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).

שבעה עשר בתמוז, ואפילו עושה כן בפני יהודים שאינם שומרי תורה ומצוות, מפני שנמצא מכשילם בשמיעת כלי שיר בימים אלו. [הליכו"ע ח"ב עמ' קלח]

ומורה לנגינה שמלמד תלמידים לנגן בכלי שיר, ויש לו הפסד ממון אם יפסיק מללמד לנגן, מותר לו להמשיך ללמד לנגן בכלי שיר עד שבוע שחל בו ט' באב. וטוב להחמיר מראש חודש אב. [חזו"ע עמ' קנו]

ben hametzarim beginning from 17 Tammuz. Even if the clients are nonobservant Jews, he may not play music for them and cause them to sin by listening to his music.[80]

Giving music lessons

Someone whose profession is teaching music and who would incur a loss of salary if he would not teach during *ben hametzarim* may continue teaching until *Shabbat Hazon*. It is best if he would refrain from teaching during the entire Nine Days.[81]

Maran cited many *Aharonim* who ruled leniently regarding a musician who is in mourning, and therefore he ruled that he may play during *ben hametzarim* if he will incur a loss otherwise. In *Halikhot Olam* (Vol. II, page 137) he added that this is permissible only if the musician has no other skills with which to earn his livelihood during this period and if he will have nothing at all to eat if he does not work. In *Hazon Ovadya*, however, Maran did not stipulate any conditions other than that the musician stands to incur a loss if he does not play at this time. Since this is his latter ruling and it is more solidly supported by the *Poskim*, this is the halakha in practice.

In the responsa of Maharam Shick (*Y.D.* #368), he applied the leniency of the *Peri Megadim* to the entire period of *ben hametzarim* until the day of Tish'a Be'Av itself. Harav Yaakov of Lisa (*Derekh Hahayim, Hilkhot Ben Hametzarim* #1), however, ruled that he may play music for non-Jews until *Rosh Hodesh* Av only, and this is cited by the *Mishna Berura* (*Bi'ur Halakha* to *Siman* 551).

80. Maran the Rishon Letziyon (*Hazon Ovadya*, footnote to page 158) discussed the issue of the technicians who broadcast musical programs in the Land of Yisrael despite the fact that the listeners are Jewish. It seems that by doing so they are assisting all those Jewish people to sin during the Nine Days of Av.

81. Maran the Rishon Letziyon (*Hazon Ovadya* page 157) explained that this is permitted since this is the musician's livelihood. The Talmud teaches (*Sota* 48a): Rav Huna said that oarsmen and people who plow with oxen are permitted to sing [although in general it is forbidden to sing because of the destruction of the *Bet Hamikdash*]. The oarsmen use the rhythm of their song to keep themselves synchronized while rowing, and when plowing the worker would sing to regulate the pace of the team of oxen. This is permitted since the worker's purpose in singing is to be able to work efficiently, as Rashi and Rabbenu Menahem Hame'iri explained there. The same principle can apply to someone who teaches music to others – since he plays music for his work and not for pleasure, it can be permitted.

As far as playing music during *ben hametzarim* is concerned, the responsa *Zekher Simha* (#67) cited the *Peri Megadim* (*Eshel Avraham* 551:10) who ruled that a musician may play for the entertainment of non-Jews. If that is permitted, he reasoned, then certainly it must be permissible to teach others to play, since the lesson is not for the purpose of entertainment at all. Therefore, if the teacher would lose his wages because he refrains from teaching during *ben hametzarim*, he may continue to teach until after *Shabbat Hazon*. The responsa *Tzitz Eliezer* (Vol. XVI, #19) fully concurred with this ruling, bringing proof for it from the *sefer Maharil Diskin* who permitted a mourner to play music for his livelihood, since he does not play for his own entertainment. The *Tzitz Eliezer* applied this leniency to both the tutor and the student – both may have lessons during *ben hametzarim* if it is important for the student's progress. After *Shabbat Hazon*, however, they must refrain from this.

The responsa *Betzel Hahokhma* (Vol. VI, #61) and responsa *Rivevot Efrayim* (Vol. II, #155:2) both concurred with this ruling that anyone whose livelihood depends on his giving music lessons may continue teaching during *ben hametzarim*.

תספורת בימי בין המצרים

מד. כתב הרמ"א [סי' תקנא סעיף ד], שנוהגים להחמיר שלא להסתפר מי"ז בתמוז עד אחר ט' באב. וידוע שכל בני אשכנז יוצאים ביד הרמ"א, ומחמירים בזה. ואילו הספרדים ועדות המזרח נוהגים להקל כדעת מרן [שם] שאין איסור להסתפר אלא בשבוע שחל בו תשעה באב בלבד. [חזו"ע עמ' קנח]. וראה עוד להלן הלכה צ"ט בדיני תספורת בשבוע שחל בו תשעה באב.

Haircuts During *Ben Hametzarim*

Custom of Ashkenazic Jews and of Sefardic Jews

44) Rama testified (551:4) that the custom of Ashkenazic Jews is to refrain from having their hair cut throughout the period of *ben hametzarim*, from 17 Tammuz until after Tish'a Be'Av. This has remained the custom of all Ashkenazic Jews to this day.[82] Sefardic Jews, however, follow the ruling of the *Shulhan Arukh* (ibid.) that the restriction against haircuts applies only during the days after *Shabbat Hazon* until after Tish'a Be'Av. See below, halakha 99, for the rules concerning haircuts after *Shabbat Hazon*.

82. It appears from many *Poskim* that Ashkenazic Jews as well are permitted to shave their beards on Fridays during *ben hametzarim*. This is apparently the opinion of the *Magen Avraham* (551:14) and it is clearly the ruling of responsa *Hatam Sofer* (*Y.D.* #348). He wrote that the restriction discussed by the *Poskim* is about trimming the hair on one's head, but nowadays when it is common for people to shave their faces daily, none of the *Poskim* would consider prohibiting it during *ben hametzarim*. Someone who shaves daily feels very uncomfortable if he refrains from shaving for a number of days and it also appears very sloppy, and therefore the *Poskim* do not forbid it. Maran the Rishon Letziyon cited this in responsa *Yabia Omer* (Vol. III, page 110) and in *Hazon Ovadya* (page 162). He compared this to the ruling of Harav Yehezkel Landau in responsa *Noda Bihuda* (Vol. I, *O.H.* #14) regarding a mourner who may not cut his hair until "he is reproached by others." The Rama says that this means until three months have passed without cutting his hair. Rav Landau explained that this applies only to those who do not shave their beard daily. For those who do shave daily, once two or three weeks have passed they appear very sloppy and their facial stubble appears like thorns to themselves and to others. In *Halikhot Olam* (Vol. II, footnote on page 143) as well, Maran wrote that one may be lenient about shaving the beard since refraining from shaving can be very uncomfortable, especially for young men.

Nonetheless, in *Hazon Ovadya* Maran cited many *Poskim* who ruled that Ashkenazic Jews may not shave at all during *ben hametzarim*. This is the ruling of *Shomer Tziyon Hane'eman* (Elul 5610, page 9) and the responsa *Sha'ar Hazekenim* (page 88a) who explained that now that this has become the accepted custom, one may not permit it even if it is technically permitted. The *sefer Shevile David* (551:4) ruled unequivocably that it is forbidden to shave during *ben hametzarim* even on Fridays. The responsa *Shevet Halevi* (Vol. X, #81:3) wrote that "even those people who shave daily or every couple of days refrain from shaving after 17 Tammuz. I saw that some rabbis are extremely lenient about this, but I have not found a solid basis for such leniency." The responsa *Igrot Moshe* Feinstein (Vol. IV, *O.H.* #102) wrote that if someone's business entails dealing with non-Jewish clients and if he will not shave his beard during *ben hametzarim* he stands to suffer a loss, he may shave. This custom was not instituted to stand in situations where it causes a monetary loss. After *Shabbat Hazon*, when it is forbidden by the Talmud to shave and it is not just a custom, it is forbidden even in these circumstances.