some have a more lenient view regarding washing one's mouth on a fast day; see *Aruch HaShulchan* (567:3) and *Da'as Torah* (567:3).

25 *Shulchan Aruch* 566:5

26 *Shulchan Aruch* 566:6 with *Mishnah Berurah*; *Sha'arei Rachamim* (on the *Sha'arei Ephraim*), Sha'ar 8, no. 64.