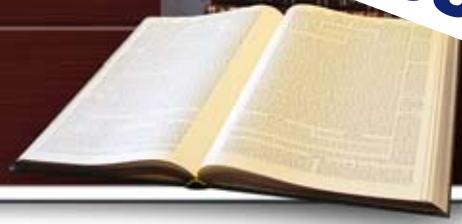


HALACHICALLY SPEAKING

BACK ISSUE



- ▶Compiled by Rabbi Moishe Dovid Lebovits
- ▶Reviewed by Rabbi Benzion Schiffenbauer Shlita
- ▶All Piskei Harav Yisroel Belsky Shlita are reviewed by Harav Yisroel Belsky Shlita

Volume 5 • Issue 13



THE “THREE WEEKS”

The time of the three weeks is a time when we avoid many activities. Why do we refrain from such activities? What are included in these activities? Below we will discuss the *halachos* of the three weeks.

Introduction

We live in world today where it is very hard to realize what we are missing by not having the *Bais Hamikdosh*. We have gotten too comfortable with our houses etc and are not really waiting for the day that *Moshiach* will come. The *Gemorah*¹ tells us one who mourns over the *Bais Hamikdosh* will merit seeing it rebuilt. The *Shulchan Aruch*² tells us that a G-D fearing person should worry about the *churban Bais Hamikdosh* every day of his life.

1. Taanis 30b, Shulchan Aruch 554:22.

2. O.C. 1:3.



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Five tragic occurrences happened on *Shiva Asar B'tamuz*: 1. *Moshe Rabbeinu* broke the *luchos* when he came down from *Har Sinai* and saw the *eigel*³ 2. The *karbon tamid* was no longer brought in the first *Bais Hamikdosh*. 3. The destruction of the second *Bais Hamikdosh* started. 4. *Apostumos* burnt the *Torah* 5. A *tzelem* was placed in the *heichel*.⁴ On *Tisha B'av* the following tragedies happened: 1. *Klal Yisroel* were told they were not going into *Eretz Yisroel* because they wept in vain after hearing the evil report of the *meraglim*. 2. The first and second *Bais Hamikdosh* were destroyed. 3. *Beitar*, which was home to thousands of Jews, was captured by the Romans. 4. *Turnisrupos* surrounded the *heichel*.⁵

Because of the above tragedies, the custom is to refrain from many activities during the days between *Shiva Asar B'tamuz* and *Tisha B'av*, which are commonly known as “*Ben Hametzarim*.”⁶

Source

Based on the sources in the footnote below it would seem that the time for *aveilus* is either from *Rosh Chodesh Av* or during the week of *Tisha B'av*.⁷ However, many *poskim* among them the *Rama* bring down that the time of *aveilus* starts from *Shiva Asar B'tamuz*.⁸

Night Before or in the Morning

There is a discussion among the *poskim* if one has to refrain from the actions which are not done during the three weeks from the morning of *Shiva Asar B'tamuz* or even the night before? Most *poskim* say that one should refrain from doing these activities even from the night before,⁹ from *tzeis*.¹⁰ In a pressing situation one can be lenient (i.e. wedding on *Motzei Shabbos*).¹¹

3. Refer to *Sefer Hatodah* pages 364-365.

4. *Mishnah Mesechtas Taanis* 26b, *Shibuley Haleket* 263, *Rambam Hilchos Taanis* 5:2, *Chai Adom* 133:4, *Kitzur Shulchan Aruch* 121:4, *Aruch Hashulchan* 549:3, see *Sefer Hatodah* page 369, *Birchos Avraham (Moadim)* pages 90-91. For other occurrences that happened on the seventeenth of *Tammuz* see *sefer Hatodah* page 369:32.

5. *Mishnah Mesechtas Taanis* 26b, *Rambam Hilchos Taanis* 5:3, *Chai Adom* 133:5, *Kitzur Shulchan Aruch* 121:5.

6. Refer to *Shibuley Haleket* 263, *Chai Adom* 133:8, *Kitzur Shulchan Aruch* 122:1, *Lekutei Maharich* 3:page 586 (new).

7. Refer to *Mesechtas Taanis* 21a, 29a-b, *Yevomos* 43b, *Yerushalmi Mesechtas Taanis* 4:6, *Rokeach* 312, *Ravyah* 3:Tannis 882, *Rambam Hilchos Taanis* 5:6, *Minhag Avoseinu Beyudeinu* 2:pages 652-655.

8. *Meiri Mesechtas Taanis* 30b, *Kol Bo* 62, *Darchei Moshe* 551:5, *Rama* 551:2, 4, *Chaim Shaul* 1:24.

9. Refer to *Chaim Shaul* 1:24, *Rivevos Ephraim* 1:375, *Orchos Rabbeinu* 2:page 127:6, *Nechomas Yisroel* page 29, *Shevet Ha'Levi* 8:168:7, 10:81:2, *M'Bais Levi* 13:page 18:1-2:footnote 2, *Doleh U'mashka* pages 207-208, *Moadim V'zemanim* 8:338, *Shraga Hameir* 2:13, *Kaf Hachaim* 551:207, *Chut Shuni Shabbos* 2:page 325, *Mekadesh Yisroel* 18, *Moadei Yeshurun* page 128:1., *Tzitz Eliezer* 10:26, *Ninth of Av* that falls on Sunday pages 37-38:footnote 7 in depth.

10. Opinion of *Harav Elyashiv Shlita* quoted in *Doleh U'mashka* page 208:footnote 557. Refer to *ibid* page 208 for a different opinion.

11. Refer to *Igros Moshe* O.C. 1:168, 3:100 (end), 4:112:2, *Rivevos Ephraim* *ibid*. See *Orchos Rabbeinu* 2:page 128:2, *Natei Gavriel* 14:5. This is even with music etc (See *Igros Moshe* E.H. 1:97).

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Some are of the opinion that during *ben hashmoshes* one can be lenient with the actions which are customarily refrained from during the three weeks (i.e. haircut).¹²

There is a minority view that holds that some have the custom not to eat meat from *Shiva Asar B'tamuz* until after *Tisha B'av*,¹³ (except for *Shabbos*),¹⁴ but the custom is not like this. Some have the custom to fast each day from *Shiva Asar B'tamuz* until after *Tisha B'av*,¹⁵ but the custom is not like this, especially for one who teaches *Torah* and is concerned it will affect his learning.¹⁶

Mourning Mid-day

Many *poskim* mention that after the mid-day point of every day during the three weeks one should take some time out to mourn over the destruction of the *Bais Hamikdosh*.¹⁷ Nonetheless, this should not be done on *Erev Shabbos*, *Erev Rosh Chodesh Av*, *Rosh Chodesh* and *Erev Tisha B'av*.¹⁸

Restricted Activities

There are basically four main activities which are customarily restricted during the three weeks. 1. Joy, such as a wedding, dancing or music. 2. Haircuts. 3. Reciting a *shehechiyanu*. 4. Dangerous situations. We will now begin to discuss these activities in the order in which they appear in the *Shulchan Aruch*.

Weddings

The custom of *Ashkenazim*¹⁹ is to refrain from making weddings from the night of *Shiva Asar B'tamuz* until after *Tisha B'av*.²⁰ This is even if one has not fulfilled the *mitzva*

12. Igros Moshe O.C. 4:112:2, opinion of Harav Shmuel Felder Shlita quoted in Shiurei Halacha (Felder) pages 2-3, Mekadesh Yisroel 18. Refer to Shevet Ha'Levi 10:81:2 who is stringent. Regarding eating meat on the night of *Shiva Asar B'tamuz* see Kovetz Bais Aron 91:page 134.

13. Shulchan Aruch 551:9, Moed Lechol Chai 9:15, Chai Adom 133:8, Kitzur Shulchan Aruch 112:1. See Taz 10.

14. Moed Lechol Chai 9:15, Mishnah Berurah 59.

15. Tur 551, Shulchan Aruch 551:16, Moed Lechol Chai 9:16, Chai Adom 133:8, Refer to Yosef Ometz 859:page 190.

16. Birchei Yosef 551:7, Sharei Teshuva 551 *, Mishnah Berurah 90, Biur Halacha "v'yeish."

17. Magen Avraham 551:45, Moreh B'etzvah 230, Chai Adom 133:8, Shulchan Shlomo 19, Kitzur Shulchan Aruch 112:1, Mishnah Berurah 103, Aruch Hashulchan 39, Kaf Hachaim 223-224, Lekutei Maharich 3:page 587 (new), Toras Hamoadim page 116:footnote 1, M'Bais Levi 13:page 22:5. This was the custom of the Steipler zt"l (Derech Sicha 1:page 609).

18. Aruch Hashulchan 39. Refer to Kaf Hachaim 223.

19. It is permitted for an *Ashkenazi* to attend a wedding of a *Sefardi* that takes place before *Rosh Chodesh Av*, and dancing is permitted as well (Rivevos Ephraim 6:289, Ohr L'tzyion 3:25:1:footnote 1, Teshuvos V'hanhugos 4:128, Natei Gavriel 14:10footnote 20).

20. Rama 551:2, Levush 2, Magen Avraham 8-9, Chai Adom 133:8, Kitzur Shulchan Aruch 122:1.



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of having children²¹ (see above in regard to making a wedding the night of *Shiva Asar B'tamuz*). One is permitted to get engaged (*vort*)²² or write a *tenayim* during the three weeks but only without a *seuda*²³ or dancing).²⁴ One is permitted to make a *seuda* for a *bris milah* or *pidyon haben* during the three weeks.²⁵

Some say that at a *sheva berochos* which takes during the three weeks, one may not have dancing or music.²⁶ Others permit dancing but no music,²⁷ and others permit both dancing and music.²⁸

Music

Just as dancing is not done during the three weeks, it is customary to refrain from listening to music as well.²⁹ This applies to tapes,³⁰ radios,³¹ CDs or DVDs. Some *poskim* are lenient and permit even live music at a *seudas mitzvah*.³²

One who wishes to listen to music while exercising³³ or in a waiting room is permitted to do so.³⁴ One does not have to shut off a musical ringer on his cell phone during

21. Moed Lechol Chai 9:26, Mishnah Berurah 18.

22. Mishnah Berurah 19, Mekadesh Yisroel 38.

23. Magen Avraham 10, Be'er Heitiv 11, Kitzur Shulchan Aruch 122:1, Mishnah Berurah *ibid*. Eating a little at the time of the *tenayim* is not called a meal (Mishnah Berurah 551:16).

24. Pri Megadim Eishel Avraham 551:10, Magen Avraham 10, Be'er Heitiv 11, Moed Lechol Chai 9:18, Ben Ish Chai Devarim 1:5, Chai Adom 133:8, Mishnah Berurah 16, Aruch Hashulchan 8, V'Yan Dovid 1:69:2. Refer to Divrei Chachumim page 161. When one is practicing for a play during the three weeks that will take place after *Tisha B'av* dancing is not permitted (Natei Gavriel 15:16).

25. Magen Avraham 10, see Aruch Hashulchan 8.

26. Shevet Ha'Levi 3:157, M'Bais Levi 13:page 19:3:footnote 3, Shraga Hameir 2:13. Aveilus Hachurban page 128:3, Orchos Rabbeinu 2:page 128:9, Mekadesh Yisroel 26, Moadim V'zmanim 8:338. Refer to Teshuvos V'hanugos 4:128.

27. Opinion of Harav Moshe Feinstein zt"l as quoted in Moadei Yeshurun page 129:11, opinion of Harav Elyashiv quoted in Avnei Yushfei 1:113.

28. Lehoros Nosson 10:49.

29. Aruch Hashulchan 493:2, Minchas Yitzchok 1:111, Halichos Shlomo Moadim 2:14:3, Rivevos Ephraim 3:334, 4:177, M'Bais Levi 13:page 19:5. Refer to Ve'aleihu Lo Yebiol 1:page 198:321 who says it may not be *ossur* to listen to music during this time.

30. Igros Moshe O.C. 1:166, Yechaveh Da'as 6:34, Shevet Ha'Levi 8:127:2, M'Bais Levi 13:page 19:6, Halichos Shlomo Moadim 2:14:3:footnote 4, Shalmei Moed page 478, Chuko Mamtakim 1:page 348, Ohr L'tzyion 3:25:2, Yalkut Yosef 5:pages 553-554, Divrei Shalom 6:piskei halachos 152, Chut Shuni Shabbos 4:page 379, Tzitz Eliezer 15:33:2, Toras Hamoadim page 116, Mekadesh Yisroel 19, Oz Nedberu 8:58, Miyum Ha'halacha 1:85, Divrei Shalom 4:piskei halachos 80:page 259, Bais Avi 4:30, Rivevos Ephraim 4:177, 7:340:2, Shevet Ha'Levi 6:69, Kinyan Torah 2:99, Oz Nedberu 10:23:2, Natei Gavriel 15:1, opinion of Harav Felder Shlita *ibid*:pages 3-4.

31. Miyum Ha'halacha 1:85.

32. Yechaveh Da'as 6:34, Toras Hamoadim page 121:4.

33. Refer to Mekadesh Yisroel 23. The Shevet Ha'kehusi 5:99:2 says one who can not work without music may listen to music during the three weeks.

34. Opinion of Harav Yisroel Belsky Shlita, see Harav Felder Shlita *ibid*:pages 4-5.

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the three weeks.³⁵ If one is driving and is scared of falling asleep, listening to music is permitted.³⁶ One is permitted to listen to music if he is suffering from depression and the music will lift his spirits.³⁷

Children below the age of *chinuch* are permitted to listen to music. This applies to adults who are listening to the children's music as well (i.e. while driving in the car).³⁸ In addition, a teacher in a playgroup may play music for her students who are under the age of *chinuch* during the three weeks.³⁹

There is a discussion in the *poskim* if playing a musical instrument for one's livelihood is permitted during the three weeks. The consensus of the *poskim* is that doing so is permitted,⁴⁰ although some say only until *Rosh Chodesh Av*.⁴¹ It is proper not to have music lessons during the three weeks.⁴²

Newest Fad

Many say singing without music is not permitted.⁴³ Therefore, the newest fad to have music which simulates instrumental music (A capella) is not a viable loophole during the three weeks. Such singing defeats the whole purpose of the *issur* because the musical experience is what is really *ossur*, which A capella singing provides in full.⁴⁴ If there is singing without music then it may be permitted.

In addition, some say even if one sings into a CD without beats it is considered music and forbidden.⁴⁵

35. Nechomas Yisroel page 37, Mekadesh Yisroel 25.

36. Mekadesh Yisroel 21.

37. Ohr L'tzyion 3:25:2, Shevet Ha'Levi 8:127:2, Divrei Shalom 4:piskei halachos 80:page 259.

38. Harav Yisroel Belsky Shlita. Refer to Mekadesh Yisroel 22.

39. Emes L'Yaakov 551:footnote 506.

40. Refer to Igros Moshe O.C. 3:87, Rivevos Ephraim 6:291:1, Toras Hamoadim page 123, Shevet Ha'kehusi 1:169:2. Refer to Chai Ha'Levi 2:40, Betzel Hachuchma 6:61, Kinyan Torah 2:99.

41. Refer to Biur Halacha 551 "m'matim," Natei Gavriel 15:6, Shearim Metzuyananim B'halacha 122:1.

42. Miyum Ha'halacha 1:83, Emes L'Yaakov 551:footnote 506, M'Bais Levi 13:page 19:6. Refer to Rivevos Ephraim 2:155:2.

43. Opinions of Harav Elyashiv Shlita and Harav Korelitz Shlita quoted in Piskei Shmuos page 54.

44. Harav Yisroel Belsky Shlita, opinion of the author of the Rivevos Ephraim (personal telephone conversation).

45. Refer to Mishnas Sicher 149, Shevet Ha'Levi Y.D. 57, 8:127, Oz Nedberu 8:58:3:page 135, Pe'as Sudcha 76, Chut Shuni Shabbos 4:page 379, see Tzitz Eliezer 15:33:2 if a CD is included in the *gezeira* of no music all year round because of *zecher l'churban*.



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Singing

Singing with one's mouth is permitted during the three weeks.⁴⁶ Some say singing songs which brings joy should not be done.⁴⁷

According to some *poskim* listening to a CD of *chazzanos* without music is permitted even if one finds it enjoyable.⁴⁸

Haircuts

The custom of *Ashkenazim*⁴⁹ is not to take haircuts from *Shiva Asar B'tamuz* until after *Tisha B'av*.⁵⁰ This applies to both men and women.⁵¹ The reason for this is since one does not take a haircut so often, if we were allowed to take haircuts until *Rosh Chodesh Av* it would not be recognizable that we let our hair grow after *Rosh Chodesh*, therefore, the custom is to refrain from haircuts for the entire three week period.⁵² This stands true even for the honor of *Shabbos*.⁵³ One is permitted to comb his hair even if some hair may fall out.⁵⁴

Some say an *Ashkenazi* can give a *Sefardi* a haircut since the *Sefardi* is permitted to have a haircut until the week of *Tisha B'av*,⁵⁵ but *l'halacha* one should not do so.⁵⁶ Others say if a *Sefardi* (who is permitted to take a haircut until the week of *Tisha B'av*) wishes he can be stringent and not give haircuts to *Ashkenazim*, but according to the letter of the law doing so is permitted.⁵⁷

46. Mekadesh Yisroel 20, Chut Shuni Shabbos 2:page 325, Shevet Ha'Levi 3:157. Refer to Orchos Rabbeinu 2:page 95:7 who is stringent and is only lenient on *Shabbos*.

47. Chut Shuni *ibid*.

48. Halichos Shlomo Moadim 2:14:footnote 5, Chuko Mamtakim 1:page 348 (not during the nine days), Shalmei Moed page 478, Mekadesh Yisroel 21.

49. The *Sefardim* start the custom from the week that *Tisha B'av* falls out (Shulchan Aruch 551:12, Ben Ish Chai Devarim 1:12). Refer to Kaf Hachaim 45.

50. Darchei Moshe 551:5, Rama 4, Levush 3, Chai Adom 133:8, Mishnah Berurah 82, Aruch Hashulchan 31. One should wait until after *chatzos* on the tenth of *Av* (Aruch Hashulchan 551:16). Others say only from the week of *Tisha B'av* (Kitzur Shulchan Aruch 122:4).

51. Pri Megadim M.Z. 551:13, Mishnah Berurah 79, Rivevos Ephraim 4:135:8, 8:178, 554, M'Bais Levi 13:page 19:1. Refer to Igros Moshe Y.D. 2:137 if a time of need arises.

52. Aruch Hashulchan 551:16.

53. Magen Avraham 551:14, Mishnah Berurah 32, Kaf Hachaim 47, Bais Avi 1:27. Refer to Biur Halacha 551 "v'chein." See Kaf Hachaim 81 who says in honor of *Shabbos* one can be lenient until *Rosh Chodesh Av*.

54. Ben Ish Chai Devarim 1:14, Sharei Teshuva 12, Mishnah Berurah 20, Shar Ha'tzyion 28, Kaf Hachaim 46, Shevet Ha'kehosi 5:98:3. Refer to Elya Rabbah 7, Kaf Hachaim 46.

55. Natei Gavriel 19:14:footnote 21.

56. Halichos Shlomo Moadim 2:14:6:footnote 8.

57. Yechaveh Da'as 4:36.

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An adult may not give a child a haircut,⁵⁸ since one should teach his children about the *churban*,⁵⁹ however, if it is for the need of the child then doing so is permitted until the week of *Tisha B'av*.⁶⁰ One should avoid performing an *upsherin* of a child during the three weeks.⁶¹

The haircut which is forbidden refers to the head and beard (shaving).⁶² If one's mustache is getting long and in the way of eating, it may be shaven.⁶³

One who works in a place that if he does not shave or take a haircut he will lose his job, may shave or take a haircut during the three weeks, except for the week of *Tisha B'av*.⁶⁴

A woman whose hair grows long enough that it starts coming out of her head covering may shave it.⁶⁵ The same is true if the shaving is done for *tznius* reasons.⁶⁶ Going for electrolysis is permitted for a woman.⁶⁷ A woman is permitted to tweeze her eyebrows

58. Shulchan Aruch 551:14, Kitzur Shulchan Aruch 112:3.

59. Aruch Hashulchan 31.

60. Mishnah Berurah 82. Refer to Pri Megadim Eishel Avraham 551:38, Chinuch Yisroel pages 234-235.

61. Chanoch L'nar 21:2:footnote 1, opinion of Harav Felder Shlita quoted in Shiurei Halacha page 11:footnote 15, Natei Gavriel 20:7, Rivevos Ephraim 1:336:2, 2:155:19, Birchos Shomayim 1:131:1. Some are more lenient, but it is preferable to make the *upsherin* before the three weeks begins (M'Bais Levi 13:page 20:2). Refer to Toras Yeko'seal 1:47 who is lenient.

62. Shulchan Aruch 551:2, Levush 12, Kitzur Shulchan Aruch 122:3, Aruch Hashulchan 31, Shevet Ha'Levi 10:81:3.

63. Tur, Bais Yosef, Shulchan Aruch 551:13, Levush 13, Ben Ish Chai Devarim 1:12, Kitzur Shulchan Aruch 122:4, Mishnah Berurah 80, Aruch Hashulchan ibid, Rivevos Ephraim 5:377:1. Refer to Kaf Hachaim 172 how this applies to a *mohel* and *metzitzah*.

64. Igros Moshe O.C. 4:102, 5:24:9, Modanei Shlomo page 51, Halichos Shlomo Moadim 2:14:7, Shalmei Moed page 476, Shearim Metzuyanim B'halacha 122:3. Refer to Shevet Ha'Levi ibid regarding shaving before appearing in front of a judge. See Igros Moshe C.M. 1:93. The opinion of one *posek*, is that the custom of refraining from haircuts can not be worse than the twelve months during which one is an *avel r'1* over one's parents. The *halacha* there is that one who has so much hair that his friend tells him to take a haircut is permitted to do so (Refer to Mesechtas Moed Kotton 22b, Rambam Hilchos Avel 6:3, Shulchan Aruch 390:4, Pischei Teshuva 4, Aruch Hashulchan 5). Some say the *shiur* for one who shaves it is thirty days (Pischei Teshuva ibid). Others say it depends on what is viewed as a lot of hair, each to his own (Igros Moshe Y.D. 3:156, see Yabea Omer Y.D. 1:25 in regard to a *Yom Tov* in middle of the *sheloshim* in regard to shaving). In regard to women see Tzitz Eliezer 18:72:3. There is a discussion among the *poskim* if cutting the hair in this situation is permitted (Permitted: Shearim Metzuyanim B'halacha 120:11, see Ben Pesach L'Shavuos pages 260-261. Forbidden: Birchei Yosef 493:3, Kaf Hachaim 493:15, 48). Some say if one has a lot of hair or a headache then it is permitted (Kaf Hachaim 48). So too when one shaves every day the time span of a friend telling you to shave is a short period of time. Therefore, one may shave during the three weeks (even without any loss of money (Nefesh Harav pages 191-192).

65. Mishnah Berurah 79, M'Bais Levi 13:page 20:1:footnote 2, Rivevos Ephraim 8:178.

66. Refer to Sharga Hameir 6:126:1, Shevet Ha'Levi 10:81:8, Shalmei Moed page 477, Shevet Ha'kehui 5:98:3.

67. Mekadesh Yisroel 78. Refer to Natei Gavriel 21:6.



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during the three weeks.⁶⁸ A sheitel which needs to be fixed or cut is permitted until *Rosh Chodesh Av*.⁶⁹ A girl⁷⁰ who is involved with dating can shave before she goes on a date.⁷¹

Some say if one's hair is so long that it is a *chatzitzah* for *hilchos tefillin* then one is permitted to take a haircut.⁷² It is permitted for the one who is making a *bris* (father of the child),⁷³ the *mohel*, and *sandek* to shave for the *bris*, until the week of *Tisha B'av*.⁷⁴ A *chosson* during his *sheva berochos* is permitted to shave since it is like a *Yom Tov* for him.⁷⁵

The opinion of some *poskim* is to be lenient for a *bar-mitzvah* boy to take a haircut if the *bar-mitzvah* is before the week that *Tisha B'av* falls out,⁷⁶ but other say this should not be done,⁷⁷ and this is the custom of many.

Cutting Nails

One is permitted to cut nails during the three weeks.⁷⁸ A *mohel* is permitted to cut his nail in order to perform a *bris* more efficiently.⁷⁹

68. Rivevos Ephraim 5:376:3, Shalmei Moed page 477, Emes L'Yaakov 551:footnote 512, Halichos Shlomo Moadim 2:14:footnote 9, opinion of Harav Felder Shlita quoted in Shiurei Halacha page 10, Shevet Ha'kehusi 5:99:3. Refer to Rivevos Ephraim 6:291:2.

69. Natei Gavriel 21:5:footnote 8.

70. This does not apply to a boy (Harav Yisroel Belsky Shlita).

71. Halichos Shlomo Moadim 2:14:footnote 10, Natei Gavriel 21:4.

72. Shalmei Moed page 476, Modanei Shlomo page 50, Natei Gavriel 19:7, Mekadesh Yisroel 75.

73. Shar Ha'tzyion 551:4. Refer to Sharei Teshuva 1, Mishnah Berurah 5.

74. Kitzur Shulchan Aruch 122:15, Kaf Hachaim 10, Panim Me'eros 3:37. Refer to Shevet Ha'Levi 10:81:7, and M'Bais Levi 13:page 20:6.

75. Opinion of Harav Felder Shlita in Shiurei Halacha page 9:footnote 12.

76. Rivevos Ephraim 1:337, 2:155:20, Divrei Shalom 3:6, Natei Gavriel 20:6. This applies to a child who needs a haircut as well.

77. Opinion of Harav Moshe Feinstein zt"l quoted in Moadei Yeshurun page 128:footnote 6, Rivevos Ephraim 8:228, 467.

78. Elya Rabbah 7, Ben Ish Chai Devarim 1:13, Sharei Teshuva 12.

79. Kaf Hachaim 49.

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Reciting a *Shehechyanu* and Buying New Items

It is a good practice⁸⁰ to refrain from reciting a *shehechyanu* on a fruit or garment during the three weeks⁸¹ (until the tenth of *Av*)⁸² (please note the below discussion only pertains to a fruit or garment that requires a *shehechyanu* to be recited according to *halacha*. In addition this discussion is not referring to the nine days where the *halachos* are more stringent). Some say the custom is only to refrain from a *shehechyanu* from the nine days (see below) but not before.⁸³ The reason for the custom is since this time is a time of “unpleasant occurrences” it is not the time to say the *beracha* of *shehechyanu* where we mention being brought to this time.⁸⁴

A woman who is expecting is allowed to eat a fruit even if she will have to make a *shehechyanu* on it since if she wants a food and does not have it there can be a danger.⁸⁵

From the fact that one should not recite a *shehechyanu* during these days, we learn that one should also not buy any clothing which would require him to recite a *shehechyanu*.⁸⁶

Some say one who mistakenly recited a *beracha rishona* on a fruit which requires a *shehechyanu* should recite a *shehechyanu* on it before eating it.⁸⁷

80. The Gr'a 551:17 says this is an additional chumra. Refer to Machtzis Ha'shekel 551:21, see Leket Yosher 1:page 107. The Sefer Chassidim 840 says “Chassidim” did not eat a fruit during the three weeks to avoid the recital of a *shehechyanu*. Refer to Sefer Habayis 28:1:footnote 2.

81. Bais Yosef 551, Shulchan Aruch 551:17, Darchei Moshe 11, Binyomin Zev 3:163:pages 106-107, Yosef Ometz 862:page 190, Chai Adom 133:8, Kitzur Shulchan Aruch 122:2, Mishnah Berurah 98, Lekutei Maharich 3:page 586 (new), Igros Moshe O.C. 3:80, Ohr L'tzyion 3:25:3. There is a discussion in the *poskim* if on *Shabbos* (before the nine days) doing so is permitted (Refer to Sefer Chassidim 840, Levush 17, Magen Avraham 42, Taz 17, Elya Rabbah 42, Birchei Yosef 10, Sharei Teshuva 38, Be'er Heitiv 38, Moed Lechol Chai 9:22, Yosef Ometz 56, Yosef Ometz 861:page 190, Chai Adom 133:8, Kitzur Shulchan Aruch 122:2, Shulchan Shlomo 17, Avnei Nezer 428, Mishnah Berurah 98, Aruch Hashulchan 18, Kaf Hachaim 205-206, Mekor Chaim 551:17, Da'as Torah 17, Otzros Yerushalayim 269:pages 1100-1103, Avnei Yushfei 1:112:1, Yechaveh Da'as 1:37, Moadei Yeshurun pages 129-130, Sefer Habayis 28:2, M'Bais Levi 13:page 21:footnote 1). Some make a difference between clothing and fruits (Elya Rabbah *ibid*, Yosef Ometz 862:page 190). *Rosh Chodesh Av* is like *Shabbos* (Shar Ha'tzyion 99). This is even if one will not wear the garment until after *Tisha B'av* (Mishnah Berurah 49).

82. Yosef Ometz 56, Hisoreros Teshuva 3:362:page 55. Refer to Kaf Hachaim 208.

83. Aruch Hashulchan 38.

84. Magen Avraham 42, Elya Rabbah 17, Birchei Yosef 15, Mishnah Berurah 98, Aruch Hashulchan 38, Kaf Hachaim 204, Da'as Torah 17. According to this on Tzom Gedalya and Asara B'teves reciting a *shehechyanu* is permitted (Pri Megadim Eishel Avraham 551:42, Kaf Hachaim 209).

85. Birchei Yosef 551:8, Sharei Teshuva 38, Mishnah Berurah 99, Biur Halacha “shehechyanu,” Kaf Hachaim 211, Salmas Chaim 327 (old), Ohr L'tzyion 3:25:3. The same is true for a sick person (Birchei Yosef 13, Mishnah Berurah *ibid*, Kaf Hachaim 213).

86. Kitzur Shulchan Aruch 122:2, Mishnah Berurah 99, Kaf Hachaim 210.

87. Birchei Yosef 12, Sharei Teshuva 38, Kaf Hachaim 215. Refer to Zechor L'Avraham pages 402-404.



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According to the above, one would be permitted to buy a *chashuv*⁸⁸ item during the three weeks as long as no *shehechyanu* is recited on its purchase.⁸⁹ Some still say that something which is “*chashuv*” should not be bought during this time.⁹⁰ A *sefer* that one does not recite a *shehechyanu* on (not *chashuv*, or according to those *poskim* that no *shehechyanu* is recited on *seforim*) is permitted to be bought until *Rosh Chodesh Av*.⁹¹ Some say if avoiding the purchase of an item will cause a loss, one should just give a down payment for it and pay the rest after the three weeks,⁹² others are more lenient. Some say an item which one does not wear when he buys it (i.e. clothing which requires alternation) and he would recite a *shehechyanu* when wearing it, would be permitted to buy during the three weeks in order to wear it after *Tisha B'av*.⁹³ A new garment which one bought before the three weeks and recited a *shehechyanu* on it (according to those who say a *shehechyanu* is not recited at the time of wearing but at the time of the purchase) at that time is permitted to wear it for the first time until *Rosh Chodesh Av*.⁹⁴

One is permitted to recite a *shehechyanu* on a *mitzvah* such as a *pidyon haben*⁹⁵ or *bris*.⁹⁶ In addition, one is permitted to recite *hatov v'hameitiv* during the entire three weeks.⁹⁷ For example, one is permitted to buy a car until *Rosh Chodesh Av* if it will be used for his family.⁹⁸

One who gives birth to a girl may recite a *shehechyanu*, even if the girl is born during the three weeks.⁹⁹

88. Kaf Hachaim 88.

89. Refer to Mishnah Berurah 45, Shar Ha'tzyion 48, Ve'aleihu Lo Yebiol 1:page 197:320, Ohr L'tzyion 3:25:3:page 237, Halichos Shlomo Moadim 2:14:footnote 4, Mekadesh Yisroel 36, Natei Gavriel 17:13-14, Piskei Teshuvos 551:25, Chut Shuni Shabbos 2:page 325. Refer to Modanei Shlomo page 51 regarding a author who receives his *sefer* from the publisher during this time and the recital of a *shehechyanu*.

90. Aruch Hashulchan 18, opinion of Harav Felder Shlita as quoted in Shiurei Halacha page 12, Mekadesh Yisroel 29:pages 129-130, 34, Vayivorech Dovid 1:64, Divrei Shalmo 4:piskei 79:page 258, Rivevos Ephraim 1:372. Refer to Kinyan Torah 1:109:5 on how to buy something during the three weeks even if a *shehechyanu* may be recited on it.

91. Aveilus Hachurban pages 131-132:footnote 6.

92. Emes L'Yaakov 551:footnote 509.

93. Opinion of Harav Chaim Kanievesky Shlita quoted in Nechamas Yisroel page 40:footnote 70.

94. Magen Avraham 21.

95. Shulchan Aruch 551:17, Moed Lechol Chai 9:25. A *bar-mitzvah* boy who becomes *bar-mitzvah* during the three weeks should not recite a *shehechyanu* on his *tefillin* (Shalmei Moed page 478, Halichos Shlomo Moadim 2:14:2:page 411, Mekadesh Yisroel 31, see Rivevos Ephraim 8:390:16).

96. Toras Hamoadim 5:6.

97. Moed Lechol Chai 9:24, Machzik Beracha 551:10, Sharei Teshuva 38, opinion of Harav Chaim Kanievesky Shlita quoted in Nechamas Yisroel page 45:footnote 14, Mekadesh Yisroel 29, Rivevos Ephraim 4:135:2, 7:58, 234, M'Bais Levi 13:page 22:4, Avnei Yushfei 5:81 quoting the opinion of Harav Wosner Shlita, Ohr L'tzyion 3:25:4. Refer to Igros Moshe O.C. 1:80.

98. Igros Moshe O.C. 3:80.

99. Mekadesh Yisroel 29, Natei Gavriel 17:19, Avnei Yushfei 5:80.

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Some have the custom that one should refrain from moving into a new home during the three weeks.¹⁰⁰

Gifts

Some say one is permitted to give a gift to someone during the entire three weeks¹⁰¹ if it is something which one does not recite a *shehechyanu* on.¹⁰²

Avoiding Danger

The *poskim* mention of few actions to refrain from the entire three weeks period because of danger involved.¹⁰³ We will begin to discuss them below.

During the three weeks¹⁰⁴ a *Rebbe* should be careful not to hit his students,¹⁰⁵ and a parent should not hit their child¹⁰⁶ even with a strap,¹⁰⁷ and even the slightest hit.¹⁰⁸ Some say this is only referring to a hit in a place which can be danger to the child.¹⁰⁹ The time frame is from the beginning of the fourth hour until the end of the ninth hour of the day (in the summer it is approx. from 11:00am – 2:00 pm), while others say it is a whole day.¹¹⁰ Some say there is no concern in a room which has a *mezuzah*.¹¹¹

100. Tamei D'kra page 236:42, Mekadesh Yisroel 44, Natei Gavriel 18:1, Sharei Halacha U'minhag 225. Some had the custom not to look at a house that he may buy during the three weeks (Orchos Rabbeinu 2:page 129:15, Rivevos Ephraim 2:155:18). The same is possibly true for a house he wishes to rent (Rivevos Ephraim 3:341).

101. Refer to Vayivorech Dovid 1:71, Mekadesh Yisroel 83, M'Bais Levi (Ben Hametzarim) page 11:7:footnote 11.

102. Divrei Shalom 4:piskei halachos 81:page 259. Refer to Rivevos Ephraim 2:155:1, 3:336.

103. Some say included in this is traveling from *Eretz Yisroel* to *Chutz L'aretz* (Aveilus Hachurban page 134:2, see Emes L'Yaakov 551:footnote 515 who says traveling for a *mitzvah* is permitted).

104. Refer to Biur Halacha 551 "tzorech," Kaf Hachaim 225.

105. Bais Yosef 551, Shulchan Aruch 551:18, Shulchan Shlomo 18, Chai Adom 133:8.

106. Levush 18, Kitzur Shulchan Aruch 122:2, Kaf Hachaim 230, Orchos Rabbeinu 2:page 129:14, Sheilas Rav page 371:24-25 9 (even with a hand, and for *chinuch* purposes).

107. Levush 18, Taz 18, Be'er Heitiv 41, Eishel Avraham Butachtach 551:18, Shulchan Shlomo 18, Chai Adom 133:8, Mekor Chaim 18, Mishnah Berurah 103, Aruch Hashulchan 39.

108. Pri Megadim M.Z. 551:18, Kaf Hachaim 232.

109. Eishel Avraham Butchatch 551:18.

110. Chai Adom 133:8.

111. Eishel Avraham Butchatch 551:18, Da'as Torah 18.



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One should be careful not to walk by himself¹¹² outside of the city¹¹³ between the beginning¹¹⁴ of the fourth hour until the end of the ninth hour of the day (in the summer it is approx. from 11:00am – 2:00 pm). In addition any place where people frequent it is permitted.¹¹⁵ One should not walk between the sun and the shade during the three weeks,¹¹⁶ but this is only for a long period of time.¹¹⁷ The whole concern is in the same place, but to walk from sun to shade is permitted.¹¹⁸ Some say one should be careful not to sit or sleep in the shade of the sun during this time.¹¹⁹

One should avoid having surgery during the three weeks if pushing it off until after the three weeks is possible.¹²⁰

Swimming - Three Weeks (not including nine days)

Some have the custom to refrain from swimming during the three weeks.¹²¹ However, the custom is to go swimming until *Rosh Chodesh Av*. Nonetheless, one should avoid swimming in dangerous places.¹²²

112. Rokeach 309, Bais Yosef 551, Shulchan Aruch 18, Shulchan Shlomo 18. Some say this refers to going for a *mitzvah* as well (Opinion of Harav Chaim Kanievesky Shlita as quoted in Nechamas Yisroel page 58:footnote 161, see Hisoreros Teshuva 3:348:3 who is lenient).

113. Lekutei Maharich 3:page 587 (new), Aruch Hashulchan 39, Dinim V'hanhugos of the Chazon Ish 9:5, Orchos Rabbeinu 2:page 129:13. Refer to Hisoreros Teshuva 3:348:1. Driving a car in this time is permitted (Opinion of Harav Chaim Kanievesky Shlita as quoted in Nechamas Yisroel page 57:footnote 154, see Mekadesh Yisroel page 12).

114. Elya Rabbah 44, Be'er Heitiv 40, Shulchan Shlomo 18, Mekor Chaim 18, Mishnah Berurah 102, Da'as Torah 18. Refer to Birchei Yosef 16. Some say from the end of the fourth hour until the end of the ninth hour (Moed LeChol Chai 9:19).

115. Eishel Avraham Butchatch 551:18

116. Mishnah Berurah 551:102, Kaf Hachaim 227-228.

117. Opinion of Harav Felder Shlita as quoted in Shiurei Halacha page 16:footnote 22.

118. Aveilus Hachurban page 135, Rivevos Ephraim 3:333.

119. Kaf Hachaim 227.

120. Opinion of Harav Moshe Feinstein zt"l quoted in Moadei Yeshurun page 130:footnote 44, Emes L'Yaakov 551:footnote 515, Natei Gavriel 23:8.

121. Mekor Chaim 551:14:page 289, Orchos Rabbeinu 2:page 129:12. The Steipler zt"l did not change his clothing all week even during the three weeks except for *Shabbos* and his *tallis kotton* (Orchos Rabbeinu 2:page 130:17).

122. Opinion of Harav Moshe Feinstein zt"l quoted in Moadei Yeshurun page 128:footnote 12, Halichos Shlomo Moadim 2:14:footnote 7, Teshuvos V'hanhugos 2:263, M'Bais Levi 13:page 22:4:footnote 5 quoting the opinion of Harav Vosner Shlita, Rivevos Ephraim 3:333, 4:135:14, 6:285:2, Shevet Ha'kehusi 1:169:4.

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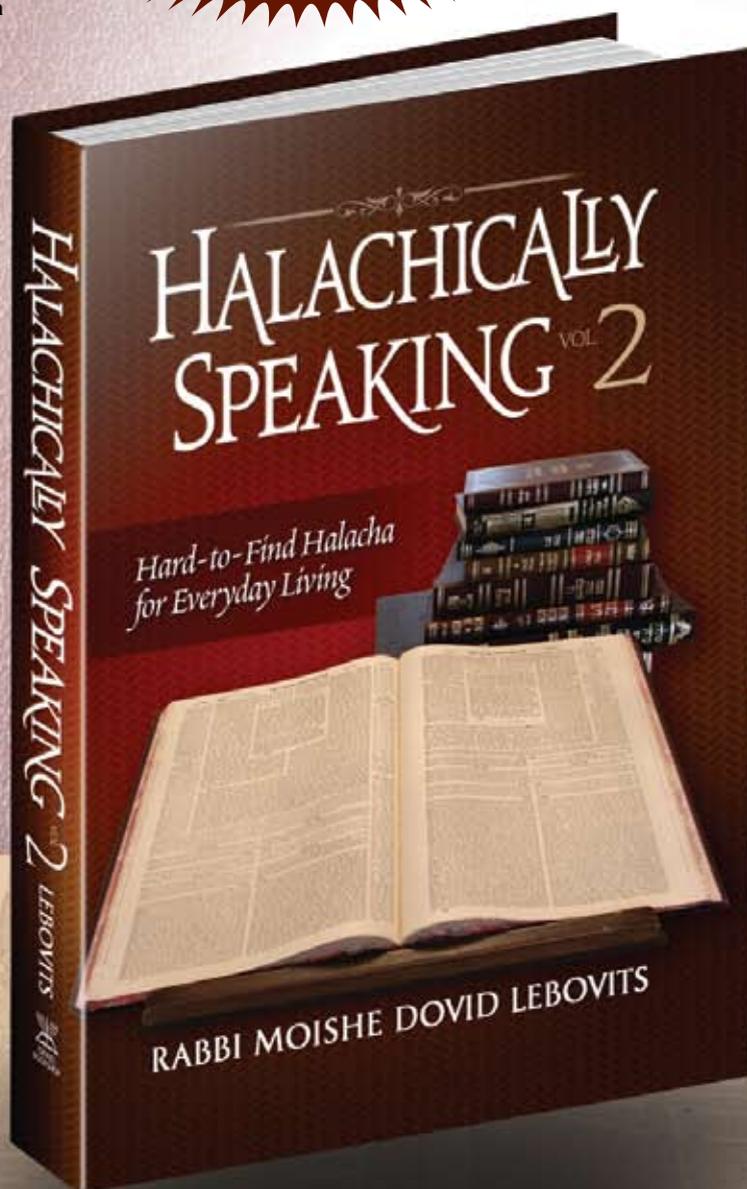
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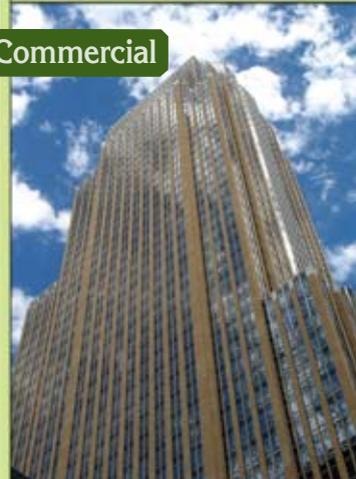


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