

HALOCHOSCOPE

Last week's question: (continued this week)

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

This 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*

References omitted from last issue Section B: [Piskei Teshuvah OC 551: . Chol Hamoed p. 42, endnotes.]

C) *Shehecheyanu*

Shehecheyanu is known as '*zman*', *brocha* on joy at reaching a particular time. It is required on occasion of a joyous event and the first time a particular mitzvah is fulfilled. The *mitzvos* included in this category occur in a cycle, such as *shofar* on *Rosh Hashanah*. *Mitzvos* that occur rarely, though not cyclically, such as redemption of the first-born, are also included. The *brocha* commemorates joy due to a time or date, and the time that personal joy is experienced. Some add *mitzvos* that combine ownership with a *mitzvah*, such as *mezuzah*. Cyclical joy includes fruit coming into season. While eating the fruit is voluntary, one who does so must recite the *brocha*. Some say the occasion is the first time the fruit is seen. Our practice follows those who recite it when eating the fruit.

Another joyous event warranting the *brocha* is a new acquisition. Two examples are provided by the Talmud: one who builds a new house, or acquires a new utensil. Some maintain that this shows that the joy over the new utensil must be comparable to the joy over a new house. Most *poskim* maintain that it depends on the joy experienced by the one acquiring it. For a wealthy person it must be more substantial than for a poor person.

If the acquired item is new to both himself and his company, the *brocha* is *hatov ve-hameitiv*, Who is good and Who does good to others. This *brocha* is recited on good tidings that affect more than one person. When they affect one person the *brocha* is *shehecheyanu*. Thus, *shehecheyanu* is really on good tidings. Logically this is the acquisition. If it was not recited then, it may still be recited as long as the joy is still felt. For an article used for *mitzvos*, some say that the *brocha* may be recited at the time of acquisition or preparation or at the time it is first used for the *mitzvah*. When building a *sukah*

one could recite *shehecheyanu*, or on the first night when one sits there. Our practice is to consider the *shehecheyanu* on the *mitzvah* to be partially on the joy of preparing it.

For new clothing the ideal time for the *brocha* would be the acquisition. If alterations are made, the next joyous event, the first time it is worn, is the best time to recite it. It has become standard practice to always recite it when first wearing it. Indeed, it is common for people to wait and savor the excitement to wear it first on a special occasion.

Even new items must be substantial enough to bring uplifting joy. Determining this is debated. Some maintain that it always depends on the purchaser. For ordinary people, a coat or suit is sufficiently special, but not for a rich man. For a poor man a new shirt is special, but not for most people. Socks are considered very insignificant, even for the poor, but one who is penniless might feel thankful joy for these too. Another view maintains that it always depends on the significance of the item. Items that are purchased new at regular intervals do not qualify. Items bought at rare intervals qualify. In general, hats are not considered so special, though, as we shall see, expensive hats could qualify.

It is hard to find discussion on the status of a wig. As explained, it seems to qualify as an item of clothing. If it is worn under a hat, to give some minor semblance of hair, it would appear to have the status of an insignificant item. Even if it is worn openly, if the wearer wears it every day, as a common item of her clothing, it is possible that it is not a special item. It is even possible that she purchases new cheap wigs regularly, wearing them out quickly. It is also possible that it is worn with extra care. It is even possible that both are true, depending on the occasion, like one's real hair. On special occasions one has it taken care of specially. If this is the case, it would seem that since it sometimes serves the function of a special item, according to those who determine it according to the purchaser, one could recite *shehecheyanu*. There is a view that even according to the view that one only recites it on what are conventionally considered rare purchases, if one purchases a special version of an ordinary item, such as a fur hat, as opposed to a standard hat, he may recite it. This view includes an expensive wig in this.

The poskim discuss reciting *shehecheyanu* during the three weeks. There are three main *minhagim*: To recite it anyhow, to refrain totally, and to recite only on *Shabbos*. Two issues arise with regard to reciting during a mourning period, the mourning and the period. Does one in mourning recite this kind of happy *brocha*? Even if a mourner recites it, this period is sad, and the *brocha* indicates joy at this 'zman'. We should be focusing on Hashem's punishment. Rejoicing shows a disregard for Hashem's Judgment.

To explain the debate, one view maintains that the *minhag* is founded on mourning, which does not apply on *Shabbos*. The other view maintains that a mourner must indeed recite this *brocha*. If a father passes away and leaves a large inheritance, the son recites *dayan ha'emes*, on the sad tidings, and *hatov vehamaitiv*, on the newly acquired inheritance. However, we are not told whether he should recite *shehecheyanu* if he has no-one with whom to share the good news. Maybe the wording of *shehecheyanu* is inappropriate, but *hatov vehamaitiv* is appropriate. The consensus is that a mourner recites *shehecheyanu* on cyclical *mitzvos* and new fruits, in private but not in public. The third view is based on the sadness of the three week period, possibly even on *Shabbos*.

If it is purchased but not worn now, there is still an issue of joy. However, when debating whether to recite *shehecheyanu* on a *Shabbos* during the three weeks, nobody rais-

es the problem that the purchase must have been made during the week. Apparently, there is no problem with the purchase at this time, provided that the joy is saved for another time. [See Brochos 59b-60a, Yerushalmi 9:3, Sukah 46a, Poskim. Tur Sh. Ar. OC 223, commentaries. Vezos Habrachah 18:n8 Halochoscope III:25 V:34 VIII:7.]

D) *Lifnei Ivair*

Part of our question regards giving a haircut to a Jew during this period. While one may not take a haircut himself, there is no problem with a Jew giving a haircut to a gentile. Laundering is forbidden whether it is done for the launderer or for others. This is because the activity is itself forbidden, and because there is a certain satisfaction with the activity. It seems that this is not raised when giving a haircut. However, giving the haircut to a Jew involves: *Hochaiach tochiach*, a positive *mitzvah* to rebuke one about to violate a *mitzvah*, *lifnei ivair*, a negative *mitzvah* forbidding leading another to sin, and *aravus*, responsibility for other Jews, all Scriptural. When the Scriptural issues do not apply, *mesayaia*, a Rabbinical extension forbidding helping a sinner applies. One must prevent another from eating forbidden food. Actively encouraging another to sin touches on *ma'asis*, forbidding leading another to idolatry.

Tochacha, reproof, only applies when will be obeyed. If one knows that as a result of the reproof the sinner will desist he is obliged to bring the sin to his attention. If he will be disregarded, he must inform him of an explicit Scriptural issue. In our case, if the client will not listen, the hairdresser need not try to dissuade him or her. It is actually better not to tell the client, rather than causing to violate it knowingly and intentionally.

Lifnei ivair applies when the violator needs the direct intervention of the helper, such as passing forbidden food to him from the other side of a river. If the violator can reach it himself, the helper is in violation of Rabbinical *mesayaia*. However, some poskim point out that if the helper actively 'hands' the prohibition to the violator, it is always *lifnei ivair*, regardless of the ability to do it without the help.

Areivus means that each Jew is held accountable for another Jew's activity. We all accepted this directly. If a Jew is in position to save another from sinning, it only applies when the listener will follow the advice of the rebuker. One is not held liable for something he could not prevent.

In our situation, the person is directly assisting the transgressor. However, the violation is not Scriptural. During the week of *Tisha b'Av* it is Rabbinical, and before then *minhagic* for Ashkenazim. Moreover, if the customer simply forgot, or does not know about the problem and will desist when told, the hairdresser must tell him or her. If the customer will not listen anyhow, he or she will then take the haircut brazenly. Some say that in such cases one is not held liable for *lifnei ivair*. Should the Jew be a party to this? Should he rather not say anything and give the haircut, or should he arrange for a gentile worker to do all the Jewish customers for this period? Is this also aiding and abetting?

It would appear that actively giving the haircut should be forbidden, no matter what. However, there are certain dispensations for haircutting during this period, including those participating in a circumcision and one who needs it for his livelihood [see next section]. The poskim discuss a restaurant serving meat meals to Jewish clients during this period. The same issue arises. One of the bases for permitting it is that some customers, such as the frail, have a dispensation. The owner is not required to inquire of each one

whether he has this dispensation. Thus, he is not held liable for their violations. Accordingly, in our case too, the hairdresser could make the same argument. [See Sdei Chemed VAV, 26:esp. 5 10. Teshuvos Vehanhagos II:257. Refs. to Halochoscope IX:17 38.]

E) Parnasah as a dispensation

For a more extensive discussion on this subject, please see Halochoscope Volume X numbers 24 and 25. Basically, *parnasah* does not relieve one of his obligation to fulfill any *mitzvah*, including those detailed above. However, three factors come into play here. First, for most of this period the prohibition is not Talmudic, but *minhagic*. It is only Talmudic during the week of *Tisha b'Av*. One is not required to lose his livelihood over a *minhag*. *Minhag* is based on acceptance. It would not be adopted where a loss occurs. For this reason, one may take a haircut for his job during the first part of this period. Second, while a professional musician making music for someone else enjoys the music himself, a hairdresser is not directly involved in the activity that negates his or her mourning. In fact, poskim allow a music teacher to teach during part of this period. Third, the *lifnei ivair* does not necessarily apply. There is always the doubt about whether the person has a dispensation. The poskim debate whether *lifnei ivair* applies in doubt. If the person is brazen, it does not apply either. [See Tur Sh. Ar. OC 551:2 3 6 7, commentaries. Tzitz Eliezer XVI:19. Halochoscope X:24 25. Igros Moshe OC IV:71, 102, CM I:93.]

In conclusion, During the first part of the nine days, the hairdresser may give haircuts to all customers. During the week of *Tisha b'Av*, he should avoid giving haircuts to Jewish customers. In any event, he should not mention the prohibition to them, unless he knows that they will listen to him and refrain.

On the Parsha ... [The spies] brought back to us a report saying "The land that Hashem is giving us is good!" But you did not want ... "How can we go up? Our brothers have weakened our hearts saying "There is a nation greater than us ..." In this matter, you do not believe in Hashem ... [1:25-28-32, etc.] Who said it was good? Yehoshua and Kalev. [Rashi] How could Moshe blame the Jewish people for not listening to the minority? Why did he not mention the sin of the other ten spies? Weren't the Jewish people correct in saying that their hearts had been made faint by the other ten? Perhaps there is a comparison to the laws of *lifnei ivair*. The poskim debate whether *lifnei ivair* (aside from *mais*) applies when no action is done to help the violator, only speech. [Sdei Chemed, ibid:32] An example is when the 'helper' tells the sinner to sin, and the sinner knows it is forbidden. The sinner had a choice to follow the instructions of the 'teacher' (Hashem) or the student. He should have listened to the 'teacher'. This is the excuse that one sending an agent to violate a sin on his behalf may use to exonerate himself. The spies' sin was slander, but maybe they could not be held accountable for *lifnei ivair*. Moshe did not blame the spies, because Yisroel had no excuse for listening to them instead of the 'teacher'. [Incidentally, 'brother' is the term used for a *mais*. Still, they had no excuse for listening to the spies. See *Sifra, Malbim*, here.]



Sponsored by John Earnest in honor of the fixing of the Sefer Torah in Young Israel.



© Rabbi Shimon Silver, July 2007.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com