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Halachot and Customs of Shiva Asar B'Tammuz and The Three Weeks

The period known as *Bein HaMetzarim* (“between the straits”), commonly referred to as the Three Weeks, extends from the Seventeenth of Tammuz until Tisha B’Av. During this period, we commemorate the destruction of both *Batei Mikdash* and other related tragedies through various halachot and customs of mourning, which intensify as Tisha B’Av approaches.

In this review, we will focus on some of the halachot of fasting on *Shiva Asar B’Tammuz* and the customs observed specifically during the period from the Seventeenth of Tammuz until Rosh Chodesh Av (some of the guidelines become stricter after Rosh Chodesh Av). Since there are different opinions and customs concerning some of these issues, one should consult a competent halachic authority in cases of uncertainty. Readers are also welcome to contact the author at ozarowsk@gmail.com with questions.

THE FAST OF THE SEVENTEENTH OF TAMMUZ

The Nature of the Fast

The Seventeenth of Tammuz is one of the

four public fasts established in connection with the destruction of the *Beit HaMikdash*. Among the tragedies commemorated on this day are the breaching of the walls of Jerusalem prior to the destruction of the Second *Beit HaMikdash*, the cessation of the daily Tamid offering, the burning of a Torah scroll by Apostomos, and the placement of an idol in the *Beit HaMikdash* (Mishna, *Ta’anit* 4:6). These fasts have been accepted by the Jewish nation and are therefore generally viewed as obligatory in nature (*Shulchan Aruch*, O.C. 550:1).

Exemptions from Fasting

Pregnant women are exempt from fasting (*Shulchan Aruch*, O.C. 554:5). Although the Rema records a custom that pregnant women would fast if they felt well (Rema, O.C. 554:6), later *poskim* note that the common practice today is that pregnant women generally do not fast on the minor fasts (*Aruch HaShulchan*, O.C. 554:7; *Chazon Ovadia, Arba Ta’aniyot*, p.59).

The same exemption generally applies to nursing women (*Shulchan Aruch*, O.C. 554:5). Many authorities define a nursing woman as one who is actively breastfeeding. Some authorities extend the exemption further and

maintain that a woman retains the halachic status of a nursing mother for up to twenty-four months after childbirth, even if she is no longer nursing. Nevertheless, the more common contemporary practice is to require fasting once nursing has ceased, unless another basis for leniency exists (see R. Moshe Harari, *Mikraei Kodesh, Hilchot Ta'aniyot* 1:4, and *Peninei Halacha, Zemanim* 7:8).

A person who is ill is exempt from the fast (*Shulchan Aruch*, O.C. 554:6). In this context, “ill” is defined as one who is bedridden due to his illness. However, one who feels just a bit weak and wishes to lie down due to the fast alone, but will recover quickly after eating, should keep fasting in most cases (*Peninei Halacha, Zemanim* 7:7). Any specific questions should be discussed with both a competent physician and a qualified rabbinic authority.

Children are not obligated to fast on the Seventeenth of Tammuz. Unlike Yom Kippur, where older children are trained to fast for part of the day, most authorities maintain that there is no obligation to train children to fast on the minor fasts (*Chayei Adam* 66:10; *Chazon Ovadia, Arba Ta'aniyot, HaChayavim V'HaPeturim Min HaTa'anit* 7). Some families have the custom to encourage healthy older children to delay breakfast or fast for a limited number of hours as an educational exercise, provided that the child wishes to do so and it will not affect his or her health (*Rama MiFano* 111; *Piskei Teshuvot* 550:5). However, many *poskim* write that children should not fast the entire day (ibid.; *Kaf Hachaim* 550:9). They also recommend minimizing treats and other special snacks for children who are old enough to understand the significance of the day, while continuing to provide them with their regular meals (*Mishna Berura* 550:5; *Piskei Teshuvot* 550:5).

What Is Forbidden?

The primary prohibition of the Seventeenth of Tammuz is eating and drinking. One should avoid tasting food on the Seventeenth of Tammuz unless there is a significant need. When necessary, one may rely upon the lenient opinion and taste a small amount provided that it is not swallowed (*Shulchan Aruch* and Rema, O.C. 567:1, 3, and *Mishna Berura* 567:11).

One who needs to take medication such as non-chewable pills during a fast may generally do so, since non-chewable pills are not considered normal food and one merely swallows them without chewing (*Nishmat Avraham*, O.C. 550:4). Therefore, if the pill does not have a pleasant taste, it may be swallowed without water when necessary. If swallowing the pill without water is difficult, many authorities permit taking it with water that has been made bitter and unfit for drinking (*Peninei Halacha, Zemanim* 7:7). If this is not possible and failure to take the medication could cause the person to become ill, some authorities permit swallowing it with a small amount of regular water (*Piskei Teshuvot* 567:3). Syrups or chewable pills should ideally be taken either before or after the fast, though one should consult with one's doctor and rabbi in cases of need.

Some *poskim* permit brushing teeth or using mouthwash during a fast (*Aruch HaShulchan*, O.C. 567:4), while others forbid, unless one feels significant discomfort (*Piskei Teshuvot* 567:2, based on *Mishna Berura* 567:11).

The other afflictions applicable on Tisha B'Av and Yom Kippur do not apply. Therefore, bathing in both hot and cold water, anointing, wearing leather shoes, and marital relations are permitted (*Shulchan Aruch*, O.C. 550:2).

When the Fast Begins and Ends

Unlike Yom Kippur and Tisha B'Av, the fast of the Seventeenth of Tammuz begins at dawn rather than the previous evening (*Shulchan Aruch*, O.C. 550:2). Therefore, one may eat and drink during the night preceding the fast. However, if a person goes to sleep without intending to wake up and continue eating, the fast is generally considered to have begun upon retiring for the night. Accordingly, anyone who wishes to eat or drink before dawn should stipulate before going to sleep that he intends to do so upon awakening (*Shulchan Aruch*, O.C. 564:1). Many authorities distinguish between food and drink and permit drinking upon awakening even without an explicit stipulation, though it is preferable to stipulate regarding both (*Mishna Berura* 564:6).

It should also be noted that although the fast begins in the morning, according to many *poskim*, the restrictions of the Three Weeks begin already at sunset of the previous evening (*Piskei Teshuvot* 551:7), although some are lenient in specific cases of need (see *Igrot Moshe*, O.C. 1:168).

THE THREE WEEKS

Shehecheyanu

One should generally postpone eating a new seasonal fruit or wearing a new garment that requires reciting the *beracha* of *Shehecheyanu* until after Tisha B'Av (*Shulchan Aruch*, *Orach Chaim* 551:17). If a seasonal fruit will no longer be available after Tisha B'Av, one may eat it during the Three Weeks and recite *Shehecheyanu* (Rema). If a person forgot that the fruit was new and already recited the regular *beracha* before tasting it, he should then recite *Shehecheyanu* before eating the fruit (*Birkei Yosef* 551:12). Those who do not customarily recite *Shehecheyanu*

on new garments may wear them during the Three Weeks (*Halichot Shlomo*, *Moadim* 14:1).

When *Shehecheyanu* accompanies a mitzva that should not be delayed, the *beracha* is recited as usual. Thus, a *brit mila* or *pidyon haben* is performed at its proper time together with all associated *berachot* (*Shulchan Aruch* 551:17).

According to most *poskim*, one may eat new fruits requiring *Shehecheyanu* on the Shabbatot that fall during the Three Weeks before Rosh Chodesh Av (*Mishna Berura* 551:45, 98; *Chazon Ovadia*, *Arba Ta'aniot*, *Birkat Shehecheyanu* 1). Some are more stringent and recommend refraining from reciting *Shehecheyanu* even on Shabbat (R. Mordechai Eliyahu, *Hilchot Chagim* 25:16).

A pregnant woman who strongly desires a new fruit may eat it during the Three Weeks, and according to many Sephardic authorities, she should also recite *Shehecheyanu* (*Hilchot Chagim* 25:19). Ashkenazic authorities generally maintain that she may eat the fruit but should refrain from reciting *Shehecheyanu* (*Mishna Berura* 551:99). Similar considerations apply when a person is ill and requires the fruit for medical reasons.

Haircuts and Shaving

The widespread Ashkenazic custom is to refrain from haircuts during the Three Weeks (Rema, O.C. 551:4). Many Sephardic communities begin the restriction later (*Chazon Ovadia*, p.158). However, some Sephardic communities also adopted the custom to refrain from haircuts throughout the Three Weeks (*Ben Ish Chai*, *Devarim* 12; *Beit Yehuda*, p. 109).

If a mustache interferes with eating, it may be trimmed even during this period (*Shulchan Aruch*, O.C. 551:13).

Many *poskim* maintain that shaving is included in the general prohibition on

haircuts and is therefore forbidden throughout the Three Weeks (R. Shlomo Zalman Auerbach, *Shalmei Moed*, p.406). Some hold that those who shave daily may continue to shave regularly until Rosh Chodesh Av, based on the view that the mourning observed during the Three Weeks resembles the lighter form of mourning observed during the twelve months after the loss of a parent (R. Hershel Schachter, *Nefesh HaRav*, p. 191, citing R. Yosef Dov Soloveitchik). Some also permit shaving when necessary to avoid financial loss or jeopardizing one's employment (*Igrot Moshe*, O.C. 4:102). Most contemporary authorities do not permit shaving in honor of Shabbat during the Three Weeks (*Oholei Halacha, Moadim*, vol.2, p.140), though some permit one who normally shaves every Friday in honor of Shabbat to do so until the week of Tisha B'Av (*MiBashan Ashiv*, p.200, citing R. Aharon Lichtenstein).

According to the accepted Ashkenazic custom, women are included in the haircut restrictions just as men are (*Mishna Berura* 551:79). However, many authorities permit practical grooming needs, such as shortening hair to facilitate hair covering or removing hair that causes discomfort or embarrassment (*Igrot Moshe*, O.C. 2:137; *Peninei Halacha, Zemanim* 8:10).

Many *poskim* hold that children should not receive haircuts throughout the entire Three Weeks, though some permit haircuts for young children when necessary until the week of Tisha B'Av itself (*Mishna Berura* 551:82).

Weddings and Engagements

According to Ashkenazi practice, weddings are not conducted at any point during the Three Weeks (Rema, O.C. 551:2). Among Sephardim, the widespread practice follows

the ruling of the *Shulchan Aruch*, permitting weddings until Rosh Chodesh Av (*Ohr L'tzion* 3:25), though some adopted stricter practices (*Ben Ish Chai*, First Year, *Devarim* 4).

Engagements are permitted, and a modest *seuda* may also be held (*Peninei Halacha, Zemanim* 8:9), though music and dancing may be subject to the restrictions discussed below.

Dancing and Music

Dancing should not take place during the Three Weeks as an expression of mourning for the destruction of the *Beit HaMikdash* (*Mishna Berura* 551:16; *Chazon Ovadia*, p.149).

Likewise, most contemporary *poskim* prohibit listening to instrumental music during this period, whether performed live or through recordings, as an expression of mourning. Although Chazal instituted restrictions on music following the destruction of the *Beit Hamikdash*, the common practice is to be more lenient during the rest of the year (see *Shulchan Aruch* and Rema, O.C. 560:3; *Tzitz Eliezer* 15:33). During the Three Weeks, however, one should be stringent (*Igrot Moshe*, O.C. 4:21:4; *Chazon Ovadia*, p. 151). A minority of *poskim* permit listening to recorded music privately during the Three Weeks (R. Mordechai Willig, as cited on Yutorah by R. Aryeh Lebowitz concerning *Sefirat Ha'Omer*).

Some authorities permit singing without instrumental accompaniment (see *Peninei Halacha, Zemanim* 8:2-5; *Chazon Ovadia*), while others permit only when singing alone (R. Eliashiv, cited in *Shoneh Halachot* 551:5), or when it is not part of a festive gathering that would ordinarily involve dancing (*Chazon Ovadia*, p.151). Others maintain that even vocal music should generally be avoided during the Three Weeks (*Halichot Shlomo, Moadim* 14:3; *Hilchot Chagim* 25:6). All agree that vocal singing at a *seudat mitzva*, such as

a *brit mila*, *bar mitzva*, or *siyum* is permitted (*Hilchot Chagim* 25:6).

Some *poskim* limit the restriction during the Three Weeks, at least until Rosh Chodesh Av, to music that arouses rejoicing and dancing. According to this view, slower or classical music is permitted because it does not create a festive atmosphere (*Halichot Shlomo, Moadim* 14:3; R. Yaakov Ariel, cited in *Oholei Halacha*, p.134; R. Yosef Zvi Rimon, *Yemei Nissan Vi'iyar*, p.124; *Peninei Halacha, Zemanim* 8:4). The same applies to slow, soulful songs intended to inspire a person spiritually (*Yerushalayim B'moadeha, Bein HaMetzarim*, p.192).

Other *poskim* maintain that all forms of music are forbidden except for music that assists in generating feelings of mourning (see *Kovetz Mibeit Levi*, Nissan 5766, p.77, concerning *Sefirat Ha'Omer*, and *Kovetz Halachot, Bein HaMetzarim* 4:4-5). Even some of the more lenient opinions write that it is nevertheless appropriate to refrain from quieter forms of music, including cantorial pieces and similar recordings, unless there is a particular need, because the destruction of the *Beit HaMikdash* deserves meaningful mourning (*Halichot Shlomo*, loc. cit.).

Some authorities maintain that if a cappella music consists solely of human voices, it is permitted according to those who allow vocal music during the Three Weeks. Others argue that modern a cappella recordings are specifically designed to imitate instrumental music and therefore share the same status (R. Yisroel Belsky, *Shulchan HaLevi* 13:6).

Some authorities prohibit instrumental music even at a *seudat mitzva* (mitzva meal) (*Eliya Rabba* 551:26; *Minchat Yitzchak* 1:111). Others permit the normal celebration of a *seudat mitzva* during the Three Weeks, including singing and dancing, but only when those

are customary elements of the event (*Ashrei Ha'Ish*, O.C. 3:68:2; *Chazon Ovadia*, p.151).

Some authorities permit students to continue music lessons that began before the Three Weeks when the purpose is educational rather than recreational (see *Bi'ur Halacha* 551:2; *Piskei Teshuvot* 551:14). Others recommend practicing slower pieces that do not create a festive atmosphere (*Oholei Halacha, Moadim* vol.2, p.137).

It is permitted for a driver to listen to music if doing so helps him remain alert and avoid falling asleep while driving, since it serves a practical purpose rather than entertainment (*Kovetz Halachot, Bein HaMetzarim* 4:14). Similarly, one whose work requires exposure to music, such as a kindergarten teacher, may generally continue one's normal activities when the music is not being played for personal enjoyment (*Hilchot Chagim* 25:8). It is also permitted to remain in a waiting room, enter a store, ride a bus, or attend a function where music is playing in the background, since the music is merely incidental and the purpose of being there is unrelated to listening to it (*Kovetz Halachot* 4:17-19).

Children below the age of *chinuch* (generally around age six) are not included in the custom of refraining from music. Once children reach the age of *chinuch*, however, they should generally participate in the mourning customs appropriate to their age (*Ashrei Ha'Ish* 3:68:10). In settings such as camps and schools, where music may be used to manage groups of younger children, practical questions should be discussed with a competent halachic authority.

Avoiding Dangerous Activities During the Three Weeks

Although the obligation to avoid danger applies throughout the year, many authorities

write that one should exercise particular caution during the Three Weeks, since this period is associated with tragedy and calamity (see *Shulchan Aruch*, O.C. 551:18). Some contemporary *poskim* recommend avoiding hikes and excursions that involve significantly greater risk than ordinary hikes or outings (*Nitei Gavriel*, *Bein HaMetzarim* 23:2), though routine activities, including pleasure trips, remain permitted (see *Oholei Halacha*, *Moadim* vol.2, p.146).

Some authorities discourage swimming and visiting the beach during the Three Weeks, even in an otherwise halachically permissible setting, due to the increased risks associated with water activities (*Nitei Gavriel*, *Bein HaMetzarim* 42:14; *Hilchot Chagim*, p.198). However, the more widely accepted practice today is to permit these activities until Rosh Chodesh Av (*Halichot Shlomo*, *Moadim* 14:7; *Peninei Halacha*, *Zemanim* 8:5). Similarly, some authorities suggest that purely elective medical procedures should be scheduled at another time if convenient (*Torat HaYoledet*, ch.62), while others write that the concern applies only during the Nine Days (*Chazon Ovadia*, p.128). Of course, medical need certainly permits procedures during this time according to all opinions.

Bein Adam L'chavero

Let us conclude by noting that, according to

the *Chidushei HaRim*, the Three Weeks are a particularly appropriate time to strengthen our observance of interpersonal mitzvot and deepen our sense of unity and connection with our fellow Jews (cited in *Oholei Halacha*, p. 131), especially those who may be somewhat different from us. Just as the *Beit HaMikdash* was destroyed due to *sinat chinam* (baseless hatred), so too it will be rebuilt through *ahavat chinam* (baseless love) (First Rebbe of Moditz, *Divrei Yisrael*; R. Avraham Yitzchak Kook, *Orot HaKodesh*, vol. 3).

May our observance of these customs, together with a renewed commitment to both *bein adam laMakom* and *bein adam l'chavero*, and our sincere mourning for the loss of the *Beit HaMikdash*, serve as a merit for us to witness its rebuilding, speedily in our days. ■

Rabbi Eli Ozarowski serves as editor of the Tzurba M'Rabanan English halacha series, as well as the editor of the written material for the Semichas Chaver halacha program. He is also the author of the OU's Torat Imecha Halacha Series for women and a translator for the Steinsaltz Mishna series. Rabbi Ozarowski received semicha from the Rabbi Isaac Elchanan Theological Seminary (RIETS) and holds an M.A. from the Azrieli Graduate School of Jewish Education and Administration. He lives in Mitzpeh Yericho with his wife, Zemira, who serves as Director of the Women's Division at OU Israel, together with their nine children. Rabbi Ozarowski gives many shiurim in the community and is also frequently consulted on halachic matters.

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