

# HALOCHOSCOPE <sup>TOI</sup>

Someone keeps the “second-half” *Minhag* of mourning observances during *Sefiras Haomer*. Normally, he takes a haircut on *Erev Shavuos*. When Shavuos falls on a Monday (Sunday night) the barber shops are closed on *Erev Shavuos*. May he take a haircut on *Erev Shabbos*? If he is able to have a private amateur give him a haircut on Sunday, should he rather wait?

The issues:

(A) The *Minhagim* of mourning observances during *Sefiras Haomer*

(B) Factors to permit haircutting on *Erev Shabbos*

(C) *Kavod Shabbos*, *Kavod Yomtov*; personal stringency, pros and cons

(A) *Mourning during Sefiras Haomer*

*Sefiras Haomer* is the name given to the period between *Pesach* and *Shavuos*. We count the days, from the second day of *Pesach*, the day of the offering of the *Omer*, first of the barley crop, and the offering of the two wheat loaves on *Shavuos*. We also observe the holidays for reasons other than their agricultural cyclical significance. *Pesach* commemorates the beginning of the Jewish nation. Nationhood was formally bestowed at the time of the giving (and receiving) of the Torah on *Shavuos*. The intervening period was the time the Jews were able to prepare and grow and develop into the receivers of the Torah.

During this same period a great calamity befell the Jewish people. Over a period of thirty three days, twenty-four thousand Torah scholars passed away. They were struck by a choking type of sickness. They were all disciples of Rabi Akiva, and were the standard bearers of the *Masora*, transmission of the Oral Torah. The entire *Mesora* was jeopardized, and although handful of disciples survived, it is assumed that the Jewish people were severely impoverished with the losses of each scholar. Due to the magnitude of the tragedy, its having struck at the heart of the people and of Judaism, and its timing, the period became accepted as a collective partial mourning period by Jews for all times. Two additional reasons are given. Some say that this is the time that the wicked are subjected to punishment in *Gehinom*. Some also say that this is a time of judgment on crops. The grain offerings on *Pesach* and *Shavuos* correspond to this. It also was preordained for tragedies, as in later times the crusades took place then.

The commentaries point out that the timing is auspicious, coming at the time period of preparation for *Matan Torah*. It is considered especially sobering that the very masters of transmission of the *Torah Sheb'al Peh*, were taken from us at this time. It was not only sad for those who died, but is viewed as a punishment or warning for the Jewish people as a whole. Accordingly, the mourning practices are not observed to commemorate the tragedy and the memory of the Torah scholars, but as a reminder of how one should prepare for Matan Torah. A mourner is meant to view himself being judged. This is obviously a time of communal judgment, symbolized by partial mourning. The practices are not observed as fully as a mourner would. Weddings are not attended, dancing (and music) is restricted and haircuts and shaves are not taken. Clean (and even new) clothing may be worn and bathing is permissible all the time.

The origins of the mourning observances is unclear. The Talmud records the tragedy with moral and ethical admonition in mind. It does not, however, state clearly that there were any collective mourning practices at that time. Observance appears in the Halachic literature of the *Gaonim*, the authorities living after the time of the sealing of the Talmud. The language used is "not to abound in rejoicing" rather than "to minimize rejoicing." The main practice mentioned is not to hold weddings. The practice to refrain from haircutting is not mentioned by some Poskim, while others mention it as a practice followed by some, and yet others mention both practices equally. This leads some to maintain that haircutting was adopted later as an additional mourning practice to commemorate the massacres of the crusaders. This took place in the days of Rashi and his disciples, and was similar in that it struck at the foremost European Torah centers. The other practice mentioned is to refrain from working from sunset through twilight. This would have been the time that the dead were buried.

The practices are thus considered a *Minhag*, initially adopted voluntarily. They have taken on the force of a *Neder*, binding ban, and in this way have Scriptural basis. Two bases are cited for leniency. Aveilus, mourning, in general, and especially an old and communal Aveilus, is treated leniently in cases of doubt. Secondly, since it is a Minhag adopted by the Jewish people communally, the principle of *Adaata Dehachi Lo Kibluha*, they did not adopt it with this stringency in mind.

The deaths did not occur during the entire period, but for thirty three days. Accordingly, only thirty three days of mourning practices are observed. [Actually, only relaxing the haircutting restrictions is cited by early Poskim. It has become accepted to permit weddings during the relaxed period.] There are about six ways

the thirty three days are counted within the Sefira period. Some say that they correspond to the versions on when the deaths actually took place. The practice under discussion is to observe the days from the second of Iyyar until Erev Shavuot, with the exception of *Lag Ba'omer*. Additional practices include observing from Rosh Chodesh Iyyar until three days before Shavuot, and observing all days except those when *Tachanun* is omitted, such as *Rosh Chodesh*. [See Yevamos 62b, Avudraham end Pesach, Tur Shulchan Aruch Orach Chaim 493:1-3, commentaries.]

#### **(B) Factors to permit haircutting on a preceding Erev Shabbos**

Assume one's Minhag permits haircutting on a day when *Tachanun* is not recited, such as Rosh Chodesh or Lag Ba'omer and this day falls on a Sunday. May the person take the haircut on the preceding Erev Shabbos? Three factors are cited by Poskim to permit taking a haircut earlier. First, if one normally has his hair cut by a gentile barber who does not work on Sunday, he will end up not taking a haircut at all. Second, it is considered benign disrespect to Shabbos to take a haircut after Shabbos, while looking untidy for Shabbos. Since the only way to avoid this would be to forbid taking a haircut on Sunday, when it is really permitted, we permit it instead on Erev Shabbos. Third, if the Sunday will be the only chance for a long time to take a haircut, (for example, if Sunday is Rosh Chodesh Iyyar or Lag Ba'omer, and the observer keeps the following days) the person might miss his chance on Sunday. In this case, his disorderly appearance for the following Shabbos is taken into account as well. Therefore, the additional aspect of *Kavod Shabbos* for the preceding Shabbos is invoked to allow taking haircuts earlier.

One Posek compares our situation to when Lag Ba'omer falls on Sunday. If the gentile barbers will be closed on Sunday, one may take a haircut on Erev Shabbos. This reason seems to have little to do with the honor of Shabbos. The comparison is made to Erev Shavuot on a Sunday, to permit haircuts on Erev Shabbos preceding it. [See Sh. Ar. O.C. 493:2, Chok Yaakov, Pri Chadash 3, Pri Megadim (E.A. 5), Chochmas Shlomo, Kaf Hachaim, etc. Hilchos Pesach, Eider, XXIX:B:10.]

#### **(C) Kavod Shabbos; Kavod Yomtov**

In our case, the questioner suggested having a member of his family give him a haircut on Erev Yomtov. This amateur job would avoid having to take a professional haircut by a barber during the time he would normally observe mourning practices. It has already been mentioned that there is room for a dispensation. The issue is whether one should find a way to satisfy the restrictions himself.

This issue has two parts to it. First, part of the dispensation is due to Kavod

Shabbos. This is not an excuse, but a positive reason to promote the honor of Shabbos. Is it less respectful to take an amateur haircut? Second, if a dispensation exists, is it appropriate for one to practice self-imposed stringency?

If barbers would be open on Sunday, some Poskim would not permit haircutting early for Kavod Shabbos. Others would recommend it, due to Kavod Shabbos. On *Chol Hamoed*, one may not take haircuts. This is a penalty for not taking one on Erev Yomtov. Other activities are forbidden on Chol Hamoed as *Melacha*. Some of them are permitted when done in an amateur fashion. All activities forbidden on Chol Hamoed are forbidden on *Erev Pesach* after noon. On Erev Shabbos after the time for Mincha (according to most Poskim, mid-afternoon Mincha) they are also forbidden, though somewhat less stringently.

There is a Mitzvah to take a haircut on Erev Shabbos. The Talmud implies that this applies after midday. Though cutting hair a forbidden *Melacha*, anything done obviously for Shabbos is permitted. The institution forbidding *Melacha* on Erev Shabbos was made to reserve the time to prepare for Shabbos. Cutting a gentile's hair, it is obviously not for Shabbos. Some Poskim distinguish between professional and amateur haircutting. Others maintain that this is always considered a professional job. It appears that a normal haircut is done by someone well trained, whether professional or amateur. If one normally goes to a barber, family members presumably have no experience producing a good haircut. Assuming that this would show, we see why the Poskim who permit haircuts on Erev Shabbos by a gentile barber do not entertain the possibility of an amateur on Sunday. [See Shabbos 25b Psachim 50b, Nazir 5a. Tur Sh. Ar. O.C. 151:1-2 (Magen Avraham 5, Gra, Biur Halacha) 160:1, commentaries.]

In light of the considerations of Kavod Shabbos and Yomtov, it would seem inappropriate to satisfy oneself with an amateur haircut, if he normally takes a professional one. Generally one should not practice personal stringency if it leads to a leniency in another area. In our case, stringency in observing the extra day of mourning compromises on Kavod Shabbos and Yomtov, which are more serious Mitzvos. In addition, generally, only the consistently pious may act more stringently than the Minhag. Finally, the Poskim say regarding the Aveilus of this period that one should not practice stringency when the Minhag is lenient. Therefore, our questioner should take a professional haircut on Erev Shabbos.