מה. אסור לגדולים לספר לקטנים בשבוע שחל בו תשעה באב. [ש"ע סימן תקנ"א סעיף יד. חזו"ע עמ' רכו]

מו. ישיבה שלומדים בה ספרדים ובני עדות המזרח עם רוב התלמידים האשכנזים. דנו הפוסקים האם מותר להם להסתפר ולהתגלח גם אחר י"ז בתמוז, או שמא עליהם להחמיר, כדי שלא יעשו אגודות אגודות הללו מחמירים והללו מקילים.
ולהלכה נראה שמן הדין מותר לבני עדות המזרח להסתפר ולהתגלח בימי בין המצרים, אף על פי שלומדים בישיבות שרוב תלמידיהם מבני עדות אשכנז. ומכל מקום אם רצו להחמיר על עצמם ולנהוג שלא להסתפר ולהתגלח כל ימי בין המצרים, תבוא עליהם ברכה. [חזו"ע עמ' קנח]

מז. בני ישיבה ספרדים הלומדים בישיבות האשכנזים, ונהגו שלא להסתפר מי"ז בתמוז, כדי שלא לשנות מחבריהם, ורוצים לחזור בהם ולנהוג להקל כדעת מרן, יכולים לעשות התרה על מנהגם ולהקל. ומי שנהג להחמיר מפני שהיה סבור שהדין הוא שלא לשנות ממנהג חבריו האשכנזים, אפילו התרה אינו צריך, [וכמו שפסק מרן בש"ע יו"ד סי' ריד ס"א, ע"ש]. [חזו"ע עמ' קסג בהערה]

Cutting a child's hair

45) It is forbidden to cut a child's hair after *Shabbat Hazon*.[83]

Sefardic students in Ashkenazic yeshiva

46) Sefardic yeshiva students who attend an Ashkenazic yeshiva where the majority of the students are Ashkenazic Jews may nevertheless shave their beards and cut their hair during *ben hametzarim*. This does not infringe upon the prohibition against displaying two different approaches to halakha in one place. If a Sefardic student chooses to refrain from these activities during the entire period of *ben hametzarim*, however, he will receive a special blessing from Heaven.

Sefardic student who practiced the Ashkenazic custom until now

47) If a Sefardic yeshiva student who attends an Ashkenazic yeshiva refrained from shaving or cutting his hair during the entire period of *ben hametzarim* for several years so that he would not stand out from his colleagues, he may change whenever he wishes and practice according to the *Shulhan Arukh*. He must first make *hatarat nedarim* to release him from observing that stringency. If he had refrained during those years because he thought it is forbidden for him to practice differently than his Ashkenazic colleagues, it is not necessary for him to make *hatarat nedarim*.

83. We have a mitzvah to train our children to keep the mitzvot and the halakhot of *ben hametzarim*. Some *Poskim* suggested that adults must refrain from cutting their children's hair to add to their atmosphere of mourning. The *Sha'ar Hatziyun* (551:91) explained that according to the second reason, this rule applies even to children who are younger than the age of *hinukh*. **(Rabbi Y.B.)**

מח. מותר לבחורה להסתפר בימים אלו, כדי שתנשא בקרב ימים. וכל שכן אם היא משודכת, ורבו שערות ראשה, שיכולה להסתפר, אפילו בשבוע שחל בו תשעה באב. [חזו"ע עמ' קסג]. [ואם היא אשכנזיה, יש להתיר לה להסתפר בימי בין המצרים, עד שבוע שחל בו תשעה באב, הואיל ואינם אלא חומרא בעלמא. חזו"ע עמ' קסד בהערה]. **ואשה** הנוהגת ערב טבילתה לקצר שערות ראשה פשוט שמותרת לעשות כן בימי בין המצרים. (שלמי מועד עמ' תעז. וע"ע בשבט הלוי ח"י סי' פא אות ח, ושו"ת שרגא המאיר ח"ו סי' קכו). [חזו"ע עמ' קסג]

Girls and women

48) A girl may cut her hair even after *Shabbat Hazon* so that she will be attractive and noticed by a prospective husband.[84] This is certainly the case for a girl who is engaged.[85] An Ashkenazic girl as well may cut her hair during *ben hametzarim*, but only until *Shabbat Hazon*.

Trimming hair in preparation for immersing in a mikveh

Any married woman [even an Ashkenazic woman] who wishes to trim her hair in preparation for immersing in a mikveh may certainly do so at any time during *ben hametzarim*.

84. Maran the Rishon Letziyon (*Hazon Ovadya*, page 163) was asked whether an Ashkenazic girl who feels she needs to cut her hair for the sake of courtship can do so during *ben hametzarim*, and he ruled that she may do so until *Shabbat Hazon*. Rabbenu Yitzhak Alfasi and the Rambam, cited by the *Bet Yosef* (*Y.D. Siman* 390) ruled that a woman in mourning may cut her hair any time after the first seven days of *shiv'a*. This is the ruling of the *Shulhan Arukh* (390:5) as well. Rama, following the opinion of Ramban and Rabbenu Asher, ruled that a woman in mourning may not cut her hair at all. Even according to this stringent ruling, it is likely that it applies only to someone actually in mourning and not to the period of *ben hametzarim*. During this period the rule against haircutting is a custom and a stringency, and therefore any woman may rely on the opinion of the *Shulhan Arukh* and cut her hair at this time. This is certainly so if she is engaged and needs to appear at her best all the time.

The responsa *Panim Me'irot* (Vol. III, #37) permitted women to cut their hair up until Tish'a Be'Av based on this reasoning. The *Peri Megadim* (*Mishbetzot Zahav* 551:13) and Harav Yaakov of Lisa (*Derekh Hahayim*, page 169), however, ruled that the restriction against haircuts during *ben hametzarim* is equal for both men and women. The responsa *Noda Bihuda Kama* (*Y.D.* #99) ruled that a woman may not cut her hair after *Shabbat Hazon*.

In conclusion, Maran ruled that this woman may cut her hair until *Shabbat Hazon*, since the prohibition of cutting one's hair before that time is only a stringency. He demonstrated that the responsa *Igrot Moshe* (Vol. II, *Y.D.* #137) and Harav Shelomo Zalman Auerbach in *Shalme Mo'ed* (page 477) both concurred with this ruling. All this discussion, he commented, is pertinent for Ashkenazic women only. Sefardic women, who follow the rulings of the *Shulhan Arukh* and permit cutting hair even when one is in mourning, may certainly do so during *ben hametzarim* even after *Shabbat Hazon*. The rule to mourn over the destruction of the *Bet Hamikdash* is less strict than the rules for mourning over departed relatives since the destruction took place long ago.

85. The halakha appears to be that a Sefardic woman may cut her hair after *Shabbat Hazon* even if she is not engaged to be married nor seeking to become engaged. This is apparent since the proofs cited by Maran the Rishon Letziyon (See the preceding footnote.) to permit a woman to cut her hair are from the rulings of the *Poskim* pertaining to mourners. In *Hazon Ovadya* (footnote on page 236) Maran likewise cited many *Rishonim* in support of the ruling of the *Shulhan Arukh* permitting a woman in mourning to cut her hair within the first thirty days. Therefore, since a woman in mourning may cut her hair after the first seven days, following the ruling of the *Shulhan Arukh*, Maran decided that a woman may cut her hair during the week of Tish'a Be'Av as well. This ruling applies to all woman, married or not. Although this halakha is written concerning a girl who seeks to find a suitor, it is written this way since that is what Maran was queried about in this matter. The truth is that this ruling applies to any woman who has reason to cut her hair during these days. The *Or Letziyon* (Vol. III, page 250) ruled leniently regarding women as well.

We asked Maran the Rishon Letziyon about this matter and he agreed that whenever a woman has reason to need to cut her hair she may do so. (Rabbi Y.B.)

Preface The "Nine Days"

The Talmud teaches (*Ta'anit* 29b): Rav said that just as the halakha restricts us from gay activities when the month of Av begins, we are to increase gay activities when the month of Adar begins. Rav Papa said, "Therefore, if a Jew and a non-Jew have a legal dispute, the Jew should try to avoid having their hearing in court scheduled for the month of Av since the *mazal* of Yisrael is weak at that time. He should try to schedule their hearing for the month of Adar."

The Ritba pointed out that although Rav Papa said that "the *mazal* of Yisrael is weak at that time," our Sages taught us (*Shabbat* 156a) that "the nation of Yisrael is not governed by the influence of any *mazal*." He explained that this is no contradiction; although there is no influence of *mazal* during the rest of the year, there is such influence during these two months, for Heaven decreed for it to be this way. Alternatively, he explained that the statement, "the *mazal* of Yisrael is weak at that time," does not mean the influence of any astrological sign. Indeed, the nation of Yisrael is not affected by the influences of astrology. The Talmud borrowed this term to refer to the Heavenly decrees of God that govern the nation of Yisrael.

Another possible resolution of this contradiction can be offered, based on the Tosafot in *Shabbat* 156a, that although there are influences of *mazal* even on the nation of Yisrael, the people of Yisrael have the opportunity to overturn those influences through the merit of mitzvot that they perform. Accordingly, this passage is warning us that the same merit that is great enough to overturn the *mazal* all year long may not be great enough during the month of Av.

Rabbenu Menahem Hame'iri wrote (commentary to *Mo'ed Katan* 28a): At no time should a person cease his efforts in praying to God and asking for His mercy. He must remain aware that prayer and acts of charity can overcome the influences of *mazal* and change the natural course of events. He must not be discouraged by our Sages' statement (ibid.): Three things, a) life and health, b) bearing children and c) one's livelihood, do not depend on one's merits but rather they are controlled by one's *mazal*. This statement is a minority opinion and it is not consistent with mainstream Torah principles of faith.

Maran the Rishon Letziyon (*Hazon Ovadya* page 165) wrote that the above comment is likely the basis of the Rambam who ruled emphatically that the halakha is that the nation of Yisrael is not at all affected by the influences of astrology. The passage found in *Mo'ed Katan* stating that three things do depend upon *mazal* is against the accepted halakha. Several *Aharonim* concurred with this.

Regarding the rule of Rav Papa that a Jew should avoid a court hearing during Av, the *Magen Avraham* (551:1) cited Rabbenu Yeruham that one should have the hearing postponed until at least *Rosh Hodesh* Elul, the month following Av. The *mazal* of Yisrael is weak or diminished throughout the month of Av. Rabbenu Yehonatan of Lunil (commentary to *Ta'anit* page 130) wrote as well that one should avoid going to court at any time during the month of Av since the entire month is inauspicious.

Harav Levi Yitzhak of Berditchev wrote (*sefer Kedushat Levi*, *parashat Va'et'hanan*), however, that the term in this passage refers only to the first two weeks of the month, but starting from 15 Av it no longer applies. Based on this, Harav Yitzhak Palachi ruled (*sefer Yafe Lalev* Vol. II, *Siman* 551:2) that it is not necessary to postpone one's court hearing beyond 15 Av.

Maran the Rishon Letziyon (*Hazon Ovadya* page 166) cited a passage from the holy *Zohar* (*parashat Yitro*, page 78b) stating that "Esav took control of two months of the year – Tammuz and Av – but he has no control over Elul. Even regarding the month of Av, only nine days are his and no more." It is clear from this that after Tish'a Be'Av it is no longer a time when the nation of Yisrael has a diminished *mazal*. The *Ben Ish Hai* likewise wrote (*parashat Devarim* halakha 1) that in practice one need postpone the court hearing no longer than until 10 Av.