

HALOCHOSCOPE

This week's question:

May one show educational or entertaining videos to children during the *sefira* period? What if there is musical content? What about a recording of 'natural sounds' with some musical background notes?

The issues:

A) Music during the *Sefira* period

B) '*Kol minei simcha*'

C) *Chinuch* and *avails*, training children in mitzvos and mourning

A) Music during the *Sefira* period

[For a discussion on the '*sefira*' mourning period, see X:42 and XI:40.] The restrictions on music during this period seem to be an outgrowth of the ban against holding weddings. In discussing that restriction, the poskim permit engagement parties but forbid dancing. The term used for dancing is *rikudim umecholos*. *Mecholos* is used by the Torah in describing the frivolous festivities with the golden calf. It is translated by some as dancing in a circle, and by others as an instrument. [See Targumin Ki Sisa 32:19, Shir Hashirim 7:1, commentaries.] All the more so, say the poskim, is it forbidden to make *rikudim umecholos* where the gathering is not a *mitzvah*. It has become accepted that all music should be avoided. Some include vocal music, but most forbid only instrumental music. Most poskim consider recorded or broadcast music the same as live music.

The background for this extension of the ban is debated. The Talmudic precedent for public mourning is in the institutions for mourning the destruction of the Temple. During the 'three weeks' and the 'nine days' or the week of *Tisha B'av* the public observes practices that apply to a private mourner during his first thirty days. For the *Sefira* period, it seems that we adopt the less restrictive practices that apply during the first year of mourning. It is possible that each public '*sefirah*' practice was adopted independently as seen fit. Initially only weddings were restricted, even though they involve a *mitzvah*. Then haircuts were forbidden in some communities.

The basis for the ban on regular music is that it must be more stringent than engagement party music. How the ban came about, including the more recent custom to avoid recorded music, is debated. There are basically two approaches. One approach considers listening to music an additional *minhag* that grew out of the earlier ban at a later time. Once forbidden, it applied at all gatherings, even for *mitzvos*, like engagements. The other approach maintains that it is included in the original ban on weddings. Many sources indicate that music is needed at a wedding to liven it up and bring joy to the couple. Where mourning should be practiced, while the actual wedding might be permitted, the music is restricted. Thus, when weddings were originally banned for this period, music was also banned, as part of the ban on joy and merrymaking. [See OC 493, M.A. 1, Ar.

Hash. 2, commentaries. Igros Moshe OC I:166, III:87, YD III:137. Minchas Yitzchok I:111. Tzitz Eliezer XIV:33:2-3.]

B) Kol minei simcha

Our question involves other types of entertainment that include some music. The question is twofold. First, is the entire entertainment concept included in the ban on music? Second, if it is not included, is the element of music in the other form of entertainment enough to forbid the rest of it? Is the musical part the primary, the secondary, or a separate and equal form of entertainment? [A show entitled 'musical' could be considered primarily theatrical with some accompaniment.] Much of the answer to both questions would depend on the nature of the ban, as discussed. If the ban was adopted according to *minhag* and accepted practice, the issue would be whether this kind of practice was intended or whether it was ever widespread enough to be considered a *de facto minhag*.

There might be no need to search for a specific reference to music as a separate *minhag* or restriction for an *avail*. There is a general prohibition against all kinds of rejoicing. It could be self-evident that music should be forbidden. If so, the question arises whether the other forms of entertainment are also included. The term used by the poskim to restrict all kinds of rejoicing, *kol minei simcha*, is a general term based on two separate references. One source restricts an *avail's* attendance at a party. This includes a wedding, and refers to entering the house of rejoicing. It also includes most other parties, though non-*mitzvah* events are debated. The other source says that an *avail* should not hold a baby in his lap. This will bring him to laughter and cause him to appear unseemly. Apparently, laughing is not forbidden, but is viewed as inappropriate. However, the poskim determine that the reason it is inappropriate is because an *avail* should not be laughing.

The first source deals with the entire mourning period, while the second deals specifically with the initial seven days, the *shiva*. It seems that the two types of activity can be classed as ordinary routine actions or inspired feelings. During the *shiva* any action that brings or shows joy is forbidden, even if it is normal. Perhaps, one actively practicing *availus* contradicts himself by doing joyful things. After the *shiva* normal actions are permitted, though they arouse laughter and happiness. During this stage of mourning, one is not actively doing something to show grief, but is passively refraining from certain activities. Arousing unusual joy is forbidden. Thus, one should not enter into a situation that brings this joy, but may behave normally. Apparently they are understood as two levels or parts of one category of restriction. This seems to apply to participating in festivities because of the rejoicing, rather than as a ban on the festive meals. Participation in a *seuda* that does not include festivities, such as a *bris milah*, is debated. The prevailing practice is to forbid the *avail* to enter any such gathering outside his own home. The existence of a lenient view indicates that the issue is the festivity. Thus, while after the *shiva* he may laugh and play with children on his lap, he may not engage in festivities of any kind. The stringent view agrees that the festivities are an issue, but adds that the gathering itself also poses a problem, even if there are no festivities.

Some activities bring joy and frivolity, yet are not part of a formal festive gathering. This includes attending an entertaining show. If the problem with festivities is the frivolity, it should be the same whether or not the frivolity is in the context of a formal festive gathering. It would follow that going to a show would be forbidden if the purpose is pure

enjoyment. It is difficult to find sources dealing with performances. In Judaism, performances were always viewed negatively. They were associated with *moshav litzim*, council of idlers, and were forbidden at all times. There are sources criticizing a Purim performance, due to the likely content of scoffing, scorning and slandering. Musical accompaniment by a band is discussed. This was known at parties, with or without a *mitzvah* element, and for royalty at regular mealtimes. In fact, some poskim discuss attending a non-*mitzvah* gathering where a band will be playing. We mentioned that some consider this gathering a non-*simcha* event, excluded from the category of *minei simcha*. Nonetheless, an *avail* may not attend due to the presence of the band in the background. Accordingly, musical content is automatically included in the category of *kol minei simcha*. This would apply to music played to be 'listened to' in its own right. Background 'notes' and attention getting jingles are not for true musical purposes.

Accordingly, an *avail* should not attend a performance or a gathering that has musical content. Attending a non-musical performance for entertainment purposes would seem to be forbidden as well. In keeping with the consensus that a recorded item has the same characteristics as the original, he should not watch an entertaining video either. [See Moed Katan 22b 26b, Avoda Zara 18b, Poskim. Tur Sh Ar YD 389, commentaries. Availus Bahalacha 25: esp. n72.]

C) Chinuch and Availus

A child below *bar* or *bas mitzvah* is not Scripturally obligated in *mitzvos*. There are a couple of *mitzvos* that obligate a parent with regard to his or her young child. These include teaching Torah and *hagadah* on *Pesach* night. Parents are obligated to prevent their children from ingesting forbidden foods, or at least forbidding feeding them. This is debatably Scriptural. Rabbinically, parents are obliged in *chinuch*, training the child in *mitzvah* observance. For positive *mitzvos* the age for this is when the child is able to either perform the act, understand the meaning and concept, or both. For negative *mitzvos*, the age is when the child will understand any command not to do something. Poskim give this as two or three years old (presumably depending on the child). Whether the child as well as the parent is obliged is debated by the poskim.

The objective of *chinuch* is viewed in two ways. One wants to get the child into the habit of performing the *mitzvah*, and one views the child as a minor adult. The difference is whether *chinuch* applies when a specific detail would exempt an adult. As a 'minor adult', there would be no *chinuch*. As a habit forming practice, it would still apply. In addition, there is a purpose in training the child in the *inyan*, theme, of the *mitzvah*. There is also some discussion on whether *chinuch* stands alone and is applied to all other *mitzvos*, or whether it becomes one detail in the other *mitzvos*. If it stands alone, when it was instituted, the Rabbis could have determined to exclude certain *mitzvos* from the obligation. Before a child reaches *chinuch*, some poskim rule there is an obligation *lechanchu bikedusha*, to train the child in sanctity, to protect and enhance his soul. In addition, if one permits a minor to do something that he will get used to, then tries to restrict it later, there might be mixed messages. Thus one also needs to be mindful of laxities becoming reverse or counter *chinuch*. On the other hand, training a child to do something he does not understand and also resents is counterproductive.

In our case, the issue is how to view the nature of the ban. If it is viewed as a *mitz-*

vah of *availus*, that could be viewed as a general positive *mitzvah* with certain negative details, or as negative *mitzvos*, minors could be restricted accordingly. It could be viewed as a more general *inyan*. The age for *chinuch* on this could be different.

Availus is a positive *mitzvah*. It is not necessarily included in *chinuch*. The Talmud excludes children from *kriah*, rending the garment in grief. The poskim say this applies to a minor under *chinuch* age, but that there is *chinuch* for *kriah*. The other practices of mourning are debated. Some extend the ruling for *kriah* to all other practices. Some exclude a minor only from those practices that interfere with his Torah study.

Chinuch is not discussed regarding *sefira* practices. *Chinuch* is discussed in regard to the 'Three Weeks'. A child's hair may not be cut then, because it is *availus derabim*, mourning a public loss. Part of the reason is that *Tisha b'Av* does not mourn a bereavement, but the destruction of the *Bais Hamikdash*, and is repeated every year. Obviously, one needs to train a minor to mourn the destruction as an adult.

Minhagei sefira are not as stringent as *Tisha b'Av*. The omission of *chinuch* in the discussion is probably due to the brevity of the discussion itself. [Maybe it is raised for *Tisha b'Av* because it applies there even for children under *chinuch*. Adults should be pained by the sight of the children's long hair. Perhaps this does not apply during *sefira*.] The loss of Torah scholars is likened to the destruction of the House of Hashem. A child should be trained in keeping *minhagim*. In some respects they are like *nedarim*, vows. Majority for this is younger than *bar mitzvah*. The *sefira availus* never involves *biul Torah*. It would appear that one should train a child to observe these practices. The age for training this *mitzvah* might not be the age of *chinuch* for regular *availus*. Since the *inyan* is the critical element here, the child must be able to understand what a Torah scholar is, what his loss means, and how restricting watching a video shows mourning. Below this level of understanding, it would be counterproductive to restrict the child. [See Brochos 48a, Shabbos 121a, Sukah 42a-b, Megilah 19b, Chagiga 2a 6a, Moed Katan 14b (Tos), Chagiga 114a-b, Poskim. Tur (Bach) Sh Ar YD 340:27, 384:5, 396:3, OC 343, 551:esp 14, 675:3 689:2 commentaries. Igros Moshe YD:I: 137 224 II:104.]

On the Parsha ... And you shall not exploit [with words], each man his friend, and fear your G-d ... [25:17] This refers to verbally harassing one's fellow, especially when trying to make it sound unintentional. Should one say 'Who will know?', Hashem knows anything in one's heart [see Rashi]. Do My statutes and keep My laws, and you will dwell secure in the land. [25:18] 'Statutes' are *shmita* and *yovel*, 'laws' refers to freeing slaves, returning lands and exploitation. 'Live securely' ... exile comes for neglecting *shmita* etc. [Ramban] What is the punishment for exploiting with words? It would seem to be another manifestation of insecurity. During the period of *sefira* the disciples of *Rebi Akiva* died because they did not treat each other respectfully. Presumably, they did not insult openly, but Hashem knew their inner thoughts [see Menachos 68b]. The common folk probably emulated the scholars. The death of Torah scholars is spiritual insecurity. In this way it is likened to the destruction and to exile, physical insecurity.



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a"n, whose *yahrzeit* is on the 11th of Iyar. ❧

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