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לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Mourning during *Sefiras Ha'Omer*

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Which part of Sefiras Ha'omer is treated as a period of mourning?

What are the restrictions during this period and what exception/leniencies might apply?

The period of *Sefiras Ha'omer*, during which we count up from Pesach toward Shavuos and the Giving of the Torah, is perhaps best known (apart from the mitzvah of the nightly counting) for the state of semi-mourning it brings, a period colloquially known as *sefirah*. This article will explore some of the laws of this period: when it is observed, what its restrictions are, and the status of Lag Ba'omer.

The Gemara (Yevamos 62a) famously teaches that during the period from Pesach until Shavuos, all 24,000 of the great Rabi Akiva's students passed away in a plague¹. This tragedy² led to the development of a custom to observe a period of semi-mourning (Tur Orach Chaim 493:1).

When?: There is a great deal of discussion as to exactly when this period of mourning is observed. The Bais Yosef (Orach Chaim 493:1) cites Rabbi Naftali ibn Shu'ib who notes one opinion that the students died until 15 days before Shavuos, which would mean that the 34th day of the Omer was the final day. There is a rule in mourning (and other areas of halacha) that part of the day is equivalent to the entire day, so once the morning³ of the 34th day arrives, the mourning period ends. According to this approach, the mourning period begins with the start of the counting of the Omer and ends completely on the morning of the 34th day.

A second opinion brought by the Bais Yosef from Rabbi Naftali ibn Shu'ib is that of Tosafos, who say that the students died during the entire period of *Sefiras Ha'omer*, but on days that *tachanun* is not recited⁴, the students did not die. This totals sixteen days - the seven days of Pesach⁵, six remaining days of Shabbos beginning after Pesach, two days of Rosh Chodesh Iyar and one of Rosh Chodesh Sivan. This leaves 33 days during which the students died, and the custom is to observe 33 days of mourning during *Sefiras Ha'omer* (Bais Yosef⁶ and Bach, *ibid.*).

¹ One would be remiss to omit that the Gemara states that this occurred since the students did not show proper respect for each other. An enormous amount of explanation has been given on this statement; this article will focus on the halachic, not *hashkafic*, aspects of the Gemara's teaching.

² Although countless Jews have died under tragic circumstances throughout history, commentators explain that the enormous loss of Torah knowledge that occurred with the untimely deaths of these students is the major cause of this period of mourning.

³ This is predicated on the assumption that "part of the day" means daytime, not nighttime. While there is an opinion that a part of the night suffices, the generally accepted halacha is that part of the daytime is necessary.

⁴ Though *tachanun* is not recited for the entire month of Nisan, as well as the three days before Shavuos (Lag Ba'omer emerged much later), it would appear that only days that have a greater degree of sanctity such as Shabbos, Yom Tov and Rosh Chodesh fall into this category.

⁵ This needs explanation, as counting the Omer begins only on the second day of Pesach, and in Eretz Yisrael, where the plague occurred, there are only seven days of Pesach. Nonetheless, it is cited by the halachic sources

⁶ Strangely, the Bais Yosef counts seven days of Shabbos and only mentions two days of Rosh Chodesh, seemingly double-counting the Shabbos that occurs on Pesach while omitting one day of Rosh Chodesh. The Bach provides the calculation cited in the article.

According to the latter opinion, continues the Bais Yosef, the custom is to only begin the mourning period following both days of Rosh Chodesh Iyar and to continue until Shavuos, for a total of 33 days⁷. The Bach (*ibid.*) notes that although mourning is not observed on Lag Ba'omer, this is only true after dawn on Lag Ba'omer, and so part of the day counts as an entire day⁸.

According to the first approach, the mourning period ought to end only after dawn on day 34. The Shulchan Aruch (*ibid.*:2) rules to wait until the 34th day, but the Rema says that the custom in the Ashkenazic communities is to end the mourning on the morning of the 33rd day. The Mishna Berura (*ibid.*:8) cites the Gra that this is based on the opinion that the students stopped dying altogether on the 33rd, not 34th, day of the Omer. The Bach (*ibid.*), however, explains that this custom mentioned by the Rema is also following the approach of Tosafos that a total of 33 days of mourning are observed to commemorate the 33 days during which the students died, but these 33 days are counted from the start of *sefirah* through Lag Ba'omer. (See Igros Moshe Orach Chaim 1:159 for halachic ramifications between these two opinions.)

The Magen Avraham (*ibid.*:5) cites a third custom, similar to the second custom, but with a modification: The mourning period began with the first day of Rosh Chodesh Iyar, and ended on the morning of the 3rd day of Sivan (whose morning counts as an entire day), which is the beginning of the *sheloshes yemei hagbala* (three days of preparation for *Matan Torah* discussed in the Torah). The Aruch Hashulchan (*ibid.*:5) says that this was the custom in his area, as well, and he adds that Lag Ba'omer is included in the count of the 33 days, even though the laws of mourning are not observed on that day since it is considered a Yom Tov and the students of Rabi Akiva did not die on that day.

The Taz (*ibid.*) says that the custom in his area was to observe the mourning period for the entire period of *Sefiras Ha'omer*, with the exception of Lag Ba'omer. The Taz wonders why people observe both customs when only one or the other should be observed. The Taz explains that in truth, the custom is until Lag Ba'omer. However, because the terrible massacres of the Crusades occurred during this period of *Sefiras Ha'omer*, the custom emerged to observe some degree of mourning after Lag Ba'omer, as well. The Taz concludes that only the stricture against holding weddings should be observed during this final period after Lag Ba'omer, not the other restrictions. The Magen Avraham (*ibid.*:5) cites this custom, as well, but explains that the 16 days of non-mourning are, in fact, the very same sixteen days of Shabbos, Yom Tov and Rosh Chodesh of every *sefirah*; the remaining 33 days of the entire *sefirah* are thus observed as a period of mourning.

Based upon the above, three basic customs of the mourning period emerge:
1) From the start of *Sefiras Ha'omer* until the morning of the 33rd or 34th day

⁷ 2 Iyar-29 Iyar = 28 days + 5 days of Sivan until Shavuos = 33

⁸ This is somewhat difficult to understand, as the concept of part of the day being equivalent to an entire day is true for the final day of the period; in this case, Lag Ba'omer is in middle of the mourning period.

of the Omer; 2) from after Rosh Chodesh Iyar until Shavuot, with a variation of from Rosh Chodesh Iyar until the morning of the 3rd day of Sivan; 3) the entire period of *Sefiras Ha'omer*. The Rema (ibid.:3) rules that within one community, only one custom should be observed, to avoid the prohibition of *lo sigdodu*, which teaches that multiple customs cannot be observed within one community. In most modern Jewish communities, however, where a single united community is rare and there are many different shuls and sub-communities, Rabbi Moshe Feinstein (Igros Moshe ibid.) rules that there is no issue of multiple *minhagim* being followed.

What?: The Tur (ibid.:1) states that the custom in all places was to forbid weddings, but adds that engagements are permitted. The Tur continues (ibid.:2) that some areas forbade haircutting, as well. The Shulchan Aruch (ibid.:1-2) rules in accordance with both of these strictures. The Magen Avraham (ibid.:1) rules that the custom is to forbid dancing during this period, even at an engagement party.

The Aruch Hashulchan (ibid.:2) adds that since dancing is forbidden, even without music, it is certainly forbidden to have music itself. Other *poskim* echo this ruling, and many modern-day *poskim* rule that this restriction includes recorded music (see Igros Moshe Orach Chaim 1:166). However, there is significant discussion as to what type of music is included in this prohibition. Many *poskim* permit *chazzanus* and the like, which has minimal music. Slow music that does not elicit joy is the subject of debate. Acapella singing (which consists of voices only, sometimes mimicking musical instruments) has gained popularity in recent decades. However, acapella is also subject to a great deal of debate, particularly when the acapella is digitally enhanced, which some *poskim* see as a type of musical instrument unto itself. One is advised to ask a competent halachic authority as to what type of music, if any, may be permissible during *sefira*.

In addition, music may be permitted when it is not being used to create joy, such as if one needs music as “background noise” while working, to keep one alert while driving a long distance, or as part of an exercise regimen. Under some circumstances, it may be permitted to listen to music if it is needed to maintain one’s emotional stability (which may be particularly relevant during this stressful time of lockdown due to COVID19). Some *poskim* permit music to be played for young children of varying ages. For these and all other unique situations, a competent halachic authority should be consulted.

Some have the custom to avoid making a *shehecheyanu* blessing during this period. The Mishna Berura (ibid.:2) permits making a *shehecheyanu* blessing “if one is presented with the opportunity,” which seems to indicate that it should preferably be avoided. Nonetheless, other *poskim* (see Ma’amar Mordechai 493:2 and Piskei Teshuvos 493:2 with fn. 8) permit making a *shehecheyanu*. One whose custom is to avoid doing so but wishes to change his custom should seek competent halachic guidance as to whether *hataras nedarim* (annulment of a vow) is required. Certainly, one who does not normally make a *shehecheyanu* on a new garment needn’t be concerned about purchasing or wearing a new garment during *sefira*.

Similarly, purchasing a major appliance or vehicle or remodeling one’s home is permitted. Purchasing or moving into a new home is also permitted, but some advise against doing so (see Piskei Teshuvos ibid.:1). Once again, one is advised to seek competent halachic guidance.

Lag Ba’omer: As discussed earlier, Lag Ba’omer is a day of joy when the mourning is not observed. However, there is some question as to when on

Lag Ba’omer this begins (see Mishna Berura ibid.:10-11). As noted earlier, some say that one must wait until the morning of Lag Ba’omer, since part of the day is required to complete the mourning period. Seemingly, this would depend upon which custom is followed and whether Lag Ba’omer itself is required as part of the count. However, it was noted earlier that some are lenient for the entire Lag Ba’omer, even if it’s included in the count, since it is regarded as a Yom Tov. The Shulchan Aruch Harav (ibid.:5) provides another reason to be lenient, explaining that Rabi Akiva’s students stopped dying on the 32nd day of the Omer. In practice, many are accustomed to celebrate on the night of Lag Ba’omer with bonfires, dancing and music. The Mishna Berura (ibid.:11) cites the Elya Rabbah who says that while haircutting is permitted on Lag Ba’omer night, the custom is not to hold weddings. However, Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 1:159) permits them.

When Lag Ba’omer occurs on Sunday, it is permitted to shave and take a haircut on Erev Shabbos in honor of Shabbos (Rema ibid.:2).

Other Exceptions: It is common for weddings to be held until Rosh Chodesh Iyar, in accordance with the second custom cited earlier⁹. Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 2:95) rules that even one who is observing the mourning period during this part of *sefira* may attend the wedding. However, says Rabbi Feinstein, such a person should not shave or take a haircut unless he will be so embarrassed that he will abstain from attending the wedding rather than go unshaved and/or unshorn.

A second question that arises is whether music and dancing are permitted during the *sheva brachos* celebrations that extend past Rosh Chodesh. This question is the subject of debate; Rabbi Moshe Feinstein (Igros Moshe ibid.) is lenient, while Rabbi Yitzchak Weiss (Minchas Yitzchak 1:111) rules stringently.

Another leniency, which applies this year, is that if Rosh Chodesh Iyar occurs on Shabbos, one observing the mourning period may shave and take a haircut on Friday¹⁰, as the combined joy of Shabbos and Rosh Chodesh waives the prohibition (Mishna Berura ibid.:8)¹¹.

The Rema (ibid.:2) rules that when a *bris milah* takes place, those involved with the *bris* - the father, *mohel*, and *sandek* (Mishna Berura ibid.:12) - may shave and take a haircut in honor of the *bris*. This is permitted even the day before the *bris* toward evening; if the *bris* is scheduled for Shabbos, it is permitted on Friday even before midday (Mishna Berura ibid.:13).

In conclusion, the custom to observe a state of semi-mourning during *Sefiras Ha'omer* has become the custom of the Jewish People and must be observed. Nonetheless, there are different customs as to when exactly it is to be observed, as well as numerous exceptions. Understanding the basic background and potential exceptions will enable one to ascertain one’s personal custom as well as ask the necessary questions of a halachic authority when the need arises.

⁹ It is interesting to note that while the Taz’s ruling that weddings be avoided for the entire *sefira* is observed after Lag Ba’omer, it is not observed before Rosh Chodesh Iyar. See Igros Moshe (Orach Chaim 1:159) where Rabbi Moshe Feinstein forbids weddings after Lag Ba’omer but permits them starting from Rosh Chodesh Sivan.

¹⁰ There are those who avoid shaving and haircuts on Rosh Chodesh in accordance with the *tzava’a* (will) of Rabi Yehuda Hachasid (see Mishna Berura 260:7). However, a number of *poskim*, including Rabbi Moshe Feinstein and Rabbi Yosef Shalom Elyashiv, permit it in this case. See Dirshu Mishna Berura ibid. note 16.

¹¹ The Mishna Berura adds that one may get married, as well, since the wedding feast will occur on Shabbos.

Points to Ponder:

May one keeping the first part of sefirah listen to music during Chol Hamo’ed Pesach?

May one shave or take a haircut if necessary for one looking to marry or for a job?

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