Elyashiv as saying that this ban applies only to the Old City of Yerushalayim and not its new neighborhoods. In any case, only the Ashkenazic Jews accepted this ban and observe it. Sefardic Jews did not accept this ban at all, and they may play musical instruments at a wedding wherever it is held. This is the ruling of the *Or Letziyon* (Vol. III, page 278) and the *sefer Bet Hatanim*.

Dancing during *ben hametzarim*:

In the above section, it was explained that the custom of Sefardic Jews is to permit weddings after 17 Tammuz until *Rosh Hodesh* Av, while Ashkenazic Jews refrain from holding weddings throughout *ben hametzarim*. Both Sefardic Jews and Ashkenazic Jews refrain from dancing and playing music throughout *ben hametzarim*, however. Dancing and playing music is forbidden because the nation of Yisrael is in mourning over the destruction of the *Bet Hamikdash*, which began on 17 Tammuz with the breaching of the walls of Yerushalayim and culminated on Tish'a Be'Av when the *Bet Hamikdash* was set on fire. Sefardic Jews allow music and dancing only at a wedding or at a celebration of the marriage during the first seven days to celebrate the couple's embarking upon fulfilling the all-important mitzvah of bearing children.

The prohibition against dancing during *ben hametzarim* is cited by the *Magen Avraham* (551:10) and in turn by Harav Hayim Palachi (*Mo'ed Lekhol Hai* 9:18), the *Ben Ish Hai* (*parashat Devarim*, halakha 5) and the *Kaf Hahayim* Sofer (551:39). The custom in the Land of Yisrael, as explained above, is to sit on the floor each afternoon of *ben hametzarim* and to cry and mourn over all that took place in our history during this period. How is it possible that people could perform dances and celebrations during these tragic days? Such behavior would demonstrate a lack of any sensitivity for the nation's suffering. Our Sages warned (*Ta'anit* 30b) that anyone who does not mourn over Yerushalayim will not have the merit to see it in its future joy.

Listening to music during *ben hametzarim*:

The *Aharonim* equated the issue of listening to music during *ben hametzarim* to the issue of dancing, and ruled that it is forbidden since our Sages instructed us to minimize activities that contribute to joy and celebrating. The *Poskim* instructed us to refrain from reciting the blessing of *shehecheyanu* for this reason, and if so we certainly must refrain from listening to music. Harav Aharon Epstein (responsa *Kape Aharon* (#52) and Harav Moshe Feinstein (responsa *Igrot Moshe* Vol. VI, *O.H.* #21:4) both ruled that it is forbidden to listen to music during *ben hametzarim*. See also responsa *Minhat Yitzhak* Vol. I (#111) and responsa *Tzitz Eliezer* (Vol. XV, #33:2).

Maintaining standards of modesty at dances:

It must be made clear that dancing is permitted only if the Torah's standard of modesty and sanctity is maintained. This means that the men dance by

themselves and the women dance by themselves. It is forbidden at any time of the year for men and women to dance together. The Rambam (*Hilkhot Yom Tov* 6:21) and the *Shulhan Arukh* (*O.H.* #529:4) ruled that the rabbinical leaders of each community must appoint officers to stand guard during the festivals at the parks and gardens to make sure that men and women do not mingle and sin. If they may not mingle, then certainly they may not dance together.

Harav Yosef Steinhart wrote (responsa *Zikhron Yosef* #17): "I was overcome with trembling to learn of the terrible travesty that has been committed in our community – that men and women and teenagers of both sexes dance together. Woe unto their souls! They have dealt themselves a fatal blow, flagrantly disregarding a serious Torah prohibition in public. The Torah has girded itself in sackcloth in mourning over them. In our times, all unmarried girls have the status of *nidda*, since they do not begin visiting the mikveh until their weddings. When they dance together, they hold and embrace one another, violating the Torah's command not to have contact with any woman who is *nidda*. This is the ruling in the *Shulhan Arukh* (*E.H. Siman* 20:1). The prohibition of physical contact with a woman who is *nidda* applies equally to married and unmarried women. Those who violate this halakha are destined to be punished in Gehenna, as the Talmud states specifically in *Sota* 4b.

"When I heard that these people had scheduled a public dance evening, I protested with all my strength and I demanded that they immediately cancel the event. In response, they complained to the mayor, who then summoned me to his office. When I arrived there, he greeted me very courteously and asked me why I was being so strict about this affair. I then explained to him that this behavior was against the Torah and I cited proof from the verses of the Torah itself. He examined my proofs and decided that I was correct. After praising the righteousness of our religion, he ordered that the event be cancelled as I had requested."

Harav Yehonatan Eibeshitz (*sefer Ya'arot Devash*) and Harav Hayim Palachi (*Birkat Mo'adekha Lehayim* #7) likewise wrote strongly against this sinful behavior. All these discussions are cited in *sefer Sede Hemed* (*ma'arekhet* qoph, #7) and the matter is discussed in the *Mishna Berura* (*Bi'ur Halakha* to *Siman* 339) and other *Aharonim*. See more in responsa *Yabia Omer* (Vol. IV, *E.H.* #4) and responsa *Yehave Da'at* (Vol. IV, #46).

The above discussion about men and women dancing is abridged from a letter written by Maran the Rishon Letziyon to Rabbi Yitzhak Dweck, *shalit"a*, of Deal, N.J.

נגינה ושמיעת כלי שיר בימי בין המצרים

לה. אסור לעשות ריקודים ומחולות בימי בין המצרים, שהם מי״ז בתמוז עד ט׳ באב, אפילו בלי נגינה, וכל זה בריקודים ומחולות המתנהלים על פי הדין, אנשים לבד ונשים לבד במחיצה מפסקת ביניהם, אבל ריקודים ומחולות מעורבים אנשים ונשים יחדיו אסורים בהחלט בכל ימות השנה כולה. [חזו״ע עמ׳ קמט]

לו. אף על פי שמותר מעיקר הדין לשמוע בשאר ימות השנה דרך הרדיו ורשם-קול שירי קודש המלווים בכלי נגינה, מכל מקום בימי בין המצרים יש להימנע מלשומעם. **ומיהו** בשמחת מצוה כגון בשמחת חתן וכלה, או מילה, או פדיון הבן, או סיום מסכתא, מותר לשמוע שירי קודש המלווים בכלי נגינה, שכל שהיא שמחת מצוה יש להקל בדבר. [שכנה״ג הגב״י אות לג. חזו״ע עמ׳ קנא ועמ׳ קנג בהערה]. **והאשכנזים נוהגים להחמיר שלא להשמיע כלי נגינה בכל סעודת מצוה הנערכת בימי בין המצרים.** [הליכות עולם ח״ב עמ׳ קלט]

לז. וכן מותר להשמיע שירים בכלי נגינה בסעודת בר מצוה הנערכת ביום הגיעו למצוות. אבל אם מקדימים או מאחרים במספר ימים את סעודת הבר מצוה, ראוי להחמיר שלא להשמיע כלי נגינה בסעודה זו בימי בין המצרים. [הליכות עולם ח״ב עמ׳ קלח. חזו״ע יום טוב עמ׳ רנח. וראה עוד חזו״ע תעניות עמ׳ קנג]

Playing Music and Listening to Music During *Ben Hametzarim*

Dancing during *ben hametzarim*

35) It is forbidden to dance during the period of *ben hametzarim* even without any musical accompaniment. It makes no difference whether men are dancing alone or if women are dancing alone or if both dance with a partition between them so that the women do not dance in view of the men; during *ben hametzarim* dancing is forbidden. It is absolutely forbidden at any time of the year and at any occasion for men and women to dance together.

Listening to recorded music

36) Technically, a leniency can be found to permit one to listen to recorded music or music on the radio during the year. During the period of *ben hametzarim*, however, one must refrain from listening to any music.

Playing music during mitzvah celebrations

During mitzvah celebrations such as a circumcision, *pidyon haben*, a wedding, the meals during the week following the wedding or the completion of a tractate of the Talmud, it is permissible to listen to singing with musical accompaniment [or music alone] during *ben hametzarim*. This is permitted for the honor of the mitzvah. Ashkenazic Jews have the custom to refrain from playing musical instruments even for mitzvah celebrations during *ben hametzarim*.

Music at a bar mitzvah celebration

37) It is permissible to play musical instruments at a meal celebrating a boy's becoming bar mitzvah if the meal takes place on the boy's thirteenth birthday. If the celebration is scheduled on another day during *ben hametzarim*, before or after the boy's thirteenth birthday, it is proper to refrain from playing musical instruments.

לח. סעודה שעושים בלילה שלפני המילה, שעושים לימוד "ברית יצחק", יש שהחשיבוה לסעודת מצוה, והקילו להשמיע בה ניגונים אף שחלה בימי בין המצרים [ראה נחלת שבעה בהל' שטרות סימן יב]. והרבה פוסקים כתבו שאין סעודה זו נחשבת לסעודת מצוה, ושאין להשמיע בה ניגונים. [שיורי כנה"ג סי' תקנא הגה"ט אות לג ועוד]. ולהלכה, אין להתיר להשמיע בסעודה זו כלי נגינה, כי אם שירה בפה. [קול סיני עמ' קמו. הליכו"ע ח"ב עמ' קלח. וע"ע חזו"ע עמ' קנד]

לט. שירה בפה כשהיא דרך הודאה להשם יתברך, בלי כלי נגינה, מותרת אף בימים אלה. ומכל שכן שמותר להשמיע נעימה בתפלה, או בשעה שעוסק בתורה, וכל שכן בשבתות שבתוך ימי בין המצרים, ואין להחמיר בזה כלל, ואפילו בשבת שחל בה תשעה באב. [חזו"ע עמ' קנא, ועמ' קנג בהערה. וע"ע הליכות עולם ח"ב עמ' קלז]

מ. מי שסובל מעצבות ודיכאון, יש להקל לו לשמוע שירים ונגינות בימי בין המצרים. וכן יש להקל לאשה השורה לבדה בביתה לשמוע נגינות כשהמטרה היא להפיג בדידות או פחדים, והכל לפי מה שהוא האדם. [הליכות שלמה להגרשז"א עמ' תיב. וע"ע אור לציון ח"ג עמ' רלה]

Music at a *berit Yitzhak* meal

38) Some *Poskim* ruled that the meal eaten on the evening before an infant's circumcision (*berit Yitzhak*) is considered a mitzvah celebration as well and that one may play musical instruments during the meal even during *ben hametzarim*. Many *Poskim* disagreed with this, however, saying that this meal does not have the status of a mitzvah celebration and therefore one may not play music at that time. In practice, one should follow the more stringent opinion and allow singing only during this meal, without any musical accompaniment.[76]

Singing in praise of God

39) It is permissible to sing songs in praise of God without musical accompaniment even during *ben hametzarim*. It is definitely permissible to sing the words of the prayers while one is praying or to sing the words of a *sefer* while one is studying Torah. It goes without saying that singing to God is permissible on Shabbat during *ben hametzarim*. Even if the date of Shabbat is 9 Av, there is no halakhic basis to refrain from singing.

Music to relieve depression

40) Someone who suffers from depression or anxiety may listen to songs and music during *ben hametzarim*. Likewise, if a women lives alone and the loneliness bears down heavily upon her, she may be permitted to play music to instill some life in the house. This must be decided on an individual basis, however.[77]

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76. The *Nahalat Shiv'a* (*Hilkhot Shetarot* #12) wrote that the meal eaten on the evening before a circumcision is considered a mitzvah celebration. The *Magen Avraham* (640:13) and the *Eliya Rabba* (551:26) disagreed, ruling that it is not a mitzvah celebration. It is only a custom and therefore meat cannot be served for this meal during the Nine Days. This is likewise the ruling of Mahari of Brona (responsa #152), the *sefer Be'er Yaakov* in *Siman* 551, responsa *Shevut Yaakov* (Vol. III, #36), responsa *Havot Ya'ir* (#70), the *Mahazik Berakha* at the end of *Siman* 551 and the *Peri Megadim* (*Mishbetzot Zahav* 444:1). The *Shiyure Kenesset Hagedola* (*Siman* 551, note 33 on the *Arba'a Turim*) applied this ruling to say that it is forbidden to play music on the night before the circumcision as well. Maran the Rishon Letziyon cited all these *Poskim* in *Hazon Ovadya* (page 154) and appears to lean toward the stringent opinion. See also responsa *Hayim Beyad* by Harav Hayim Palachi (#125:66)

77. This halakha is taken from the *sefer Halikhot Shelomo* (page 412) of Harav Shelomo Zalman Auerbach. **We asked Maran the Rishon Letziyon his opinion about this,**

מא. גם לקטנים שהגיעו לחינוך יש להחמיר שלא לשמוע שירים עם כלי שיר בימי בין המצרים, הואיל ואבלות דרבים היא. [אגרות משה ח"ו סי' כא אות ד. הובא בחזו"ע עמ' קנג]

מב. קייטנה לילדים שבמסגרת פעולותיה משמיעים מוזיקה וכלי נגינה, ובלעדי זה קשה לנהל את פעולות הקייטנה, יש להקל להם, דדמי למ"ש המשנה ברורה [סי' תקס ס"ק יג], שזמרה של מושכי הספינות או מושכי צמדי הבקר לחרישה, שרי, שאינו אלא לזרזם במלאכתם. [אמת ליעקב קמנצקי עמוד קכד בהערה. הובא חזו"ע עמ' קנח בהערה]

מג. מי שפרנסתו לנגן בכלי זמר אצל נכרים, מותר לו להמשיך לנגן עד שבוע שחל בו ט' באב. וטוב להחמיר מראש חודש אב. [חזו"ע עמ' קנז]. אולם אם מנגן בפני יהודים, יש לאסור לו לעשות כן מיום

Day 12

Permitting Children to Listen to Music

41) Children who have reached the age of *hinukh* should not be permitted to listen to music during *ben hametzarim* since this is a period of national mourning.[78]

Music for summer day camps

42) Women who run a summer camp for little children often employ lively music as a basic element of their activities. If without the music they would find it difficult to run the camp satisfactorily, they may continue to play this music during *ben hametzarim*. Their intention in playing the music is only to enable them to perform their jobs in an optimal fashion, and not in order to enjoy the music. Therefore, this is similar to the halakha cited in the *Mishna Berura* (560:13) that oarsmen or men who plow fields with teams of oxen may sing to pace themselves as they work.

Playing professionally for non-Jews

43) A professional musician may be hired to play music for non-Jews during *ben hametzarim* until *Shabbat Hazon*. It is better if he refrains from playing during the entire Nine Days.[79] It is forbidden to play for Jewish clients during the entire period of

and he agreed that it is possible to follow this leniency. He added that we find a similar ruling in responsa *Yad Yitzhak* (Vol. III #322).

The final comment in this halakha means that before someone takes advantage of this leniency he must make an honest evaluation of himself and decide whether he really suffers from depression and needs the music to calm his nerves or if he is simply using this as an excuse to enjoy listening to the music. Harav Shimon Greenfeld wrote in his responsa (Vol. II, #125) that while it may be a great mitzvah for a depressed person to listen to music during *ben hametzarim*, it can be absolutely forbidden for someone else. **(Rabbi Y.B.)**

78. Although Maran the Rishon Letziyon ruled (*Hazon Ovadya*, page 137) that all children may recite the blessing of *shehecheyanu* during *ben hametzarim* and he ruled (ibid., page 190) that boys up to age twelve may eat meat during the Nine Days, those halakhot pertain to what the child may eat. The halakha does not wish to stunt a growing child's development because of the rules of *ben hametzarim*. Not allowing the child to listen to music for three weeks, however, should not cause him any harm, and therefore one should train him in this restriction if he has reached the age of *hinukh*. **(Rabbi Y.B.)**

79. Maran the Rishon Letziyon (*Hazon Ovadya* page 157) cited the *Peri Megadim* (*Eshel Avraham* 551:10) that if a Jew makes his livelihood by playing music in a saloon for non-Jews, he may continue to play [during *ben hametzarim*] to earn his salary and even to earn more than his minimum needs. Likewise, Harav Shelomo Kluger (responsa *Tuv Ta'am Vada'at Telita'a* (Vol. II, #241) ruled that a musician is allowed to continue playing to earn his salary even when he is in mourning for a departed relative. The *Arukh Hashulhan* (*Y.D. Siman* 391) rationalized this ruling, explaining that the musician views playing the music as his work and not as merry-making. Harav Yehoshua Leib Diskin wrote likewise in his *sefer* (*Dine Avelut* #196).