

Torah Study on Tisha b'Av¹⁹

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This article will explore the scope and reasons for forbidding Torah study on Tisha b'Av. Torah study is an emotionally intricate experience. Torah uplifts us, thrills us, and gladdens us; but Torah can also cast us into gloom, frustrate us, and sadden us. Indeed, Torah can simultaneously evoke positive and negative emotions. Torah's emotional impact varies depending on the subject matter, context, style of study, and student's level of scholarship. For example, the subject matter of sefer Iyov is gloomy and reminds us of punishment and death, while sefer Yeshaya is upbeat and reminds us of rebirth and redemption. Torah recited in the context of prayer is often, by dint of rote, less impactful than Torah studied in the context of a lecture or learning group. Deciphering the text's simple meaning provides more instant gratification than casuistic analysis, but in the long run is often less rewarding. Furthermore, beginning students might enjoy simpler subject matter more than complex texts, while experts may find the reverse to be true. This article will discuss to what extent these and similar distinctions attenuate the prohibition to study Torah on Tisha b'Av, and how they moderate the permission to study gloomy Torah texts on Tisha b'Av.

Reading Without Understanding

Torah study is forbidden on Tisha b'Av. (Ta'anis 30a) Torah brings joy to the heart (simchas haTorah), and joy is antithetical to the spirit of somber mourning (aveilus) we cultivate on Tisha b'Av. Torah's joys are manifold; Torah binds our souls to the Creator, and Torah offers an intellectual thrill, a joy born of achievement, of solving puzzles, of proving self-worth, etc. Which facets of Torah's joy are forbidden to partake of on Tisha b'Av?

Many poskim hold that the intellectual component of simchas haTorah is specifically forbidden on Tisha b'Av. Hence, R. Yoel Sirkes (Bayis Chadash, Orach Chaim §554, a.k.a. Bach, 1561-1640) writes that different groups of people are forbidden from studying different types of Torah. Adults whose joy derives from content analysis are permitted to study matters whose content is saddening. Young children whose joy derives from successful articulation and translation of words are forbidden from reading even sad areas of Torah. If Torah study was only forbidden because it gladdens the soul, we should not distinguish between adults and children. Only children's **minds** take more delight than adults' **minds** in studying sad Torah topics, since children focus less on content while adults focus primarily on content. Childrens' **souls** do not take more delight than adults' **souls** in studying sad Torah portions.

R. Yaakov Moellin (**Teshuvos Maharil**, §201, 1365-1427) permits adults to read texts that they do not understand. Unlike children, the adult **mind** does not derive joy from enunciation of syllables, or even from translation of simple words. The adult **mind** only enjoys studying subjects that it understands. Therefore, adults are only forbidden from studying such subjects. The adult **soul**, in contrast, can even connect to its creator by uncomprehendingly enunciating syllables of the written Torah. If the interdict

¹⁹ **Disclaimer:** According to some poskim, this article may not be read on Tisha b'Av.

against Torah study stemmed from the **soul's** joy, both decipherable and incomprehensible texts would be forbidden to study. Only because Maharil believes the interdict to stem from the **mind's** joy does he allow adults to study incomprehensible texts.

Studying Unfamiliar Subjects

The Talmud records a dispute about whether one may study unfamiliar areas of Torah:

One may not read Tanach, nor may one study Mishnah, Talmud, Midrash, halakhot, and aggadot. One may, however, read parts of Tanach that he is unaccustomed to reading, and study parts of Mishnah that he is unaccustomed to studying ... R. Yehudah says, he may neither read parts of Tanach that he is unaccustomed to reading, nor study part of Mishnah that he is unaccustomed to studying.

Ta'anis 30a

ואסור לקרות בתורה בנביאים ובכתובים,
ולשנות במשנה בתלמוד ובמדרש
ובהלכות ובאגדות. אבל קורא הוא
במקום שאינו רגיל לקרות ושונה במקום
שאינו רגיל לשנות ... רבי יהודה אומר:
אף אינו קורא במקום שאינו רגיל לקרות,
ואינו שונה במקום שאינו רגיל לשנו
תענית ל.

R. Meir holds that one may study unfamiliar Torah topics. R. Yaakov b. Asher (Arba'ah Turim §554, a.k.a. Tur, 1270-1340) explains that studying such topics is frustrating, not pleasurable. R. Yehudah, however, holds that even studying unfamiliar topics is forbidden. The simple interpretation of R. Yehudah's position is that studying unfamiliar topics is pleasurable, not frustrating. Based on this interpretation, Maharil (ibid.) asserts that R. Yehudah only forbids studying new topics with pleasurable content; R. Yehudah would permit, however, deep analysis of gloomy topics. The rationale for distinguishing between these types of study is twofold. First, pleasurable content ensures greater joy of study than gloomy content. Second, the frustration of studying simple, new topics is far less severe than the frustration of studying even old topics in depth.

This interpretation, however, does not pay adequate tribute to the complexity of emotional experience that accompanies Talmud Torah. Therefore, later poskim offer more nuanced interpretations of R. Yehudah's position.

Daydreaming

R. Dovid haLevi Segal (Turei Zahav §554, a.k.a. Taz, 1586-1667) explains that we experience both joy and frustration while studying new, difficult topics. The joy stems from anticipation of future accomplishment and fulfillment, while the frustration stems from present failure to comprehend. Studying new topics is forbidden in spite of the frustration involved, since the joy of anticipated fulfillment outweighs the frustration of present bafflement. The Taz adduces a parallel from the laws of chol haMo'ed (intermediate days of festivals). When women undergo certain types of skin treatment, they experience both joy and pain. The joy stems from anticipation of future enhanced beauty, while the pain stems from the treatments' chafing the skin. In spite of their pain, women may undergo these treatments on chol haMo'ed. Here, too, anticipation of future benefit outweighs present discomfort.

Hence, according to the Taz, one may engage in neutral activities with no joyous component (i.e. daydreaming) on Tisha b'Av. Only activities wherein the joyous components outweigh the sad ones are forbidden. Indeed, daydreaming may be preferable to studying even unfamiliar Torah topics, since daydreaming is neutral while Torah study is gladdening in the aggregate.

R. Shlomo Kluger (Chochmas Shlomo §554, 1783-1869) modifies the Taz' interpretation. Joy and frustration neutralize each other. Hence, studying a difficult topic or undergoing skin treatment, which contain elements of both joy and pain, are neutral activities. On Tisha b'Av, neutral activities are forbidden since they distract us from mourning. Only activities that reinforce our sadness are permitted. Similarly, on chol haMo'ed, neutral activities are permitted, since they do not detract from the joy of our festivals. Only unambiguously sad experiences are forbidden, since they detract from the festivals' joy. Hence, according to R. Shlomo Kluger, just as one may not study new Torah topics since they distract him or her from mourning, one may not engage in other neutral activities.

Based on this, R. Shlomo Kluger resolves an apparent challenge to the Taz' theory. It is forbidden to cause pagans joy on their holidays, lest they invoke their deities' names in thanksgiving. When one repays a loan, he experiences both joy and sadness. The joy stems from anticipation of future freedom from liens, while the sadness stems from having to surrender money. According to the Taz, accepting payment from a non-Jew on his holiday should be forbidden, since the pagan's joy of anticipation outweighs his sadness of surrendering money. Yet the Talmud rules otherwise, that we may accept payment from pagans on their holidays. According to R. Shlomo Kluger, however, the joy and sadness neutralize each other. Accepting the pagan's payment does not create for him a joyous experience, but only creates a neutral experience; it therefore does not trigger the prohibition against causing pagans joy.

Both the Taz and R. Shlomo Kluger explain R. Yehuda's position using a dichotomy between anticipation of future fulfillment and present pain or frustration. An alternate dichotomy, based on the distinction mentioned earlier between mind and soul, may explain R. Yehuda's opinion with equal adequacy. The joy of Torah study stems from the soul's engagement with Torah, from its reinforcing connections to Hashem; in contrast, frustration results from the mind's inability to grasp the intricacies of the topic at hand. It is the soul's joy that renders Torah study forbidden on Tisha b'Av, in spite of the mind's frustration. This approach also resolves R. Shlomo Kluger's question. Perhaps one may accept repayment from pagans because their present frustration at surrendering money outweighs their anticipation of a debt-free future; similarly, the frustration of not comprehending a topic outweighs the joy of anticipating future understanding. However, the **mind's** frustration does not and cannot outweigh the **soul's** delight at engaging in Torah study.

Resolving Halakhic Queries

Rabbis may not respond to halakhic queries on Tisha b'Av, since issuing halakhic rulings, like Torah study, connects us to the simchas haTorah. (Shulchan Aruch §554) Yet resolving time-sensitive queries or disputes is permitted on Tisha b'Av. (Taz, *ibid.*) For example, if two merchants have a monetary dispute, and Tisha b'Av is their last opportunity to resolve the dispute in a Jewish court on account of their travel plans, a quorum of three may convene and resolve their dispute. The importance of dispute resolution overrides the importance of abstaining from simchas haTorah on Tisha b'Av.

Studying Gloomy Texts

One may study the following writings on Tisha b'Av: Megilas Eichah, commentaries on Eichah, the prophecies of our exile in Sefer Yirmiyahu, Sefer Iyov, and the chapter of Mo'ed Katan that deals with the laws of mourning. (Shulchan Aruch, *ibid.*) Why are these writings excluded from the prohibition against Torah study: does their content preclude them from creating intellectual joy; do they create a

mixture of joy and pain in the minds and souls of their students; or does the importance of studying them on Tisha b'Av, like the importance of resolving time-sensitive halakhic queries, outweigh the unalloyed joy they bring to the mind and soul?

Rishonim dispute whether or not Megilas Eichah et. al. may be studied by people mourning for their close relatives. (Tur, Yoreh De'ah, §364) Logically, if these texts are permitted on Tisha b'Av because of their gloomy content, they should be permitted for mourners too because they increase sadness. In contrast, if they are permitted on Tisha b'Av in spite of their happiness, their study should be forbidden during mourning for relatives. Eichah is critical for the Tisha b'Av experience, since it enhances our sense of loss for the Bais haMikdash (holy temple), but it is not critical for mourning relatives, when the Bais haMikdash's loss is not our primary focus.

Superficial Reading and In-Depth Delving

R. Peretz rules that although one may study commentaries on Eichah, one may not study commentaries on Iyov. In contrast, Maharil writes that one may study commentaries on both books.

R. Peretz wrote [that one may study] commentaries on Eichah, but not commentaries on Iyov, since they are (more) [very] deep ... The Maharil wrote, "I do not know what uncertainties my master had about learning commentaries on Eichah and Iyov on Tisha b'Av, to distinguish between understanding and reading. Are we dealing with fools, who do not understand what emerges from their mouths? If [you are concerned that these commentaries contain] iyun (deep analyses), this is additional cause to permit them, since R. Meir permits one to study unfamiliar subjects even if their content does not pertain to rebuke, and although we rule like R. Yehudah, nevertheless we see that the more one finds difficulty and frustration in his study, the more permissible it is."

Tur, Orach Chaim, §554

וה"ר פרץ כתב ובפירוש איכה אבל לא בפירוש איוב משום דהוי עמוק טפי ... ובתשובת מהרי"ל כתוב ללמוד בתשעה באב פירוש ירמיה ואיוב לא ידעתי במה נסתפק אדוני לחלק בין הפירוש והקריאה אטו בשופטני עסקינן שאינם מבינים מה שמוציאין מפיהם ואי משום שיש בו עיון מכל שכן דעדיף דהא רבי מאיר מתיר אפילו אינו תוכחה לקרות ולשנות במקום שאינו רגיל ואף על גב דקיי"ל כרבי יהודה מכל מקום חזינן דכל מה דמצטער ללמדו ומתקשה טפי עדיף.
טור או"ח סי' תקנד

According to the Taz, R. Peretz and Maharil argue about which texts are assumed to bring joy and which are not. R. Peretz believes that the commentary on Eichah is easy and therefore brings but little joy, while the commentary on Iyov is deep and brings greater joy. In contrast, Maharil believes that both commentaries bring sadness, not joy. Hence, the Taz rules that any subject, style, or level of study that brings joy to its practitioners is forbidden on Tisha b'Av. Reading and understanding are assumed to bring no joy. Simple analysis, i.e. reading analytic texts, which does not render the joy of invention, is similarly permitted. However, difficult, innovative analysis, independent of analytic texts, is assumed to be too joyful and is therefore forbidden.

For this reason it appears to me that even in places where one may study, this is only to study the words' simple meaning, but not pilpul (casuistic analysis).

Taz, §554

ומטעם זה נ"ל דאפי' במקום דיותר ללמוד היינו שילמוד בפשוטן של דברי' אבל לא דרך פלפול.
ט"ז אורח חיים סימן תקנד

Colloquially, the Taz is understood as forbidding any study that deviates from the text's simple meaning, as he writes, "only to study the words' simple meaning." However, the Taz permits us to study

commentaries on Iyov, even though they contain *iyun*. Indeed, the Maharil upon which the Taz bases his remark explicitly writes that commentaries on Iyov are permitted because they are deep. Hence, perhaps we must understand the Taz to permit anything other than *pilpul*, as he writes, “but not *pilpul*.” Hence, *iyun* is permitted, while *pilpul* is forbidden.

What distinguishes *iyun* from *pilpul*?

1. Perhaps *iyun* refers to any frustrating style of study, while *pilpul* refers to any joyous style of study. This definition, aside from being circular, eliminates all presumptions about what causes frustration and what causes joy. Eichah, Iyov, and commentaries thereupon may only be studied in a manner that causes sadness; they may not be studied in a manner that causes joy.
2. Alternately, *iyun* refers to analysis that does not cite or address any joyous texts, while *pilpul* refers to analysis that compares and contrasts sad texts and topics with joyous ones. This distinction is problematic since commentaries on Eichah and Iyov, as well as the third chapter of Mo'ed Katan, routinely compare and contrast joyous and sad topics but are still unqualifiedly permissible to study.
3. More likely, however, *iyun* refers to studying commentaries written by others, similar to the commentaries on Iyov that Maharil discusses, while *pilpul* refers to performing one's own, innovative analysis.

Even this understanding of the Taz, however, is explicitly contradicted by the arguments adduced by Maharil in favor of studying commentaries on Iyov. Maharil raised and subsequently rejected two challenges to intellectually stimulating Torah study on Tisha b'Av. First, understanding the words brings joy, and should therefore be forbidden. Second, reading in-depth commentaries brings joy, and should therefore be forbidden. Maharil responds to each argument differently. As far as understanding is concerned, he argues that one cannot separate the text from its simple meaning. Articulating words and understanding them are two sides of the same coin. Hence, just as reading is permitted, pursuit of understanding is permitted. However, the second argument still stands. Perhaps reading and understanding are permitted because they lack the joy of depth, while pursuit of understanding that involves deep analysis should nevertheless be forbidden. In other words, understanding alone is not problematic, but understanding coupled with analysis is too joyful. To this, Maharil responds that frustration increases in proportion to depth of analysis; deeper analyses will produce more frustration, and therefore are more likely to be permitted. This explicitly contradicts the Taz' assertion that simple analysis is permitted while difficult, casuistic analysis is forbidden.

Alternately, R. Peretz may hold, as R. Joshua Falk (Perishah §554, 1555-1614) explicitly asserts, that both commentaries are deep, but the importance of studying Eichah's commentary outweighs the prohibition against joy, while Iyov's commentaries are not important enough to outweigh this prohibition. This bespeaks a fundamental difference between our permission to study Eichah and our permission to study Iyov. Eichah is studied to heighten our sense of loss and bereavement for the Bais haMikdash and Eretz Yisrael; in contrast, Iyov is studied to amplify Tisha b'Av's somber mood, but not to directly impact our mourning for the temple. In-depth study of Eichah increases our appreciation of the Bais haMikdash, while in-depth study of Iyov does not necessarily enhance the mood of mourning.

Maharil, in contrast, might hold that both Eichah and Iyov are permitted because they enhance the mood of mourning, and Eichah has no special preference on account of its recounting the temple's

destruction. Hence, in-depth study of Iyov is permitted, like in-depth study of Eichah, since it enhances the mourning mood more than superficial study.

Epistemology of Torah

R. Chaim Soloveichik reportedly took the Maharil's argument one step further. (Harerei Kedem, vol. 2, §143) While Maharil equated reading with understanding, but acknowledged that analysis represents a qualitatively different stage of study, R. Chaim argues that even analysis is fundamentally unified with reading and understanding. If reading is permitted, innovative analysis must be permitted; if analysis is forbidden, even reading must be forbidden. It makes no difference whether or not analysis enhances our mourning experience. Once Chazal permitted us to study sefer Iyov on account of its enhancing the aveilus atmosphere, they must have permitted both reading, understanding, and analyzing, since there exists a fundamental unity between the simple interpretation and the deep meaning of any text or topic. Therefore, R. Soloveichik permitted even innovative analysis of all texts whose study is permitted on Tisha b'Av.

Context

In medieval Ashkenaz, many Jews studied the gloomy chapters of sefer Yirmiyahu in their entirety, even though many comforting verses were interspersed with the gloomy prophecies. R. Meir of Rotenberg (Maharam, 1215-1293) objected to this practice, and noted that God-fearing individuals, in opposition to the prevalent custom, would skip the comforting verses. (Tur, §554)

Perhaps Maharam believed that the gloomy prophecies were permitted because they do not gladden the mind. Therefore, any gladdening pesukim interspersed therein are forbidden to study. In contrast, the Ashkenazi Jews may have thought that just as reading and analysis are fundamentally one entity, all the verses in a given chapter comprise a single, simple mass. Hence, once the prohibition against studying a chapter is lifted, there remains no reason to distinguish between the verses within that chapter.

In a similar vein, the commentaries on Eichah and Iyov and the third chapter of Mo'ed Katan often cite verses and Mishnayos from areas of Torah otherwise forbidden on Tisha b'Av. Earlier, we noted that this precedent may allow for limited comparison and contrast of sad texts with joyous ones. These verses, Mishnayos, and otherwise joyous Torah texts may be studied because they meld seamlessly into the sad texts and thereby lose their joyous identities.

Torah Within Prayer

The Ramban similarly permits us to recite paragraphs of Torah, or entire sections, in the context of prayer. (Tur, *ibid.*) The simplest interpretation of Ramban's permissiveness lies in the fact that Torah recited by rote causes less intellectual joy than Torah studied with intent to understand, just as reading without understanding gives less joy than comprehension. However, in light of the above, one may explain that Torah in the context of prayer loses its Torah status, much as the Ashkenazi Jews believed that comforting verses in the context of gloomy prophecies lose their joyous identity. Since prayer is permitted, and Torah verses within prayer cannot be distinguished from other components of prayer, even the verses are permitted.

Practical Ideas

During the 25 hours of Tisha b'Av, we should ideally invest all our energies into intensifying sadness and mourning for the churban (temple's destruction) and the galus (exile). As R. Shlomo Kluger notes, even

daydreaming and idling are inappropriate activities, since they distract us from our sadness. Our attempts at attaining single-minded sadness, however, are often thwarted by lack of forethought. Even if we attend an elucidated kinnos recitation, we still sometimes idle away the fast's remaining hours. Yet proper planning can make Tisha b'Av the meaningful holiday it was meant to be. Torah study that frustrates us, saddens us, and most importantly, enhances our appreciation of our loss' magnitude, can complement and augment the Tisha b'Av experience. With proper preparation, we can enter this Tisha b'Av or the next with a custom made curriculum that arouses us to feel the Bais haMikdash's loss like a dagger-thrust to the heart.

Preparing such a curriculum, however, is no simple feat. It requires introspection, erudition, and imagination. When I prepare for Tisha b'Av, I ask: what makes me cry? What memories, what stories, what thoughts bring me to the verge of tears? These are memories we should carry with us into Tisha b'Av. Memories of insult, of insecurity, of denied gratification, or of failing in an important endeavor, are often particularly saddening. English-language books and periodicals devoted to Tisha b'Av, the holocaust, churban, and galus, can also provide us with significant inspiration for sadness. It makes no difference whether we start crying for selfish or altruistic reasons; our tears are for sin and its consequences. Just as frustration over difficult texts contributes to Tisha b'Av's disconsolate mood, sad selfish memories soften us to better mourn the Bais haMikdash's destruction and repent.

Yet this is only the first step. We cannot draw sadness from our memories alone; we must also find sadness in Chazal. Aside from Eichah, Iyov, etc. there are numerous sources in Chazal that can help us mourn for the churban. I personally find the last Mishnah in Masechet Sotah (49a-b) incredibly saddening, and I try to review it each Tisha b'Av. This Mishnah recounts the relentlessly progressive deterioration of ethical society that began with the churban and continues to the present day. If we study beforehand the texts recommended by Acharonim, we can identify those portions that most powerfully evoke our personal feelings of loss. In particular, we should initially focus on stories or happenings in Chazal that we relate to, which resemble occurrences in our own lives that made us sad.

Once we have studied Chazal's stories and statements, we can turn to our imagination. Chazal speak tersely, and they often of necessity eschew the poetic prose that characterizes contemporary novels and plays. We must each write our own script, faithful to the original account, but incorporating imaginative elements we know will make us sad. For example, Chazal tell us that Torah students once had the stamina to stand while learning from dawn until dusk and beyond. I imagine myself at the end of a long week, slumped in my seat, barely able to concentrate on the page before me. I imagine myself as I might have been. How I wish I lived in those times! How I wish they had never ended! How I wish they would soon return! Imagine who I could be, if not for the churban! Imagine who I am not, because of our galus! A businessman might be more attuned to descriptions of lost material wealth, and a barren couple might be saddened more by accounts of how Jerusalem's populace once was blessed with multitudes of children. Before appreciating the collective dimensions of our loss, each of us must imagine who they could have been but are not, what they could have had but do not, on account of the churban and galus.

May Hashem assist us in serving Him this Tisha b'Av, and may He speedily gather the exiles and in our days restore His Bais haMikdash.