

# **A Brief Guide to the Three Weeks and the Nine Days**

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## **The Three Weeks**

1. **Hazal did not institute Hurban-related mourning practices that are to be observed for a period of three weeks.** There are two reasons for this: a) a mourning period of such length is excessive and unhealthy; b) such a practice must necessarily impinge upon Kvodh Shabath to which Hazal were opposed.

2. **Question:** Who determines what is excessive?

**Answer:** Hazal. Had Hazal felt that a three week mourning period was called for, they would have formulated the Halakha accordingly. Hazal did not institute a mourning period to commemorate the failed Bar Kokhba revolt, a national disaster greater, if anything, than the destruction of Y'rushalayim and the Miqdash in the wake of the Great Revolt. Hazal's intention was that all future calamities be included in the mourning period for the Hurban during the month of Av.

3. **Question:** Why is a mourning period of excessive length unhealthy?

**Answer:** Mourning is the cessation of normal life; the cessation of normal life for an extended period is psychologically unhealthy. **Mourning, even when necessary, must be kept within reasonable limits. Rambam writes that excessive mourning is foolish, and is to be discouraged.**<sup>1</sup> In the Talmud we learn: "Our Rabbis taught: When the Temple was destroyed for the second time, large numbers in Israel became ascetics, binding themselves neither to eat meat nor to drink wine. R. Joshua got into conversation with them and said to them: My sons, why do you not eat meat nor drink wine? They replied: Shall we eat flesh which used to be brought as an offering on the altar, now that this altar is in abeyance? Shall we drink wine which used to be poured as a libation on the altar, but now no longer? He said to them: If that is so, we should not eat bread either, because the meal offerings have ceased. They said: [That is so, and] we can manage with fruit. We should not eat fruit either, [he said,] because there is no longer an offering of firstfruits. Then we can manage with other fruits [they said]. But, [he said,] we should not drink water, because there is no longer any ceremony of the pouring of water. To this they could find no answer, so he said to them: My sons, come and listen to me. **Not to mourn at all is impossible, because the blow has fallen. To mourn overmuch is also impossible, because we do not impose on the community a hardship which the majority cannot endure...**The Sages therefore have ordained thus: A man may

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<sup>1</sup> Rambam, Mishne Tora, Hilkhoth Evel 13:12.

stucco his house, but he should leave a little bare. A man can prepare a full-course banquet, but he should leave out an item or two..."<sup>2</sup>

4. **Question:** What of the minhagh of not cutting hair or beard for three weeks?<sup>3</sup>

**Answer:** As is well known, it is a misswa to look presentable and well-groomed Likhvodh Shabath. This applies even during the week of Tish'a b'Av, as stated explicitly in the Mishna <sup>4</sup>:

שַׁבַּת שְׁחַל תִּשְׁעָה בָּאָב לִהְיוֹת בְּתוֹכָהּ, אֲסוּרִין מִלְסֹּפֶר וּמִלְכַבֵּס, וּבְחֻמֵּי מִצְוַת מִפְּנֵי כְבוֹד הַשַּׁבָּת.. The Mishna speaks of a case where Tish'a b'Av falls on a Friday, and states that on Erev Tish'a b'Av (Thursday) people may and should do whatever is necessary Likhvodh Shabath.<sup>5</sup> Only one conclusion is possible: **K'vodh Shabath takes precedence over the mourning practices associated with this period.**

The minhagh of not cutting hair or beard for three weeks contradicts the Mishna. (Over the years I have asked many rabanim how this minhagh might be justified. None could do so.) Therefore, if one's hair or beard requires cutting or trimming, it is a misswa to do so.<sup>6</sup>

The above applies to men. As for women who tend to cut their hair infrequently, they may get a haircut up until Rosh Hodhesh Av. If this did not work out, they should wait till after Tish'a b'Av.

5. **Question:** What about listening to music?

**Answer:** Hazal and the Rishonim make no mention of music during this period. In ancient and medieval times, music was associated with weddings and the like and was not heard on a regular basis. Not listening to music for three weeks stems from the Ashk'nazi minhagh of not celebrating weddings for three weeks.<sup>7</sup> Hazal forbade weddings from Rosh Hodhesh Av until after Tish'a b'Av (see below).

A friend of mine once spoke to HaGaon HaRav Sh'lomo Fisher about this matter. The Rav said that "Nowadays people are used to hearing recorded music on a daily basis; it has become an essential part of people's lives. People today have a psychological need to hear music, and it is unreasonable to forbid this for three weeks."

This is a good example of the profound wisdom and insight of a true Hakham.

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2 Talmudh Bavli Bava Bathra 60b.

3 Shulhan 'Arukh, Orah Hayim 551:4, Rama.

4 Ta'aniyoth 4:6.

5 See Tur Orah Hayim 551 quoting Smaq; Pisqe Riaz Ta'aniyoth 4:2:6.

6 See Shibole HaLeqett 266 that those who refrain from meat and wine for three weeks should not refrain on Shabath. This is analogous to our discussion.

7 SA, OH 551:2, Rama.

## **The Month of Av**

1. Hazal instructed us to refrain from certain types of joyous activity – non-essential, luxury renovations and construction, painting and decorating, celebrating weddings (but not engagements), business activity that bears postponement – from Rosh Hodhesh Av until after Tish’a b’Av.<sup>8</sup> Going on vacation or outings during this period is asur. All of the above are included in the Mishna’s injunction: תִּשְׁבֹּת וְשָׂדֵה וְעֵץ וְחֵטֶן וְחֶמֶץ וְשִׁמְשֻׁם וְשִׁמְשֻׁם וְשִׁמְשֻׁם.<sup>9</sup>

2. **Question:** What of the minhagh of not bathing during the Nine Days?

**Answer:** Hazal did not forbid bathing during this period, with the exception of Tish’a b’Av itself.<sup>10</sup> In medieval Europe, the Ashk’nazim took upon themselves the minhagh of not bathing, even in cold water, from Rosh Hodhesh until after Tish’a b’Av, not even Likhvodh Shabath.<sup>11</sup> This despite what the Talmud states that bathing for reasons of a misswa rather than pleasure is permitted even on Tish’a b’Av itself.<sup>12</sup>

**According to Hazal, the fact that the mourning practices associated with this period cannot impinge upon Kvodh Shabath was never in question.** Here too, the minhagh contradicts the Halakha (see above, no. 4) and should be ignored.<sup>13</sup>

As for bathing in general during these days, it needs to be stated plainly that **minhagim must be examined in light of current realities**. This custom, like many minhagim, evolved in a specific historical context. In medieval Europe people bathed very infrequently. (According to some monastic records, monks were given a fresh set of clothing once a year, at which time it was *recommended* that they bathe.) Not bathing for nine days was entirely normal.

**Standards of personal hygiene have changed dramatically;** nowadays, nearly all people bathe or shower daily. **Halakhically, we are all considered ‘Ist’nesim’** (pampered, or delicate)<sup>14</sup>, a definition with very real Halakhic significance.<sup>15</sup>

In addition, there is **the question of climate**. Many of us live in countries (such as Israel) where the summers are very much hotter than many parts of Europe.

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8 Mishna, Ta’anioth 4: 6.

9 Ibid.

10 TB Ta’anioth 30a.

11 SA, OH 551:16, Rama.

12 TB Ta’anioth 13a. Thus this minhagh contradicts both a Mishna and a B’raytha.

13 See T’shuvoh MaHarShal 92 who criticizes the minhagh.

14 This view was expressed by HaGaon HaRav Yoseph Eliyahu Henkin z”l. See ‘Halachos of The Three Weeks’ by Rabbi Shimon Eider of Lakewood, p. 13.

Either of these factors alone would be sufficient reason to discontinue the minhagh. Taken together, it is unreasonable in the extreme to claim that this minhagh should today be considered binding.

3. **Question:** What about swimming?

**Answer:** Swimming for pleasure is asur from Rosh Hodhesh Av until after Tish'a b'Av, based on the injunction *מִשְׁנָכְסִים אֶב, מְמַעֲטִין בְּשִׁמְחָה*. Swimming for health reasons, including physical fitness, is permitted.

4. **Question:** Should one wear Shabath clothes on Shabath Hazon (the Shabath before Tish'a b'Av)?

**Answer:** The Ashk'nazi custom of not wearing Shabath clothes on Shabath Hazon is yet another example of a minhagh contradicting the Halakha. **The Radbaz writes explicitly that this custom contradicts the Halakha.**<sup>16</sup> **The Gra (the Vilna Gaon) strongly opposed this practice**<sup>17</sup> **and broke with tradition. So too did the Hakham Ssvi and R. Ya'aqov Emden**<sup>18</sup>. (These last three G'onim were all Ashk'nazim.) The Gra's practice was adopted by the Jews of Vilna<sup>19</sup>, and when his students founded the Ashk'nazi communities in Ss'phath and Y'rushalayim (late 18<sup>th</sup>-early 19<sup>th</sup> centuries) they established this as the custom in Eress Yisrael. Today this view is widely accepted around the world.

This is an instructive example of the approach of the Gra, the Hakham Ssvi and R. Ya'aqov Emden: Halakha, i.e. Tora truth, overrides Minhagh, and where two Tora values clash, one takes precedence over the other. This as opposed to attempting to walk between the raindrops.<sup>20</sup>

### ***The Week of Tish'a b'Av***

1. **Question:** Is it permissible to do laundry during the week of Tish'a b'Av?

**Answer:** The Mishna and Talmud forbid laundering and cutting hair and beard during the week of Tish'a b'Av<sup>21</sup> until after the fast.

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15 See Mishna B'rakhoth 2:6 : [RABBAN GAMALIEL] BATHED ON THE FIRST NIGHT AFTER THE DEATH OF HIS WIFE. HIS DISCIPLES SAID TO HIM: YOU HAVE TAUGHT US, SIR, THAT A MOURNER IS FORBIDDEN TO BATHE. HE REPLIED TO THEM: I AM NOT LIKE OTHER MEN, BEING VERY DELICATE. Today we are all "very delicate".

16 T'shuvoth Radbaz, 2:693.

17 Be'ur HaGra to SA, OH 551:1:3 and Ma'ase Rav 197.

18 Sidur Beth Ya'aqov (Jerusalem 5753), II, p. 211, quoted in Mishna B'rura 551:1:6.

19 Haye Adham 133:21.

20 See Shibole HaLeqett 266, Tur OH 554.

21 See above, Three Weeks, no. 4.

The question of whether the Mishna referred only to laundering and wearing immediately, or intended to include laundering in order to wear after Tish'a b'Av, was debated by the Amoraim. **The conclusion of the Talmudh Bavli<sup>22</sup> is that laundering itself is prohibited, and this is the standard Halakha. According to the Talmudh Y'rushalmi<sup>23</sup> laundering in order to wear after Tish'a b'Av is permitted.** This position is very satisfactorily explained in the Talmudh Y'rushalmi where no dissenting opinion is recorded. It is also the view of Rav Nahman in the Talmudh Bavli.

Today doing laundry is simply another chore; it is certainly not a happy event as it was in earlier generations. Refraining from doing laundry nowadays leads to the unintended and counter-productive consequence that this mourning period is viewed by many, particularly housewives, as a welcome break. (The Ashk'nazi minhagh of not laundering from Rosh Hodhesh<sup>24</sup> simply exacerbates the problem.) This was plainly not the intention of this Halakha. **It seems, therefore, more correct to permit the doing of laundry as usual.**

2. **Question:** Is it permissible to wear laundered clothing during the week of Tish'a b'Av?

**Answer:** The Mishna and Talmud forbid wearing laundered garments during the week of Tish'a b'Av. Today, as mentioned above,<sup>25</sup> we are all 'Ist'nesim' (pampered, or delicate) as compared to our forefathers, and change garments much more regularly. In addition, many Pos'qim explain that this prohibition applies only to garments not worn on the skin and that do not absorb perspiration.<sup>26</sup>

**Therefore underwear, socks, pyjamas, shirts, blouses, T-shirts, singlets etc. may be changed during this mourning period as usual.**

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22 Ta'anioth 29b.

23 Ta'anioth 4:9.

24 SA, OH 551:3, Rama.

25 Month of Av, no. 2.

26 See SA, OH 551:3, Maghen Avraham 551:1:4 and Mishna B'rura 551:1:6. See particularly 'Arokh HaShulhan Yore De'a 389:6-7, and 'Halachos of The Three Weeks' by Rabbi Shimon Eider of Lakewood, p. 9 quoting HaGaon HaRav Moshe Feinstein.