



THE ימי בין המצרים

THREE WEEKS

תשפ"א

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Laws and Customs of Three Weeks

by Rav M Donnebaum

As a result of the churban Beis Hamikdash and the associated aveilus, Chazal instituted various levels of restrictions to concur with these events. Although the majority of these restrictions begin from Rosh Chodesh Av (the “nine days”) [or the “week of Tisha B’ov” according to Minhag Sefard] there are some which customarily begin from Shiva Osor B’tamuz, the beginning of the three weeks and intensify as it gets closer to Tisha Be’Ov. This article is a brief list of various customs and limitations according to Minhag Ashkenaz² which are based on the following categories that are forbidden during the three weeks;

- Birchas Shehecheyonu
- Haircutting and Shaving
- Participating in a Wedding
- Music and dancing
- Safety and Danger
- Simcha Yeseiro (‘Extra’ Joy)

Please note that unless stated otherwise, halochos permitted ‘during the three weeks’ apply up until Rosh Chodesh Av only.

No Restrictions

There are no restrictions prior to Rosh Chodesh Av³ with regard to;

- eating meat or drinking wine⁴
- laundering clothing
- wearing freshly laundered clothing
- bathing or showering
- sewing, knitting new clothing⁵

Fast of Shivo Osor B’Tamuz

- Although the fast only begins at daybreak, the mourning practices which commence from the 17th of Tammuz come into effect at nightfall⁶ (Motze Shabbos).
- When Shabbos is the 17th of Tammuz (and the fast is on Sunday), there are no ‘three week’ restrictions on Shabbos⁷.
- One who plans on eating before day break must make a ‘tnai’ (condition) prior to going to sleep that they plan on doing so⁸. It is preferable to make a ‘tnai’ with regard to drinking as well⁹.
- If someone went to sleep without making a tnai, and realised later in the night that they forgot to eat melave malka, they may eat melave malka since this is eaten every motzei shabbos.



- If one is washing on bread or eating cake in the morning before the tanis they must begin prior to half hour before alos hashachar. (Alos Hashachar Sunday morning 6:13am) .
- Me’ikar hadin, apart from eating/drinking and the three week stringencies, no other restrictions apply on **Shivo Osor B’tamuz**. Hence one may wash and wear clean clothing etc on the fast. However, the Mishna Berura¹⁰ notes that a *Baal Nefesh* (a scrupulous individual) should refrain from the other restrictions of Tisha B’av (except for the leather shoes restriction) on **Shivo Osor B’tamuz** as well. The Biur Halochos¹¹ adds that one adhere to all of the **nine day restrictions** on the taanis.
- Although there are leniencies with regard to not fasting, one should not rely on these leniencies **without a heter from a competent halachic authority**. Similarly, one who is not fasting should only eat staple foods and not delicacies etc and should be sensitive to others who are fasting eg not to eat in their presence¹².
- **Brushing teeth** or rinsing one’s mouth (with mouth wash) should not be done on a fast day. However, there is room for leniency where this will cause much discomfort. One should face one’s mouth downward so as not to accidentally swallow any of the liquid¹³.
- **Women cooking** during the fast for after the fast are allowed to taste the food to ensure the right flavor, but may not swallow¹⁴.
- As on any other fast day, one should be mindful of their obligation to recite **100 berochos** each and every day. It is possible to make up the missing berochos by making berochos on pleasant scents. Additionally, answering the berochos of the olim to the Torah and of maftir with intent may also be counted.
- One who accidentally made a berocho on food on a taanis and then remembered that it was a fast day, may partake a small part of the food or drink so that the berocho should not be invalid. Some Poskim rule one should not partake any food/drink rather they should recite immediately ¹⁵דעו מלועל ותוכלו דובק שם יורב.

Krias Hatorah

- The general accepted rule is that one **may not receive an aliya** to the Torah where he is not a part of that reading¹⁶. For example, a person who, for whatever reason, is not fasting on a public fast day may not receive an aliya when leining ‘vayechal’, even if he is the only Kohen or Levi present in the shule¹⁷. This includes even someone who has not yet eaten in the morning,

1 There is a machlokes if in a year that Tisha Be’ov falls on a Shabbos and is ‘pushed’ off till Sunday if there exists a ‘week of Tisha Be’ov’.

2 This list is only partial and is not a list of *all* the restrictions.

3 On shiva osor b’tamuz some of these restrictions do apply - see below from Mishna Berura 550:6 and Biur Halochos 551:2

4 See OC 551:9, but that is not the accepted custom

5 RSZ”A in Shalmei Moed p 478.

6 Chido in CHayim Sho’al 1:24. However, Rav Moshe Feinstein (Igros Moshe OC 1:168. See also IGM OC 3:100) rules that it is permissible to get married on the night of Shivo Osor b’Tamuz. (However when the 17th of Taamuz falls on Shabbos then Rav Moshe agrees that all three week prohibitions are in effect on motzei Shabbos). Rav Wosner disagrees. See Kovetz Halochos (Rav Sh Kamenetsky) 4:2 and fn 2 for a longer discussion. In 5:2 fn1 he permits reciting a shehecheyonu during this time.

7 See Mogen Avrohom 551:42

8 OC 564:1. Rav Sh Kamenetsky (Kovetz Halochos 2:11) rules that bedieved one can eat even without a verbal or mental condition, as long as their intention was to eat before day break.

9 Mishna Berura 550:6 and see Shaar Hazion 8;9

10 See Mishna Berura 564:6

11 Biur Halochos 551:2 who says v’efshar. See Dirshu notes with regard to a cold shower.

12 This is especially relevant to teenagers in school, where a classmate is not fasting.

13 MB 567:11

14 MB 567:6

15 See Kovetz Halochos 2 fn 12 for discussion on this topic

16 OC 566:6. Many Poskim agree that a person not fasting (or not part of the krias HaTorah for other reasons - for example Yom Tov sheini for a ben Eretz Yisroel) cannot be the baal koreh either. The Mate Efraim 602:6 permits other kibudim eg hagbe, gellia etc but the Oruch Hashulchan 135:14 disagrees.

17 Poskim discuss whether the Kohen/Levi ‘must’ leave the shule (where there is no other Kohen/Levi) in order to avoid being called up. The Mishna Berura (566:21) concludes that on a regular taanis day they should leave (but not a Behav fast day).

but plans on eating later during the day¹⁸. Someone who (at the time of leining) is unsure if he will be able to conclude the fast may have an aliya¹⁹.

- Poskim disagree in the case where someone not fasting was **already called up** for an aliya - bedieved may they be *oile* for the aliya? The Mishna Berura concludes that where there might be a chilul Hashem, for example the person is a talmid chochom, he may be *oile*. However, in the first instance, one should try to avoid this situation²⁰.

Birchas Shehecheyonu

- One should refrain from **reciting a “Shehecheyonu”** during the three weeks unless the opportunity will not be available after Tisha B’ov²¹. **Hatov VeHameitiv** (which is recited on a new item of value which is shared with others) is a machlokes haPoskim²².
- Therefore one is permitted to recite a “Shehecheyonu” upon the **birth of a baby girl** and on a new fruit which will not be available later²³.
- **Shehecheyonu** may be recited on Shabbos²⁴
- **Me’ikar hadin new clothing** may be worn during the three weeks. The only issue is the berocho of “shehecheyonu” which is not recited during this period. Therefore, **me’ikar hadin** clothing which requires a “shehecheyonu” (eg a new suit) may be worn on Shabbos (when a “shehecheyonu” may be recited) **and new clothing** (eg a new jumper/top) **me’ikar hadin** may be worn even during the week days²⁵. However, many follow the custom to wait with any type of clothing until after the three weeks²⁶. This custom does not include undergarments and other ‘simple’ items of clothing, rather clothing which has a degree of ‘simcha’²⁷.

- **Purchasing new clothing** to be worn after the three week period is permitted according to some Poskim²⁸.
- A **Bar Mitzva boy** whose bar mitzvah is during this period, should preferably wear the suit prior to the three weeks and recite the shehecheyonu at that point. Where this was not done he should recite the shehecheyonu on Shabbos²⁹.

Dancing, Music, Events etc

- **Weddings** - Minhag Ashkenaz ordains that one not get married during this period³⁰, notwithstanding the fact that the seuda is considered a seudas mitzvah³¹. One may however participate in a wedding of a Sefardi couple³².
- **Vorts and Engagements** (even with a meal) are permitted during the the three weeks³³ since they are **seudos mitzvah**. provided there is no music or dancing³⁴. From Rosh Chodesh until after Tisha B’Av these may take place with **refreshments only**.
- Dancing, playing or **listening to music** is prohibited³⁵. The overwhelming majority of Poskim are of the opinion that **recorded music** (cDs, mp3s etc.) has the same status as live music and is forbidden during the three weeks³⁶.
- **Listening to Chazonus** (even when accompanied with a musical instrument) is permitted according to some Poskim³⁷. **Nigunei regesh’** (hisorerus) is a dispute among the Poskim³⁸. Rav Sh”Z Auerbach advised that ideally these forms of ‘song’ be avoided as well³⁹.
- A store which requires background music should utilise **Nigunei regesh’**.
- **Singing** which is unaccompanied by music is a dispute amongst

18 OC 566:8.

19 Shoel U'Meishiv Tinyono 2:58.

There is a popularly quoted Chasam Safer (Teshuvos OC 157) that the Krias HaTorah on public fast days (which are noted in Neviim) is connected to the actual fasting "day" rather than the act of fasting. Accordingly, even ten people who are not fasting (eg a minyan in an old age home) read parashas vayeichal during shacharis and mincha and someone not fasting may have aliya. However common custom is to follow the opinions who associate the Krias HaTorah with the act of fasting. The halachos noted in this article follow this view.

20 Therefore a Rov who regularly receives an aliya on a ta'anis and for some reason is unable to fast, should not daven in that minyan.

21 OC 551:17 and Rema ibid. The Gro and Taz are of the opinion that one may recite this Berocho. Rav Sh”Z Auerbach (Shulchan Shlomo 17) rules like them. However common custom is to prohibit this.

The reason for this restriction is a machlokes between the Mogen Avrohom and the Maharil (Minhogim (Hil TB 8 sv omar). In the opinion of the Mogen Avrohom (551:42 cited in MB 98) the reason is because of the content of the berocho and not because of the mourning (as an ovel may recite a shehecheyonu). Since the words of the berocho express appreciation as having reached this “special” time, it is not befitting to recite this when Klal Yisroel are commemorating a time of *puronuyos* (retribution and vengeance). Conversely, the Maharil states that the reason is in order to minimise 'simcha' during a time of mourning [see following footnote]. The Maamar Mordechai (551:12) sides with the Maharil's opinion.

22 Kaf Hachayim 175:11 prohibits while Shaarei Teshuvah 551 permits. See Yavetz and Moed Ichol Chai 9:24 (see Mekadesh Yisroel 29).

Kovetz Halochos (Rav Sh Kamenetsky) 5:2 and fn 1 notes that whether one may recite a *Hatov VeHameitiv* during the three weeks depends on the machlokes noted in the previous footnote. If the problem with the *shehecheyonu* is because of the content of the berocho of having reached this “special” time, then *Hatov VeHameitiv* would be ok. But if the issue is 'simcha' then *Hatov VeHameitiv* is also a problem. Rav Moshe Feinstein (OC 3: end 80) permits *Hatov VeHameitiv*.

23 Rema ibid.

24 MB 551:98 (see also 551:45). The Ari Hakodosh prohibits on Shabbos as well. The Aruch Hashulchan rules that during the three weeks one may recite a she'hecheyonu on Shabbos, but during the nine days one should not recite the she'hecheyonu on Shabbos..

25 Mogen Avrohom 551:21, MB 551:45. The reason why we don't make a *shehecheyonu* nowadays on these types of clothing (new jumper/top) is because of the reduced simcha.

26 Since some Poskim prohibit this due to the 'simcha yeseiro' Elya Rabba 551 (cited in Shaar Hatzion 551:48) Oruch Hashulchan 551:18 and Yosef Ometz 562. The Shaar Hatzion argues that we only find the concept of reducing simcha from Rosh Chodesh but not during the three weeks. This is the reason why the majority of Poskim permit this.

Kovetz Halochos (Rav Sh Kamenetsky) 5:6 and fn 7 notes that this machlokes as well - whether one may wear new clothing (putting aside the shehecheyonu berocho) - depends on the machlokes noted in the previous footnotes. According to the opinion that the problem with the *shehecheyonu* is because of the content of the berocho of having reached this “special” time, and not because of reducing simcha, then new clothing may be worn during the three weeks. But if there is a concept of reduced 'simcha' during the three weeks then wearing new clothing is also a problem.

27 Since the reason for the custom is because of the poskim who prohibit 'simcha gedola' during the three weeks, with undergarments and other 'simple' clothing there is no simcha yeseiro.

28 Mekadesh Yisroel 35. Nitei Gavriel 17:6 is more stringent.

29 Mekadesh Yisroel 30

30 However, Rav Moshe Feinstein (Igros Moshe OC I:168) rules that it is permissible to get married on the night of Shivo Osor b'Tamuz. Rav Wosner disagrees..

31 Rema OC 551:2

32 Teshuvos Vehanehogos 4:128. However he adds that if there are plenty of dancers, an Ashkenazi should refrain from dancing. Rav Sh Kamenetsky (Kovetz Halochos 4 fn 11) permits attending but prohibits dancing.

33 MB 551:19 and Shaar Hatzion 26

34 Derech Hachaim and Mishna Berurah 551:16. See Shevet Halevi 3:157. Rav Elyashiv permits music at a Sheva Berochos if the custom of that family/community is to play music at a sheva berochos (cited in Nechomas Yisroel 3 fn 41).

35 MB 551:16. If one needs music playing in the car so that they remain fully awake, it is permitted - Mekadesh Yisroel 21 and Rav Sh Kamenetsky Kovetz Halochos 4:14.

36 Rav Shlomo Zalman Auerbach in Shalmei Moed page 478 & Halichos Shlomo 14 DH4; Mekadesh Yisroel 1. See also Shevet Halevi 6:70. and Shu”t Tzitz Eliezer 15:33

37 Mekadesh Yisroel 21 permits for two reasons A) because this is considered oneg rather than simcho B) the concern of 'may come to dance' is not applicable to this form of music. Halichos Shlomo 14:3 notes the second reason. Rav Sh Kamenetsky (Kovetz Halochos 4:4 fn 7) prohibits.

38 Mekadesh Yisroel in simon 19 is stringent with regard to Nigunei Hisorerus/ Regesh (even though he permits chazonus). RSZ”A in Halichos Shlomo 14:3 is lenient me'ikar hadin since it doesn't bring one to dance..

39 Halichos Shlomo 14 DH5 (p 412) Shalmei Moed p 478

- the Poskim⁴⁰ whether it is permitted (until Rosh Chodesh Av)⁴¹. Rav Elyashiv⁴² rules that singing (without music) at a seudas mitzvah (eg bris or siyum) is permitted. Singing to oneself while learning or for hisorerus is permitted⁴³.
- One may **play a musical instrument** for parnoso purposes^{44 45}. Similarly one may learn, practise or teach to play an instrument for parnoso purposes⁴⁶.
 - **Therapeutic Purposes** - The prohibition to listen to music only applies if this done for purposes of pleasure. One may listen to music during the three weeks for emotional well being and mental health purposes for example depression, anxiety etc or during childbirth.
 - Similarly music during **exercising** is permitted where its main purpose is to enhance and improve the workout. (see Kovetz Halocho 4:13 fn 17)
 - One may listen to music whilst driving so that they not fall asleep⁴⁷.
 - There is room for leniency with regard to a student who is practicing music especially if the student is a beginner and/or learning various techniques and as a result the music is not 'enjoyable'. However an advanced student who enjoys the music they are playing should be discouraged from playing during the three weeks unless the practise and 'bothersome'. (Some Poskim are only lenient with regard to practising music where the purpose is for parnoso - See Shemuos Moshe [RMF] 7 and fn10) .
 - **Children who are old enough** to understand the concept of the destruction of the Beis HaMikdash and appreciate the aveilus that is being observed may not listen to music⁴⁸.
 - **Social gatherings** and events should not take place unless there is a bonafide mitzvah objective⁴⁹. *Me'ikar hadin* this takes effect only after Rosh Chodesh Av, however some Poskim discourage this the entire three weeks⁵⁰.
 - A *seudas mere'im*, a convivial meal/dinner-party with friends, is forbidden⁵¹.
- Hair Cutting & Shaving**
- Hair cutting and shaving⁵² is forbidden during the three weeks for both men and women, beginning the 17th of Tamuz⁵³.
 - Women may cut for tznius purposes⁵⁴.
 - An adult may not give a haircut to a child⁵⁵. However some permit this until Rosh Chodesh⁵⁶.
 - Customarily, a haircut for a child turning three during the three weeks, should be brought forward before the three weeks⁵⁷.
 - Rav Moshe Feinstein⁵⁸ and Rav Sh"Z Auerbach⁵⁹ permit shaving where otherwise this will **cause a loss**, eg losing one's source of income⁶⁰. Rav Moshe states that this leniency of 'loss' is **not applicable** during the **week in which Tisha B'ov occurs**⁶¹.
 - **Sheitels** may be cut/set during this period.
 - **Cutting nails** is permitted up until the week in which Tisha B'ov occurs⁶².
- Home & Appliances**
- **Renovations** restrictions only begin from Rosh Chodesh.
 - **Moving into a new home** is permitted me'ikar hadin (where one is not reciting a "Shehecheyonu") but is nevertheless discouraged⁶³. Rav Sh"Z Auerbach⁶⁴ allows **moving house** if there is a loss involved eg having to pay unnecessary rental payments.
 - **Purchasing a car** for pleasure or convenience, should preferably be postponed until after the Three Weeks. However, if it is necessary for parnoso one may purchase it during the Three Weeks. [A shehecheyonu should not be recited] until after the Three Weeks⁶⁵.
 - Similarly, some poskim permit buying any **necessary appliance**, such as replacing a broken refrigerator, washing machine etc. during the Three Weeks⁶⁶.
- GIFTS**
- It is permitted to present or receive a gift during the three weeks.
- Other Halocho's/ Customs**
- Shulchan Oruch⁶⁷ points out that one should be extra careful during this period with regard to safety issues. As a result, refraining from any possibility of danger is recommended⁶⁸.
 - Where medically acceptable, one should **postpone surgery** until after the nine days.
 - Swimming is permitted during the three week period since there is no bathing prohibition. However, bearing in mind that during this period one must be extra careful with regard to safety issues, one should **avoid swimming** in deep water in the sea⁶⁹.

40 Kaf Hachayim (551:41), Steipler Gaon and RSZ"A in Halichos Shlomo 14 DH 5 prohibits while Mekadesh Yisroel 20 permits. Rav Elyashiv in Toras Hamoadim 5:3 permits in private setting but not in public. [The Terumas Hadeshen (Leket Yosher p106) refrained from singing zemiros on Shabbos]

Achronim prohibit singing in the 'nine days'. This implies that prior to the nine days is permissible. Another proof is from the prohibition of 'dancing' and 'musical instruments' during the three weeks. This implies that singing alone is permitted.

41 See Yosef Ometz 601 and Leket Yosher. See also Mekadesh Yisroel 20. However a **recording of singing** (alone) may be more stringent than live 'singing' since the recorder (mp3, cd etc) may have the status of a 'keili shir' (musical instrument) See Rav Elyashiv in Toras Hamoadim 5:3, Shevet Halevi 8:127:2

42 Toras Hamoadim 5:3

43 Shevet Hakehosi 1:189

44 Pri Megodim 551:10

45 For example at a sefardi wedding or for a non Jew.

46 Mekadesh Yisroel p 9

47 Since there is a concern of danger. See also MB 160:13

48 Igros Moshe OC 4:21:4. Rav Sh Kamenetsky (Kovetz Halocho 4:23) permits the music which is part of a children's story cd as long as it is 'woven' into the story but a segment of music on its own is forbidden and must be skipped over.

49 Mekadesh Yisroel 40

50 Although all agree that it is permitted me'ikar hadin until the nine days. Mekadesh Yisroel 37- 47

51 Mentioned in many Poskim, based on MGA 551:10 (However see Mekadesh Yisroel 37)

52 Trimming one's mustache is permitted if it interferes with eating

53 This includes women as well. However, there are certain leniencies for women due to tznius (MB 551:79) or other issues see YD 381:6.

54 Mibeis Halevi .

55 Mishna Berura 551:82

56 Rav Y Y Blau in Chanoch L'Naar 21 end 3

57 Mibeis Levi Bein Hametzorim page 6 no 2

58 IGM OC4:102. Rav Sh Z Auerbach (Ma'adanei Shlomo p51 & Shalmei Moed 476) rules likewise.

59 Halichos Shlomo page 414

60 A loss of revenue is not included. Since it is often difficult to gauge the precise parameters of a 'loss' it is advisable to discuss this with a competent halachic authority.

61 See Footnote 1.

62 MB 551:20

63 Due to a) the simcha yeseiro (akin to the custom of not wearing new clothing noted above) and b) 'mazal' of the period.

64 Halichos Shlomo 14 dvar Halocho

65 Igros Moshe, OC3:80

66 See Piskei Tshuvos 551:11

67 OC 551:18.

68 Nevertheless, aeroplane travel is only discouraged during the nine days

69 Rav Moshe Shternbuch in Teshuvos V'Hanhagos 2:263. He says that 'deep' is considered a height where one cannot stand.

The mourning restrictions during the period of the three weeks were designed to gradually bring the destruction of the Beis Hamikdash into the centre of our consciousness.

Rav Sh"Z Auerbach (Halichos Shlomo p413) was disappointed that in earlier years the aveilus and anguish regarding the Churban was noticeable on people's faces, throughout the three weeks - intensifying as it got closer to Tisha B'ov. People used to wear 'different' clothing throughout this period.

It is important that we achieve the appropriate mindset while observing the halocho's and customs of the three weeks. In this merit may we see the rebuilding of the Beis Hamikdash bimheiro beyomeinu omeinu.