

Hilkhos Shiva Asar b'Tammuz v'Yemei Bein HaMeitzarim 5775

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Summer for Jews is often a time of mixed emotions. The weather is nice, the birds are out, and at this juncture in our lives, we even get a break. Some of us are at home, some of us are in camp, some of us are brushing up on our swimming, beaching, and even surfing (maybe just me). And suddenly, we are slammed with the mourning of the Three Weeks and the fast of Shiva Asar b'Tammuz (which falls out on the 4th this year!). How do we reconcile these two states of mind?

This year, we can work to channel our extra energy into correcting and elevating some of our rote ritualistic behaviors into authentic expressions for wanting to be closer to Hakadosh Baruch Hu, the rebuilding of our glorious Temple, and lasting, worldwide peace. I quote here the words of the Chofetz Chaim (MB 549:1):

Therefore, a person must be attentive during these days, and examine one's ways and repent for them, because the essence [of the day] is *not* the fast, as it says regarding the people of Nineveh "And God saw their actions, that they turned from their evil way" [Yona 3:10]. Our Rabbis taught: It does not say "their sackcloth" and "their fasts" but rather "their actions." The fast is merely a preparation for repentance, and therefore those people who fast but go about their ways and waste their time have grasped the minor part of the day and left the essence. However, repentance itself is not enough, as there is a commandment from the words of the prophets to fast.

Below please find halakhic guidance for the the fast on Sunday (July 5th) and the upcoming weeks. Another guide will follow for Tisha b'Av. As always, please reach out to me and Ari if you need guidance.

17th of Tammuz

The Mishnah in the final chapter of Ta'anit tells us that five tragedies befell the Jewish people on the 17th of Tammuz: Moses broke the original tablets containing the Ten Commandments (in response to the sin of the golden calf); they stopped offering the daily sacrifice (*korban Tamid*); the city walls of Jerusalem were breached leading to the destruction of the Temple¹; and finally an idol was placed in the Temple.

This year, the 17th of Tammuz falls out on Shabbat. In accordance with halakha, we delay the fast until Sunday (*tzom nidcheh*). All customs are otherwise the same.

Fast

To commemorate these events we fast from dawn (alot ha-shachar) until nighttime (zeit ha-kochavim). This arrangement is known colloquially as a "half-day fast." If you intend to wake up early to eat, you must stipulate your

¹ According to the Talmud Yerushalmi Taanit 4:5 this happened during the time of both the first and second Temples. Others disagree, see Torat HaAdam Sha'ar Ha'Evel Inyan Aveilut Yeshana

intentions before you go to sleep², and you must finish eating before alot ha-shachar in your locale.³

The fast precludes all types of eating, including tasting foods. However, some authorities permitted people who experience great discomfort to wash their mouth out with caution, thus most modern authorities allow brushing teeth (just don't swallow any of it).

The 17th of Tammuz is considered a minor fast - bathing and wearing leather shoes is permitted.

Given that the fast is considered "minor" (and this year, a nidcheh), those who are seriously ill or chronically ill may be exempt. Please consult a competent halakhic authority to discuss your situation. Pregnant and nursing women are exempt. If you are taking important medication, such as antibiotics: if you can do so without water, then do that, otherwise, mix something unpleasant (like mouthwash) into the water before using it to wash down your pill. Those who are not fasting for medical reasons should limit their food to nutrition and may not indulge or eat to excess.

Please consult myzmanim.com or ou.org/calendar for the correct start and end time of the fast in your locale.

Tefillah

We make the same additions to davening as we do on other fast days throughout the year. In shaharit we recite *selichot*, *Avinu Malkeinu* and read the Torah. Sephardim add Aneinu to the shaharit amidah. At Mincha we read the Torah and Asheknazim add a Haftarah. All insert *aneinu* in the *amidah* and Ashkenazim recite *Sim Shalom* instead of *Shalom Rav*. *Avinu Malkeinu* is also said at Mincha.

Some Sepharadim wear their tefillin at mincha.

The Three Weeks

The period from the 17th of Tammuz until the 9th of Av is known as the "three weeks" or *yemei bein ha-meytzarim* (literally *between the straits*; see Eicha 1:3). They commemorate the period of time between the breaching of the walls of Jerusalem and the destruction of the Temple. Therefore, this is a further time of contemplation and teshuva.

The three week period can be subdivided based on the intensity of the mourning that we express.

The least severe period is from the 17th of Tammuz until Rosh Chodesh Av (Friday July 17th). Our practice parallels that of someone in the 12 month period of mourning for a parent. Weddings are prohibited (but getting engaged is expressly permitted). Large social gatherings are avoided, as is listening to live music. Customs vary regarding listening to recorded music, going to the movies, etc⁴. Ashkenazim have the custom to not take haircuts, and men to not shave, during

² B. Taanit 12a and S"A OC 564

³ I happen to not recommend this popular ritual for physiological reasons -- our bodies "know" how to fast and by having breakfast, you are kick starting your metabolism to expect more food. But it is perfectly acceptable on halakhic grounds.

⁴ Rav Moshe Feinstein in IM OC 1:166, Rav Ovadia in YD 6:34, and Rav Waldenburg in TE 15:33 all prohibit listening to recorded music during this time. Rav Shlomo Daichovsky in Tehumin 21 is permissive. There is more reason to be lenient regarding classical music, or any music that does not lend itself to dancing.

this time (Sepharadim begin this practice during shavua she-chal bo, below). Men who have to shave to maintain a professional appearance in order to prevent monetary loss may do so⁵. Women may shave their legs even during the Nine Days, and one may cut their nails until the week of Tisha b'Av.

Lastly, the custom is to not say the brakha of She'hechyanu during the three weeks. The details of this custom vary, but the main point is to not make purchases that bring enough joy to warrant making a blessing thanking God for bringing us to this time, a time for which we are indeed remorseful⁶.

Rosh Chodesh Av

With the onset of the month of Av, our mourning practices become more intense, and parallel those of *shloshim* (the first 30 days after the loss of a relative). As the mishna states: "When Av enters, we reduce our simha" (a direct parallel to the opposite statement about Adar).

Bathing

Recreational bathing and swimming is to be avoided. Since we live in a society where we bathe regularly, one may shower for hygienic purposes. However, it is best to avoid long leisurely showers and baths. Some people have the custom to make their shower cooler than normal. If one swims for exercise or is working as a lifeguard or as a counselor in camp, they may swim if their job requires it.

Eating

We do not eat meat or drink wine during the nine days, with the exception of Shabbat⁷. The reason for this is that meat and wine are associated with festive occasions, or perhaps because they are associated with the Temple, the loss of which we are now mourning. One may eat food prepared in *fleishig* utensils. One may/should have meat and wine on Shabbat, and may even taste the Shabbat food while cooking it on Friday.

The Shulhan Aruch and the Gra permit using wine for havdallah, however the Rama and subsequent Ashkenazic authorities prohibit. Thus, the normative custom is to recite *havdallah* over a beverage other than wine or grape juice during the Nine Days. Any beverage other than water can be used (beer and orange juice are the most popular alternatives). Remember to say the appropriate *brakha*! Another custom to observe the stricture of the Rama is to recite *havdallah* over wine/grape juice and give it to a small child (who is old enough to understand havdallah, but not old enough to understand mourning for Jerusalem) to drink. Others drink it themselves. Follow your family practice.

Laundry

Because we are in a state of mourning, we do not wear freshly laundered clothing during the nine days (with the exception of Shabbat). We also do not do laundry during this period (e.g. in order to be worn afterwards).⁸ There is a custom to wear all of the clothing that one plans to wear during this time before Rosh Chodesh, so that it is no longer considered freshly laundered.⁹ Alternatively, some

⁵ IM OC 4:102 and see IM HM 1:93

⁶ Magen Avraham 551:42

⁷ Although various Sephardic customs include only abstaining from meat during the week of Tisha b'Av, Rav Ovadia quote the minhag of Jerusalem as abstaining all nine days.

⁸ SA OC 551:3 prohibits both laundering and wearing freshly laundered clothing.

⁹ based on a logical extension of Rema YD 389:1

suggest throwing your clean clothes on the floor to achieve the same effect.¹⁰ The restriction does not apply to underwear, socks, or any other garments worn directly on the skin.

Major Purchases

We also avoid making major purchases and having major work done on our homes during this time¹¹. If delaying the purchase/work will cause a significant financial loss, one may make the purchase. The item should not be used until after *Tisha b'Av*.

The Week of Tisha B'Av

The Sephardic community does not enact the stringencies of the 9 days until the week in which Tisha B'Av falls (*shavua she-chal bo*), i.e. beginning Saturday night of Shabbat Hazon. This year, due to the anomalous calendar, there is no shavua sh'cal bo, and Sephardim need not take on the heightened restrictions leading up to Tisha b'Av¹², except perhaps not taking hair cuts the week prior¹³.

¹⁰ Shut Minhat Yitzhak 10:44

¹¹ SA 551:6-7

¹² The Shulchan Aruch (551:4) rules regarding both the case of Tisha b'Av on Saturday and Tisha b'Av on Sunday that there is no mourning period and some say (Yesh Omrim) that there is mourning the entire preceding week. Generally when the Shulchan Aruch quotes two opinions and only the latter is prefaced by 'some say', the halacha follows the former opinion (Yad Malachai Klalei HaShulchan Aruch 17).

¹³ The Kaf haChaim (ibid. s"v 78) rules as such, but notes that it is proper to be stringent only regarding haircuts for either the entire preceding week or at least just the Friday before in order to not enter Tisha b'Av looking too nice.