

EITZ CHAYIM HALACHAGRAM -- THREE WEEKS LAWS AND CUSTOMS

I. **17th of Tamuz** – The three-week period (known as *Bein HaMetzarim*), during which we mourn the destruction of the two *Batei Mikdash*, begins with the fast day of *Shivah Assar b'Tamuz*.

A. **The fast begins** at dawn (*alos hashachar*) and ends at *halachic* night (*tzeis hakochavim*). Although the fast begins in the morning, some authorities believe that the “Three Week” restrictions begin the night before. **Pregnant or nursing women and children** need not fast. Newlyweds should fast (unless the fast is a *nidcheh*).

B. **Eating before dawn** -- unless one states (or has in mind) before going to sleep that he intends to eat if he wakes up before dawn, one may not eat upon awakening in the morning, even before dawn. However, one who normally drinks in the morning upon arising is allowed to drink before dawn. Although one who plans to eat before dawn may do so, one must still avoid the prohibition of eating before davening *Shacharis*, which sets in one-half hour b/4 dawn.

C. **Fast day activities** -- although it is permitted to **bathe** on a fast day, according to some authorities, it has become customary for adults to refrain from taking a hot shower, bathe or swim, unless needed for a medical condition or to cool off on a hot day. The *poskim* differ as to whether it is permitted to **rinse one's mouth with water, mouthwash, or brush one's teeth**. One can rely on the view that mouthwash and tooth-brushing (including rinsing one's mouth with water afterwards) are allowed. One who has difficulty swallowing **prescribed medication** without water may drink the minimum amount of water needed to swallow the medication.

D. **Davening** -- *Aneinu* is recited by the fasting individual at *mincha* (many *sephardim* recite it during all *tefillot*). One who is not fasting does not say *aneinu*. One who **mistakenly ate** on a fast day must resume and complete the fast. *Selichos* are recited after *chazarat hashatz*. *Avinu malkeinu* is recited, even when davening without a *minyan*.

II. **The Three Weeks** -- The four forbidden activities which apply during the Three Weeks, discussed below, apply equally to men, women and children above the age of *chinuch*.

A. **Haircuts** are prohibited (some prohibit even for children under *chinuch* age). Many authorities prohibit **shaving**, unless one will suffer financial loss as a result. During the actual week in which Tisha B'av occurs, one should not employ this leniency if possible. Others allow shaving during this period, and even require it in honor of Shabbos. Trimming a mustache that interferes with eating is allowed, as is trimming eyebrows or eyelashes. **Married women** may cut hair that is protruding from their head covering. Brushing hair and cutting nails are allowed. A **mourner** who completed *shloshim* during the Three Weeks may shave and take a haircut (consistent with the general rule on taking haircuts upon completion of *shloshim*). On the afternoon before a *bris*, the father, *sandek* and *mohel* may take a haircut.

B. **Weddings** are prohibited. **Engagements** are allowed, and may even be celebrated with a party or a meal (but only without dancing and music)

C. **Music and Entertainment** -- It is prohibited to listen to **live music**. Many authorities also prohibit **recorded music**. Singing and listening to **acapella** music are allowed. A **professional musician** may play music for practice or business. Many authorities permit one to **practice and take music lessons**. Many authorities prohibit attending **movies** (except documentaries) and **sporting events**. Others allow attendance at events where the musical entertainment is incidental to the main event. **Dancing** is prohibited. **Taking trips and swimming** are allowed.

D. **Shehecheyanu** -- The custom is to refrain from reciting *shehecheyanu*, except if one is using the item requiring *shehecheyanu* for the first time on **Shabbos**. Therefore, a **new fruit** should not be purchased during this period. With respect to **shopping for clothing**, many authorities are of the view that nowadays the purchase of new clothing does not require *shehecheyanu* (with the exception of very special purchases), and therefore shopping for clothing is allowed. One may purchase even significant household items that are used by the entire family (e.g., **furniture or car**) because the *beracha* upon their purchase is *hatov v'hameitiv*, not *shehecheyanu*. But one may not purchase significant household items that are used by only one person (e.g., **fancy jewelry**). *Shehecheyanu* is recited at a **pidyon haben** and when a **daughter is born**.

III. **The Nine Days** -- Aside from the prohibitions mentioned above, additional prohibitions of mourning apply beginning with sunset of *Rosh Chodesh Av* through *Tisha B'Av*. They apply to men, women and children of *chinuch* age. Many *Sefardim* follow IIIB, C & D below only during the week of *Tisha B'Av*.

A. **Construction and significant decorating** of one's home are prohibited, unless one will suffer substantial financial loss as a result. All critical repairs are allowed. Mitzvah building (e.g., for a shul or mikvah) is allowed. **Decorative planting** is also prohibited. One should also refrain from making purchases whose purpose is pleasure, such as a fancy item to decorate your table.

B. **Wine and meat** (including chicken) are prohibited (some say this applies even to children over the age of 3), except on **Shabbos**, or at a **mitzvah meal** (e.g., *bris*, *pidyon haben* or *siyum*). During the week in which *Tisha B'Av* falls, the attendees of a *mitzvah* meal eating meat should only include close relatives and a *minyán* of close friends. One should not schedule a *siyum* meal with meat starting from the **7th day of Av**. **Parve dishes** cooked in a utensil used for meat are permitted. All wines and grape juices are prohibited. Food dishes **cooked with wine** are allowed. **Beer, whiskey and wine-vinegar** are permitted. A child, pregnant or nursing woman, or an elderly, sick or weak person who cannot eat dairy foods or who needs to eat meat for health reasons, may eat meat (preferably chicken). **Havdalah** is recited over wine or grape juice, which an adult may drink, although some authorities prefer that grape juice be given to a child between the age of 6 and 8. Others have the custom to use beer on this **Shabbos**.

C. **Laundering** clothing, linen, towels and tablecloths is prohibited (even by a gentile), except for children whose clothing is often soiled, and in the event that all of one's clothing are soiled (in which case, laundering is allowed for the minimum required). **Tailoring clothing** is prohibited (but patching or **sewing a rip** is allowed). One is also prohibited from **wearing freshly laundered clothing** (except undergarments) and using fresh linen and towels (unless the item is soiled). Laundered clothing that was worn prior to the Nine Days for a short time may be worn. The custom is to allow fresh clothing and linen on **Shabbos Chazon**. **New clothing** should not be purchased, even items not requiring *shehecheyanu* (except shoes for *Tisha B'Av*, or for children who run out of clothing, or if one is preparing for a wedding soon after *Tisha B'Av*). A **shoe shine** is allowed for **Shabbos**.

D. **Bathing and showering** for pleasure are prohibited, but are allowed for **health reasons** and for women preparing for the mikveh. One is allowed to wash to **remove dirt and perspiration**, but soap, shampoo and hot water may only be used if the dirt or perspiration will not come off otherwise. The custom is to allow a regular bath or shower for **Shabbos**. A number of authorities are of the opinion that since nowadays we are accustomed to bathe more frequently, one is allowed to take a short shower in warm water (even with soap and shampoo), when one feels very uncomfortable. Many prohibit **swimming**, but are lenient for children because of the heat of summer. There is a dispute with respect to **cutting nails**, and it is recommended to refrain from doing so (except in the case of a woman preparing for the *mikveh*). One may be lenient and cut one's nails in preparation for **Shabbos**.

IV. **Tisha B'Av** -- Because a number of calamities occurred to the Jewish people at this time, the 9th of *Av* is a national day of mourning.

A. **Erev Tisha B'Av** -- Final meal ("seudas hamafsekas") is eaten before sunset consisting of bread and egg (dipped in ashes) and water. One should recite *zehu seudas Tisha B'Av* and eat the meal alone, while sitting on the ground. Non-leather shoes should be put on before sunset. **When Tisha B'Av falls on Sunday**, there is no *seudas hamafsekas*, however, food may not be eaten after sunset. *Shalosh seudos* may include meat and wine. In addition, when *Tisha B'Av* is on Sunday, shoes are removed by the congregation after *borchu* of *Maariv* (the *chazan* says *boruch hamavdil* and removes his shoes before *borchu*). **Non-leather shoes should preferably be brought to shul on Friday afternoon**. If one forgot to do that, non-leather shoes may be brought to shul on Saturday evening 40 minutes after sunset. *Havdala* on Saturday night consists of *borei meorei ha'eish*. After *Tisha B'Av*, *Havdala* is said on wine or beer; no *besamim* or candle are used.

B. Basic Prohibitions -- include eating and drinking, washing, anointing, *tashmish hamitah*, wearing leather shoes or sneakers, regular Torah study, sitting on a regular chair (until midday), greetings (one can respond in a serious tone), giving gifts, and unless it will result in an irretrievable loss, business and housework should not be conducted until midday.

C. Exceptions to Prohibitions –

1. Eating and Drinking are permitted for (1) a person who is sick, or an old or weak person who may become ill if he does not eat or drink, even if his illness will not endanger his life [But a mere headache does not allow one to break the fast] ; (2) a woman up to 30 days after giving birth [others says 7], but **pregnant and nursing women** must fast (unless they are feeling ill or unless the fast is a *nidcheh* in which case many authorities are lenient); (3) boys under 13 and girls under 12; and (4) swallowing a bit of water along with a prescribed **medication** if the medicine cannot be swallowed otherwise. **Note** – when *Tisha B'Av* falls on Sunday, *havdala* must be recited before one breaks the fast.

2. Washing is permitted for: (1) soiled parts of the body; (2) to rinse off any discharge (e.g., in the eye); (3) upon awakening in the morning, one should wash 3 times on each hand, but only until the knuckles [after the hands are wiped but remain slightly damp, they may be passed over the face or eyes]; (4) after bathroom use and/or after touching a part of the body that is normally covered--until the knuckles; (5) rinsing the mouth with water, using **mouthwash and toothpaste** are only allowed in case of great discomfort (except if there is a medical reason) [care must be taken not to swallow the water]; (6) if one is preparing food for children; (7) medical reasons; (8) preparing for davening, but only until the first joint; (9) washing dishes [after midday], if leaving them unwashed will attract bugs; (10) washing for bread, for those who are allowed to eat on *Tisha B'av*; (11) washing a baby; (12) a bride, to wash her face up to 30 days after her wedding.

3. Anointing is permitted for: (1) medical needs [applying ointment to a skin rash]; (2) to remove a bad odor [**deodorant** (not on Yom Kippur) and **baby powder** are allowed]; and (3) a bride up to 30 days after her wedding. **Note** – perfume is prohibited.

4. Leather shoes are permitted for (1) a person who has to walk a long distance over stones or mud, and no other suitable footwear is available; There is a custom in this case to place some small amount of dirt in the shoes(2) medical needs; (3) children who are under *chinuch* age, but the custom is to dress them in non-leather.

5. Torah study is permitted with respect to: (1) the story of the destruction of Jerusalem, e.g., *Eichah*; parts of Jeremiah; *Gittin* 56-58; *Sanhedrin* 104; *Yerushalmi* end of *Ta'anis*; Josephus; (2) *Iyov* with commentaries; (3) laws of *Tisha B'av* and mourning; and (4) some allow *mussar*, and (5) *Kinnos*.

D. Davening – There are many changes. *Talis gadol* and *tefillin* are not worn at *shacharis*. *Talis katan* is worn in the morning, but without a *beracha*. *Parshas Hatamid*, *Eizehu Mekoman* and *Rabbi Yishmael* are recited, but the rest of the *korbanos* are skipped. The more prevalent custom is to recite *sheasa li kol tzorchi*. The Artscroll *Kinos* incorporates all the changes.

E. Motzai Tisha B'Av – Although the fast ends in the evening, a number of the restrictions continue until midday of the next day, including bathing, haircuts, washing clothes, meat and wine, music and *shehecheyanu*. **When *Tisha B'Av* falls on Thursday**, haircuts and washing clothes are permitted immediately. Some also allow showering and shaving to be done immediately, while others only allow it if one does not intend to shower and shave again on Friday. **When *Tisha B'Av* falls on Shabbos**, wine and meat are prohibited on Sunday night, but the other prohibitions end immediately.