

When Do 'The Three Weeks' Start?

Insights Into Halacha

Rabbi Yehuda Spitz

Several years ago, a certain Talmid Chacham could not find an available wedding hall to marry off his daughter. The only open date was the night of Shiva Assar B'Tamuz. To the astonishment of many, he booked it! Although he made sure that the Chuppah was indeed before nightfall, he was heard to have commented that many people do not realize when the Three Weeks actually start...

Bein HaMetzarim

We are currently entering the period of mourning that the Midrash refers of “Bein HaMetzarim,[1] or Between the Confines (Straits).” This period of Three Weeks commemorates the heralding of the beginning of the tragedies that took place prior to the destruction of both Batei Hamikdash, from the breaching of the walls of ancient Jerusalem on the 17th of Tamuz, until the actual destruction of the Beis HaMikdash on the Ninth of Av. As detailed in the Mishnah and Gemara Taanis, both of these days have since become communal Fast Days, in remembrance of the tragedies that happened on these days.[2]

In order to properly commemorate and feel the devastation, halacha dictates various restrictions on us during these “Three Weeks,”[3] getting progressively stringent up until Tisha B'Av itself.[4] These “Three Weeks” restrictions include not getting married, not getting haircuts unless extenuating need,[5] refraining from public music and dancing, not putting oneself in an overly dangerous situation, and not making the shehechyanu blessing on a new item (meaning to refrain from purchasing a new item which would require one to make said blessing).

Ashkenazic or Sefardic Halacha?

This timeline of restrictions follows Ashkenazic practice as instituted by many Rishonim and later codified by Ashkenazic authorities. Although there are several Sefardic authorities who maintain that Sefardim should at least follow the Ashkenazic minhag of starting the Nine Days restrictions from Rosh Chodesh Av,[6] nevertheless, most Sefardim are only noheg many of these restrictions from the actual week of Tisha B'Av (a.k.a 'Shavua Shechal Bo') as per the ruling of the Shulchan Aruch.[7]

In 5781, Tisha B'Av falls out on a Sunday. This means that accordingly, without an actual 'Shavua Shechal Bo Tisha B'Av,' generally speaking, this year Sefardim will not undertake any Three Weeks or Nine Days restrictions, save for the proscription of partaking of meat and wine from after Rosh Chodesh Av.[8] Hence, this year, Sefardim may shower, shave, and do their laundry all the way up until Shabbos Chazon – which is Erev Tisha B'Av this year. On the other hand, Ashkenazim do not share this dispensation, and would still need to keep all the Three Weeks and Nine Days' restrictions.[9]

Evening Commencement?

There is some debate in recent Rabbinic literature as to when the prohibitions of the 'Three Weeks' start. This author is seemingly annually asked some form of this sheilah quite a few times during the week prior to the 17th of Tamuz alone:

"Rabbi, I know tonight the Three Weeks technically start, as in Judaism the start of a halachic new day is the preceding evening, but since the Fast of the 17th of Tamuz only starts in the morning, can I still get a haircut and/or shave this evening?"

Wedding Permit

The Gadol Hador, Rav Moshe Feinstein, addressed a similar question over sixty years ago: whether one may get married on the night of the 17th of Tamuz.[10] He noted that there is some debate in the early authorities whether the restrictions depend on the fast day itself. Meaning, that if the 'Three Week' restrictions are dependant on the Fast of the 17th of Tamuz, then they would only start at the same time the fast does - on the morning of the 17th. But if they are considered independent of each other, then the restrictions would start on the preceding evening, even though the fast itself would only start the next morning.

Rav Moshe maintained that since this matter is not clear-cut in the Rishonim, and the whole issue of the restrictions of the 'Three Weeks' is essentially a minhag to show communal mourning - which is only recognizable in the morning when everyone is fasting, and especially as a wedding is considered l'tzorech, a considerable need, he ruled that one may be lenient and get married on the eve of the 17th of Tamuz.

The actual case Rav Moshe was referring to was a year with a similar calenderical makeup as ours – 5781 / 2021 – with Shiva Assur B'Tamuz falling out on a Sunday. Hence, with no other dates available, he permitted the chasuna to commence on Motzai Shabbos, before the onset of the actual fast.

However, it is important to note that this does not mean that in a regular year, if one can plan a wedding on the 16th of Tamuz with the Chuppah before shkiya that they should wait around until after nightfall to start the wedding. Obviously, Rav Moshe would only permit such a chasuna if one was stuck (l'tzorech) and would optimally prefer the wedding to at least commence while still the 16th of Tamuz (meaning before shkiya).[11]

Haircuts [not] Included

Several poskim, including the Rivevos Efraim and the She'arim Metzuyanim B'Halacha,[12] extrapolated that Rav Moshe would have ruled similarly for a haircut, that if there is great need, then one may be lenient as well, on the eve of the 17th of Tamuz.[13]

However, Rav Shmuel Halevi Vosner disagreed with this theory and maintains that for a wedding (especially on Motzai Shabbos, which actually was the original question asked to Rav Moshe) there is more halachic rationale to rely upon than for a simple haircut. Furthermore, he concludes, haircuts

are generally not considered a great need. Therefore, he ruled that certainly one may not be lenient regarding a haircut.[14]

Interestingly, years later, Rav Moshe revisited the topic and actually addressed this issue directly. Rav Moshe maintained that in his opinion the same leniency as weddings does indeed apply to haircuts, and accordingly one may therefore take a haircut on the evening of the 17th of Tamuz in times of great need, and not as Rav Vosner understood his opinion.[15]

Contemporary Consensus [In Israel]

Nevertheless, many contemporary halachic decisors, especially those living in Eretz Yisrael, including Rav Vosner himself, as well as the Steipler Gaon, Rav Shlomo Zalman Auerbach, Rav Yosef Shalom Elyashiv, Rav Yisrael Yaakov Fischer, the Tzitz Eliezer, Rav Chaim Kanievsky, Rav Moshe Halberstam, Rav Moshe Sternbuch, Rav Nissim Karelitz, and mvr Rav Yaakov Blau,[16] maintain that the issue is essentially a moot point, and rule that even for a wedding, let alone a haircut, one should not exercise leniency, as the evening of the 17th is already considered part and parcel of the “Three Weeks,” and thus is included in the restrictions.[17]

So, even if one feels he needs a haircut desperately (perhaps someone suffering from lycanthropy[18]) on the 16th of Tamuz,[19] it is definitely preferable to get a haircut right away and not wait until evening and thereby subject oneself to a halachic dispute.

Nidcheh Nafka Minah

However, there is a practical difference as to when the fast of Shiva Assur B'Tamuz is observed. As mentioned previously, this year the 17th of Tamuz actually falls out on Sunday. Yet, in years when Shiva Assur B'Tamuz falls out on Shabbos, and thereby the fast being pushed off a day and observed on Sunday (such as last occurred in 5779/ 2019), this entire annual debate becomes academic.

This is because in such a year, Motzai Shabbos / Shiva Assur B'Tamuz is really Shemoneh Assur B'Tamuz, the 18th of Tamuz. As Rav Moshe concluded in his original responsum,[20] in such a case, everyone would agree that even in extenuating circumstances one may not celebrate a wedding, as certainly by that point the halachos of Bein HaMetzarim have already taken effect.

All the same, it's important for us not to lose the forest for the trees. Instead of exclusively debating the finer points of whether a haircut is permitted or forbidden, it is important for us all to remember that these restrictions were instituted by our Rabbanim as a public show of mourning during the most devastating time period on the timeline of the Jewish year. As the Mishnah Berurah (quoting the Rambam)[21] explicitly notes, the focus of these days of sorrow serve to remind us of the national tragedies that befell our people, and the events that led to them. Our goal should then be to utilize these restrictions to focus inward, at our own personal challenges in our relationship with G-d, and rectify that negativity which led to these tragic events in our history.

Postscript:

Recently, this author received a related interesting halachic query: “Someone was about to get married on the 16th of Tammuz, i.e. the night of the wedding would be the 17th of Tamuz. To avoid problems he made sure that everything was ready, in order that the Chuppah would be before sundown to ensure that the wedding would be permissible according to all opinions. Well, as you might expect, not everything went as planned and there was a hold up – due to the fault of the hall owner. The Chuppah could not actually start until after nightfall and the baal simchah – holding as the more stringent poskim - refused to “march the aisle.” The hall owner, on the other hand, refused to reimburse them, claiming that running late is standard at weddings. Additionally, there are poskim who rule that there is room to be lenient on the night of the 17th, and therefore it is the baal simchah’s own fault if he doesn’t want to rely on them. Therefore, he feels that he is still entitled to his payment. Now what?”

This author replied that this is a painful question, but the monetary issues should depend on what the nature of the exact contract is. If they expressly made up that if this happens due to the hall owner’s negligence they should get reimbursed, then they certainly should. If not, and they really held that it is a chiyuv to be machmir not to get married on the night of the 17th of Tamuz, then they shouldn’t have taken the hall in the first place, as delays are quite a common occurrence at weddings.

Either way, once they were there and the chassan and kallah were ready to actually get married, it would be an extreme bizayon (embarrassment) not to let them get married. The baalei simcha would be at fault in that case, as this would become a prime example of a chumrah which leads to extreme kula! Halacha has many dispensations for chassan and kallah and one sticking to his shitta and ruining their wedding in the name of “halacha” is just plain wrong, especially as there is no specific mekor in Gemara for the Three Week restrictions and was actually established by later poskim (Rishonim).

To gain further clarity, this author raised this question with Rav Chaim Yosef Blau shlit”a, son of mv”r Rav Yaakov Blau zt”l and a Moreh Tzedek of the Badat”z Eida Hachareidis in Yerushalayim, and he answered similarly to what I responded previously, that even according to the machmirim (which he was as well), if the chasuna is ready to start and it is already the night of the 17th of Tamuz, nevertheless, they should still get married.

Rav Blau proceeded to cite an excellent proof to his ruling from the Rema in Hilchos Shabbos.[22] The Rema ruled that even though we hold that one may not get married on Shabbos, still, in a case when it was not previously possible, and only now when it is already Shabbos the wedding was ready to take place, they should still get married right then! This is due to Kavod HaBriyos of the chassan and kallah, and has the status of shaas hadchak, extenuating circumstance.

He added that the Rema was not just being hypothetical in his ruling; it was based on an actual Maaseh Shehaya (case) detailed in his response, Shu”t HaRema.[23] If so, Rav Blau concluded, then certainly in this case, they should have the wedding on the spot, especially as the whole restriction not to get married during the Three Weeks is at most Derabbanan, and the Gemara teaches us that “Gadol Kavod HaBriyos Shedocheh Lo Sa’aseh SheBaTorah”, which is referring to Issurei Derabbanan.[24] This refers to the rule that basic human dignity can at times trump Rabbinic consideration, this case included.

A fascinating insight indeed!

This article was written L'Iluy Nishmas R' Chaim Baruch Yehuda ben Dovid Tzvi and l'zechus Shira Yaffa bas Rochel Miriam v'chol yotzei chaltzeha for a yeshua sheleimah teikeif umiyad!

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

Rabbi Yehuda Spitz serves as the Sho'el U' Meishiv and Rosh Chabura of the Ohr Lagolah Halacha Kollel at Yeshivas Ohr Somayach in Yerushalayim. He also currently writes a contemporary halacha column for the Ohr Somayach website titled "Insights Into Halacha".
http://ohr.edu/this_week/insights_into_halacha/.

His recently published English halacha sefer, "Insights Into Halacha: Food: A Halachic Analysis," focusing on the myriad halachos related to food, is now available in Jewish bookstores worldwide as well as through Feldheim.com.

A book review is available here:

<https://www.theyeshivaworld.com/news/headlines-breaking-stories/1951391/seforim-in-review-food-a-halachic-analysis.html>

[1] This three-week season is referred to as such by the Midrash Rabbah (cited by Rashi in his commentary to Eichah Ch. 1, verse 3).

[2] See Mishnah in Maseches Taanis 26b and accompanying Gemara. According to Rav Saadiah Gaon, as cited by the Shiblei Leket (263, Ha'arugah HaTishbi, Seder Taanis, Din Arbah Tzomos, pg. 252), these three weeks are the same three weeks that Daniel fasted, and therefore maintains that we should not eat meat nor drink wine the entire 'Three Weeks'! Additionally, the Kol Bo (62) adds that since on Shiva Assar B'Tamuz the Korban Tamid and its Nisuch HaYayin were batul, there are those who are nahug not to eat meat or drink wine already starting from then. However, it must be noted that others, including the Shiblei Leket himself, are of the opinion that Daniel fasted during Chodesh Nissan; and that although several authorities cite such an opinion [see for example Tur & Shulchan Aruch (Orach Chaim 551, 9), Chayei Adam (vol. 2, 133, 8) and Ben Ish Chai (Year 1, Parshas Devarim 15); not that they actually rule that way), nevertheless, abstaining from meat and wine the entire 'Three Weeks' is not the normative halacha.

[3] This is following general Ashkenazic minhag; many Sefardim only start most restrictions on beginning of the week that Tisha B'Av falls out on. Although there is no mention of such in the Gemara, these 'Three Week' restrictions follow Ashkenazic practice as instituted by many Rishonim, including the Ramban (Toras Ha'Adam pg. 81, 4th column), Rashba (Shu"t vol. 1:306), Rokeach (310 s.v. mihu), Orchos Chaim (Hilchos Tisha B'Av 10), Ohr Zarua (vol. 2:414), Machzor Vitry (263), Tur (O.C. 551; citing the Yerushalmi), Kol Bo (62), and Abudraham (pg. 69b; citing Rav Hai Gaon), and later codified by Ashkenazic authorities including the Rema (Darchei Moshe - Orach Chaim 551, 5 and Hagah ad loc. 2 and 4), the Derech Hachaim (ad loc. 1), the Shevus Yaakov (Shu"t vol. 2,

35), the Chayei Adam (vol. 2, 133, 8), the Kitzur Shulchan Aruch (122, 1), the Aruch Hashulchan (Orach Chaim 551, 8), and the Mishnah Berurah (ad loc. 18). Although there are several Sefardic authorities who maintain that Sefardim should at least follow the Ashkenazic minhag of starting the 'Nine Days' restrictions from Rosh Chodesh Av, nevertheless, most Sefardim are only noheg most of these restrictions from the actual week of Tisha B'Av as per the ruling of the Shulchan Aruch (Orach Chaim 551, 10).

[4] See Shulchan Aruch, Rema and their commentaries to Orach Chaim 551.

5 However, it is important to note that there are certain specific situations where many poskim do give dispensation for haircuts during the Three Weeks (and in certain extreme situations even during the Nine Days). See Bach (Orach Chaim 551, 7), Taz (ad loc. 14), Elya Rabba (ad loc. 27), Ba'er Heitiv (ad loc. 18), Shaarei Teshuva (ad loc. 18), Bais Meir (beg. Orach Chaim 551), Shu"t Sheilas Yaavetz (vol. 1, 77), Shu"t Chasam Sofer (Orach Chaim 158 and Yoreh Deah 348 s.v. v'ee golayach), Shu"t Noda B'Yehuda (Kamma, Orach Chaim 28 and Dagul Mervavah - Orach Chaim 551, 4), Shu"t Maharam Shick (Yoreh Deah 371), Mishna Berura (551, 87 and Shaarei Tziyun ad loc 93), Kaf Hachaim (ad loc. 82), Shu"t Igros Moshe (Choshen Mishpat vol. 1, 93 and Orach Chaim vol. 4, 102 and vol. 5, 24, 9), Shaarim Metzuyananim B'Halacha (120, Kuntress Acharon 8 and 122, 5), and Maadanei Shlomo (on Moadim, Bein HaMetzarim pg. 53 and 54). For more on this topic, see R' Zvi Ryzman's recent excellent Ratz KaTzvi on Maagalei HaShana (vol. 2, Sefiras HaOmer, 14) at length.

[6] See Knesses Hagedolah (O.C. 551, Hagahos on the Tur 5), Ben Ish Chai (Year 1, Parashas Devarim 12), and Kaf Hachaim (O.C. 551:44, 77, 78, and 80).

[7] Shulchan Aruch (O.C. 551, 4), based on the Rambam (Hilchos Taaniyos Ch. 5:7). See Magen Avraham (ad loc. 17 and end 35), Pri Megadim (ad loc. E.A. 17 and 36), Mishnah Berurah (ad loc. 38 and Shaar Hatziyun ad loc. 40), Ben Ish Chai (ibid.), and Kaf Hachaim (ibid. 77 and 78). For more on this topic, see Shu"t Yabea Omer (vol. 6, O.C.46 and vol. 9, O.C. 50:1), Shu"t Yechaveh Daas (vol. 1:41 and vol. 4:36), Rav Mordechai Eliyahu's Darchei Halacha glosses to the Kitzur Shulchan Aruch (122:19), Rav Yaakov Hillel's Ahavat Shalom Luach (Dinei Shavua Shechal Bo Tisha B'Av), and Yalkut Yosef (Kitzur Shulchan Aruch, O.C. 551:1).

[8] Although generally speaking, even these restrictions most Sefardim do not observe on Rosh Chodesh Av itself. See Shu"t Ohr L'Tzion (vol. 3, Ch. 26:3), Shu"t Yechaveh Daas (vol. 1:41), Rav Mordechai Eliyahu's Darchei Halacha glosses to the Kitzur Shulchan Aruch (122:12), Ahavat Shalom Luach (ibid.), and Yalkut Yosef (ibid.). This was addressed in a previous article titled "Meat on Rosh Chodesh Av?".

[9] This does not mean there aren't any dispensations available for Ashkenazim. For example, more people are permitted to be invited to a fleishig Seudas Mitzva (see Rema O.C. 551:10, and Mishnah Berurah ad loc. 77; citing the Derech Hachaim 201:12). Also more permissibility regarding cutting one's nails (see Mishnah Berurah ad loc. 20) and washing childrens' clothing (Mishnah Berurah ad loc. 77; citing the Chayei Adam, vol. 2:133:18). Perhaps if one has a specific heter to go swimming for his health "until Shavua Shechal Bo," he would also be able to benefit from Tisha B'Av being on Sunday this year, etc.

[10] Shu"t Igros Moshe (Orach Chaim vol. 1, 168).

[11] See Shu"t Rivevos Efraim (vol. 1, 375), as well as Shu"t Videbata Bam (vol. 1, 152 s.v. v'shamati and v'laasos), and Rabbi Yitzchok Frankel's Kuntress Yad Dodi (pg. 132, Hilchos Bein HaMetzarim, Question 1 a-c; who cite Rav Dovid Feinstein explaining his father, Rav Moshe's, position). This author has heard that Rav Yaakov Kamenetsky as well ruled akin to Rav Moshe and permitted a wedding on the eve of the 17th of Tamuz when there were no other alternatives except to wait until after Tisha B'Av.

[12] Shu"t Rivevos Efraim (ibid.) and She'arim Metzuyanin B'Halacha (122, Kuntress Acharon 1).

13 However, the Rivevos Efraim makes an important point. He stresses that in light of the fact that the Kaf Hachaim (Orach Chaim 551, 207) mentions many machmirim that the prohibitions start from the night of Shiva Assur B'Tamuz (see footnotes 16 and 17) and not the following morning, therefore one may only rely on this to take a haircut only "l'tzorech gadol – great need." Indeed, when Rav Moshe later revisited this topic (Shu"t Igros Moshe - Orach Chaim vol. 3, end 100, s.v. u'vadavar and Orach Chaim vol. 4, 112, 2) he stressed that his heter is only "l'tzorech gadol." This understanding was also stressed by Rav Dovid Feinstein as cited in Shu"t Videbarta Bam (vol. 1, 152 s.v. v'shamati). See also Shu"t Shraga HaMeir (vol. 2, 13) who ruled similarly, that one may exclusively be lenient if it is "shayach nivul gadol."

[14] Shu"t Shevet HaLevi (vol. 10, 81, 2).

[15] Shu"t Igros Moshe (Orach Chaim vol. 3, end 100, s.v. u'vadavar and Orach Chaim vol. 4, 112, 2).

[16] See Shu"t Shevet Halevi (ibid. and vol. 8, 168, 7), Orchos Rabbeinu (vol. 2, pg. 127, 6), Halichos Shlomo (Moadim vol. 2, Ch. 13, footnote 1; quoting Rav Avigdor Nebenzahl), Doleh U'Mashkeh (pg. 207 - 208 and footnote 507; citing Rav Yosef Shalom Elyashiv and Rav Chaim Kanievsky; however Rav Elyashiv is quoted as maintaining that one only needs to be stringent from Tzeis HaKochavim, and not shkiyah), Halichos Even Yisrael (Moadim vol. 1, Yemei Bein HaMetzarim, pg. 326, 1), Shu"t Tzitz Eliezer (vol. 10, 26), Shu"t Divrei Moshe (33), Moadim U'Zmanim (vol. 8, 338), Chut Shani (Hilchos Shabbos vol. 2 pg. 325), and Shu"t Shraga HaMeir (vol. 2, 13). This author has heard Rav Blau zt"l's shitta from his son Rav Chaim Yosef, Moreh Tzedek of the Badatz Eida Hachareidis aChraidis Hof Yerushalayim and Rav of Shechunas Pag"i. A similar assessment is given by Rav Efraim Padwa of London in his recent Shu"t Minchas Efraim (1).

17 This consensus follows the opinion of the Chida (Shu"t Chaim Sha'al vol. 1, 34) who maintains that even though the walls of Yerushalayim were breached in the daytime of Shiva Assur B'Tamuz, nevertheless, the preceding night was also time of war and the puraniyos already started from that evening. Accordingly, Chazal were more lenient merely regarding eating and drinking. The Butchatcher Rav (Eshel Avraham, Orach Chaim 551, 2) was extremely stringent about this as well, and even starting from Bein Hashmashos. However, it is known that Rav Elyashiv held (cited in Doleh U'Mashkeh ibid.) that one needs to be stringent only from Tzeis Hakochovim, and not shkiyah. (Parenthetically, in all practicality, Rav Elyashiv's "Tzeis Hakochovim" might actually have been an earlier zman than the Butchatcher Rav's "Bein Hashmashos"). Additionally, as mentioned previously,

the Kaf Hachaim (ibid.) cites many authorities who were makpid with the restrictions starting from nightfall.chaim

[18] For more on this topic, see Rabbeinu Efraim al HaTorah (Parshas Vayechi s.v. Binyomin ze'ev yitraf).

[19] This author has heard from Rav Efraim Greenblatt zt"l, the noted Rivevos Efraim, that "l'tzorech gadol" for a haircut to allow leniency would include meeting the president or an important dignitary, which attending while not properly groomed would be looked upon askance.

[20] Shu"t Igros Moshe (Orach Chaim vol. 1, 168 s.v. aval). See also the recently published Mesores Moshe (vol. 2, 258, pg. 132).

[21] Mishnah Berurah (549, 1), based on the Rambam (Hilchos Taaniyos Ch. 5, 1). See Rav Yosef Eliyahu Henkin's essential Ezras Torah Luach (5776; pg. 125 - 126) who exhorts us to the importance of this, especially in our times, to specifically rectify the Aveiros that caused the destructions of the Batei HaMikdash. He adds that it is a 'Mitzvah Gadol' to set a time daily to learn sefer Chofetz Chaim for this purpose. Other Gedolim, such as Rav Yisrael Yaakov Fischer (cited in Halichos Even Yisrael, Moadim vol. 1, Yemei Bein HaMetzarim, pg. 326, 2), would make sure to perform a special daytime Tikkun Chatzos (see Mishnah Berurah 551, 103, citing the Arizal) to this end.

[22] Rema (Orach Chaim 339, 4).

[23] Shu"t HaRema (125; see also Aruch Hashulchan, Orach Chaim 339, 14).

[24] Gemara Brachos (19b). This rule is invoked in many other cases regarding the importance of human dignity. See previous article titled "The Tattoo Taboo and Permanent Makeup Too".

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.

Print

© 1995-2025 Ohr Somayach International - All rights reserved.

Articles may be distributed to another person intact without prior permission. We also encourage you to include this material in other publications, such as synagogue or school newsletters. Hardcopy or electronic. However, we ask that you contact us beforehand for permission in advance at ohr@ohr.edu and credit for the source as Ohr Somayach Institutions www.ohr.edu