# The Prohibition of Studying Torah on Tisha Be-Av

### Rav Tzvi Chaim Kaye

## The Source of the Prohibition

The *gemara* in *Ta’anit* (30a) cites a *baraita* that details the prohibitions of Tisha Be-Av. The *baraita* compares these prohibitions to those that a mourner observes following the loss of a close relative:

All prohibitions practiced by a mourner are likewise practiced on the Ninth of Av: It is prohibited to eat, drink, anoint oil on one’s body, wear shoes, or have conjugal relations. It is prohibited to read from the Torah, the Prophets, and the Writings, to study Mishna, the Gemara, the Midrash, *halakhot*, or *aggadot*.

The *baraita* then limits the scope of the prohibition on studying Torah:

However, one may read those parts of the Bible that one is unaccustomed to read, and one may study those parts the Oral Torah that one is unaccustomed to study, and one may read *Eikha*, *Iyov*, or the sorrowful episodes in *Yirmeyahu*. And schoolchildren cancel their studies for the day.

This is because it is stated: “The precepts of the Lord are right, rejoicing the heart” (*Tehillim* 19:9).

The *baraita* teaches that while in general there is a prohibition to study Torah on Tisha Be-Av, there are exceptions to this rule. The logic of the exceptions is understandable based on the conclusion of the *baraita*, as Rashi explains: Torah study is prohibited because it is something that “rejoices the heart.” Thus, the prohibition does not apply to those parts of Torah that will not produce that effect, either because of their sad content or due to the fact that one is unfamiliar with them, so that their study will involve difficulty.

After citing the unattributed opinion of the *Chakhamim*, the *baraita* concludes with the opposing view of R. Yehuda:

R. Yehuda says: One may not read those parts of the Bible that one is unaccustomed to read, nor study those parts the Oral Torah that one is unaccustomed to study. However, one may read the book of *Iyov*, the book of *Eikha*,or the sorrowful episodes in *Yirmeyahu*. And schoolchildren cancel their studies for the day.

This is because it is stated: “The precepts of the Lord are right, rejoicing the heart” (*Tehillim* 19:9).

R. Yehuda disputes the permissibility of studying parts of Torah with which one is unfamiliar.

The Rif cites a version of the text that differs slightly from that printed in the standard text of the Gemara. According to that version, there is also a disagreement with regard to whether schools should be closed on Tisha Be-Av. The *Chakhamim* permit the schools to run, whereas R. Yehuda rules that should be closed. Also noteworthy is that in the Rif’s version, the supporting verse from *Tehillim* is cited only by R. Yehuda, but not by the *Chakhamim*.

What is the nature of the prohibition to study Torah on Tisha Be-Av and what is the basis of the dispute between R. Yehuda and *Chakhamim*?

## The Difference from the Mourner’s Prohibition

The *baraita* in *Ta’anit* compared the prohibitions on Tisha Be-Av to those of a mourner. The prohibition for a mourner to study Torah is discussed in another *baraita* cited in *Mo’ed* *Katan* (21a) that includes an almost identical list of practices (excluding, of course, the prohibition of eating and drinking). That *baraita*, unlike the one in *Ta’anit*, does not cite a verse to justify the prohibition of studying Torah. However, an earlier *gemara* (*Mo’ed Katan* 15a) does:

A mourner is prohibited from greeting, as God said to *Yechezkel*, “Sigh in silence” (*Yechezkel* 24:17)… A mourner is prohibited to engage in Torah, as God said to *Yechezkel*, “Sigh in silence.”

It seems that the source offered here is fundamentally different from the one mentioned in the *baraita* about Tisha Be-Av. With regard to Tisha Be-Av, the *baraita* states that the prohibition is due to the nature of Torah, which causes joy. The problem apparently lies in the effect produced by studying Torah – the *result* of being happy – which is inappropriate for the day. However, citing the verse from *Yechezkel* places the emphasis not on the result of studying, but on the very act itself. A mourner should be sitting in silent reflection about his loss, and the very act of engaging in Torah study precludes him from doing so.

If so, the question immediately arises: Although the Gemara compares the prohibitions of a mourner and of Tisha Be-Av, are they nevertheless distinct in their underlying nature? Tosafot (*Mo’ed* *Katan* 21a) cites the changing rulings of Rabbeinu Tam. When he was bereaved as a young man, he refrained from studying even the sorrowful parts of Torah. He noted that the exception of studying sad material is mentioned in the *baraita* with regard to Tisha Be-Av, but is notably absent from the *baraitot* that discuss a mourner. Apparently, Rabbeinu Tam claimed, this is because this exception does not apply to a mourner. However, later in life, he reversed his opinion and ruled that the very fact that the prohibitions are compared to one another proves that they are indeed similar. Although Rabbeinu Tam reversed his opinion, Rambam rules that there is a distinction between the *halakhot* of Tisha Be-Av and those of a mourner. In his rulings regarding the laws of a mourner, he makes no mention of any exception to the prohibition of studying Torah.

The ruling of the Rambam and of Rabbeinu Tam in his youth is immediately understood based on the distinction noted above. On Tisha Be-Av, the problem is not the study of Torah per se, but rather the happiness engendered by studying it. As such, there is no reason to prohibit the study of sad parts of the Torah. However, for a mourner, the very act of studying is problematic, as it pulls him away from his silent reflection. The Meiri (*Mo’ed* *Katan* 15a) puts it succinctly: “In the case of a mourner, the matter is a function of the need to be silent, but on Tisha Be-Av, it is a function of the need to feel the pain [of the destruction].”

It appears that what underlies this distinction is the basic difference between the nature of the historical mourning of Tisha Be-Av and the mourning of the fresh loss of a relative. When a person is bereaved, he is suddenly faced with the shock of a new reality with which he must come to terms. He may not be distracted from that necessity. However, the mourning on Tisha Be-Av is nothing new; we are always aware of the Temple’s loss, but we set aside a day a year to express our mourning over it. On that day, happiness and rejoicing are inappropriate, but there is no sense of shock and no need to come to terms with a new reality.

This understanding is bolstered by the suggestion of the Meiri (ibid.). Like the Rambam, he rules that the mourner’s prohibition to study Torah is all-encompassing. However, the Meiri continues to suggest that this applies only to the first day of mourning, when the mourner is faced with the immediately shock of his loss. However, on the subsequent days of mourning, he too is permitted to study the sad parts of Torah.

This distinction may also explain another difference between a mourner and Tisha Be-Av. As cited above, the *gemara* in *Mo’ed* *Katan* also prohibits a mourner from greeting people, based on the same verse in *Yechezkel* that demands that he sit in silence. No such prohibition is mentioned in the Talmud Bavli with regard to Tisha Be-Av. Based on the above, this distinction is reasonable. Since a mourner is required to reflect on his new reality and sit in silence, it is not appropriate for him to engage in greeting people; he needs to sit in self-reflective solitude. However, on Tisha Be-Av, there is no such restriction.

It should be noted, however, that although the Talmud Bavli does not cite any prohibition of greeting on Tisha Be-Av, the Talmud Yerushalmi does, and the Rambam (*Hilkhot* *Ta’anit* 5:11) rules accordingly. Ostensibly, this contradicts the clear distinction that the Rambam drew between Tisha Be-Av and mourning. However, a careful reading of the Rambam’s ruling immediately dispels the difficulty:

Torah scholars do not greet each other on Tisha Be-Av, but rather sit sadly and sighing like mourners.

The Rambam does not, in fact, rule that greeting is *prohibited* on Tisha Be-Av. He simply states that it is not done, and he limits the practice to Torah scholars. This is in contradistinction to the way he rules regarding a mourner, where he states categorically that greeting others is prohibited. Accordingly, it seems that the Rambam understood that although on a basic level, Tisha Be-Av does not involve a shock, so that there is no *prohibition* of greeting, it is nevertheless appropriate for those who can to act like mourners and sit in solitude, using the day to reflect on the national loss. (Later authorities ruled that it is correct for everyone to follow this practice.)

## The Dispute between the *Chakhamim* and R. Yehuda

As cited above, the *Chakhamim* and R. Yehuda dispute the scope of the prohibition of studying Torah on Tisha Be-Av. According to the version of the Rif, the *Chakhamim* permit the study of unfamiliar material and they permit schools to be open, whereas R. Yehuda prohibits the study of unfamiliar material and rules that schools should be closed.

What is the rationale behind each of these opinions? It seems that this can be explained based on the other difference between their statements. As mentioned above, in the version of the Rif, only R. Yehuda cites the verse from *Tehillim* indicating that Torah is something that rejoices the heart, whereas the *Chakhamim* do not. Indeed, why is there any need to cite a verse in this case? If the problem with studying Torah lies in the result of rejoicing on Tisha Be-Av, then if we see that a person rejoices when he learns, it should necessarily be prohibited to do so, and if he doesn’t rejoice, then it should be permitted. Why is there a need for a proof-text?

It appears that this is the very reason that the *Chakhamim* do not, in fact, cite a proof-text. They reason, as explained above, that there is no problem with engaging in Torah per se; the problem lies solely in the result. Hence, they rule that any form of study that does not result in feelings of happiness is permitted. For this reason, they permit studying unfamiliar material and the sorrowful parts of *Tanakh*. According to the commentaries, this is also the reason that they permit children to continue to study Torah; it is assumed that children do not feel the sense of joy in studying Torah, and they are to therefore permitted to do so on Tisha Be-Av. In line with this train of thought, it would appear reasonable to suggest that according to the *Chakhamim*, if one feels joy upon studying mathematics or geography, then that too would be prohibited.

Why does R. Yehuda cite the verse from *Tehillim*? Apparently, he maintains that the prohibition is based on a statement of fact, as derived from the verse in *Tehillim* –Torah study is by its very nature a joyful activity. According to R. Yehuda, the prohibition is not due simply to the fact that engaging in Torah brings a person to joy, but rather that by definition, the study of Torah is considered a joyful activity. This is true even if the person does not experience an emotional joy in studying it. He is still engaged in something that Halakha considers to be joyful. Just as it is obvious that dancing is inappropriate on Tisha Be-Av even if a person doesn’t enjoy it, because of the nature of the activity, studying Torah is similarly prohibited.

Given this understanding, we can understand why R. Yehuda disagrees with the *Chakhamim* about the permissibility of studying unfamiliar parts of the Torah. The *Chakhamim* permit this because the difficulty involved prevents one from feeling a sense of joy. But according to R. Yehuda, that is irrelevant; studying Torah is problematic because by definition it is a joyful activity. Similarly, although the *Chakhamim* permit schoolchildren to study because they don’t feel joy, R. Yehuda prohibits it because it is inappropriate for children to be involved in such an activity on the day of our national morning (even if they themselves are not obligated to mourn).

## The Exception of Studying the Sad Parts of Torah

What remains unclear regarding R. Yehuda’s position is the fact that he concurs with the *Chakhamim* that one may study the books of *Eikha* and *Iyov* and the sad parts of *Yirmeyahu*. The fact that the *Chakhamim* permit this is immediately understandable, as doing so does not bring one to a sense of joy. However, if, as suggested, R. Yehuda understands that engagement is Torah is problematic per se due to its joyful nature, then why should there be any exceptions at all?

The *Kolbo* (62) writes: “One may read the lamentations, the book of *Eikha*, and the sorrowful parts of *Yirmeyahu* and the Midrash on *Eikha* in order to remember the destruction of the Temple.” The *Kolbo* presents a total change of perspective. The permission to read from such texts is not simply an exception to the prohibition, but is in fact positively recommended. Rav Soloveitchik similarly suggested that the study of these texts is a fulfillment of the mourning of Tisha Be-Av – a way of fully engaging in the content and purpose of the day.

According to this understanding, it is possible to suggest that R. Yehuda’s prohibition of Torah study is indeed all-encompassing, and fundamentally it should even include *Eikha* and the like. However, because these texts express the idea of the day, and because engaging in them allows one to achieve the purpose of the day, that need overrides the prohibition. (See Taz 554 for a different explanation of R. Yehuda’s position.)

One ramification may be whether it is permitted to study sad parts of the Torah that do not relate to the destruction. If their study is a fulfillment of the day, then maybe it should be limited to relevant texts. Perhaps this was the intention of the *Kolbo*, who, when recommending the study of these texts, leaves out the *baraita*’s mention of *Iyov* and adds in other texts that relate to the destruction. However, Rav Soloveitchik argued that this is incorrect. He explained that all terrible things that have occurred to the Jewish People are supposed to be viewed as the result of the destruction, and as such, the study of any sad texts is ultimately the study of the topic of the day.

Another ramification might be whether one is permitted to study such texts in depth. In-depth study has a greater capacity to bring one to a sense of joy. For this reason, the Taz (554) rules that such study is prohibited. However, according to the suggestion of the *Kolbo* and Rav Soloveitchik, it should be permitted, and possibly even recommended. Indeed, it is well-known that Rav Soloveitchik and Rav Lichtenstein would both deliver in-depth *shiurim* on Tisha Be-Av about issues related to the day.

This understanding may also help us to explain the opinion of the *Ge’onim*. The *Shibbolei* *Ha-Leket* cites their opinion that even when one does learn Torah on Tisha Be-Av, one does not need to make a *birkat* *ha-Torah* beforehand. Why should this be? After all, one is studying Torah, and so one should be required to make a blessing before doing so (which is, in fact, the *halakha*)!

The *Beit Ha-Levi* (*Parashat Mishpatim*) beautifully develops the idea that a person can have one of two motivations in studying Torah: 1) One may study Torah for its own sake, as the word of God. 2) One uses it as a means to achieve some other goal. The *Beit Ha-Levi* explains that only the first form is considered to true fulfillment of the *mitzva* to study Torah. Furthermore, he claims that even one who studies Torah in order to know what the *halakha* is, in order to practice it, is included in the latter category. Even though such motivation is noble and right, ultimately the study was not focused on the value of Torah study per se, and so it is not included in the *mitzva*.

The *Beit Ha-Levi* uses this analysis so explain the *gemara* in *Nedarim* (81a), which asks what caused the destruction of the Temple. The *gemara* provides an enigmatic answer: “Because they did not make a blessing on the Torah before [studying it].” From the *gemara*, it would appear that that the people indeed studied Torah; the only problem was that they neglected to make a blessing. Many suggestions have been offered in the attempt to reveal the deeper meaning of this *gemara*. The *Beit Ha-Levi* explains it based on his distinction. He claims that at the time of the destruction, the Jewish People didn’t realize the value of Torah per se. When they studied it, it was only as a means to an end; they didn’t value the study itself. As such, their study was not a fulfillment of the *mitzva* of Torah study, and so they did not make the blessing beforehand.

It is possible that this distinction also underlies the ruling of the *Ge’onim*. When the sad parts of Torah are studied on Tisha Be-Av, they are not being studied in order to fulfill the *mitzva* of Torah study, but rather as a means to fully appreciate the meaning of the day. As such, it is not a true fulfillment of the *mitzva*, and so no blessing needs to be made.

This understanding may allow for a renewed understanding of R. Yehuda’s opinion. We suggested above that in R. Yehuda’s view, all Torah study is prohibited, but the need to focus on the meaning of the day by studying the sad parts of Torah overrides the prohibition. However, based on this last distinction, we can suggest that there the permissibility of studying the sad parts of the Torah poses no problem for the view of R. Yehuda. Since on Tisha Be-Av one’s study of these parts of the Torah is not for the sake of the Torah itself and due to its inherent value, but simply as a means of appreciating and connecting to the meaning of the day, even R. Yehuda agrees that it is permissible to study them. Torah is defined as something that “rejoices the heart” only when one relates to Torah as a value in and of itself.