



# THE LAWS OF THE THREE WEEKS

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Painting by Yoram Raanan  
*Inside Yerusholayim*

This guide offers practical laws for the observant Jew to conduct himself with the appropriate mourning behaviors for the loss of the Beis Hamikdosh. The anticipated goal is to feel the loss so that the practices herein, are not performed by rote or take on the appearance of being forced, but rather become a natural expression of emotional pain. These laws are best kept alongside a regimen of social and ethical personal improvement so that the root causes of personal failures that led to the banishment of Hashem from among His people is diminished.

By Rav Baruch  
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## The Laws of the Three Weeks

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# הלכות ומנהגי בין המצרים

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## שידוכין ונישואין

1. מותר לעשות שידוכין בבין המצרים ואפילו בת"ב ואין בזה מדת חסידות לימנע מכך.
2. אבל אין עושין סעודת שידוכין מר"ח עד ת"ב. אולם עד ר"ח מותר לעשות סעודה בלי מוסיקה וריקודים. פירוש של ריקודים היינו תנועות גדולות וקפיצות אבל החזקת יד והליכה בעיגול אינו בכלל ריקודים האסורים. כיבוד קל בלי סעודה מותר אף מר"ח. עמ"ב תקנ"א ס"ק ט"ז.
3. גם בשבת לאחר ר"ח אב אין לעשות סעודה מיוחדת עבור השידוך עמ"א סק"י.
4. אסור לאשכנזים לערוך חתונה לאחר י"ז בתמוז ולספרדים אסור רק מר"ח. מותר לבן אשכנז להשתתף בשמחת נישואין של ספרדים לפני ר"ח. מותר לאשכנזים לערוך הקידושין והחופה לפני שקיעה של י"ז בתמוז והסעודה ותזמורת ימשיכו לאחר השקיעה.
5. מותר להחזיר גרושתו אחר י"ז בתמוז, עמ"ב תקנ"א ס"ק ט"ו.

## מוסיקה

6. מעיקר הדין יש ליזהר מלשמוע כלי נגינה כששותה יין או ברגילות כשקם בבקר. מנהג הרבה יהודים לימנע ממוסיקה בבין המצרים. לפי המנהג אין לחלק בין הקלטה או מכלי נגינה ממש. שירה בפה וחזנות מותר. מותר לשמוע אקפלה, שלא היה בכלל המנהג, ודיינו שנקפיד על מה שנהגו ולא נוסיף בזה, בפרט בדור שלנו שיש צורך להפיג מתחים ודאגות ויש בו משום ריפוי. יש להקפיד גם לקטנים שהגיעו לחינוך אבילות (בערך גיל 10), ואף שאין מחנכין קטנים לאבילות, אבילות דרבים שאני.
7. מותר בכלי נגינה בשמחה של מצוה כגון ביום המילה וסעודת שבע ברכות אם נוהג כך כל השנה, וכן בסיום לגדולים או לקטנים. אבל לשמחת בר מצוה מן הראוי שלא יהיה כלי זמר.
8. מי שלומד כלי נגינה ואינו מתאמן להנאה אלא ללימוד הכלי מותר לנגן עד ת"ב. מורה למוסיקה מן הראוי להפסיק לימודים אלה בשבוע שחל בו. ואם מאוד צריך לכך לפרנסה, יש להקל.
9. חולה ששומע מוסיקה ועוזר לו להפיג דאגתו, או כל אדם שסובל מלחץ ומרגיש שהמוסיקה מרגיעו, יש להקל לשמוע מוסיקה, והרבה אנשים בכלל זה. ריקודים ומוסיקה שלומדים עבור הצגה שלאחר ת"ב הדבר תלוי אם הוא הנאה לשומעים ורוקדים או שהוא עבודה וטרחא, עיין אג"מ או"ח ח"ג סימן פ"ז.

## שיפוצ והעברת דירה

10. אין לעשות כל שיפוצ בנין שאינו צריך לדירה. לצבוע ביתו אסור, החלפת חלונות, תריסים ארוכות מטבח נאים יותר, וילונות יפות יותר אסור. אבל שיפוצ הנצרך כדי לחיות בדירה מותר. וכן אין עוברין דירה מר"ח אא"כ אין לו מקום לגור אבל לא לצורך הרווחה כדי שיהיה לו מקום מרווח יותר. ואם יהיה לו הפסד ממון נראה שמותר כעין מה שהתיר המ"ב תקנ"א ס"ק י"ג לתקן קיר שעומד ליפול אף שאין בו סכנה (כגון שיכול לסגור כל החצר שלא יכנסו בו בני"א) רק יש הפסד ממון אם לא יטפל בו עכשיו. ואף שבשער הציון ס"ק י"ז הביא מפקקים ע"ז, אמנם לענין לעבור דירה נראה דיש להקל דאין בזה איסור ממש. אבל אם לא יהיה הפסד אלא מניעת ריוח, יש להחמיר.

## Dating, Engagement and Vort

11. It is permissible to date and get engaged during the three weeks. However, an engagement celebratory party in which a meal is served and there is dancing should not take place from Rosh chodesh Av until after the 10<sup>th</sup> of Av (even during Shabbos).
12. An Ashkenazi may attend the wedding of a Sefardic couple between the 17<sup>th</sup> of Tammuz and Rosh chodesh Av and dance normally.<sup>1</sup>

## Music

13. Halochah has restrictions on music all year and does not specify any one period of the year to refrain from music in general. Nevertheless, there is a custom that has developed that is not recorded in classical halachic sources to refrain from music during *bein hametzarim* (the three weeks). Those who comply with this custom should refrain from all types of music whether live or recorded. Singing, listening to *chazanus* or Acapello is permissible. It is sufficient to comply with the existing custom as it was practiced and is often counterproductive to add to it. In many Jewish communities there is anxiety, depression and tension for which music is an important, and easily available, therapy. Should a person find it particularly difficult to manage without recorded music, they are advised to seek a personal rav and direction.
14. In general, children are not trained in the laws of *aveilus*. However, with regard to national mourning for the Beis Hamikdash, it is appropriate to educate children. When children reach maturity to understand the implications of the catastrophe, they should be included in the mourning. For example, from the age of 10, it is recommended that children refrain from music.
15. When celebrating a bar mitzvah during the three weeks, no music should be played. However, if the family usually has music for a *bris* or *sheva berachos*, they may have the music for those events.
16. A music instructor should refrain from teaching music during the week of Tisha Be'av. When Tisha Be'av is on Shabbos and the fast is postponed to Sunday, it is only on Tisha Be'av itself that the instructor should not teach music.
17. A student studying music may practice during the three weeks provided that they are not playing for enjoyment but to learn the skill and new musical pieces.
18. Musical and dancing practices for events taking place after Tisha Be'av may only be performed for those that view the dancing and music primarily as a job or burdensome. For those that find it primarily pleasurable and engage in it primarily as a source of enjoyment should not practice dancing or music during this period.
19. A person who is physically ill and finds music relaxing and calming, may listen to music during *bein hametzarim*. Someone who feels under intense pressure, emotionally charged, unstable or depressed and believes that music will have a positive impact on their disposition and will calm them and assist them to better cope with people and life's challenges, may have a valid reason to temporarily refrain from following this custom. It is advisable to consult with a halachic authority before applying this principle.

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<sup>1</sup> אגרות משה או"ח ח"ד ק"ב.

20. It is permissible to sing songs of sadness on Tisha Be'av.
21. One may use an alert on a phone that has a song and does not need to change it to a phone ring.
22. One may enter and stay in a department store, doctor's office or other area that has music playing and does not need to leave due to the music. One may listen to music when driving and use it as an aid to stay alert. One may listen to music when exercising for a rhythm. This may help keep the person focused and even facilitate more exercise than would have happened if there were no music.

## Haircuts and Shaving

23. For males, one may not cut any hair on the body except for the mustache which may be trimmed if eat affects normal eating. (The mustache may be trimmed until *shavua shechal bo Tisha Be'av*, which is non-existent this year.)
24. A married woman may cut any hair on her head if she does not want it exposed (M.B. 551:12).
25. Singles of marriageable age and married women may remove eyebrow hairs and shave their legs. When necessary, a woman who is actively dating may cut her hair until Rosh Chodesh. After she is engaged, she may not.
26. The ceremony to cut the hair of a three-year-old boy whose birthday falls between the fasts, should be made before the first fast or postponed to after the second fast day.
27. **Exceptions:** Mohel, Sandek father of baby may have a haircut the night before the bris. This may be done until *shavua shechal bo Tisha Be'Av*. Should an employee be quite certain that he will be dismissed from his work and lose his job, he may cut his hair.
28. Nails may be cut until *Shavua shechal bo Tisha Be'Av* (not applicable this year).

## From Rosh Chodesh Av

### Washing Clothes

29. Ironing should be finished before sunset of Rosh Chodesh Av. It is not permitted to start washing a load of laundry after sunset. If the washing machine started before sunset, it can complete the cycle. One may use the dryer during the nine days. One should not send clothes to a dry cleaner during the nine days.
30. **Exceptions:**
  - 30.1. Spot cleaning stains, even if the stains were on the garment before the nine days.
  - 30.2. One may polish shoes for Shabbos.
  - 30.3. If refraining from cleaning the clothes, it is reasonable to suspect the garment will ruin, one may wash it.
  - 30.4. Children's clothes and their bedding (until the age of 8) may be washed.
  - 30.5. If an adult only has one garment, it may be washed until *shavua shechal bo*. Should you have guests and no fresh linen to give them, you may wash one set of linen for them.
  - 30.6. Sheitels may be washed.

## Wearing Clean Garments

31. Freshly pressed and washed garments or new clothes may **not** be worn during the nine days (except for Shabbos).
32. Undergarments, socks, and shirts that come in direct contact with the underarm may be worn freshly washed. When one wears an undershirt that is sleeveless, one may change his shirt every day to a freshly laundered shirt (see *pischei teshuvah* Y.D. 389:4).
33. Mohel, sandek and father may wear laundered clothes for the bris. Bar Mitzvah man and his parents may wear fresh clothes.
34. One may wear new clothes or washed clothes for a date (Chazon Ish). One should not wash clothes or iron clothes for a date.
35. Health considerations.
36. If it is necessary to meet with political officials, authorities or for employment, one may wear washed clothes.
37. Kipa, hat or sheitel may be worn even if washed, but not new.
38. One may wear a garment for 15 minutes before Rosh Chodesh and it is considered “worn”.
39. One should not change the bedding linen during the nine days unless it is dirty. However, when in a hotel, one may use the fresh linen since it is not considered reasonable to use a stranger’s linen in today’s day and age (Minchas Yitzchak 10:44).
40. One may wear clothing on Shabbos and use during the week provided one does not express in words that he is preparing the clothes for the week.
41. If one did not prepare clothes in advance and has laundered clothing, he may place them under the mattress and sleep on it overnight. The next morning, they are “used” garments and may be worn.
42. Children until the age of bar and bat mitzvah may wear freshly laundered clothing.
43. For Shabbos, one should wear normal Shabbos clothes and not make any change. The clothes should be freshly laundered.

## Bathing and Hygiene

44. Halachically it is permissible to shower today during the nine days. Nevertheless, many avoid bathing and showering. Even according to the strictest opinion, the face, hands and feet may be washed in warm water. Removal of dirt with soap and hot water is permissible.
45. For mitzvah and health purposes bathing is permitted.
46. After you have worked out and are all sweaty, you may shower normally (with hot water) to remove the dirt and sweat.<sup>2</sup>

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<sup>2</sup> עיין אג"מ א"ה ח"ד סימן פ"ד אות ד' דאם רוחץ וכונתו להסיר הזיעה ולא מחמת תענוג יש להקל מר"ח עד עת"ב. ובעה"ש סימן תקנ"א סל"ז כתב דמי שאינו נקי בגופו דמותר לו לרחוץ בחמין כדי שיהא נקי עכ"ד. ונראה דהאיסור לרחוץ חלק מגופו בחמין או כל גופו בצונן היינו כשעושה כן לתענוג. ולכן נראה דמעיקר הדין מי שלומד לשחות יכול להמשיך בקורס שחיה מר"ח עד עת"ב כיון שאין כוונתו לרחוץ לתענוג. וכ"ש אם שוחה לרפואה דשרי כמש"כ במ"ב ס"ק פ"ח. ולכאורה ה"ה מי ששוחה לצורך התעמלות בלבד י"ל דשרי מדינא, כיון דאינו רוחץ לתענוג.

47. After Rosh Chodesh Av until erev Tisha Be'av, Shulchan Aruch teaches that it is forbidden to wash any part of the body with hot water for pleasure or to wash the entire body at once with warm water. Thus, even according to the strictest standards, there is a way to shower during this period: in warm water limb by limb. In other words, if the water temperature is warm enough to remove the chill but not hot enough to make the shower enjoyable *because* of the hot water, one can wash one's head while keeping the rest of the body out of the spray of water, then wash one's arms, then one's legs, etc.

*Summary of the Hebrew section in the note:*

48. The restriction of bathing during the nine days is when it is done for pleasure. Centuries ago bathing was often done once a week in a public bathhouse and was a prolonged pleasurable activity. In contemporary society, showering is often done due to a sense of feeling dirty and in such a case it is permitted to use hot water and shower normally. Certainly when one is sweaty one can shower normally.
- 48.1. Accordingly, one can continue swimming lessons during the nine days as the goal is not a pleasurable bath but to perfect strokes and swimming skills.
- 48.2. It is permitted to swim for the aerobic, cardio-vascular or other therapeutic benefit.
- 48.3. Recreational swimming in fresh water as an enjoyable activity should be avoided. This falls in the category of bathing one's entire body at once in warm water. Children from the age of 10 should also be restricted from such swimming as they are old enough to become sensitive to the national loss of the Beis Hamikdash.
- 48.4. Young children that frolic in kiddie pools at home under the watchful supervision of adults may do so throughout the nine days. Besides the young age which disqualify them from

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אבל שחייה לתענוג נראה דהוי כרחיצת כל גופו בצונן ואסור. ונראה דראוי להחמיר אף בקטנים שהגיעו לחינוך דאבילות, ואע"ג דאין אבילות לקטן כמ"ש ביו"ד שפ"ד, כ"כ המג"א (ס"ק ל"ח) דאבילות דרבים שאני שהוא לזכרון בית קדשינו ראוי לחנך גם הקטנים. ובעה"ש תקנ"א ס"א ביאר דלאו משום דאבילות זו חמירא מסתם אבילות דאדרבה אבילות זו קילא, אלא דבזה יש חינוך ליראת השם שהקטן כשישאל על מה זה יסבירו לו ענין החרבן עכ"ד.

אולם אותם הקטנים שמתענגים בכלי גדול של מים בחצר הבית, נראה דאין צריך להחמיר בהם. וטעמא משום דבדרך כלל הם קטנים ביותר ולא הגיעו לחינוך, ועוד, אותן בריכות בחצר המיטלטלות אינן עמוקות וא"כ לא יכניסו כל הגוף והראש במים והוי כאבר אבר בצונן דשרי אף לגדול, ולכן אם עכ"פ נזהרים שלא להכניס כל הגוף למים, שרי גם לילדים גדולים, ואף לגדולים ממש.

ולענין מקלחת, נראה כיון שהקילו הפוסקים לרחוץ אבר אבר בצונן (עמ"ב ס"ק צ"ד), אם יהא זהיר שאין המים חמים ביותר אלא פושרים שלא יהנה מחמימות המים אלא מחמם המים קצת שלא יסבול מקרירותו, וגם יהא זהיר שלא לרחוץ ראשו וגופו בב"א אלא אבר אבר, נראה דאין בזה איסור לכו"ע.

כ"ז כתבתי לאלו שמקפידים שלא לרחוץ כדינא דשו"ע, ומן הראוי להתנהג כך ולהתאבל על ירושלים והגלות במניעת רחיצה. אולם לדינא, נראה דהאידינא יש מקום להקל להתקלח כרגיל, ובמקום הצורך יש לסמוך על כך. וטעם הדבר דצום ת"ב הינו מדרבנן (ודלא כמ"ש הט"ז דהוי מדברי קבלה), ובראשונים מבואר דגדר י"ז בתמוז עד ר"ח דינו כאבילות של יב"ח, ומר"ח עד ת"ב דינו כאבילות דשלושים. והנה איסטניס רשאי לרחוץ אף בשבעה ימי אבילות, והיום נוהגים הרבה להתקלח כמעט כל יום, ונוהגים בנקיות גופם כאיסטניס של פעם. ועוד, מדינא דשו"ע אין לרחוץ תוך שלושים של אבילות, אולם נהיגי עלמא לרחוץ לאחר שבעה ולא שמענו מקפידים שלא להתקלח ולרחוץ לאחר שבעה, הרי מוכח דאנו כאיסטניס עכ"פ לגבי רחיצה של שלושים, וא"כ שוב אין לאסור מדינא רחיצה לאחר ר"ח דדינו כשלושים.

אולם עת"ב לאחר חצות יש מקום להחמיר שלא לרחוץ.

mourning behaviors, the entire body is not submerged in water. As long as the entire body is not being bathed at once, even an adult may bathe in warm water.

- 48.5. Hence, according to all opinions, one may take a shower in warm water provided that the entire body is not under the stream at once. By washing the head, then each body part independently, one may shower during the nine days. The temperature may be warm enough to make it comfortable to enter but not hot enough that the heat makes the experience pleasurable. The temperature should be set for cleaning the body, not a bathing experience.
- 48.6. These guidelines are compliable with the common custom to refrain from bathing during this period. According to normative halachic standards, it would seem that the restriction on bathing is not relevant for most Jews today. People shower frequently and they have high standards of hygiene and cleanliness. This classifies them in a category of people that never were included in the original custom. Support for this is from the fact that all people shower and bathe after rising from shiva and do not refrain as stated in the Shulchan Aruch (Ramo Y.D. 381:1) for those still within the 30-day mourning period.
49. The Aruch Hashulchan (Y.D. 381:4) explains that in his day (over a hundred years ago!) people are halachically classified as *istinis*, particular about their hygiene and cleanliness, and may bathe during the *shloshim*. He reiterates the same point regarding showering during the nine days. In this regard, things have only become more acute and people shower more frequently. Thus, even in cooler climates, like in South Africa where the three weeks falls during the winter, one may shower during the nine days as they usually do. Many, however, still commemorate this time with less showering and bathing as it was customary in earlier periods.
50. One may use all types of deodorants during the nine days.

## Nails

51. One may cut nails during the nine days when Tisha Be'Av.<sup>3</sup>

## Construction and Planting

52. Renovations that are done for an aesthetic purpose or upgrading one's standard of living is forbidden even if one started in advance of rosh Chodesh. This includes painting, molding, new drapes, wall papering, light fixtures, expansion of one's home that is not necessary but allows for a more luxurious and comfortable home, landscaping (plants, flowers, grass) for aesthetic purposes whether in planters or a garden. Enhancement or beautification of one's home or building a second home or vacation home is forbidden.
53. **Exceptions:** These type of construction activities are permitted: Plumbing repairs, painting after a fire, geyser installation or repair, security installation (electronic or metal bars), telephone installation and air-conditioning units. Construction for personal residence quarters is permissible. Expansion of an apartment to accommodate extended family such as a newlywed daughter is permissible as it is for residence of the family. If without the construction there is not enough

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<sup>3</sup> מג"א תקנ"א ס"ק י"א ודלא כט"ז. וכ"פ בנוב"י יו"ד סימן צ"ט, וכן הוא בא"ר, ח"א ודה"ח.

space to properly accommodate the extended family, it is permissible. Construction (including renovation) for commercial purposes is permissible.

- 53.1. Weeding, watering and mowing the lawn or planting and maintaining a vegetable garden is permissible.
- 53.2. Renovations of a shul, mikve, yeshiva or school is permissible as it is for the sake of mitzvoh (Ramo 551:3).
- 53.3. Repair work on existing structures is permitted (551:1).

## Purchases

- 54. One is permitted to make a shehecheyanu during this period when appropriate, however, one should not purchase items that bring joy and are not essential. Clothing, furniture, signing on the purchase or rental of a home or apartment, jewelry, even Tisha Be'Av shoes!
- 55. **Exceptions:**
  - 55.1. When there is a wedding right after the second fast, one may purchase items during the nine days for the needs of the wedding.
  - 55.2. When the purchase is for business purposes e.g., a car.
  - 55.3. Food, meat
  - 55.4. When there will be a loss of money. For example, when the price will probably rise after the fast, or there is a unique opportunity to buy something that won't be available later.
  - 55.5. One may order furniture or items and request that they arrive after the fast. If they arrive beforehand, the buyer should avoid making a kinyan (mode of halachic acquisition).
  - 55.6. Items needed for health and bodily needs: fan, eyeglasses, watch, clothes when one doesn't have them. It is preferable to buy new under garments until *shavua shechal bo Tisha Be'Av* (not applicable this year) than wash clothes.
  - 55.7. Seforim, tefillin, tzitzis, mezuzos
  - 55.8. Buying and delivering gifts are permitted (Shabbos flowers for one's spouse). This also aids in countering baseless hatred. Bar Mitzva gifts are permissible as they are also classified as *dovor bo'oved* (if one fails to give the gift now, he may never give it). Baby gifts and gifts to a new mother are permissible.

## Creating Clothing

- 56. Sewing, embroidery, knitting is forbidden during the nine days even if it won't be finished before the fast.
- 57. A professional seamstress or tailor that received work before Rosh chodesh may continue working on it after Rosh chodesh until shavua shechal bo Tisha Be'Av. A machine may be used and professional work done, but the finished product should not be delivered to the client until after the fast.
- 58. One may sew on buttons, mend a rip, or patch a garment provided one does not plan to have all such work accumulate and leave for the nine days. You may bring your shoes for repair to the shoemaker.
- 59. Hemming slacks is forbidden.

60. Curtains may be sewn as they are not classified as garments. They may be put up if it affords privacy.
61. One may embroider challoh covers and carpets. Embroidery projects may be done in camps.

## Food and Drink

62. As soon as sunset of Rosh Chodesh falls one may not eat meat or chicken. One may not finish consuming one's chicken cutlet that was started before *shekiab* (sunset). All *fleishig* (meaty) foods are forbidden including soups and dishes cooked with meat. If the food was cooked in a *fleishig* pan but all the ingredients were parve, one may eat it.
63. Wine, grape juice or food that has a detectable flavor of wine is forbidden. Whiskies and other alcoholic beverages are permitted. Wine vinegar tastes different than wine and is permitted (Ramo 551:9).
64. It is permissible to drink wine as a tool to fall asleep (Sdei Chemed).
65. **Exceptions:** An ill person who needs chicken or meat. Pregnant, nursing or new mothers within 30 days of delivery may eat meat.
66. Children until the age of 7 may eat meat. If one made a berochoh on the wine or meat, he should taste it and swallow a little.
67. Seudas Mitzvoh. Bris, Pidyon Haben, Bar Mitzvoh when it is the day of the bar mitzvoh and the young man shares Torah. Siyum.

## Shabbos

68. Shabbos should be celebrated exactly as any other Shabbos with no noticeable difference. Joyful songs, *Lecboh dodi* should **not** be sung to *eli zion ve'orebo* (Terumas Hadeshen). The Chazon Ish didn't let any part of the *kerioh* to be done in the tune of Eichoh. Those shuls that have a firm custom to do so, may continue to use the Eichoh tune for *eicha eso levadi*.
69. Meat and wine as normal for all the Shabbos meals.
70. Havdoloh may be said on wine.
71. One should not appear to change from Shabbos clothes to weekday clothes motzaei Shabbos. One may wear them until after Melave Malka.

# FAQS

72.

## Surgery

Q

Is it advisable to avoid a surgery during the three weeks?

A

If a person needs an operation or even plans to have elective surgery and can schedule it to avoid the time between *Shiv'ah Asar Betammuz* and *Tisha Be'av*, he should do so. The Mechaber rules that one should not hit students during this period.<sup>4</sup> Presumably he is referring to a situation in which hitting the student is justified from a halachic and educational standpoint; nevertheless, one should refrain from doing so during the national mourning period.

We can extrapolate to surgery based on these principles. Surgery involves physical invasion no less than corporal punishment and it is not administered by a loving teacher. Often the surgeon has only a minimal acquaintance with the patient if any. Furthermore, there is usually some degree of risk associated with surgery. Therefore, if the surgery can be rescheduled for a time before *Shiv'ah Asar Betammuz* or after *Tisha Be'av* without any significantly increased risk to the patient, it is advisable to avoid scheduling the surgery during the three weeks. Cataract surgery, tooth extraction, invasive exploratory exams, immunizations and other surgeries that can wait, should be postponed until after *Tisha Be'Av* or brought forward and performed *Shiva Asar BeTammuz*.

Your question was about surgery. However, any medical procedure that involves risk of bodily harm is included in the *halochoh* calling on all Jews to be extra cautious during this time of national mourning due to the increased danger. Some medical procedures, such as certain fertility treatments, involve little or no risk and there is great advantage to perform them earlier rather than late. Generally, these should not be delayed and performed even during the nine days, except *Tisha Be'Av*.

The behavior of the Jewish people today includes many of the negative elements that were prevalent among the people millennia ago and which led to the tragedies of this time of year. As long as the similarities of evil behavior persist, the spiritual forces allowing harmful events to happen during this period will also remain.

May we correct our own behavior and assist others in correcting theirs so that this time of sadness departs from the Jewish people, to be replaced by a time of happiness, when we will all be healthy and have no need for physicians or surgery.

## Travel      Fast and Fly

73. Question:

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<sup>4</sup> או"ח תקנ"א סי"ח. ועיין במ"ב שם סק"ג הביא בשם הט"ז דה"ה דיש לזוהר ברצועה.

I am flying from Eretz Yisroel to Canada the night of Shiv'ah Asar Be'Tammuz, arriving in Toronto at 6 a.m. (same time zone as New York). At what point in the flight does my fast start?

Answer:

- 73.1. The fast starts at *amud hashachar*, which is around 72 minutes before sunrise. To be accurate, it really depends on the angle of the sun below the horizon (16.1 degrees).
- 73.2. When you are in the air, you have to calculate the times as if you were on the ground at those coordinates.<sup>5</sup> Since your plane will be flying, the coordinates will be constantly changing and will be difficult to determine. Furthermore, traveling from Eretz Yisroel to Canada at night is particularly problematic, since the airplane curves north, where sunrise is earlier, and it might get light and then dark again as the plane curves southward again. You cannot estimate the start of the fast based on your expected arrival time; you have to calculate it based on your position over the Atlantic Ocean and not according to sunrise in Toronto. The only thing I can recommend is to do what all Jews did for centuries before watches and timetables became popular. Look out the airplane window. If the sky seems as black as midnight, then you can eat; if you see the beginning of any light, it may be too late. Remember, just because someone saw light doesn't mean that after that you will always be forbidden to eat. The airplane may pass through an area that has light and then fly to a place that is still

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<sup>5</sup> Rav Feinstein ruled that a person way up in the air calculates a third and a quarter of the day regarding *zman tefillah* and *zman kerias Shema*, respectively, as if he were on the ground directly beneath him (see Igros Moshe, O.C. 3:96). Presumably, he would say the same for all other halachos, including the start of a fast at *amud hashachar* and the end of the fast after sunset. (More about the end of fasts is found in a discussion of Taanis Esther. Regarding the end of Shabbos and *kerias shema*, *tzeis hakocharim* is determined by three small stars whereas regarding the end of a fast day [besides Yom Kippur], it is sufficient to see three medium sized stars.)

This approach can be helpful when one is flying from coast to coast in Australia on a Sunday. According to the Chazon Ish, only the eastern edge of Australia is beyond the halachic dateline. Nevertheless, he maintains that the entire landmass has the same halachic day as the western edge. He uses a *chiddush* called *gereiroh* to explain this. However, a person traveling from the mainland to an island off the eastern coast, or even taking a boat or swimming from the land into the ocean on the eastern side would be going from Sunday into Shabbos. What if one were to fly over the country? Is being in the air similar to leaving the land and entering the previous day? If the air is not considered part of the land mass, it may be Shabbos in the air over eastern Australia while it is Sunday on the ground below! But according to Rav Feinstein's logic, which considers a person in the air to be governed by time-related halachos as if he were on the ground at those coordinates, it seems likely that as long as the airplane stays above land and does not fly over the ocean, a passenger will never leave Sunday and enter Shabbos.

completely dark. In other words, it may be halachically correct to start your fast, and then break it when you fly south.<sup>6</sup>

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<sup>6</sup> When the sun rises again, one would think that the traveler should start his fast again since it is still the 17<sup>th</sup> of Tammuz. However, I am not certain that this is required.

The Chazon Ish discusses flying over a dateline into and out of Shabbos. He rules that Shabbos is fixed to the location and must be observed in the air over the area that is Shabbos no matter how many times one enters and leaves Shabbos.

This is not the case with regard to a mitzvoh that is specific to a particular calendar date and comes around once a year. One only has to do the mitzvoh once that year even if the day is repeated. For instance, if one blew the shofar on the second day of Rosh Hashonoh and flew the next day back into Rosh Hashonoh, he is not required to blow again. The same is true of eating matzoh and reading Megillas Esther. Therefore, if, after fasting all day on Shiv'ah Asar Be'Tammuz, a person flew eastward on the 18<sup>th</sup> of Tammuz and reentered the 17<sup>th</sup> of Tammuz, he would not have to fast again, since he already performed the mitzvoh of fasting on the 17<sup>th</sup> of Tammuz that year.

Similarly, if the sun rises and sets twice on the same day, it seems to follow that the person should only have to fast once—from the first *amud hashbachar* until the first *tzeis hakocharim*. When the sun rises again, he is exempt from fasting since he already fasted a complete fast on the 17<sup>th</sup> of Tammuz that year. Therefore, in your case, it seems logical to me that if you flew far enough north to have an *amud hashbachar* and then south soon enough to have a *tzeis hakocharim*, by fasting during that time you have fulfilled your mitzvoh for that year. When the sun rises again that day, you would be exempt from starting the fast again.

Because this suggestion is novel, I am reluctant to rely on my conjecture in practice without the approval of *talmidei chachomim* familiar with the topic. Rav Chisda commented that any fast that has not lasted until nightfall cannot be considered a fast (Taanis 12a). The implication is that once it is nightfall, it should be considered a fast. Perhaps, if there are two nightfall's in one day, it is sufficient to reach the first *tzeis hakocharim*.

Reportedly, Rav S. Z. Auerbach ז"ל and Rav Moshe Feinstein ז"ל ruled that if one experiences two sunrises on the same day of the week, one is obligated in only one tefilloh. The time cycle for tefilloh is once a day, regardless of how many nightfall's and sunrises there are on that day. Since they hold that tefilloh is day-sensitive and not sunrise-sunset-sensitive, it follows that someone who davens and then crosses the dateline westward (leading into the following day) has to daven again even though he did not experience a sunset or second sunrise. If it is the day that requires the tefilloh, then since he is now in a new day, he must fulfill that day's tefilloh obligation.

Rav Elyashiv is reported to hold the opposite opinion and to consider tefilloh to be sunrise-sunset-sensitive. In that case, two sunrises in one day obligate the person in two tefillos, whereas crossing the dateline in a westward direction (effectively stepping into the next day without nightfall) does not require a new tefilloh. These two views regarding tefilloh are expounded upon in Rav Betzalel Stern's *Betzel Hachochmoh*, and Rav Yechezkel Roth's *Emek Hateshuvo*.

73.3. To get an idea of the time that the fast might start, you can check a program online at [www.myzmanim.com](http://www.myzmanim.com). This program is still in trial and plots what the expected route might be.

73.4. Remember, people who are pregnant,<sup>7</sup> nursing,<sup>8</sup> sick, very weak or in great discomfort are exempt from fasting on Shiv'ah Asar Be'Tammuz. (It is worth discussing each situation with a rav to be sure you are making a halachically sound judgment.) When flying, it is particularly important to hydrate oneself since the altitude changes the body's physiology and one is more prone to dehydration. If you feel that you really need a drink, are concerned about dehydrating and are unsure about the time, you can be lenient.<sup>9</sup> You may want to try to drink a lot at the beginning of the flight and sleep through the night. If you feel dizzy or as if you are going to faint, break your fast.

## Gardening

### 74. Question:

74.1. On what days are we permitted to hire a gardener to do work such as trimming trees and shrubbery, mowing the lawn, and removing weeds? During the three weeks? The nine days? How about before noon on the 10th of Av?

**Answer:**

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Even if there is a dispute regarding tefillah, it seems that all *poskim* would agree that the obligation to fast is day-sensitive, and if you fasted from *amud hashachar* to *tzeis hakoachavim* once you do not have to fast again if you experience another sunrise on the same day.

<sup>7</sup> The *poskim* commenting on the Shulchan Aruch consider a gestational age of 12 weeks or more as a recognizable pregnancy exempting the woman from fasting even if she feels perfectly fine. They also mention that a woman who is less than 12 weeks pregnant does not need to fast if she experienced any complications or is in pain. Any woman who feels nauseous, ill or weak at any stage of her pregnancy (even before 40 days from conception) is advised not to fast. The fetus is particularly sensitive in the first trimester and sometimes the mother is also at risk (Mor U'kitzi'oh 550).

<sup>8</sup> After delivery (even if there wasn't a live birth), a woman is exempt from fasting for at least 30 days, even though she is not nursing.

<sup>9</sup> כשיש ספק אם עוד לא התחיל הצום או אולי כבר התחיל, נראה דיש להקל מדין ספק דרבנן לקולא. ואף מצאנו שכ"כ המ"ב תרטי"ז ס"ק י"ג לענין צום דרבנן באחד שהגיע לכלל שנים ולא הביא ב' שערות וספק שמא נשרו, דפטור מלצום משום ספק דרבנן להקל. ואע"פ דדברי המ"ב תמוהין דבשאר דברים מדרבנן אמרינן דהגיע לגדלות וסמכין אחזקה, ורק לענין דאורייתא חיישינן שמא אינו גדול לחומרא, אבל אי"ז ממש כספק שנקל בו שלא צריך לצום. וראיתי בא"א לפמ"ג סימן תקי"ב דהביא מש"כ האי"ר דכל שהגיעו ליי"ב שנים לנקבה וי"ג שנים לזכר חייבים להתענות תעניות מדרבנן אף שלא הביאו ב' שערות. וא"כ דברי המ"ב צ"ע.

עכ"פ היכא דבאמת איכא ספק בזה, כגון בנדי"ד שאולי לא הגיע עה"ש, נראה דבמקום צורך יש להקל. אולם אי"ז אלא בספק דרבנן, אבל בספק דאורייתא אפשר דאזלינן בזה לחומרא אף למי"ד ספק דאורייתא מה"ת לקולה. דבדי"א כשיש ספק אם בכלל יש חיוב, י"ל דלא חייבה התורה במצוות אלא בודאי חיוב ולא בספק, משא"כ בספק קטן די"ל דבעצם קטן בכלל מצוות התורה מלידה אלא דיש עליו פטור של קטן דאינו בר דעת, וי"ל דכ"ז כשהוא ודאי קטן, אבל כשהוא ספק קטן, לא יצא מכלל החיוב, ובעינן פטור ודאי. וכעין זה ראיתי באג"מ יו"ד ח"א סימן ג' ה"ו.

- 74.2. You can have a gardener do all the work that you mentioned throughout the *aveilus* period. On Tisha B'av itself, you should not have a Jew do that work for you.
- 74.3. Planting for aesthetic purposes is prohibited. You should not have a gardener plant trees, flowers, grass, or other plants in order to have a pleasant garden for scenery or relaxation. The prohibition is effective from sunset at the beginning of Rosh Chodesh Av until *chatzos* on the tenth of Av.
- 74.4. However, if the primary reason for planting the tree is a practical consideration such as to have *aravos for Succos*, a *besamim plant to use for havdoloh* or to benefit from the fruit, it is permitted.
- 74.5. Only planting is prohibited. One can water an existing garden or trim shrubs and plants.
- 74.6.

## Kiddush Levonoh at KSY (Kehillas Shivtei Yeshurun)

Q

75. When is the best time to recite Kiddush Levonoh for the month of Av?

A

- 75.1. The Ramo rules that one should not recite Kiddush Levonoh before Tisha B'Av and not on the night of the tenth immediately after the fast. The *berochoh* should be recited on one of the following nights.<sup>10</sup>
- 75.2. Others maintain that one should not delay the *berochoh* until a later night; it should be recited on the tenth of Av.<sup>11</sup> Since the fast will be over a few minutes before Maariv is to begin, there is enough time to deviate from the normal practice of saying kiddush Levonoh after maariv. Technically it is possible to recite Kiddush Levonoh after the fast before Maariv.<sup>12</sup> However, this is not halachically advisable since one should really drink and eat something before saying the *berochoh* unless one will miss out on reciting it together with

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<sup>10</sup> O.C. 426:1. Darkei Moshe mentions that if Tisha B'Av is on a Thursday, one should wait until Motza'ei Shabbos to recite the *berochoh* (M.B. 426:10). The *berochoh* is the essential part of Kiddush Levonoh. That is why I discuss only the *berochoh*.

<sup>11</sup> M.B. 426:11. This is the custom of the Arizal; it is the ancient minhag in Yerusholayim and accepted by the Shevus Yaakov (vol. 2, 11) Pri Chodosh and the Chayei Odom.

<sup>12</sup> One should not say Kiddush Levonoh during *bein hashemoshos* since the moon is not so visible (Mishnoh Beruroh 426:2). One can recite Kiddush Levonoh at *tzeis hakochovim* 6.45° below the horizon. With regard to reciting *kerias Shema*, it is best to wait until a later time so that it has reached a more stringent definition of *tzeis hakochovim*. It is best to wait until the sun is 7.083° below the horizon for *kerias Shema*.

others.<sup>13</sup> It is also appropriate to put shoes on for the *berochoh*.<sup>14</sup> It is also not practical, since most everyone will want to start maariv on time after the fast and it may take longer than is available to get everyone outside, say Kiddush Levonoh and get them back in for maariv. Either people will start too early, speed daven during Kiddush Levonoh or start maariv too late. All of these scenarios should be avoided.

75.3. The Vilna Gaon accepts the preference of the poskim for not delaying Kiddush Levonoh. He disagrees with the Ramo on two counts: Not only should it not be pushed off past the tenth of Av; one should not even wait until after Tisha B'Av. In other words, as soon as three days have passed after the *molad*, one should recite Kiddush Levonoh.<sup>15</sup>

75.4. Since the prevalent custom is to wear Shabbos clothing for Shabbos Chazon (and not as the Ramo states),<sup>16</sup> and according to the Gro the appropriate time for Kiddush Levonoh is before Tisha B'Av, it is acceptable for Kiddush Levonoh to be said on Motza'ei Shabbos Chazon (when the fast doesn't start Motzaei Shabbos) as long as it is three days after the *molad*. At that time, the congregation will be wearing Shabbos clothes and not fasting. This seems to be a practical and halachically acceptable position. Pushing off Kiddush Levonoh until the eleventh of Av or later is not in accordance with most of the poskim except for the Ramo and one also runs the risk of forgetting to recite it entirely. If it will be said immediately after the fast, people will either not be wearing shoes or will still be fasting.<sup>17</sup> Gathering everyone together later that night after people have eaten and changed their clothes is impractical. Someone will miss out on *Kiddush levonoh* that month.

75.5. Even when *kiddush levonoh* can be recited Motzaei Shabbos Chazon before Tisha B'av I still recommend that the Kehilla arrange to serve a snack and drinks immediately after the fast and people are told to come with Tisha B'Av shoes instead of socks. Under such circumstances, Kiddush Levonoh can be scheduled for Motza'ei Tisha B'Av as is done in most shuls. If the snack or shoes cannot be arranged, I recommend that *kiddush levonoh* be recited in KSY on Motza'ei Shabbos after Shabbos Chazon the same way it is done any other month.

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<sup>13</sup> Shaar Hatziyun 426:9 in the name of the Chayei Odom. The Eliyahu Rabbo adds the point that *berov am hadras melech* takes precedence over not reciting the *berochoh* while still fasting.

<sup>14</sup> Mishneh Berurah 426:11 in the name of the Pri Chodosh. Reportedly, Rav Elyashiv and Rav Chaim Kanievsky *shlita* do not limit this halachah to someone who wore only socks during Tisha B'Av; they consider it important to remove one's non-leather sneakers, slippers or shoes and put on one's regular leather shoes before Kiddush Levonoh. My observations indicate that many people do say Kiddush Levonoh in "Tisha B'Av shoes". Apparently, they interpret the Pri Megodim (554:1) and Mishneh Berurah (426:11) as only restricting barefoot people from reciting Kiddush Levonoh. Someone wearing Tisha B'Av shoes may recite Kiddush Levonoh.

<sup>15</sup> Maase Rav 159.

<sup>16</sup> See Ramo 559:1, M.B., and Aruch Hashulchan.

<sup>17</sup> It also delays the arrival of the men to their homes. Often they are very much needed at home at that time.

75.6. However, this year when it was impossible to recite *kiddush levonoh* Motzaei Shabbos immediately after Rosh Chodesh, and the following Motzaei Shabbos is already Tish B'av, it is recommended to recite kiddush levonoh after the fast. Since *havdoloh* needs to be recited before snacking, and one's wife and family might be anxiously waiting at home to hear *havdoloh*, one may drink water after the fast is over, recite *kiddush levonoh* before maariv and rush home to make *havdoloh* and break the fast.

76.

## Washing gym clothes during the nine days and Showering

Question:

I would like to know what I should do about my gym clothes during the nine days. Is it permissible to wash them? I won't have enough otherwise, and after being worn once, they are unwearable until they are washed.

During the nine days is it permissible to shower after working out? If I can't shower, I may avoid working out.

Answer:

76.1. If a person has only one garment and it gets dirty, it can be washed until Shabbos Chazon even if he would be prepared to wear it as is (M.B. 551:29). During the week of Tisha Be'Av, he would have to wear it dirty if it is still wearable. If it is not wearable, he may wash it even during the week of Tisha Be'Av. **When Tisha Be'Av is on a Sunday, the week before is not considered *shavua shechal bo Tisha Be'Av* even if the fast is *nidche*, and Sunday is the tenth of Av. Thus, if you only have one set of gym clothes, or not enough to change and have a fresh one each time, this year, you may wash them as needed.**

This set of laws is appropriate for common articles of clothing.

Gym clothes, which are generally worn only once before being put into the laundry, would seem to be halachically similar to children's clothing, for which the Ramo offers a leniency, which would be applicable even when Tisha Be'Av is during the week. The Ramo rules that children's clothing, which tends to become dirty quickly, may be washed up until Tisha Be'Av (551:14).<sup>18</sup> The Mishna Beruroh

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<sup>18</sup> The Pri Megodim (E.A. 551:39) understands the Ramo to be referring not only to children who cannot control their bladder or bowels, but to older children as well. The Chayei Odom (133:18) extends the leniency to three-year-old children. Reportedly, Rav Elyashiv, *zatzal*, permitted washing the clothing of children up to eight years old. The cutoff is more a factor of carelessness about maintaining clean clothes than it is of age, but Rav Elyashiv's statement does help us gain perspective on the degree of garment care necessary in order to be excluded from the prohibition.

(551:84) explains that these types of garments do not cause much joy when washed and thus are not included in the restriction of Chazal.<sup>19</sup>

Chazal were concerned that when one engages in actions that generally bring a significant amount of joy, it appears as if one has forgotten about the tragedy that we are supposed to be mourning. If the action doesn't elicit much joy, it will not trivialize the tragedy.

In my opinion, included in this category of children's clothing are all garments that soil easily and that one does not expect to wear for long before putting into the laundry. Bibs;<sup>20</sup> dish towels, handkerchiefs and gym clothes that are worn only once seem to fall into this category.

Therefore, if you only have one set of gym clothes and you work out at a gym during the week of Tisha B'Av (*shavua shechal bo*) more than once, you can wash your gym clothes even if they are still wearable.<sup>21</sup>

Although the Mishnah Berurah forbids washing many such items at once, that is because when clothing was washed the old-fashioned way, it produced more of a scene if many items were washed at once. Today, when we use washing machines, it would have the opposite effect. Washing only four garments at a time would mean that the washing machine has to run many more times; this would give the impression of trivializing the mourning period. Hence, the same halachic principle yields the opposite behavior than was appropriate a century ago before washing machines were commonly used. In today's world, it is appropriate to save as much of this sort of clothing and do as few loads of laundry as possible.

Once you are doing a load that is permissible to wash, you should not put in other garments that would be otherwise forbidden to wash. You might think that "once the washing machine is going anyway I might as well put more clothing inside"; however, since the restriction is based upon the joy that one derives from having clean clothing, you should not add anything other than those garments that are permissible to wash.

After you have worked out and are all sweaty, you may shower normally (with hot water) to remove the dirt and sweat.<sup>22</sup>

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<sup>19</sup> במ"ב תקנ"א ס"ק פ"ד הביא מהלבוש דאין בכיבוסן של אלו משום שמחה. ומבואר מדבריו דיסוד איסור כיבוס משום שמחה, וכ"כ ממשי"כ הלבוש תקנ"א ס"ד לחלק בין כיבוס דאיסור מר"ח ובין לבישת הבגד המכובס דאיסור רק משבוע שחל בו ת"ב, ומ"ש אי איסור לבישה נובע מאיסור הכיבוס, אולם לשיטתו א"ש, די"ל דהשמחה מהכיבוס יותר מהלבישה של בגד מכובס. אלא דהמ"ב תקנ"א ס"ק כ"א כתב דאיסור הכיבוס הוא משום דנראה כמסיח דעתו מהאבילות, ולכאורה סותר דברי עצמו, אולם נראה דתירווייהו איתנהו, דמאחר דיש בו ענין של שמחה נראה כמסיח דעתו מהאבילות, אבל בדבר שאינו שמחה כ"כ אינו נראה כמסיח דעתו מהאבילות.

<sup>20</sup> The apron worn by the adult feeding that child can also be washed!

<sup>21</sup> If they are unwearable, as you wrote in your question, you may wash them anyway (i.e., even without the comparison to children's clothing). It would be akin to a person who literally does not have clothes to wear. Chazal do not require that we endure great suffering or embarrassment to fulfill a *mitzvah derabbonan*.

גדול כבוד הבריות שדוחה לא תעשה שבתורה.

<sup>22</sup> עיין אג"מ א"ה ח"ד סימן פ"ד אות ד' דאם רוחץ וכונתו להסיר הזיעה ולא מחמת תענוג יש להקל מר"ח עד עת"ב. ובעה"ש סימן תקנ"א סל"ז כתב דמי שאינו נקי בגופו דמותר לו לרוחץ בחמין כדי שיהא נקי עכ"ד. ונראה

דהאיסור לרחוץ חלק מגופו בחמין או כל גופו בצונן היינו כשעושה כן לתענוג. ולכן נראה דמעיקר הדין מי שלומד לשחות יכול להמשיך בקורס שחיה מר"ח עד עת"ב כיון שאין כוונתו לרחוץ לתענוג. וכ"ש אם שוחה לרפואה דשרי כמ"כ במ"ב ס"ק פ"ח. ולכאורה ה"ה מי ששוחה לצורך התעמלות בלבד י"ל דשרי מדינא, כיון דאינו רוחץ לתענוג.

אבל שחייה לתענוג נראה דהוי כרחיצת כל גופו בצונן ואסור. ונראה דראוי להחמיר אף בקטנים שהגיעו לחינוך דאבילות, ואע"ג דאין אבילות לקטן כמ"ש ביו"ד שפ"ד, כ"כ המג"א (ס"ק ל"ח) דאבילות דרבים שאני שהוא לזכרון בית קדשינו ראוי לחנך גם הקטנים. ובעה"ש תקנ"א ס"א ביאר דלאו משום דאבילות זו חמירא מסתם אבילות דאדרבה אבילות זו קילא, אלא דבזה יש חינוך ליראת השם שהקטן כשישאל על מה זה יסבירו לו ענין החרבן עכ"ד.

אולם אותם הקטנים שמתענגים בכלי גדול של מים בחצר הבית, נראה דאין צריך להחמיר בהם. וטעמא משום דבדרך כלל הם קטנים ביותר ולא הגיעו לחינוך, ועוד, אותן בריכות בחצר המיטלטלות אינן עמוקות וא"כ לא יכניסו כל הגוף והראש במים והוי כאבר אבר בצונן דשרי אף לגדול, ולכן אם עכ"פ נזהרים שלא להכניס כל הגוף למים, שרי גם לילדים גדולים, ואף לגדולים ממש.

ולענין מקלחת, נראה כיון שהקילו הפוסקים לרחוץ אבר אבר בצונן (עמ"ב ס"ק צ"ד), אם יהא זהיר שאין המים חמים ביותר אלא פושרים שלא יהנה מחמימות המים אלא מחמם המים קצת שלא יסבול מקרירותו, וגם יהא זהיר שלא לרחוץ ראשו וגופו בב"א אלא אבר אבר, נראה דאין בזה איסור לכו"ע.

כ"ז כתבתי לאלו שמקפידים שלא לרחוץ כדינא דשו"ע, ומן הראוי להתנהג כך ולהתאבל על ירושלים והגלות במניעת רחיצה. אולם לדינא, נראה דהאידינא יש מקום להקל להתקלח כרגיל, ובמקום הצורך יש לסמוך על כך. וטעם הדבר דצום ת"ב הינו מדרבנן (ודלא כמ"ש הט"ז דהוי מדברי קבלה), ובראשונים מבואר דגדר י"ז בתמוז עד ר"ח דינו כאבילות של יב"ח, ומר"ח עד ת"ב דינו כאבילות דשלושים. והנה איסטניס רשאי לרחוץ אף בשבעה ימי אבילות, והיום נוהגים הרבה להתקלח כמעט כל יום, ונוהגים בנקיות גופם כאיסטניס של פעם. ועוד, מדינא דשו"ע אין לרחוץ תוך שלושים של אבילות, אולם נהיגי עלמא לרחוץ לאחר שבעה ולא שמענו מקפידים שלא להתקלח ולרחוץ לאחר שבעה, הרי מוכח דאנו כאיסטניס עכ"פ לגבי רחיצה של שלושים, וא"כ שוב אין לאסור מדינא רחיצה לאחר ר"ח דדינו כשלושים.

אולם עת"ב לאחר חצות יש מקום להחמיר שלא לרחוץ.

After Rosh Chodesh Av until erev Tisha Be'av, it is generally forbidden to wash any part of the body with hot water for pleasure or to wash the entire body at once with warm water. Therefore, even without the special consideration of the removal of sweat mentioned above, there is a way to shower during this period: in warm water limb by limb. In other words, if the water temperature is warm enough to remove the chill but not hot enough to make the shower enjoyable *because* of the hot water, one can wash one's head while keeping the rest of the body out of the spray of water, then wash one's arms, then one's legs, etc.

Summary of the Hebrew section of this note:

1. The restriction of bathing during the nine days is when it is done for pleasure. Centuries ago bathing was often done once a week in a public bathhouse and was a prolonged pleasurable activity. In contemporary society, showering is often done due to a sense of feeling dirty and in such a case it is permitted to use hot water and shower normally. Certainly when one is sweaty one can shower normally.
  - 1.1. Accordingly, one can continue swimming lessons during the nine days as the goal is not a pleasurable bath but to perfect strokes and swimming skills.
  - 1.2. It is permitted to swim for the aerobic, cardio-vascular or other therapeutic benefit.
  - 1.3. Recreational swimming in fresh water as an enjoyable activity should be avoided. This falls in the category of bathing one's entire body at once in warm water. Children from the age of 10

## Haircuts for Children during the three weeks

Q

We planned to cut our children's hair the night before Shiva Asar Be'Tammuz, however there was a power outage (load shedding) and we were unable to do so. It is now Shiva Asar Be'Tammuz and we were wondering if it is permissible to give the kids a haircut or must we wait until after Tisha Be'av? Our sons are seven and ten years old.

A

Generally, children do not practice any laws or customs related to mourning relatives. However, since the mourning practices you speak of are national mourning practices to reflect on the loss of the Beis Hamikdosh, children that are of age to understand the loss of a Beis Hamikdosh should be trained in the laws and customs that adults keep during this period. Your ten-year-old has reached that stage but your seven-year-old has not.

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should also be restricted from such swimming as they are old enough to become sensitive to the national loss of the Beis Hamikdosh.

- 1.4. Young children that frolic in kiddie pools at home under the watchful supervision of adults may do so throughout the nine days. Besides the young age which disqualify them from mourning behaviors, the entire body is not submerged in water. As long as the entire body is not being bathed at once, even an adult may bathe in warm water.
- 1.5. Hence, according to all opinions, one may take a shower in warm water provided that the entire body is not under the stream at once. By washing the head, then each body part independently, one may shower during the nine days. The temperature may be warm enough to make it comfortable to enter but not hot enough that the heat makes the experience pleasurable. The temperature should be set for cleaning the body, not a bathing experience.
- 1.6. These guidelines are compliant with the common custom to refrain from bathing during this period. According to normative halachic standards, it would seem that the restriction on bathing is not relevant for most Jews today. People shower frequently and they have high standards of hygiene and cleanliness. This classifies them in a category of people that never were included in the original custom. Support for this is from the fact that all people shower and bathe after rising from shiva and do not refrain as stated in the Shulchan Aruch (Ramo Y.D. 381:1) for those still within the 30-day mourning period.

The Aruch Hashulchan (Y.D. 381:4) explains that in his day (over a hundred years ago!) people are halachically classified as *istinis*, particular about their hygiene and cleanliness, and may bathe during the shloshim. He reiterates the same point regarding showering during the nine days. In this regard, things have only become more acute and people shower more frequently. Thus, even in cooler climates, like in South Africa where the three weeks falls during the winter, one may shower during the three weeks according to the restrictions of halachah. Many, however, still commemorate this time with less showering and bathing as it was customary in earlier periods.

You may give your boys a haircut erev Shabbos for the honor of Shabbos up until Rosh Chodesh Av. The Mishnah Berurah 551:32 rules that an adult should not take a haircut during the three weeks even if it is done *lekoved Shabbos* (for the honor of Shabbos), however, this is not universally accepted. Even the Biur Halachah raises significant challenges to this halachah as it seems from the source that one may take a haircut for Shabbos.<sup>23</sup>

78.

## Invalidated (*Posul*) Tzitzis

Q

My 9-year old's tzitzit strings ripped this morning (during the nine days) he has one more pair that is really dirty and it's mixed with other dirty clothes. I managed to convince him to wear his older brothers' tzitzis this morning. It was way too big on him and he was really troubled by it.

he asked me to ask the Rav if we can wash his other pair or if we can buy new tzitzis, even if it is just the strings and we can tie them on the old *begged*.

A

Since your son is nine years old, he is old enough to understand the destruction of Yerushalayim and his behavior should be attuned to it. Therefore, it is:

1. Best is to buy new strings and tie on the old garment.
2. If that is not feasible, you should wash the dirty *begged*.
3. If that is not possible, you may buy a new *begged* with tzitzis on it.

80.

**Question:**

## *Siyum*

My *chavrusah* and I have been learning Pirkei Avos with Kehati each morning for the past year. At our current pace, we should be able to finish by the end of next week (i.e., after Rosh Chodesh Av). We would like to know if we can have a siyum with a *fleishigseudah* on during the nine days. Although this is not a full *sefer* of *mishnayos* or a *masechta* of Gemoro, we are quite excited about finishing it and would like to celebrate. Can we do it with fleishigs? What if we have only our two families? Can we then have it with fleishigs? My *chavrusah* will be leaving the country immediately after Tisha Be'Av, and we don't want to push it off until Elul.

**Answer:**

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<sup>23</sup> בפמ"ג בא"א ס"ק י"ד מבואר דמש"כ המג"א להחמיר לכבוד שבת הוא רק לנוהגין להחמיר מר"ח כהספרדים. אך למנהג שכתב הרמ"א שמחמירין בתספורת מ"ז בתמוז, אין להחמיר כשמסתפר לכבוד שבת. ואף שיש חולקים ע"ז (עיין כה"ח אות ס"ו) מ"מ נראה דיותר יש לסמוך על הפמ"ג במנהגי האשכנזים. ורע"א העיר דמתוס' מבואר כמג"א, ואף הביה"ל מפקפק במקור דין זה להחמיר, נראה דעכ"פ קודם ר"ח יש להקל בזה, ובפרט עבור ילדים, עמ"כ ס"ק פ"ב בשם הח"א.

Once a Jew made a promise during *aseres yemei teshuvoh* not to eat together with a group of people except at a *seudas mitzvoh*. After realizing that he was missing out on a lot of Torah from visiting *talmidei chachomim* who wished to dine with him, he sent the following question to Rav Yair Chaim Bachrach, a rav in Worms, Germany: What is the exact definition of a *seudas mitzvoh*?

The lengthy answer, written in *Teshuvos Charos Yair*,<sup>24</sup> begins, "It is extremely difficult to define the limits of a *seudas mitzvoh*." Rav Bachrach then quotes all of the references to this issue in the *poskim* available in his era and proceeds to analyze them in order to determine the exact definition.<sup>25</sup>

Indeed, even after his *teshuvoh* and others on the subject, it is still difficult to demarcate at what kind of *siyum* one can have meat during the nine days, especially when subjective factors are involved. Nevertheless, even considering your excitement about finishing this *masechta*, I don't believe completing Avos with the commentary of Rav Pinchas Kehati qualifies as a *siyum* warranting a *seudas mitzvoh* of meat during the nine days.

### Siyum on Seforim Other than Gemoro

The Ramo says a *siyum masechta* is sufficient to permit a *seudas mitzvoh* of meat after Rosh Chodesh Av.<sup>26</sup> Apparently, he is referring to a *masechta* of Gemoro.<sup>27</sup> It is likely that he did not mean to exclude other *seforim*, but simply chose the Gemoro as an example.

There is some evidence to support this theory. The next type of event at which the Ramo says meat and wine are permitted after Rosh Chodesh is a *seudas eirusin*.<sup>28</sup> This troubles the commentaries, since earlier the Mechaber prohibited a *seudas eirusin* from Rosh Chodesh Av until after the fast.<sup>29</sup> Several possible solutions have been suggested.<sup>30</sup> According to a novel explanation offered in the name of the Vilna Gaon, the original manuscript of the Ramo read:

בסעודת מצוה כגון מילה ופדיון הבן וסיום מסכת וס"א אוכלים בשר ושותים יין.

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<sup>24</sup> סימן ע'. וע"ע יש"ש פ"ז דבב"ק סימן ל"ז.

<sup>25</sup> Rav Bachrach printed part of his collection of *teshuvos* in Frankfurt in 5559 (1799), three years before he died.

<sup>26</sup> תקנ"א ס"י וז"ל בסעודת מצוה כגון מילה ופדיון הבן וסיום מסכת וסעודת אירוסין אוכלים בשר ושותין יין כל השייכים לסעודה, אבל יש לצמצם שלא להוסיף. ובשבוע שחל בו ט"ב בתוכה אין לאכול בשר ולשתות יין רק מניין מצומצם, וזה אפילו בערב ת"ב שרי, ובלבד שלא יהא בסעודה שמפסיק בה עכ"ל.

<sup>27</sup> עיין רמ"א יו"ד רמ"ו סכ"ו ומקורותיו.

<sup>28</sup> תקנ"א ס"י וז"ל בסעודת מצוה כגון מילה ופדיון הבן וסיום מסכת וסעודת אירוסין אוכלים בשר ושותין יין עכ"ל.

<sup>29</sup> תקנ"א ס"ב וז"ל מר"ח עד התענית וכו' ואין עושין סעודת אירוסין אבל ליארס בלא סעודה מותר ואפילו בטי' באב עצמו מותר ליארס שלא יקדמנו אחר עכ"ל.

<sup>30</sup> עיין בבאר הגולה שם, ובבאה"ט ס"ק ל"ב ובמ"ב ס"ק ע"ד דמסיים בדברי המג"א דיש שמוחקין אלו שני תיבות.

A printer incorrectly assumed that the abbreviation וס"א stood for וסעודת אירוסין, whereas in fact it should be וספרים אחרים. If so, the Ramo specifically permits making a *siyum* when one completes works besides a *masechta* of Gemoro.<sup>31</sup>

### Siyum on a Sefer of Nach

Rav Moshe Feinstein rules that a group of people who complete an in-depth study of one of the *seforim* in Nach may make a *siyum* with meat and wine during the nine days.<sup>32</sup> Rav Shlomo Kluger rules similarly, although he adds an interesting proviso: A siyum on a *sefer* of Navi is a *seudas mitzvoh* unless the purpose of learning it was to make a *siyum* to permit eating.<sup>33</sup>

### Siyum on *Mishnayos*

There are sources indicating that a siyum on *mishnayos* is a *seudas mitzvoh*.<sup>34</sup> However, one would have to complete a full *sefer*; one *masechta* is not sufficient.<sup>35</sup> Furthermore, even if a *masechta* of *mishnayos* were

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<sup>31</sup> This is consistent with the prayer said at the *siyum* in which one requests assistance in starting and completing other *masechtos* and other works.

יהי רצון לפניך ד' אלוקי כשם שעזרתני לסיים מסכת זו כן תעזרני להתחיל מסכתות וספרים אחרים ולסיים וכי'.

<sup>32</sup> וז"ל נראה לענ"ד דאף למוד בעיון הספרים של תשב"כ נמי יש להחשיב הסיום סעודת מצוה דהא מצינו דלאו דוקא סיום מסכת ללמד אלא כל מצוה שנמשכה משך זמן נמי יש שמחה בסיומה עכ"ל באג"מ או"ח סימן קנ"ז. וע"ע באו"ח ח"ב סימן י"ב דחזר על דבריו וכתב דכ"ש המסיים ספרא על ויקרא או מדרש רבה על ספר בראשית דסיומו הוי סעודת מצוה.

<sup>33</sup> שו"ת האלף לך שלמה או"ח סימן שפ"ו.

Perhaps the logic is that in order for it to be considered a *seudas mitzvoh*, the quality of the mitzvoh has to be factored in. A mitzvoh performed with ulterior motives (שלא לשמה) is qualitatively inferior to one performed with the pure intention of fulfilling Hashem's will. Hence, a meal prepared for such a mitzvoh does not reach the threshold required of a *seudas mitzvoh*.

Interestingly, Rav Kluger adds that if one were to learn a **masechta of Gemoro** *shelo lishmoh* (e.g., for the purpose of making a siyum to eat meat) a meal prepared in its honor qualifies as a *seudas mitzvoh*. The inherent value of such a mitzvoh is so great that even though it may have been done with an ulterior motive, a *seudas mitzvoh* is warranted. Apparently, he recognizes a greater value in completing a masechta of Gemoro than in completing a *sefer* of Nach.

According to Rav Shlomo Kluger the following equation is true: A *sefer* of Nach plus pure intentions equals a *masechta* of Gemoro without pure intentions (i.e., with the ulterior motive of feasting). Both qualify for considering a meal in its honor a *seudas mitzvoh*.

<sup>34</sup> עיין ספר דעת תורה ממחרשים תקנ"א ס"י וז"ל וראיתי נדפס בשם הגה"צ אבד"ק קאמינקא דגם אחר סיום משניות הוי סעודת מצוה ומותר לאכול בשר עכ"ל.

<sup>35</sup> שו"ת בנין שלמה סימן נ"ט.

Nowadays, as was the case generations ago, children complete *seforim* of *mishnayos* at a young age. A *siyum* made by a child is a *seudas mitzvoh* (שו"ת צפנת פענח ח"ב סימן י'). The only concern would be

to be considered sufficient, *maseches Avos* may not be. The Pri Megaddim points out that *hilchos derech eretz* do not qualify as Torah with respect to the laws of sitting in front of or alongside a person who is davening.<sup>36</sup> Accordingly, the Maharsham rules one cannot consider a *siyum* on *maseches Derech Eretz* a *seudas mitzvah*.<sup>37</sup> Avos is a *masechta* of *derech eretz*, as the Bartenura explains at the beginning of the *masechta*. The content is similar to that of *maseches Derech Eretz* and the same ruling should apply.

### Motivation and Timing

Another question to consider whenever contemplating a *siyum* during the nine days is this: Would I have made the *seudah* for the *siyum* if it were not the nine days? The Mishna Beruroh indicates that perhaps a person should not choose this period to make a *siyum* if he would not have done so at another time of year.<sup>38</sup> Certainly one should not speed the completion of a *sefer* or drag it out in order to plan a *seudah* of meat and wine during the nine days.<sup>39</sup>

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whether the child understands what he has learned. The *siyum* of Torah *she'be'al peh* is made on completion of the **learning**, which requires comprehension. Even if one did not verbalize all the words of the *sefer* but focused on their meaning and learned the *sefer* silently, one can make a *siyum*, whereas if one mouthed all the words without understanding some of them, one cannot. (Torah shebichtav is different in that there is inherent value in saying the words even without comprehension).<sup>36</sup> עיין או"ח סימן ק"ב אסור לישב בתוך ארבע אמותיו של מתפלל בין מלפניו בין מן הצדדין צריך להרחיק ד' אמות. ואם עוסק בדברים שהם מתקוני התפלות ואפילו בפרק איזהו מקומן אינו צריך להרחיק. ויש מתיר בעוסק בתורה אע"פ שאינו מתקוני התפלות עכ"ל המחבר. ובמ"ז שם סק"ד הביא מש"כ הב"ח דאם עוסק בהלכות דרך ארץ אסור לכו"ע וצריך לעמוד דלאו תורה מיקרי לעניינ'.

<sup>37</sup> בדעת תורה למהרש"ם תקנ"א ס"י כתב דלפי פמ"ג והב"ח הנ"ל בסיום מסכת דרך ארץ אין היתר לאכול בשר.

<sup>38</sup> תקנ"א ס"ק ע"ג. ובעה"ש שם סכ"ח כתב וז"ל ואנחנו לא נהגנו בסיום ואפילו כשיארע סיום בימים אלו אנחנו מניחין הסיום עד אחר ת"ב כדי שנוכל לשמוח בשמחת הסיום לכבוד התורה כראוי עכ"ל.

The Mishna Berura's reservation may be consistent with Rav Kluger's opinion mentioned earlier in the notes. Although Rav Kluger recognizes that a *siyum* on a *masechta* **qualifies** as a *seudas mitzvah*, he does not specifically write that it is always appropriate. The Mishna Beruroh is pointing out that although a *siyum masechta* may qualify as a *seudas mitzvah*, it may be inappropriate to exercise that right if the motivation is to eat meat. (It is also possible that Rav Kluger disagrees with the M.B. Conceivably, one could argue that a *siyum* should be celebrated whenever possible. The fact that someone did not celebrate a *siyum* once is not enough reason to prevent him from celebrating a *siyum* at another time, even if his motivation is for personal gain.)

If we accept the Mishna Beruroh's reservation, the following question can be raised: On what basis do summer camp administrators (in the U.S.) arrange for *siyumim* specifically during the nine days and not before or after? The wording of the Mishna Beruroh, however, is not forceful.

ז"ל המ"ב תקנ"א ס"ק ע"ג אם לא היה עושה סעודה בשאר הימים אפשר שלא יעשה גם עתה עכ"ל. Perhaps that is the basis for the leniency. See the next note for another explanation.

<sup>39</sup> חיי אדם קע"ג סק"ט ומ"ב תקנ"א ס"ק ע"ג. וז"ל אם לא נזדמן בלימודו הסיום לא ימהר או יאחר בשביל זה עכ"ל.

## Guest List

Your suggestion of minimizing the guest list for the *seuda* has a basis in *halachah*. Were you to be permitted to prepare a *seudas mitzvah* of meat and wine, since you expect to complete the *sefer* during the week of Tisha Be'Av, you would be restricted in the number of participants who could join in having the meat and wine.

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The wording **לא ימהר או יאחר בשביל זה** explicitly disapproves of orchestrating a *siyum* during the nine days. It is therefore surprising that summer camp administrators (in the U.S.) **plan** *siyumim* to fall specifically during the nine days.

Perhaps they are lenient because many of the campers have not yet reached the age at which they have to mourn for Yerusholayim. Although the Mishna Beruroh (551:70) prohibits children from eating meat, the Mogen Avrohom (551:31) disagrees and permits them to do so if they have not reached the maturity level for mourning. The Dagul Mervovo (on the gloss of the Mogen Avrohom) disagrees with the Mogen Avrohom and in support of his position cites the Ramo (551:9), who states that the *shechitah* knife is put away from Rosh Chodesh. The M.B. follows the opinion of the Dagul Mervovo, whereas the Chayei Adam follows the opinion of the M.A. (Sha'ar Hatziyun 551:76).

Even the Mishna Beruroh makes an allowance for children who need the protein from meat for their health. The Aruch Hashulchan also says that a child who needs the meat for his strength is permitted to have meat. Even if many children would fall into this category, they would be permitted to eat meat without a *siyum*. I would think most children can do quite well on fish and dairy for a week and a half so I am not convinced that this reason validates planning fleishig meals during the nine days.

Perhaps the authorities ruled that for the sake of many of the children, it is permissible to *plan* a *siyum* for the nine days. Once the *siyum* is being made, everyone can eat. This suggestion is only speculative and an attempt to find merit in the common practice.

It would seem wisest to serve a healthy, tasty dairy menu during the nine days for the campers and staff.

שוב מצאתי בסידורו של ר' יעקב עמדין דיני בין המצרים באות י"ד בהלכות איסור אכילת בשר וז"ל הממהר לסיים למוד ספר יותר מלמודו בשאר ימות השנה לית לן בה כי מ"מ הוא זריו ונשכר שהקדים עצמו למצוה, בתנאי שלא יגרע מעסק הלימוד היטב כראוי להבין ולהשכיל עכ"ל. וכ"כ בכה"ח תקנ"א ס"ק קס"א וז"ל ונראה דה"ה דמותר להקדים אם אינו משנה סדר לימודו בהבנה ובעיון ורק שמרחיב הזמן דהיינו שהיה לומד ב' שעות ביום ועתה ג' כדי לסיים מקודם עכ"ל. וס"ל לכה"ח דגם יכל לאחר ולשייר סוף המסכת כדי לעשות הסיום בזמן מאוחר רק שלא ילך בטל עבור זה ויעסוק בע"א תמורתו עכ"ד.

ואפשר דיש לומר דכמו דהני אחרונים התירו להקדים מפני שזירז עצמו למצוה דה"ה דאם מקבלים ע"ע לימוד חדש שלא היו לומדים לולא הצורך של אכילת בשר, ואין מגרעין עי"ז שאר לימודם, ורק מרחיבים שעות של לימוד במקום עסק של פנאי, דגם בזה היו מתירים לכון הלימוד והסיום בזמן איסור אכילת בשר. ואף שנראה דהמ"ב ושי"א חולקים על כל זה, מ"מ אפשר דיש לסמוך להקל אם יש צורך גדול.

ומ"מ למעשה נראה דלכתחלה יש לנהוג כמשי"כ באנגלית להאכיל לכולם מאכלי חלב. ובפרט משום שמחנות הקיץ מיועדים לחנך ילדי ישראל כראוי, ומאחר שמחנכים על שאר ענייני אבילות ביהמ"ק ראוי שגם יחנכו אותם בחדר האוכל.

The Shulchan Aruch distinguishes between the period from Rosh Chodesh to Shabbos and the week of Tisha Be'Av. For a *seudas mitzvah* between Rosh Chodesh and Shabbos Chazon, anyone who would have participated in the *siyum* were it to have taken place at another time of year is permitted to join in all aspects of the *seudas mitzvah*.<sup>40</sup> This excludes a freeloader who joins in this *simchah* specifically to eat meat and drink wine. Such a person is considered to have sinned.<sup>41</sup> A *seudas mitzvah* during the week of Tisha Be'Av is limited to the *baalei simchah*<sup>42</sup> and their close relatives<sup>43</sup> plus another ten people.<sup>44</sup> When the ninth of Av falls on Shabbos, there is no period considered *shavua shechal bo* and you are not restricted only to *baalei simcha*.

### Don't Finish before the Siyum

Another reason you may not be able to make a *siyum* on *maseches Avos* is that the *siyum* is meant to be the moment of completion. One should leave the last section to be learned at the *siyum* and complete it publicly. If you completed the *sefer* previously, you have already experienced the joy of completion.<sup>45</sup> *Maseches Avos* actually ends with the fifth chapter. If you are completing chapter six, you technically finished the *meschta* a while ago.

May we enjoy drinking wine together this year on Tisha Be'Av, rejoicing in the third Beis Hamikdash!  
81.

### Pre-fast Pill on Shabbos

Q

<sup>40</sup> A mourner during the twelve-month mourning period for a parent can participate in the *siyum*.

(שי"ד יו"ד רמ"ו ס"ק כ"ז בשם שו"ת מהר"ם מינץ, וכ"כ בדג"מ שצ"א ס"ב).  
<sup>41</sup> מ"ב תקנ"א ס"ק ע"ו.

<sup>42</sup> The wife, sons and daughters of the *mesayem* can participate in the *siyum* (M.B. 551:75; Chayei Adam 133:16; Kitzur S.A. 122:8.)

In a setting in which a large group generally eat meals together, such as a summer camp, all those who regularly eat in the dining room can share in the *seudas mitzvah* (oral ruling of Rav Moshe Feinstein). Meat from a *siyum* that is sent to someone's home is prohibited (מ"ב תקנ"א ס"ק ע"ה). To share in the *simchah* one must participate at the location of the *seudas mitzvah*. One does not have to hear the *siyum* and Torah learning but being at the *seudah* is essential (שו"ת מהר"ם בריסק ח"א סימן קע"ג).

<sup>43</sup> A close relative is defined as it is regarding *hilchos eidus* in Choshen Mishpot, *siman* 33. Anyone who is disqualified from testifying on behalf of another due to their close relationship is permitted to attend a *simchah* during the week of *Tisha Be'av* without utilizing the ten-person limitation. This covers immediate family, aunts, uncles, first cousins and in-laws (Mishna Berurah 551:77).

<sup>44</sup> A *siyum* can be made until *chatzos* on erev Tisha Be'av (M.B. 551:78).

<sup>45</sup> עין שי"ד יו"ד רמ"ו ס"ק כ"ז בשם תשובת מהר"ם מינץ דכשבאין לסוף מסכתא ישייר מעט בסוף עד שעת הכושר, יומא דראוי לתקן בו סעודה עכ"ל.

Can one take a pre-fast pill (something apparently to help one fast better) on Shabbos before the fast of Av. He is taking “medicine” on Shabbat which is normally not allowed for a healthy person and he is preparing for *chol* on Shabbos. What does the Rav think?

A

Medicine that is forbidden are those things that make one better if one is ill. A healthy person who takes a pill to suppress his natural hunger is taking chemicals that creates an unhealthy imbalance in his body. It is not therapeutic. While the person may have a valid reason to take the pill, it does not halachically qualify as medicine. It is actually bad for him, but he wants to have the effects of the negative repercussions to his body. I do not think this type of pill under these circumstances is included in the prohibition of medication on Shabbos. Chazal never included these pills in their legislation.

The issue of *bachonoh* (preparing from Shabbos to weekday) is germane. If he were to dissolve the pill in apple juice/water before Shabbos and drink the water/apple juice on Shabbos as a regular drink that would not be *bachonoh*. It is permitted to do normal activities that are appropriate for Shabbos even if intention is for the next day. For example, sleeping on Shabbos knowing that it will assist you to stay up late motzaei Shabbos is permitted as long as it is not spoken about. Clearing a table after *seuda shelishis* in a normal fashion that is appropriate after a meal is also permitted as long as one is not explicit.

I think the same applies in your case.

Still, I do not recommend such practice on different grounds. One should fast normally. If the person is unable to manage the fast and is weaker than others and needs to drink/eat and has reached the point where one may drink/eat, he/she should break their fast. I see no reason to take a pill so that one is now able to fast and without the pill they would have been exempt.

82.

## General Nine Day Questions

May I do laundry for my children the entire week before the fast of Av? May the children wear clean clothing?

This year there is no *shavna shechal bo Tisha bean* since the fast is on Sunday. (This is true even though the ninth of Av is Shabbos). You may launder children's clothes that are needed and have them wear such clothes up until they are 8 years old.

83. Can my kids wear clean pajamas? they are used to changing every night.

Yes.

84. can I wash adult underwear and socks?

No, washing of adult clothes should not be done.

85. Can we use clean towels for hands? I normally change every day because they get wet and soggy and damp

Yes

86. Can I do dishes with hot water?

Yes.

87. Q

## Wine and Music

Someone mentioned to me that it is *assur* to drink wine and listen to music at the same time—even at home with my wife—as it might lead to frivolity and/or inappropriate behavior. Is this the case? If so, where might I look it up?

A

It is a temporary *issur*—until the Beis Hamikdash is rebuilt. See O.C. 560:3. The Ramo prohibits music (even singing) when one is sitting down to drink wine *zecher lechurban Beis Hamikdash*. Shaar Hatzion (23) discusses whether this applies when one is eating and drinking or only when one is sitting down to drink wine and not eat. It seems from the Shaar Hatzion that it is best to refrain from music during a meal in which wine will be an important part. (The Ramo adds that when the music is done for the sake of a *mitzvah* such as adding joy to a wedding everything is permitted. That is why Shabbos meals often have singing in them.)

The Ramo is the lenient opinion. The Mechaber prohibits music all year round *zecher lechurban*.

At the end of the same *siman*, the Mechaber says one cannot laugh a full and hearty laugh anymore after the *churban*. The Ramo seems to agree.

### Question:

In a recent Q&A, the Rav quoted the Ramo and the Mechaber as stating that one should not drink wine, listen to music, and converse with one's wife at the same time. When my wife and I lived in Jerusalem, we tried to go out for a nice meal once a month. When we moved to RBS, we found that it was too difficult to get up to Jerusalem at night, and there were no restaurants worth eating in nearby. So after a few months, we decided to make our own restaurant on Thursday nights. After the kids are in bed, my wife cooks a nice meal, I open a bottle of wine and turn on the Internet radio, and we sit down to a candlelight meal. Based on the Rav's psak, can we still do this? The music is not critical (we do without the music during *sefirah* and the 3 weeks but still have the meal), but it is nice.

### Answer:

Conversing with one's wife was never one of the items forbidden in commemoration of the destruction of the *Batei Mikdosh*. Wine and music together were forbidden.

In your situation, it seems that the emphasis is on the meal. The Thursday night dinner at home is to replace a restaurant. People eat meals in restaurants. The wine seems ancillary. Therefore, you can continue this practice. When a meal is eaten, one can have music playing. Only when wine alone is drunk or the wine is a central item on the menu is there a problem. For example, one should avoid

playing music when throwing a wine and cheese party. Otherwise, such behavior does not have to be stopped.<sup>46</sup>

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## שהחיינו בבין המצרים

האם מותר לברך שהחיינו בבין המצרים?

1. נ"ל שמותר לברך שהחיינו בבין המצרים ואלו נימוקי.
2. בשו"ע תקנ"א ס"ז פסק שטוב לזהר מלברך על פרי, בגד או כלי חדש בימי בין המצרים ובמג"א כתב דהטעם לפי שהם ימי פורענות ואין ראוי לומר בהם והגיענו לזמן הזה אבל אי"ז משום אבילות דהרי אבל מותר לומר שהחיינו, וכ"ה בברכ"י אות ט"ו.
3. מקור הדברים מספר חסידים תת"מ בלשון יש חסידים מחסידים הראשונים שלא היו אוכלים וכו' דמשמע שהוא הנהגת זהירות בלבד ולא מדינא וכן מורה לשון המחבר טוב לזהר. וברמ"א הוסיף דאם לא ימצא הפרי לאחר ת"ב יברך שהחיינו בבין המצרים ומקורו משו"ת המהרי"ל סימן ל"א שכתב דדברי הס"ח מיירי בדבר שאפשר לדחותו משא"כ פדיון הבן אין מחמיצין המצוה או הברכה, והט"ז פקפק בדין זה דא"כ לעולם יש לחשוש שמא ימות למחר ולא יוכל לומר שהחיינו. ובתשובת כת"ס סימן ק"ג הכריע דלזמן מועט לא חיישינן ולכן מברכין בשבתות שבין המצרים וכן העלה במ"ב ס"ק צ"ח דיש מקילין בשבת, ובשעה"צ הביא מרע"א דיש להקל גם בר"ח.
4. אולם הגר"א בביאורו כתב דלא יתכן שזה חמור יותר מיום מיתת אביו שמבואר בפרק הרואה שיש מקרים שמברך שהחיינו, ובודאי שאין אבילות בין המצרים סבה למנוע והחילוק של ימי פורענות דחוק, ולכן פסק שהוא חומרא יתירה ומותר לברך שהחיינו, וכן הזכרנו שהט"ז ס"ל שמותר לברך, והזכיר המ"ב אלא שהמ"ב פסק דיש לזהר ודלא כהגר"א. ובח"א כתב דכן נהגו העולם שלא לברך ובשו"ת אבני נזר הביא מש"כ רח"ו בשם האריז"ל ע"ז, ודן איך לנהוג האם למנוע מלאכול אף בשבת או יאכל ולא יברך, והעלה דיש מנהג שלא לברך ולכן אם יברך עובר על לא תטוש תורת אמוך, ובסו"ד מסיק דאם יש ביטול עונג שבת במניעת אכילת הפרי יברך על ברכת הפרי ואח"כ זמן ויאכל, אך אם כבר בירך ברכת הפרי על פירות אחרים שעדיין לפניו יאכל בלא ברכת הזמן. ומש"כ דיש איסור על תטוש על מנהג שלא לעשות דבר חידוש הוא, ובאג"מ מבואר דלא שייך מנהג על מניעת דבר שאינו כ"כ מצוי.
5. ונראה אף שנוכח הזהירות בשו"ע, ובכתבי האר"י הדבר חמור, מ"מ יש למיזל בתר כללי ההלכה במקום שנראה כסותר ההלכה, ואף דין השו"ע אינו דין אלא זהירות ומדת חסידות וגם אין מנהג העולם להקפיד בזה שהרי מברכין שהחיינו בשבת כמש"כ, ולכן לענ"ד אין לזהר בזה והוא חומרא יתירה ויברך ברכת הפרי יאכל קצת ויברך שהחיינו בכוונה גדולה, ואם כבר בירך על פרי אחר, יברך שהחיינו ויאכל.

<sup>46</sup> עמ"ב תק"ס ס"ק י"ב דיש למחות באותן שיושבין לאכול סעודתן ובחוף עומדים מנגנים, ובכל יום עושים כן דזהו ודאי איסור גמור. ובשעה"צ ס"ק כ"ג מפרש דהא דאסר לאכול ולשמוע נגינה היינו על היין. ולפ"ז באמת יש למנוע הנהגתן.

אבל בהמשך דברי שעה"צ שם מביא דברי הרמ"א בהגהות מרדכי בגיטין דדוקא במשתה בלא אכילה הוא דאסור שכן דרך הנכרים אבל במשתה של אכילה מותר. ומסיק דלפ"ז אפשר דאין למחות אע"ג דרגילי בזה עכ"ל. והנה שמעתי ממו"ר הרב שלמה פישר שליט"א להקל הרבה בעניני שמיעת מוסיקא, ואף דברים שאסורים ע"פ שו"ע יש לבעל הוראה להתחשב הרבה במרה שחורה ודכאון שעלול לבא על אינשי בימינו כשלא יהיו מסובבים עם מוסיקא. והוא כעין רפואה הנצרכת להרבה אינשי מחמת הלחצים הגדולים שיש לבני"א היום יותר ממה שהיה פעם. וע"כ נ"ל דלכתחילה יש לסמוך על דברי הרמ"א במרדכי דבמשתה של אכילה מותר כשמורה בעל הוראה לאחרים. ורק אלו שמכירים את עצמם שלא עלולים ליכנס לדכאון רשאים להחמיר ע"ע לקיים דברי הפמ"ג לאסור מוסיקא כל יום בשעת סעודה. ונראה דאין לחלק בעני"ז בין מוסיקא ממנגנים או מוסיקא הבאה ממכשירים.

ובנידון שלך נראה דיש עוד סברא להקל די"ל דאי"ז בכלל הרגילות שאסר הפמ"ג. שהוא מיירי כשעושין כן בכ"י, ואתה מיירי על פעם בשבוע, ואפשר דאי"ז בכלל רגילות.

6. ודע, דכל הנדון הוא לענין שהחיינו, אולם אם יהנה אחר מזה יחד אתו ששייך ע"ז ברכת הטוב והמטיב כגון מקבל מתנה לו ולבני ביתו, לכו"ע שרי לברך הטוב והמטיב בבין המצרים, וכ"כ בסידור היעב"ץ.