

HALOCHOSCOPE

This week's question:

1. May one purchase a new *shaitel* during the 'Three Weeks'? May one have it trimmed or styled? What about the 'Nine Days'?

Next week:

2. May a Jew work as a hairdresser during the three weeks, if there are Jewish patrons? What if this is the Jew's *parnasah*, livelihood?

The issues:

- A) The mourning period of the Three Weeks and the Nine Days
- B) Is a wig considered [fancy] clothing, hair, or neither?

Next issue:

- C) *The Brocha Shehecheyanu*
- D) *Lifnei Ivair*, aiding and abetting a sinner
- E) *Parnasah*

A) The mourning period of The Three Weeks and The Nine Days

The three week period from the Seventeenth of *Tamuz* to the Ninth of *Av* is observed as a period of mourning for the destruction of both of the temples in *Yerushalayim*. It is commonly referred to as *bain hametzarim*, between the straits (the two fast days commemorating the Romans' breaching the walls, and *Tisha b'Av*, when the *Bais Hamikdash* was actually destroyed) after the verse in *Eicha* saying that the Jews' pursuers caught up with them between these straits, with nowhere to escape to. Historically, the Seventeenth of *Tamuz* commemorates the day the Jewish people worshiped the golden calf. *Tisha b'Av* was the day the spies returned from their tour of *Eretz Yisroel*, brought back their evil reports, and 'that night ordained for future trouble', the Jews wept, thus denying faith in the promise about the Land. More unfortunate events took place on these days in subsequent times, right up to our own times.

While *Tisha b'Av* is observed with full mourning practices, there is a gradual build up. On *Tisha b'Av*, apart from fasting and sitting on the ground, other mourning practices include refraining from wearing leather shoes and from washing any part of the body. Torah study, which causes joy, is limited to sad passages. On *Erev Tisha b'Av*, when eating the last meal before the fast, one may not eat more than one cooked food, or eat meat or drink wine, and one eats alone. During the week of *Tisha b'Av* it is forbidden to wash clothing, to wear freshly washed clothing and to take a haircut. From *Rosh Chodesh Av* and on (nine days) joy is minimized. Weddings are not held and fancy building and tree-planting is forbidden. The Talmud refers to a custom (though apparently this was not forbidden outright) to refrain from weaving. Court cases with gentiles should not be scheduled during this ominous period. These are the restrictions mentioned by the Talmud.

Throughout the generations Jewish communities adopted more restrictions, or ex-

tended these restrictions backwards, some of them to the Seventeenth of *Tamuz*. These have the status of *minhagim* that are binding on members of those communities. The practices that concern us here are not to take haircuts, which *Ashkenazic* Jews practice for the entire three weeks, and not to sew or alter new or, according to some, even used clothing, which is practiced for the entire nine days.

Refraining from sewing during this period, as mentioned, dates to Talmudic times. The *Yerushalmi* records a practice to refrain from arranging wool on a loom. The poskim explain, this is the beginning of the process of making a garment. It has an element of joyful satisfaction. Subsequent stages in the production produce more joy, and are also forbidden. This is also based on an allusive interpretation of the *passuk* 'when the foundations will be destroyed ...' [Tehilim 11:3]. This refers to the even *shesiya*, foundation stone of the universe, located in the *Bais Hamikdash*. It alludes to destruction. The Hebrew for foundations is close to the word for a weave thread. Thus, for both reasons of joy and a Scriptural allusion, clothing production is restricted during this mourning period. In terms of joy it would be forbidden, Talmudically, for the week of *Tisha b'Av*, like laundering or wearing fresh clothing. As weaving, it is forbidden from *Rosh Chodesh*. It is also forbidden to produce for others, where the weaver will not feel the joy. Purchasing new items would be included in the prohibition either way. The minhag is to tend to leniency with regard to professional tailoring for a livelihood. If it is obvious that the item is being made for a gentile, it is permitted.

Some question the restriction beyond weaving, but, as mentioned, the consensus is to forbid all production, and also altering and adding finishing touches to new clothing. Mending old clothes is debated. Only new clothes are mentioned initially, implying that mending old clothes is permitted. Yet one view forbids it, and a third view permits patching, unless done professionally with new material, such as replacing a section of the garment. Spinning thread is debated. Beginning or making an article other than clothing is not included in this practice. Even weaving is permitted with wood. Apparently a type of wicker-work was made. The finished item will result in joy and will probably require a *brocha shehecheyanu* [see section C]. It is best not to finish it or to bring it home until after the fast. [See Taanis 29b-30a, Yerushalmi Psachim 4:1, Poskim. Tur Sh. Ar. OC 551:3-8 17, commentaries. Igros Moshe OC:III:79 80 82 83.]

B) What is the status of a wig?

If a wig is considered an item of clothing, the entire discussion should apply here. On the other hand, if it is really considered some kind of hair, it could involve the issue of haircutting. While a man's wig is usually worn to enhance his hair, it is not his real hair. It is more like an item of clothing. A married Jewish woman's wig is worn to cover her hair, and is definitely more like clothing, though she might want it to look like her hair as well. As a head-covering, it should have the status of clothing.

There is a third possibility. Since it is not truly an item of clothing, especially for a man, nor is it hair, it could fall between the cracks. It might have the status of a neutral item that may be produced or altered during this time. For both men and women it might come under the category of *tachshitin*, that includes jewelry or other adornments worn besides clothing. There is a small piece of cloth or mesh under the wig, but most of it is not made up of thread or cloth. However, some items of clothing, such as leathers, furs or

felts, are also not woven cloth. They are still considered items of clothing with regard to the customs of the nine days.

Historically, it is unclear what the status of the wig was. It was definitely worn in Talmudic times by married women. However, the poskim debate whether it was used as a head-covering or to enhance the appearance of the hair. It is mentioned in the context of a prohibition on women wearing jewelry in a public domain, because they might remove it and carry it. She may wear her wig in a semi-public domain, because she will not remove it and carry it. In this context, it has, at least, the status of *tachshit*. Another reference discusses how tight the wig hairs are tied onto the hair, for purposes of immersion on *Shabbos*. Here, too, it comes under the category of a *tachshit*. It does not seem to have the status of proper clothing, which is permitted even in public. This might be due to its not having been worn, customarily, as an exclusive head-covering. However, the Talmud discusses wearing old women's hair. If people ridicule it, it might be removed. Though a married woman would not normally remove it in public unless she could cover her hair some other way, the implication is that it was indeed worn as a head-covering in public.

It is also unclear how many women would wear this false hair. It is possible that it was not commonly worn, but that the standard head-dress was a cloth type covering. Probably, a good wig was more expensive than a cloth head dress. The wearing of wigs was common about five hundred years ago. At that time there was some controversy about them. While most poskim seem to have considered them satisfactory hair covering for married women, some maintained that they were insufficient. They said that the Talmud referred to wearing them indoors, or outdoors under a head dress, to give the impression of more hair. However, they are not considered a proper cover, and are immodest in their own right. A third view maintains that they are not immodest, but can not be considered a cover. Therefore, the middle of the head, where the hair is, must be covered by a cloth. A wig may be worn protruding from the sides.

Some say that a woman must wear two coverings. This is based on a reference to an insufficient type of cover. It seems that there were mesh or cloth covers under the regular head dresses. Some say that the under cover did cover all the hair. Nonetheless, it was considered immodest to leave this cover exposed.

A few hundred years ago, wigs became very common for married Jewish women. At that time, the controversy was reignited. Many of those opposed seem to have felt that the widespread practice meant that the new generation rejected the traditional head coverings. This would be seen as a revolutionary move, and might lead to rejecting more traditions. Thus, they insisted that wearing wigs was never permitted in public without a second cover. From the prevailing leniency it is clear that many other poskim found no reason to forbid them. Nowadays, most women wear the wig as their lone head-covering. Most poskim have determined that in this light, it can not be considered immodest. If so, by definition, it should count as clothing.

Some wear a hat over the wig. For these women, it could be argued, the wig is not an item of clothing. It could also be argued that it is not a prominent item, but similar to undergarments. It is worn close to the parts of the body that perspire. During the nine days, when fresh clothing is forbidden, fresh undergarments worn close to the body are permitted. If one wig is too dirty to wear, one would be permitted to wear a fresh wig.

However, 'laundering' it would be forbidden. On the other hand, if it is not truly clothing, washing it might be permitted. If the wig is not a proper item of clothing, nor is it special or prominent, it could fit into its own category.

On some occasions when laundering is forbidden, there is a dispensation for one who only possesses one cloak and it gets dirty. During the week of *Tisha b'Av* this does not apply. However, since the first part of the nine days is not prohibited by Talmudic law but by *minhag*, in this case a dispensation is allowed. Accordingly, if a woman has only one wig, that is worn under a hat, and it gets dirty, she may wash it between *Rosh Chodesh* and the week of *Tisha b'Av*. During the week of *Tisha b'Av* she may not wash it. This could also apply to women who wear it exposed, if they only have one wig.

On *chol hamoed* one may not take haircuts or mend clothing. Haircuts are forbidden as an incentive to take them in preparation before *Yomtov*. If one knows he will look disheveled even for the last days, he will ensure to take it before the first days. Mending and altering are forbidden *melacha* during this time. Under some circumstances, and for the needs of the *Yomtov*, they can be permitted. Some forbid women having their wigs trimmed or set during this time. In this respect they are like hair. This should have been done before *Yomtov*. There are two reasons given for the practice to refrain from haircutting during the three weeks. It is an act of mourning. It is also to build up a disheveled appearance in preparation for *Tisha b'Av*. The latter reason could be applied to a wig. Some permit setting and cutting a wig on *chol hamoed*, as an extension of the permissibility to do things to adorn a woman. This seems to assume that it is not really an item of clothing. It is also not comparable to hair. It would then be permitted to wash and style during the nine days. However, it is possible that it is both clothing and adornment.

One source cites contemporary poskim who rule that a wig is considered clothing. It may not be washed or set and styled. It is the same as laundering and ironing, which is forbidden during the nine days. [See Kesubos 72a-b, Shabbos 64b, Erchin 7b, Poskim. Tur Sh. Ar. OC 75:2, 103; DM6, EH 21:2, commentaries. Sdei Chemed Dalet, 3.]

On the Parsha ... *Shalal, malkoach, sh'vi, baz ... [31:11-12, 31]* These are all terms for the spoils of the war. *Shalal* refers to clothing [Ibn Ezra] and adornments [Rashi] *baz* refers to other portable inanimate spoils, *malkoach* refers to living beings, in this case, animals, and *sh'vi* refers to human captives. Why are different terms used? If there are so many terms for the different types of item, why is the same term used for jewelry and for clothing? Spoil is not always taken with greed. It drives home the feeling of defeat to the vanquished. *Baz* connotes shame and disgrace. When their possessions are taken and they are left penniless, they are shamed. *Shalal* seems connected to the Hebrew for strip or remove clothing or adornments. [See *Targumim* here and e.g. *Shmos* 3:5, *Ki Sisa* 33:4 etc.] Stripping the defeated of their adornments humiliates them by removing the trappings of their pride. The clothing items referred to are prominent adornment-like clothes. In this context they are the same as jewelry. Voluntarily removing these or neglecting to groom oneself with them, such as not laundering them, reflects mourning. Undergarments do not reflect pride. They would not be removed as spoils, and they may be changed during mourning without detracting from the mood.

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