**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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In memory of Esther Leah Cymbalista z"l
Niftera 7 B'Av 5766
Dedicated by their family.

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IN LOVING MEMORY OF

Jeffrey Paul Friedman z"l

August 15, 1968 – July 29, 2012

לע"נ

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The 3 Weeks and the 9 Days

What mourning practices apply as we approach tish'a Be-Av? Do they have particular relevance for women?

by Debbie Zimmerman

# Origins

After the destruction of the second Temple, rabbinic texts make special note of the three-week time period that begins with the fast of *Shiv'a Asar Be-Tammuz* (17 Tammuz) and culminates with the fast of *Tish'a Be-Av* (9 Av).

Among other tragedies, 17 Tammuz marks the breaching of the walls of Jerusalem leading up to the destruction of the Second Temple as well as the cessation of offering the daily offerings, the *korban Tamid* and the wine libation, *nisuch ha-yayin*. *Tish'a Be-Av* marks the date on which both Temples were destroyed.

Mishna *Ta'anit* 4:6

Five things befell our ancestors on 17 Tammuz and five on *Tish'a Be-Av*. On 17 Tammuz the tablets were broken, and the *Tamid* was ceased, and the city was breached, and Apostomos burnt the Torah and erected an idol in the Temple. On 9 Av it was decreed that our forefathers not enter the Land, and the first and second Temples were destroyed, and Beitar was besieged, and the city was plowed over. With the arrival of Av we decrease our happiness.

Drawing on a phrase from *Megillat Eicha*, the midrash calls this time period *bein ha-metzarim*, “between the straits,” and depicts it as threatening and inauspicious.

*Eicha Rabba* 1: 3

“All her pursuers overtook her between the straits” (*Eicha* 1:3) - on days of distress, from 17 Tammuz until 9 Av, when forces of bitter destruction are prevalent.

On Rosh Chodesh Av, a little more than halfway through these three weeks, we enter the nine days that will conclude with 9 Av. The mishna and Talmud describe customs of mourning that escalate in stages over this latter time period:

Mishna *Ta’anit* 4:6-7

With the arrival of Av we decrease our happiness…The week in which Tish'a Be-Av falls, it is prohibited to cut hair, and to do laundry…

*Yevamot* 43b

For it was taught: From the first day of the month [of Av] until the fast, the public restricts their activities in trade, building, and planting, and refrain from betrothals and marriages.  During the week in which the Ninth of Av occurs it is forbidden to cut hair, and to wash clothes.

These sources reflect the duality of this time of year. It is perceived as a time of looming danger, when halachic authorities caution against undertaking risky activities, court cases, and new business ventures. Simultaneously, it is a time to mourn the loss of the Temple, the exile, and the tragedies that have befallen the Jewish people in all generations, as well as to reflect on the behavior that brought about these tragedies.

Accordingly, some halachic authorities advise against particularly dangerous pursuits throughout the Three Weeks, while others limit these precautions to the Nine Days.

So, too, many early halachic authorities describe customs of mourning that gradually increase in intensity in the days and weeks leading up to *Tish'a Be-Av*. Although there are variations among communal traditions, the first stage of mourning typically entails prohibitions on haircuts, weddings, and other celebrations, while the second stage restricts eating meat, drinking wine, doing laundry, and bathing.

Sephardim typically follow Shulchan Aruch, who rules like the Talmud that the first stage begins on Rosh Chodesh Av, with additional customs added the week of the fast of *Tish'a be-Av*.

Ashkenazim, following Rema, typically move up the beginning of the first stage to 17 Tammuz, treating the full Three Weeks as a time of communal mourning for the destruction of both Temples and the resulting exile.[[1]](#footnote-1)

*Shulchan Aruch* OC 551:2

From Rosh Chodesh [Av] until the fast [of Tish'a B’Av] we decrease business dealings and construction undertaken for reasons of joy…And we do not get married or make a celebratory meal for an engagement….Rema: And we have the custom to be stringent and not get married from 17 Tammuz onwards, until after *Tish'a be-Av*.

Almost all these traditions are customs, not rabbinic enactments, which allows for leniency in certain cases. Nevertheless, when a community accepts customs upon itself, they become binding,[[2]](#footnote-2) so they are not to be treated casually.

Why do we mourn in stages?

Rav Yosef Dov Soloveitchik draws a halachic and conceptual correspondence between the stages of mourning of before Tish'a Be-Av and the stages of mourning for a parent. The Three Weeks correspond to the twelve months of mourning (yud-bet chodesh), the Nine Days to the first month (sheloshim), and the day of Tish'a Be-Av to shiv'a.

On a halachic level, Rav Soloveitchik applies customs of mourning for a parent to the Three Weeks, regardless of whether they were mentioned explicitly by earlier halachic authorities.

Conceptually, he explains that the laws and customs of mourning both respond to human emotions and redirect them.[[3]](#footnote-3)

Rav Yosef B. Soloveitchik, “*Avelut Yeshanah and Avelut Hadashah*: Historical and Individual Mourning”

Even though the mourning of an individual constitutes a *kiyyum she-ba-lev*, an inner, experiential fulfillment of the obligation to mourn, it must be translated into deeds, into technical observance….The Halakhah demanded that feeling be transposed into deed…that fleeting, amorphous moods be crystallized into real tangible symbols….*Avelut yeshanah* [mourning a past occurrence] does not establish itself at one bang; the process is generally slow. It…not only notes and gives heed to bygone days but also reexperiences, relives, restages and redramatizes remote events which seem to have forfeited their relevance long ago. The Halakhah could not decree observance of mourning at once. The reawakening takes time; it transpires gradually. It would be absurd, therefore, to start out with the practical observance of mourning before the experience has been reproduced and relived in all its tragic, frightening magnitude. The time between the Seventeenth of Tammuz and Rosh Hodesh Av is exclusively devoted to remembrance, to meditation, to reliving and reexperiencing. Only on Rosh Hodesh Av does the *avelut she-ba-lev* begin to be recorded on the register of objective mourning and the first signs of observance become visible.

The laws of mourning a parent reflect a person’s acute emotional distress and withdrawal from society after experiencing a major loss. They gradually decrease in intensity as the mourner reacclimates into society and regains emotional equilibrium.

The laws of mourning the Temples, considered a form of aveilut yeshana (lit. old mourning), are different. Here, we are not confronting to a new trauma, but attempting to mourn a historic one, albeit with lasting impact. We gradually increase the customs of mourning during the Three Weeks in order to evoke an emotional response to the loss and enter the proper mindset for Tish'a b’Av.

A number of excellent works summarize the basic laws and customs of the two stages of mourning. (We recommend [these](https://www.etzion.org.il/en/laws-fasts-bein-ha-metzarim-three-weeks) [pieces](https://www.etzion.org.il/en/laws-fasts-nine-days) By Rav David Brofsky at the VBM.)[[4]](#footnote-4) In the next few paragraphs, we highlight the customs that have some unique facet related to women.

# Early Adopters

Women receive special mention as originators or early adopters of some customs of mourning. In a passage devoted to assessing the validity of women's customs, the Talmud Yerushalmi teaches that women would refrain from weaving as of Rosh Chodesh Av.

Talmud Yerushalmi *Pesachim* 4:1

Rabbi Ze’ira said, the women who were accustomed not to weave [*de-la le-mishteiya*] from [the first] of Av, it is an authentic custom. For that was when the foundation stone [*even shetiyya*] ceased.

Tur explains that not creating or fixing new garments is a form of decreasing joy, as the mishna prescribes from the beginning of Av. (This can apply nowadays to knitting or to crocheting *kippot*.) He then mentions a variant text of the Yerushalmi, which describes a second custom:

Tur OC 551

Our text of the Yerushalmi in the chapter “*Makom She-nahagu*” – women who were accustomed not to weave wool [*le-mishtei amra*] from the beginning of Av, it is a [valid] custom. Rabbeinu Nissim explained from the term [*le-mishtei*] from “either in the warp [*sheti*] or the weft.” Since weaving is forbidden, all the more so preparing new clothes, and it is proper to be stringent with this from Rosh Chodesh, since it is also included in decreasing joy. And there are texts that read: not to eat meat and to drink wine [*le-mishtei chamra*], and from this some places have the custom not to eat meat and not to drink wine during this week, and some add from Rosh Chodesh until the fast.

This variant maintains that pious women kept the custom not to eat meat during the lead-in to 9 Av, with some disagreement about when that should begin, 1 Av or the Sunday of the week of *Tish'a Be-Av*, *shavu'a she-chal bo*.[[5]](#footnote-5) Since meat and wine are associated with joyous occasions, refraining from partaking of them is another way to reduce joy, reflective of mourning.

Rav Asher of Lunel explains this as a [mimetic tradition](https://deracheha.org/concepts-introduction), passed from woman to woman, of mourning the cessation of the daily *Tamid* offering (meat) and the wine libation on 17 Tammuz, in line with his community's practice to begin abstention from 17 Tammuz.

Rav Asher of Lunel, *Sefer Ha-minhagot*

I have seen esteemed women who refrain from eating meat and drinking wine from 17 Tammuz until the tenth of Av, and they say that they received this (tradition) from their mothers, generation after generation. It seems to me because of what our mishna says, that on 17 Tammuz the *Tamid* ceased, and similarly, due to our sins, the wine libation ceased. And here are some men who have this custom. And in Sefarad, the custom is not to eat meat from Rosh Chodesh Av until the tenth of Av.

# Meat and Wine

As we've seen, one of the earliest customs of mourning was to abstain from eating meat and drinking wine. Shulchan Aruch records customs of those who did not eat meat or drink wine during *shavua she-chal bo*, others the entire Nine Days, and others the entire Three Weeks.

In practice, Shulchan Aruch rules that the basic custom not to eat meat or drink wine commences on the Motza'ei Shabbat that begins *shavu'a she-chal bo*, though he recognizes additions. Ashkenazic custom, as indicated by Rema, is to refrain from eating meat and drinking wine throughout the Nine Days, except for *mitzvot* such as maintaining the health of the sick or celebrating Shabbat or a *berit mila*.

*Shulchan Aruch* OC 551:9

Some have the custom not to eat meat and not to drink wine during this week…and some add from Rosh Chodesh until the fast, and some add from 17 Tammuz. Rema: From Rosh Chodesh onwards, we put away the slaughtering knife, because we do not slaughter except when needed for a mitzva, as for a sick person or Shabbat or a *mila* or a *pidyon ha-ben* and so on.

In the next *se’if*, Rema expands on this:

Rema to OC 551:10

And for a mitzva feast, such as a *mila* or a *pidyon ha-ben* or a *siyyum masechet* or an engagement feast, all those connected to the feast eat meat and drink [wine], but one should limit it and not add on. During the week in which *Tish'a Be-Av* falls, only a bare minyan should eat meat or drink wine, and this is permissible even on *erev Tish'a Be-Av*, as long as it is not the meal immediately before the fast…

Rema allows for a limited number of celebrants to eat meat and drink wine at the celebration of a mitzva such as a *berit*, *pidyon ha-ben*, or *siyyum masechet*. Magen Avraham expressly states that women are included among the celebrants.

Magen Avraham OC 551:35

Women connected to the feast are also permitted to partake of meat and wine, and specifically in a place where they invite women to this feast

In the case of a *siyyum* during the nine days,[[6]](#footnote-6) American halachic decisor Rav Shlomo Wahrman rules that when a woman makes a *siyyum*, it counts to allow attendees to eat meat, though he prefers for reasons of *tzeni'ut* for the attendees to be women or household members:

Rav Shlomo Wahrman, *She'erit Yosef* 2:4

When a woman completes a tractate between Rosh Chodesh and *Tish'a Be-Av* and the members of her household or a group of women join in her celebration, it seems that all of them are permitted to eat meat and drink wine as at other mitzva feasts…

A *siyyum* during the Nine Days at an institution, such as a yeshiv'a or camp, can include everyone who usually eats together and allow them all to eat meat.[[7]](#footnote-7)

With the exception of the *seuda mafseket*, the final meal before *Tish'a Be-Av*, the proscription of eating meat is a custom, not a rabbinic commandment. Therefore, one who is sick, even with a minor illness, may eat meat during the Nine Days and *shavua she-chal bo*.

*Mishna Berura* 551:61

A sick person – even one who is only slightly ill. And even though Magen Avraham wrote (554:9) that some post-partum women refrained from eating meat and drinking wine from the 7th of Av, this only applies when they are not ill.

Pregnant and nursing women are generally included in the category of minor illness, so this halacha includes a pregnant woman who finds other food unappetizing or a nursing mother who needs meat for her own strength or her milk. Rav Ya'akov Reischer extends this leniency to allow menstruating women who find dairy unpalatable to eat poultry at this time of year.

Responsa *Shevut Ya’akov* I:27

For her entire seven days of *nidda* she is presumed to be slightly ill, and since the essence of this law not to eat meat is only a custom, if so, in a case of illness, even minor illness, one should not practice a prohibition. Specifically, any woman who comes to ask certainly feels in herself that she cannot tolerate dairy foods because of the sensation in her body…This is specifically to permit eating poultry…

# Appearance and Grooming

In another parallel to the laws of mourning, a number of customs of this time period restrict typical behaviors related to appearance and grooming, such as getting a haircut, shaving, cutting nails, or using make-up. In many cases, there is special halachic leniency for women.

Why should halacha differentiate between men and women regarding restrictions on grooming in the three weeks or nine days?

Some halachot are defined in light of common practice. Until recently, for example, many forms of grooming have been considered feminine behavior. Acts such as removing body hair have been prohibited to men in locales and time periods in which they were considered feminine practices.

*Shulchan Aruch* YD 182:1

[A man] who removes hair from the armpits or pubic area, even with scissors like a razor, they would give him lashes of rebelliousness. Where does this apply? In a place where only women remove it, in order that he not groom himself in a feminine manner. But in a place where men also remove it, if he removed it, he does not receive lashes. Rema: And it is even permissible *le-chat’chila* (in the first place).

Recent halachic q and a abound with men asking questions as to whether such actions are still prohibited today. The answer often depends on changing communal norms.

Additionally, many of the leniencies for women’s grooming specifically mention married women, especially newlyweds, or single women dating for marriage. Leniencies in this vein focus on grooming as it relates to physical attraction within relationships. This concept is often expressed from the point of view of the man, as when Rabbi Akiva insists that a woman in nidda be permitted to make herself up and dress nicely lest she become unattractive to her husband:

*Shabbat* 64b

"The one who is unwell during her *nidda*" (*Vayikra* 15:33), the first elders said: she should not use eye makeup or blush or adorn herself with colorful clothing, until Rabbi Akiva came and taught: If so, you make her unattractive to her husband…

Although norms of how we talk about women’s bodies and the male gaze have changed, physical attraction remains an important element of intimate relationships. As grooming standards for men evolve and as more wives are particular about their husbands’ grooming, it is possible that we'll see more halachic leniencies for men's grooming during the three weeks.

**I. Hair Removal** Following the Talmud, Shulchan Aruch rules that haircuts and shaving are prohibited only during *shavua she-chal bo*, while Rema prohibits haircuts for the entire Three Weeks.

Shulchan Aruch 551:12

Cutting hair during this week, either his head or any other hair, is prohibited.

Rema 551:4

We are accustomed to be stringent with haircuts from 17 Tammuz,

Prevalent Ashkenazi men's custom follows Rema, while Sephardi men's custom depends on the specific community.

Several halachic authorities are more lenient here with women. Though Rema disagrees, Shulchan Aruch rules that women, even when in actual mourning over a relative, need not refrain from getting haircuts.

*Shulchan Aruch* YD 390:5

A woman is permitted to remove hair after shiv'a. Rema: There are those who prohibit even for a woman, and this is the essential [law].

For this reason, Rav Yitzchak Yosef rules that Sephardi women may get haircuts as desired.

*Yalkut Yosef, Mo’adim, Mi-dinei Yemei Tish'a Be-Av 7*

It is prohibited to get a haircut during the week in which *Tish'a Be-Av* falls…and it is permissible for a woman to get a haircut during the week in which *Tish'a Be-Av* falls.

In 18th-century Austria, Rav Meir Eisenstadt also rules leniently regarding women's haircuts:[[8]](#footnote-8)

ועוד נשאלתי אשה אם מותרת לגלח מר"ח [=מראש חודש] עד התענית ונראה לי ג"כ [=גם כן] כיון דבאבל גופא פסק הרי"ף והרמב"ם דאשה מותרת לגלח אחר ז' נראה להקל באבילו[ת] ישינה במילי דיחיד ולסמוך במילי דרבנן על הרי"ף והרמב"ם דמותר ג"כ [=גם כן] לאשה לגלח מר"ח [=מראש חודש] עד התענית

Responsa *Panim Me’irot* III:37

I was further asked by a woman if it is permissible to shave [her head] from Rosh Chodesh until the fast. And it also seems to me that since with actual mourning the Rif and Rambam ruled that a woman is permitted to shave after *shiv'a*, it seems that one can be lenient with *aveilut yeshana* for a private matter, and rely in a rabbinic matter on the Rif and the Rambam that it is also permissible for a woman to shave from Rosh Chodesh until the fast

Rav Shlomo Zalman Auerbach reportedly relied on this leniency until *shavu'a she-chal bo*, at least for women who are dating:[[9]](#footnote-9)

Rav David Auerbach, *Halichot Beitah*, p. 371, note 70\*

I heard from my uncle, Rav Shlomo Zalman…that one can certainly be lenient from Rosh Chodesh until the week in which *Tish'a Be-Av* falls

Others provide more limited leniency. For example, Mishna Berura allows for the possibility of a woman trimming her hair specifically when it will otherwise be harder to contain within a head-covering:[[10]](#footnote-10)

*Mishna Berura* 551:79

Haircut etc. – Both men and women are equal in this prohibition, and it is possible that one should allow a woman [to shave] a proliferation of hair on the temples.

While Rav Moshe Feinstein rules that women should ideally refrain from haircuts, he also leaves room for leniency as necessary until *shavu'a she-chal bo*.

*Iggerot Moshe* YD II 137

Regarding a haircut for a woman in the days of the *omer* count, even though it is reasonable to permit it, since even in mourning after *shiv'a*within *sheloshim* many early authorities permit it…during *bein hametzarim*, since it is only a matter of custom, one should be lenient like those who permit it, but in any case it seems that the law is that it is proper to be stringent if it [a haircut] is not terribly necessary.

As for body hair, there is no constraint on a woman’s removing hair that she is particular about for mikveh.[[11]](#footnote-11) Rav Moshe also reportedly permits a woman to shave body hair throughout the Three Weeks as is her custom, even during *shavu'a she-chal bo*:

Rav Shimon D. Eider, *A Summary of the Halachos of the Three Weeks*, p. 4

A married woman or one of marriageable age may shave her legs even during the Nine Days (I heard this from Rav Moshe Feinstein shlit”a).

The rules regarding removing facial hair are even more lenient. Rav Gavriel Ciner even permits men, for whom laws of grooming are usually stricter than for women, to shave their eyebrows:

Nit'ei Gavriel, Laws of Bein Ha-metzarim 19:6

…Eyebrow hair, it is permitted to shave.

**II. Cosmetics** Rav David Auerbach infers that a woman may apply makeup and perfume in her usual way, since she does so in order to enhance beauty and not as a matter of joy.

Rav David Auerbach, *Halichot Beitah*, p. 371, note 70\*

The purpose of makeup is for adornment and beauty and the like, and it does not have an aspect of pleasure and joy because she does this the entire year…This is different from haircuts, which are occasional…and similar to combing hair, which is permissible even during the week in which *Tish'a Be-Av* falls…It is demonstrated that one should be more lenient with a woman…if she does this the entire year… and in the matter of putting perfume on her body or her clothing because of sweat, one can be lenient.

This reasoning could be extended to any grooming practice performed on a regular basis. As a matter of mourning, though, there is good reason to refrain from treatments that are performed infrequently and reserved for special occasions.

**III. Cutting Nails** There is debate about whether one should refrain like a mourner from cutting nails during *shavu'a she-chal bo*. Even those who follow this custom are lenient about cutting nails for Shabbat or in preparation for mikveh immersion.

*Mishna Berura* 551:20

Regarding cutting nails, there are different opinions among later authorities. Therefore, when needed for the mitzva of mikveh immersion, it is certainly permitted. And similarly in honor of Shabbat…

Applying polish in a woman's usual way would be permitted as a cosmetic.

**IV. Washing** Washing for pleasure in warm water is prohibited during the nine days.[[12]](#footnote-12)

*Shulchan Aruch* 551:16

There are those who are accustomed not to bathe from Rosh Chodesh, and there are those who refrain only during this week, and there are those who fast from 17 Tammuz until *Tish'a Be-av*. Rema: It is permissible [to bathe] when necessary for a mitzva; therefore, a *nidda* bathes and immerses, and even if she immerses on the night of 10 Av, she is permitted to bathe on the eve of *Tish'a Be-Av* if it is not possible for her to bathe on the night of the 10th. It seems that this also applies to a woman who wears white [to begin counting her clean days], she may wash a bit as she normally does during the rest of the year, since she does not do it for pleasure, only for a mitzva. The custom is not to bathe even in cold water from Rosh Chodesh on. Even on the eve of Shabbat Chazon it is prohibited to bathe, except for his head, face, hands, and feet in cold water, and there are those who are lenient to wash the hair in warm water for those who normally do that every Shabbat.

Rema makes exceptions for a woman bathing in order to observe the laws of *nidda* or for anyone preparing for Shabbat who customarily bathes for Shabbat.

Nowadays we are more sensitive to dirt, odor, and perspiration. Therefore, many contemporary halachic authorities allow bathing for hygienic purposes, or to remove perspiration on hot summer days, washing quickly in cooler water, in order to remove sweat or dirt without taking excess pleasure.

Responsa Iggerot Moshe EH IV:84:4

Regarding the question of the yeshiv'a students, whether on a hot day it is permissible to bathe after Rosh Chodesh Av until Tish'a Be-Av, since they intend to remove sweat, and not for pleasure, one can really be lenient.

Similarly, although it is customary not to clean clothes, Rema is lenient with clothes that a woman needs to observe the laws of nidda or clothes for Shabbat. (See more about wearing and buying new clothes in note 1).

Shulchan Aruch OC 551:3

The week of Tish Be-Av it is prohibited to get a haircut or do laundry, even if he does not want to wear it now but rather put it aside until after the 9th of Av. And even if he only has one robe, it is prohibited. And [it is also prohibited to use clean] items that were laundered earlier – whether it’s clothing, sheets, hand or table towels. Rema: And we are stringent with all this from Rosh Chodesh until after the fast, but not in the case of a mitzva, such as a woman who is wearing white is permitted to launder and wear white and make the bed with white sheets…and similarly in honor of Shabbat we wear linen garments and use white sheets as on other Shabbatot.

Rema also extends permission for laundering to all children’s clothes when necessary.

רמ"א שולחן ערוך או"ח תקנא:יד

.... ואפילו בגדי שאר קטנים נוהגים להקל

Rema Shulchan Aruch OC 551:14

…Even with other children's clothes the practice is to be lenient.

# Concluding Thoughts

The stages of mourning during the Three Weeks are designed to help us internalize the loss of the Temples so that our mourning is truly felt. Dr Erica Brown raises the challenging of balancing physical and spiritual practice in this time period:[[13]](#footnote-13)

Dr Erica Brown, "Introduction," *In the Narrow Places*

Even when we recognize the cognitive importance of recalling the past, we are not always capable of rising to the emotional challenge of reliving it. Instead, we often find ourselves immersed in the particularities of Jewish law, reviewing the minutiae of observance, not always as a preparation for this period but often as a distraction. If we lose ourselves in the questions of whether or not to listen to music on a radio, buy particular objects of clothing if they are discounted, or engage in instructional swimming, we may avoid the more essential task of the season: creating genuine sorrow over the incalculable loss of our Jewish spiritual center….The halakhic restrictions of the period help us structure our worlds to minimize joy but they cannot force sadness; they can only minimize the conditions for happiness…. During the Three Weeks and Tish'a B’Av, we do not only bemoan a recurring past. We also stand in a spiritually secure place, in the presence of community, and ask ourselves the existential questions that every individual and community must ask.

# Further Reading

* Rav David Auerbach, *Halichot Beitah* 25.
* Dr. Erica Brown, In the Narrow Places. Jerusalem: Koren, 2011.
* Rav David Brofsky, [*Bein Ha-metzarim*: The Three Weeks](https://www.etzion.org.il/en/laws-fasts-bein-ha-metzarim-three-weeks), VBM shiur.
* Rav David Brofsky, [The Nine Days](https://www.etzion.org.il/en/laws-fasts-nine-days), VBM shiur.
* Rav Shimon Eider. *A Summary of the Halachos of the Three Weeks.* Jerusalem: Feldheim, 1978.
1. There is some dispute as to whether these prohibitions begin the night of 17 Tammuz or with daybreak. Chida (Responsa *Chaim Sha’al* 1:24) rules that the customs begin with nightfall on 17 Tammuz. Rav Moshe Feinstein allowed for weddings and haircuts in a case of great need, since this is based in custom.

שו"ת אגרות משה או"ח ד קי:ב

ובדבר אם מותר תספורת בלילה השייך לשבעה עשר בתמוז הנה למה שבארתי בתשובה (או"ח ח"א סי' קס"ח) לענין לעשות נישואין בלילה הוא במחלוקת ראשונים בעה"מ ורמב"ן .....ולצורך גדול יש להתיר.

Responsa *Iggerot Moshe* OC IV:112:2

Regarding the matter of it is permissible to have a hair cut on the night of 17 Tammuz, according to what I explained in the matter of making a wedding on that night, it is a dispute of the early halachic authorities Ba'al Ha-me'or and Ramban..and for a great need one can permit it.

One halacha which Shulchan Aruch also applies from 17 Tammuz is not reciting *She-hechiyyanu* during the Three Weeks. On this topic, Mishna Berura clarifies that one can recite *She-hechiyyanu* on Shabbat during the three weeks and can even wear new clothes of an unremarkable nature on weekdays of the three weeks.

שולחן ערוך אורח חיים תקנא:יז

טוב ליזהר מלומר שהחיינו בין המצרים על פרי או על מלבוש.  אבל על פדיון הבן אומר, ולא יחמיץ המצוה.

*Shulchan Aruch* OC 551:17

It is proper to refrain from reciting *shehechiyanu* on new fruit or clothing during the three weeks. But he should recite it upon redeeming a firstborn so as not to miss the mitzva.

משנה ברורה סימן תקנא:מה

 ולדעת המקילין דבשבתות שבין המצרים מותר לברך שהחיינו א"כ מותר ללבוש חדשים [מח] בשבתות שבין המצרים אבל מר"ח ואילך אסור אפילו בשבת [מט] ובגדים שאינם חשובים כ"כ שא"צ לברך עליו שהחיינו כגון מנעלים חדשים ואנפלאות וכיו"ב בודאי מותר לקנותו וללבשו מי"ז בתמוז עד ר"ח

 *Mishna Berura* 551:45

In accordance with the lenient view that one may recite She-hechiyyanu on Shabbatot of the three weeks, it is permissible to wear new clothse on the Shabbatot of the three weeks, but from Rosh Chodesh and onward it is prohibited even on Shabbat. Clothes that are not too important, over which one does not need to recite She-hechiyyanu, such as shoes and socks and the like are certainly permitted for purchase and wear from 17 Tammuz until Rosh Chodesh [Av]. [↑](#footnote-ref-1)
2. See our discussion of binding custom here: <https://deracheha.org/voluntary>-mitzva-performance [↑](#footnote-ref-2)
3. In *Out of the Whirlwind* (New York: Toras HoRav Foundation, 2003), 19-20. [↑](#footnote-ref-3)
4. A note on music, which is often of particular interest: There is a tradition that our enjoyment of live music should be curtailed following the destruction of *Beit Ha-mikdash*, which we discuss here: <http://deracheha.org/kol-isha-1-halachic-basis>. Over the course of the generations, most communities have become lenient about this. Still, halachic authorities have called for special care during the Three Weeks. Rav Ovadya Yosef, for example, rules against listening to most forms of recorded music during the Three Weeks and Nine Days.

Responsa *Yechaveh Da’at* VI:34

To summarize: Even though the basic halacha is to permit listening to religious songs with instrumental accompaniment during the rest of the year on the radio or a recording; however, during *sefirat ha-omer* and similarly during *bein ha-metzarim* one should refrain from hearing them. In any case, for a celebration of a mitzva such as a *mila*, or a *pidyon ha-ben*, or a *siyyum* of a tractate, or a bar mitzva, it is permitted to listen to religious songs with instrumental accompaniment, for wherever there is a celebration of a mitzva one may be lenient with this. Singing in the manner of praise to God, without instrumental accompaniment, is permitted even during these days, and all the more so that one may sing pleasant tunes during prayer, or when occupied with Torah, and all the more so on the Shabbatot that fall during *sefirat ha-omer* or *bein ha-metzarim*, and one should not be stringent with this at all.

Other opinions distinguish between the purpose of the music, or the type, or make exceptions to help those suffering from depression. For example, Rav Aharon Lichtenstein reportedly permitted music to facilitate staying awake when driving, or to keep time during exercise. (For more on this topic, see [here](https://www.etzion.org.il/en/three-weeks-and-nine-days)).

Rav Zalman Melamed writes that only happy music is ruled out, as opposed to sad music that reflects the theme of loss. Additionally, he allows for playing music on Friday afternoons and Motzei Shabbat to facilitate the transition from mourning to the sanctity of Shabbat.

פניני הלכה מנהגי שלשת השבועות ד

שיש לחלק בין ניגונים של שמחה לניגונים רגילים, שרק ניגונים של שמחה ראוי לאסור בימים אלו, אבל ניגונים רגילים, וקל וחומר ניגונים עצובים, אין לאסור בשלושת השבועות....הערה: נראה, שגם לפי המחמירים, ביום שישי אחר חצות ובמוצאי שבת, אפשר לנהוג כדעת המקילים, מפני שקדושת השבת ושמחתה חופפת על זמנים אלו

Peninei Halacha, Customs of the Three Weeks 4

One should distinguish between tunes of joy and regular tunes, for it is only fit to prohibit only tunes of joy in these days, but regular, tunes, and how much more so sad tunes, one should not prohibit in the three weeks…Note: It seems that even according to those who are stringent, on Friday afternoon and on Motza'ei Shabbat one can act in accordance with the lenient view, since the sanctity and joy of Shabbat overlaps with these times. [↑](#footnote-ref-4)
5. Machzor Vitry 263

In the Talmud Yerushalmi, the master said: our women who did not drink wine from 17 Tammuz until *Tish'aTish'a Be-Av*, it is a [valid] custom. Most of the ge’onim in Lotharingia were accustomed not to eat meat and not to drink wine from the beginning of Av until 9 Av. On the eve of 9 Av, bread with salt and water, for some start early, to observe this custom from 17 Tammuz until 9 Av. [↑](#footnote-ref-5)
6. There are many who purposely plan a *siyyum* for this time period so that they may eat meat. Aruch Ha-shulchan offers a nuanced outlook on this custom:

Aruch Ha-shulchan OC 551:28

There are some who delay finishing a tractate until this time so that they can eat meat. And this is an ugly thing… to purposefully delay in order to eat meat – it is unseemly and inappropriate. And there are those who purposely learn a tractate so that they may make a *siyyum* in this time, and this is allowed, as this is an incentive to learn Torah, but only students of Torah scholars who also learn Torah should be invited. And we do not have the custom of making a *siyyum*, and if we happen to finish we delay the *siyyum* until after Tish'aTish'a Be-Av, so that we can properly rejoice in the celebration of the *siyyum* and give proper honor to the Torah. [↑](#footnote-ref-6)
7. Rav Shimon D. Eider, *A Summary of the Halachos of the Three Weeks* (Jerusalem: Feldheim, 1978), 8, in the name of Rav Moshe Feinstein. [↑](#footnote-ref-7)
8. Tosafot consider a similar argument:

Tosafot *Yevamot* 43a

Perhaps a woman, who is permitted during mourning, is also permitted [to cut her hair] on *Tish'aTish'a Be-Av* [↑](#footnote-ref-8)
9. It is unclear why Rav Auerbach gives this a heading of a woman who is dating for marriage, since there is no internal reference to that. [↑](#footnote-ref-9)
10. Peri Megadim, Mishbetzot Zahav on OC 551:12

A woman after *Shiv'ashiv'a*, on can rule in accordance with Bach to permit shaving the temples, it is possible that the same applies here.

Bach YD 390:6

For in a place where a woman normally shaves this hair, like proliferation of hair at the temples, she may remove them after *Shiv'ashiv'a.* [↑](#footnote-ref-10)
11. Shiurei Shevet ha-Levi 198:20

And those who are accustomed to cut it are permitted to also during Sefira and Bein ha-metzarim. [↑](#footnote-ref-11)
12. Rav Ovadia Yosef writes that Sephardic custom limits this to *shavua she-chal bo*:

שו"ת יחוה דעת חלק א סימן לח

אולם בארץ ישראל מנהגינו להקל כדברי הרמב"ם ושאר גאוני ספרד, שלא אסרו מצד המנהג, אלא בשבוע שחלק בו תשעה באב.

Yechaveh Da'at I:38

However in the Land of Israel our custom is to be lenient in accordance with the words of Rambam and the other early authorities of Spain, who prohibited [washing] as a custom only in the week on which Tish'a Be-Av falls. [↑](#footnote-ref-12)
13. Available here: <https://www.ou.org/life/torah/in_the_narrow_places/> [↑](#footnote-ref-13)