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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תרט"ו סעיף א'-ב'

Halacha Highlight

Observing harchakos on Yom Kippur

Shulchan Aruch Siman 615 Seif 1

ואסור לגע באשתו כאלו היא נדה

It is prohibited to touch one's wife as though she is a niddah

Shulchan Aruch (סע' א') rules that not only are marital relations prohibited on Yom Kippur but it is prohibited to even touch her as though she is a niddah. Furthermore, all of the harchakos that are in force when a woman is a niddah apply on Yom Kippur as well. Poskim discuss whether it is permitted for a couple to serve as kvatar on Yom Kippur. Teshuvas Shevet HaLevi (ח"ז סי' ק"ס אות ב') writes that the custom is to be lenient regarding this matter since it is related to a mitzvah. Rav Shlomo Zalman Auerbach (אוצר הברית פ"ד סי' ח' הע' ה') also ruled that it is permitted and explained that for this matter one may rely on Taz's view that the prohibition for a husband and wife to touch one another applies only the night of Yom Kippur but not during the day (ועי' שעה"צ סק"א). Rav Nissim Karelitz (חוט השני יום כיפור עמ' קל"ט), however, ruled that a woman should not pass the baby to her husband and it should be passed to a third party between them.

The Mishnah Berurah (סי' תקנ"ד ס"ק ל"ז) wrote that although there may be a prohibition against touching one's wife, the restriction would be limited to the night of Tisha B'Av rather than during the day. The rationale for the distinction between Tisha B'Av and Yom Kippur is that on Yom Kippur women dress nicely in honor of the Yom Tov as opposed to Tisha B'Av and thus greater caution is required.

Another restriction mentioned by Mishnah Berurah (סק"א) is that a husband and wife should not talk too much, but he does not elaborate on the parameters of this restriction. When this issue is mentioned in Yoreh Deah (סי' קצ"ה סע' א') Shach (סק"ב) explains that the restriction is limited to discussions that could lead to intimacy, for example, joking and light headed conversation. Seemingly, the same applies on Yom Kippur as well. Mateh Ephraim (סע' א') suggests that on Yom Kippur one should not have excessive conversation even regarding mundane matters due to the sanctity of the day.

Overview

Siman 615 Seif 1:

Marital relations are prohibited on Yom Kippur and one may not touch his wife as though she is a niddah. It is also prohibited to sleep on the same bed as one's wife.

- This applies at night as well as during the day. All of the restrictions recorded in Yoreh Deah siman 195 apply as well. (M.B. 1)

Siman 615 Seif 2:

Someone who has a seminal emission on Yom Kippur night should be worried the entire year. If he survives the year it is certain that he is a ben-Olam-HaBa.

- It may be that Hashem is not interested in his service. If one had improper thoughts or did something else to cause the emission, although it is a grave transgression, there is no reason for concern that he is subject to death. Similarly, if he survives the year he is not assured that he will be granted a portion of the World-to-Come. The primary way to rectify this transgression is through Torah study. The primary purpose of learning is so that one could serve Hashem because one who studies but does not perform mitzvos would be better off had he not been created and his Torah study will not protect him. (M.B. 3)
- He obviously has a lot of merit that protected him and he will experience length of days. In such a circumstance one should give thanks and praise to Hashem that he was given life from Heaven. (M.B. 4)