

# Havdala With Wine During The Nine Days

By [Asher Bush](#) on Aug 1, 14

---



by R. Asher Bush

The communal mourning practices during the period preceding Tisha B'Av have changed over time, now challenging the performance of an important mitzvah. The Talmud<sup>1</sup> teaches that as part of our mourning in the period leading up to Tisha B'Av, a number of restrictions were imposed. When the month of Av begins, joy should be limited; during the week in which Tisha B'Av falls, it is prohibited to launder or cut hair. A prohibition to eat meat and drink wine was only formally made for the *Seudah HaMafsekes* (the final meal before Tisha B'Av).<sup>2</sup> Throughout the generations each of these mourning practices was extended by communal custom, leading the Rambam<sup>3</sup> to record that the universal practice is to refrain from eating meat during the week in which Tisha B'Av falls, while some communities refrain from the first day of Av. Three practices are recorded in the Shulchan Aruch<sup>4</sup> regarding the eating of meat and the drinking of wine: to refrain from the 17<sup>th</sup> of Tamuz, to refrain from Rosh Chodesh Av (with a Sefardic variation of eating these foods on Rosh Chodesh but not after<sup>5</sup>) and to refrain during the week in which Tisha B'Av falls. The universal Ashkenazic practice is to refrain from Rosh Chodesh.

## Does this also apply to Mitzvos?

It is clear from all sources that the custom of refraining from meat and wine never applies when there is a mitzvah involved. The Maharil explains that the reason for this exception is that there is no formal prohibition on consuming meat and wine. Our practice is based on a binding community *minhag* (custom), which the communities never accepted when the food is part of a mitzvah.<sup>6</sup> The most significant and obvious example of this is the Shabbos meals themselves, which are not subject to any such restrictions, even if one would start the Friday night meal before sunset or extend *Seudah Shlishis* into the night.<sup>7</sup>

Yet we do find that the consumption of meat and wine in various other mitzvah situations generated significant discussion among the *poskim*. The basic rule is reflected in the words of Rav Yosef Karo who wrote that one may drink the wine of *Havdala* and *Birkas HaMazon*.<sup>8</sup> This is consistent with the idea that the custom never precluded meat and wine when their consumption was part of a mitzvah.

The Ramo, however, records that the Ashkenazic practice is to refrain from drinking wine for *Birkas HaMazon* and *Havdala*. Instead, he writes, the practice is to give the wine of *Havdala* to a child to drink;

absent a child, an adult may drink it. He also adds that at a *Seudas Mitzvah*, a celebratory meal for a mitzvah such as a *bris*, *pidyon haben* or *siyum*, it is permitted for all attendees to eat meat and drink wine.

Following the Ramo's comment not to drink wine for *Birkas HaMazon* and *Havdala*, a parenthetical note is found in the text of the Ramo which references the Responsa of the Maharil as the source of this practice. However, this is not at all what is written in the Responsa of the Maharil—he writes that he never saw his own teachers refrain from drinking wine for *Havdala*. He does, however, quote those who also allowed drinking wine for *Birkas HaMazon*, about which he expressed discomfort. Similarly, in the *Minhagim* of the Maharil,<sup>9</sup> it is recorded that he permitted wine for a *bris*, *pidyon haben* or *siyum*, but would not use wine for *Birkas HaMazon*, even when it would be given to a child.<sup>10</sup>

Ostensibly, this ruling of the Ramo seems confusing and perhaps even problematic, since the practices he records do not seem to match the rulings of the Maharil at all. Before proceeding, it is important to note that Rav Moshe Isserles was well aware of the full text of the Maharil, which he quotes fully in his earlier writing, the *Darkei Moshe*.<sup>11</sup>

While there are several resolutions offered to this dilemma, Rav Moshe Feinstein's<sup>12</sup> is the most straightforward. Rav Moshe explained that today the common practice is for an adult to drink the wine even if a child is present. This is not a rejection of the ruling of the Ramo, but rather a reflection of the fact that wine was not readily available so throughout the year *Havdala* was commonly recited on other beverages. This is not true today where wine is readily available and is generally used for *Havdala*.

Based on Rav Moshe's explanation, it is clear why the Ramo's ruling never contradicted the Maharil's. Given the difficulty in acquiring wine, it was generally not used for *Havdala*. Accordingly, if a person were to use wine for *Havdala* it would be viewed as a treat to enjoy, which is most unlike the reason the Maharil permitted its use in the first place.<sup>13</sup> Accordingly, there is no contradiction between what Rav Moshe Isserles wrote in *Darkei Moshe* and in his glosses to *Shulchan Aruch*. One reflected the ideal while the other reflected the reality that wine was an uncommon commodity and viewed as a special pleasure.

### **So what should be done for Havdala?**

Based on Rav Yosef Karo's ruling, the universal Sefardic practice is to use wine as usual.<sup>14</sup> Based on all of the above, it would be assumed that the Ashkenazic practice is to either give the wine to a child or to drink it oneself. However, another possibility is also found. Until now, the thrust of this discussion focused on the permissibility of wine. Some took this matter in an entirely different direction, using beer or other alternative beverages instead of wine.<sup>15</sup>

While the Ramo recommended giving the wine to a child, the *Mishna Brurah* ((651:70)) pointed out that this cannot just be "any child." The child utilized must have reached the age of training for *brachos* and will drink the proper amount, but not yet reached the age of training to mourn over Yerushalayim.

Rav Avigdor Nebenzhal<sup>16</sup> pointed out in the name of Rav Shlomo Zalman Auerbach that it is generally difficult to find such a child who understands *brachos* but not the mourning for Yerushalayim. Accordingly, Rav Shlomo Zalman would drink the wine himself. It should also be added that given that Tisha B'Av falls in the middle of the summer, by the time Shabbos ends most such children will be asleep by that time as well.

Additionally, it might be suggested that even though for all purposes in *Halacha* (such as *Kiddush*, *Havdala*, Four Cups, etc) grape juice is considered wine, it still does not provide the joy of wine and might be a better choice of beverage on which to make *havdala* during the nine days.

- 
1. *Ta'anis* 26b [↩](#)
  2. *Ta'anis* 26b, OC 652:1 [↩](#)
  3. Laws of Fasting 5:6 [↩](#)
  4. OC 651:9 [↩](#)
  5. *Kaf HaChaim* 651:125, 126 [↩](#)
  6. *Minhagim of the Maharil*, Laws of Tisha B'Av #5 & #6. This is also the reason that Rav Moshe Feinstein (*Igros Moshe* OC 4:102) permits shaving during the three weeks before Tisha B'Av for business purposes. His reason is not that a prohibited action is permitted since it will result in the loss of money but that the custom was never adopted in such cases. This perspective is important from the point of view of Halacha and perhaps even more importantly philosophically. [↩](#)
  7. *Mishnah Brurah* 651:56 [↩](#)
  8. OC 651:10 [↩](#)
  9. *Minhagim of Maharil* (Laws of Tisha B'Av #6) [↩](#)
  10. *Ibid* (#8) [↩](#)
  11. OC 651:9. He quotes the Maharil saying one is permitted to drink wine at a *Seudas Mitzvah*, and all the more so for *Havdala*. The logic of this would presumably be that if we permit eating meat and drinking wine at a meal, where the intent is for pleasure, all the more so drinking wine for *Havdala* should be permitted since the wine is not primarily consumed for pleasure.

The Ramo's logic would seem to be quite the opposite, since he permitted wine for a *bris* but not for *Birkas HaMazon* or *Havdala*. The likely explanation for this approach is that were a *Seudas*

*Mitzva* to be eaten lacking the normal celebratory foods of meat and wine it will be a noticeably deficient meal, while that is not true in the cases of *Havdala* and *Birkas HaMazon*. In the case of *Havdala*, where the ideal choice of the Ramo is for a child to drink, there will be nothing lacking in the mitzva if a child and not the one who recited *Havdaladrinks*. Regarding *Birkas HaMazon*, it seems that the Ramo is following the opinion which regards the use of a cup of wine as preferable but not required. ↵

12. Quoted by his student Rav Aharon Felder in *Moadei Yeshurun*(vol. 1 page 154 footnote 64). ↵
13. As noted above in note #11. ↵
14. *Kaf HaChaim* 651:152 ↵
15. *Aruch HaShulchan* 651:26. Even though ordinarily the use of alternative beverages is only recommended when wine is not available (see *Mishna Brurah* 296:8), this practice considers the undesirability of wine during the Nine Days as sufficient reason to view these other beverages as preferred.

It should be noted that while this seems to be a commonly followed practice, it is not noted by most *poskim*. ↵

16. *Yerushalayim B'Moadeha*, (vol. on The Three Weeks, #167) ↵

#### ABOUT THE AUTHOR



Rabbi Asher Bush is the rav of Congregation Ahavas Yisrael in Wesley Hills, NY and is a longtime member of the faculty at Frisch Yeshiva High School. He is the author of *Responsa Sho'el B'Shlomo* and serves as the Chairman of the Va'ad Halacha of the Rabbinical Council of America.