

HALOCHOSCOPE TOI PE

May one buy new clothing during *Sefiras Haomer*, if he plans to wear them after the mourning practices end? If the item will be used by a family, may the *Brocha Hatov Vehameitiv* be recited? May an *Aveil*, mourner, recite it on purchases made for his family? May *Shehecheyanu* be recited on Shabbos during this time?

The issues:

- (A) The mourning practices during *Sefiras Ha'omer*
- (B) The *Brocha Shehecheyanu*; *Hatov Vehameitiv*; when is this *Brocha* recited?
- (C) Reciting it at a time of mourning

(A) Mourning during *Sefiras Ha'omer*

During the period of *Sefiras Ha'omer*, between *Pesach* and *Shavuos*, a great calamity befell the Jewish people. Twenty-four thousand disciples of the great Rabbi Akiva died in a period of thirty-three days. The deaths of these greatest students of the Torah jeopardized the continuity of the *Torah Sheb'al Peh*, the orally transmitted Torah. Thus, besides for the terrible human losses there was a great spiritual loss to the whole Jewish people. To commemorate these losses we observe this period as a time of collective mourning. This is not a Rabbinical ordinance, but a *Minhag*, stringency adopted by the Jewish people. The idea of a *Neder*, binding ban, is the Scriptural basis for such practices.

The deaths did not occur throughout the Sefirah period, but for thirty-three days of it. Thus, mourning practices are observed for thirty-three days. There are about six different *Minhagim*, the most well known of which are: "the first half" (from the second day of *Pesach*, until *Lag Ba'omer*) and "the second half" (beginning after *Rosh Chodesh Iyyar* and ending on *Erev Shavuos*.) *Lag Ba'omer* itself is excluded. Another *Minhag* is to observe all days during this period except when *Tachanun* is not said due to a festive occasion, including *YomTov* and *Isru-Chag* (the day after *YomTov*), *Shabbos* and *Rosh Chodesh*. [See *Yevamos* 62b, *Poskim*. *Tur*, *Shulchan Aruch Orach Chaim* 493:2-3, *Ar. Hash.* 1. *Igros Moshe O.C.* I:159. *Hamoaddim Bahalacha*, *Lag Ba'omer*.]

(B) The *Brocha Shehecheyanu* on new clothing

This *Brocha* is recited when one who experiences joy praises Hashem for

bringing him to this moment. The words *Lazman Hazeh*, to this time, indicate a relationship between the joy and the time. Therefore, many Poskim say that the Brocha may only be recited for a joyous occasion that is repeated periodically, including Yomtov and the Shehecheyanu recited on new fruits at the beginning of their season. Since the appearance of the fruit again brings joy and is periodic, one recites the Brocha of "Zman." The Talmud gives other examples of when this Brocha may be recited. Generally, it is to be recited upon good tidings, including the purchase of a new house or utensils. The joy is felt at this time because one did not possess them before this moment, even though the occasion does not recur periodically. This is because the Brocha has a dual application: it is to celebrate joy due to a particular time or date; and it is to celebrate the time that any personal joy is experienced. For the first application, the joy must be due to a recurring date or season; for the second it need only be a moment of good fortune or joy. Included in the first type is a Mitzvah occurring periodically; in the second type, a rare Mitzvah being performed for the very first time.

This is not considered a *Bircas Hanehenin*, Brocha recited before benefitting from Hashem's bounty, but a *Bircas Shvach Vehoda'ah*, praise and thanksgiving. Therefore, unlike the Bircas Hanehenin which must be recited immediately prior to the use or benefit, Shehecheyanu is recited when one feels the joy, beginning at the time of the purchase. Thus, even if one does not benefit from the item until later he recites the Brocha immediately. If he did not recite it then he may still recite it as long as he feels the joy of the purchase. It appears, therefore, that the Brocha is recited over the joy of the anticipated use of the item purchased.

The Talmud records a number of debates and questions on the applicability of this Brocha: What if a person already owns the type of item in question, for example he inherited it as part of an estate, and he then purchases another? What if he has previously purchased exactly the same item and is now purchasing a new one, and what if the "old" one has not yet worn out? What if he sold the item and decided to buy it back? The conclusion of most Poskim is to recite this Brocha in all of these cases. Thus, we may deduce that the issue is whether the Brocha is for the benefit of the item, or for the pleasure derived from acquiring it. The question is: does one recite the Brocha though he does not anticipate any new pleasure, since he made the effort to purchase it and was rewarded with the purchase?

The item purchased need not be brand new, but new for the purchaser, such as used clothing. The items of clothing are a matter of debate. Some Poskim maintain that it depends on the purchaser. A coat or suit is important enough for most ordi-

nary people to require the Brocha but a rich man might not feel especially joyful with this purchase. A shirt is not significant enough to arouse the joy required for this Brocha for most people, but is so for a poor man. Socks are not considered significant even for a poor man, but one who is totally penniless might indeed feel thankful for them. Others say it depends on the significance of the item of clothing, especially if it is the type of clothing that is regularly purchased new. Thus, everyone should recite the Brocha on suits but not on new socks. If the item is a source of benefit for more than one person, one recites the Brocha *Hatov Vehameitiv*, which thanks Hashem for being good to the person reciting and also causing the good to benefit others. This is also the Brocha best known for thanking Hashem upon hearing good news. [See Brachos 59b-60a Rif Rosh. Suka 46a Tosafos. commentaries Poskim. Rambam Hil. Brachos 10:1 Kesef Mishneh. Tur, Shulchan Aruch Orach Chaim 223 commentaries.]

Some people combine the Brocha on new clothing with the appearance of the first of the new season's fruit. This follows the view that the Brocha should really be connected to periodic joy, and though the Talmud discusses this Brocha for new clothing, it is considered *Reshus*, a voluntary Brocha which should not be recited liberally. However, the prevailing practice is to dedicate a brocha to the new clothing. Ideally, one would expect to recite the Brocha at the time the clothing is acquired. If alterations need to be made, it is not yet ready to wear, so the Brocha is delayed until the item is worn. It has become the accepted practice to always recite it when first wearing it. When clothing is purchased for members of a household, the Poskim rule that the head of the house recites *Hatov Vehamaitiv*. Though he does experience some joy when the other person wears it, there is no need for him to delay his Brocha. Nonetheless, if he wishes to wait for the greater joy of seeing it worn, which is also in a sense his own use of it, he could delay reciting the Brocha until it is worn. It is unclear whether the family members who wear the clothing recite Shehecheyanu upon wearing it. [See Brachos 59b Yerushalmi 9:3 commentaries Poskim. Tur, Sh. Ar. O.C. 233:5, commentaries. Tzitz Eliezer XII:19 Sh. Ar. Even Haezer 28:19-20. Eshel Avraham O.C. end 223.]

(C) Reciting it at a time of mourning

The Poskim discuss reciting Shehecheyanu during the three week period of mourning for the *Bais Hamikdash*. There are three main Minhagim. Some recite it anyhow, some not at all, and some recite only on Shabbos during these three weeks. Some Poskim invoke this Minhag for the Sefirah period as well, but others say that

if the occasion arises, one must recite it anyhow. Some permit it outright, while others indicate that if it arises by itself one need not refrain, but it may not be caused willingly. Two issues arise with regard to reciting these Brochos during a mourning period. Firstly, does one recite a Brocha on joy when he is meant to be mourning? Second, while a mourner might be obligated to, the time is sad. Can one thank Hashem for bringing him to such a time? Especially during a period symbolizing punishment (which is why we mourn on anniversaries of tragedies) rejoicing displays disregard for Hashem's Judgment.

To explain the varying practices during the three weeks, some maintain that the Minhag is founded on mourning, which is forbidden on Shabbos. Some, however, debate this, maintaining that if an Aveil feels joy he must recite the Brocha. Upon hearing that one's father passed away, leaving him and his siblings an inheritance, one recites both Brochos for good and bad tidings. Thus, we see that Hatov Vehameitiv may be recited by an Aveil. However, if there are none to share the good news with him, he might not recite Shehecheyanu. Nonetheless, the consensus is that an Aveil recites Shehecheyanu on a new fruit or a cyclical Mitzvah, in private but not in public (such as when lighting the shul Menorah). The other view bases the stringency on the sadness of the time. This question is whether it applies on Shabbos as well. It is possible that while an Aveil can not control the changes of seasons or new fruits, he may not willingly cause himself the joy of a new acquisition. [See Brochos 59b Sefer Chasidim 840. Sh. Ar. O.C. 551:17, (Levush, Taz 17, Magen Avraham 42-43, Gra, Ar. Hash. 38.) 671 (Taz 8) 493 (Mishneh Berurah 2). R. Eider, Pesach, XXIX:A5: n18. Halocholescope IV:25.]

Our question is, though the Brocha will be delayed, does joy at the time of purchase, which is also cause for the Brocha, forbid purchasing during Sefirah? No-one seems to raise an objection to reciting the Brocha on Shabbos based on the fact that the purchase must have been made during the week, and the joy at that time was forbidden. Apparently, even if the concern is the mourning practice rather than the sad time, the objection is to invoking the joy through the Brocha. Thus, we may resolve our issue. One may purchase items during Sefirah for after he finishes the mourning practices. He may recite the Brocha on Shabbos. Hatov Vehameitiv may be recited during this period and by an Aveil.