

Halachos of the Three Weeks

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LISTENING TO MUSIC

Poskim write that listening to music, whether live or recorded, is prohibited during the Three Weeks¹. However, one need not refrain from remaining in a place where music is playing in the background since one does not intend to enjoy listening to that music. Accordingly, it is permitted to remain in a waiting room or store that has music playing in the background. Similarly, it is permitted to allow one's gentile employees to play music while they work, even if it is audible to Jewish employees or even a Jewish employer².

Someone who is exercising may listen to music if it helps him exercise better³. Similarly, one who is driving and listening to music will prevent him from falling asleep may listen to music⁴.

SHE'HECHIYANU

Shulchan Aruch rules that we refrain from reciting *she'hechiyanu* during the Three Weeks⁵. The Gra⁶ asserts that this restriction is overly stringent since the *gemara* talks about someone reciting *she'hechiyanu* even on the day his father dies. Mishnah Berurah⁷ mentions both opinions and concludes that on Shabbos during the Three Weeks one may recite *she'hechiyanu*. Therefore, one should

refrain from purchasing new clothing or anything else that warrants recitation of the *berachah she'hechiyanu* at the time of purchase during the Three Weeks.

There is a disagreement that relates to whether it is permitted to recite *hatov v'hameitiv* during the Three Weeks⁸. According to the Magen Avrohom's explanation of Shulchan Aruch that it is inappropriate to say *she'hechiyanu... lazeman hazeh* during a tragic time, that concern does not apply to *hatov v'hameitiv* which doesn't mention anything about the present moment. According to the Gra, on the other hand, the restriction is rooted in the perception that one reciting *she'hechiyanu* experiences joy and that concern applies even when one recites *hatov v'hameitiv* on a newly purchased item. Although many *Poskim*⁹ permit the recitation of *hatov v'hameitiv* during the Three Weeks, in practice we adopt a stringent approach and avoid purchasing any items that generate *simcha* during the Three Weeks, even ones that necessitate reciting *hatov v'hameitiv*¹⁰.

PURCHASING A HOME

Shulchan Aruch¹¹ rules that one recites *she'hechiyanu* on the occasion of purchasing a new home. Biur Halachah¹² adds that *she'hechiyanu* is recited only if one purchases a home by himself. If, as a member of a family, one purchases a home, the *berachah* of *hatov v'hameitiv* is recited. Accordingly, one should not schedule the closing on a new house during the Three Weeks. Signing a contract to purchase a new house and even giving the seller a down payment is permitted¹³.

DANGEROUS ACTIVITIES (FLYING AND SURGERY)

Shulchan Aruch¹⁴ rules that one must avoid potentially dangerous circumstances during the Three Weeks. However, flying on an airplane is not considered even potentially dangerous and is permitted during the Three Weeks¹⁵.

Although there are *Poskim*¹⁶ who rule that medical procedures that have an element of risk, such as surgery, should be avoided during the Three Weeks, in practice, we only avoid them during the 9 days¹⁷.

HAIR CUTTING

The *minhag* is to refrain from taking a haircut or removing hair from elsewhere on the body from the 17th of Tamuz until after Tisha B'Av¹⁸. Someone who, for business reasons, must shave, may do so until *shavua she'chal bo* – the week during which Tisha B'Av occurs¹⁹. If one must shave during that week as well, he must consult his *rov* for guidance.

Most *Poskim* maintain that men and women are included in the prohibition²⁰. There is a debate, however, whether women who are “in *shidduchim*” are allowed to remove body hair²¹. There is also a debate whether it is permitted for a woman to have her eyebrows plucked during the Three Weeks²².

NAIL CUTTING

Cutting nails during the Three Weeks is permitted but during *shavua she'chal bo* it is prohibited²³. When Tisha B'Av occurs on Shabbos and is pushed off to Sunday, such as this year 5782, it is permitted to cut one's nails on *erev Shabbos* and certainly a woman preparing for immersion in the *mikvah* may trim her nails as she normally does²⁴.

1 Minchas Yitzchok 1:101:4, Igros Moshe O.C. 1 21:4. Rav Shlomo Zalman Auerbach (Halichos Shlomo: Bein HaMetzarim 14:3 with Dvar Halacha 5) writes that technically the restriction is limited to songs that lead a person to dance, however, it is appropriate to refrain from listening to all music, even if it is not dance music.

2 Kovetz Halachos: Bein HaMetzarim 4:15-19.

3 See Sotah 48a that although music is prohibited after the destruction of the Bais HaMikdash, nevertheless, it is permitted for employees for whom music makes them more productive. See Mishnah Berurah 560:13. The same logic applies to one who exercises better when listening to music.

4 Kovetz Halachos: Bein HaMetzarim 4:14.

5 O.C. 551:17. Magen Avrohom (551:42) explains that the reason for the prohibition is that the Three Weeks is a time of tragedy and thus she'hechyanu is incongruent with the mood of the time. The restriction is not an expression of mourning since there is no source that a mourner must refrain from reciting she'hechyanu.

6 ד"ה טוב.

7 Mishnah Berurah 551:98.

8 Kovetz Halachos: Bein HaMetzarim 5:[2].

9 Igros Moshe O.C. 3:80, Hilchos Chag B'Chag pg. 32 in the name of Rav Eliyashiv. see Shaarei Teshuvah 551:10

10 Dayan Fuerst, see Aruch HaShulchan 551:18, Mesores Moshe Vol. 1 OC pg. 170

11 O.C. 223:3.

12 See Biur Halachah בנה ד"ה who references Acharonim who maintain that one purchases a house who has a wife and children recites hatov v'hameitiv. Although Chaye Adam contends that the distinction of whether the new item is used only by the purchaser and a she'hechyanu is said, or whether it is enjoyed by many people and hatov v'hameitiv is recited, is limited to utensils but when purchasing a house, all opinions agree that the correct berachah is shehechyanu. Biur Halachah disagrees with Chaye Adam, and in practice Dayan Fuerst rules that when a family purchases a house the correct berachah is hatov v'hameitiv (Cf. Piskei Teshuvos 223:[26]).

13 Kovetz Halachos: Bein HaMetzarim 5:16.

14 O.C. 551:18.

15 Kovetz Halachos: Bein HaMetzarim 7:3. Cf. Dirshu Mishnah Berurah 551:128 who cites Rav Wosner who adopted a stringent position about flying when unnecessary but that Rav Shlomo Zalman Auerbach wrote that one need to avoid flying when possible only during the Nine Days.

16 Mikor Chaim. Emes L'Yaakov 551:[515] and Kovetz M'Beis Levi vol. 13 pg. 11 and Kovetz Halachos: Bein HaMetzarim 7:4.

17 Dayan Fuerst & Moadei Yeshurun (Ch.5 1:19 & 2:43) in the name of Rav Moshe Feinstein zt"l

18 O.C. 551:3-4. Seif 12 writes that cutting or shaving hair from the body is included in the restriction.

19 Igros Moshe O.C. 5:24:9 and Halichos Shlomo: Bein HaMetzarim 14:7.

20 M.B. 551:79. See Kovetz Halachos 6:[3] who quotes Rav Forchheimer who infers from Igros Moshe that there are grounds to assume that women are not included in the restriction but under normal circumstances a woman should be stringent.

21 Rav Shlomo Zalman Auerbach (Halichos Shlomo: Bein HaMetzarim 14 Devar Halacha 10) maintains that one may adopt a lenient position until shavua she'chal bo. Rav Moshe Feinstein (Quoted in A Summary of the Halachos of the Three Weeks written by R' Shimon Eider (II:B:5) similarly adopts a lenient position concerning women in shidduchim. Rav Chaim Kanievsky, on the other hand, writes that a woman should not be lenient about this. Rav Shmuel Kamenetsky (Kovetz Halachos: Bein HaMetzarim 6:[4]) also maintains a stringent position about married or single women shaving their legs during the Three Weeks.

22 Rav Shlomo Zalman Auerbach (Halichos Shlomo: Bein HaMetzarim 14 Devar Halacha 9) is lenient regarding plucking eyebrows since plucking isn't included in cutting hair (תספורת). Rav Elyashiv (Ashrei Halsh 3:69:47) disagrees and includes plucking eyebrows in the restriction against hair cutting.

23 M.B. 551:20 cites a machlokes about whether cutting nails is restricted but Aruch HaShulchan (O.C. 551:32) is lenient.

24 M.B. 551:20.



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