

HALOCHOSCOPE

This week's question:

An *avail* will end his *shloshim* period with the advent of *Shavuos*, saving him a few days. This year, *Erev Shavuos* falls on *Shabbos*. He usually shaves his beard, but has let it grow as a sign of *availus*. May he shave his beard growth before *Shabbos*?

The issues, last week:

- A) *Availus*, mourning, and its phases
- B) *Yomtov* interrupting and reducing an *availus* period
- C) *Tisporess* and *giluach*, haircutting and shaving restricted for mourners
- D) *Shabbos Erev Yomtov*

Primarily based on Volume XI:7

A) *Availus Practices*

There are three basic components to the practices of *availus*: to show grief, recognizing and acknowledging that Hashem has judged the mourner; to do certain things as signs and expressions of repentance, in response to the judgment; to honor the soul of the deceased, especially a parent, by showing that he is missed and mourned for, rather than forgotten. In addition, there are regular things that the *aveil* tries harder, to bring merit to the soul of the departed, through the relationship between the living survivor and the departed soul. These include certain *tefilah*, Torah study, *tzedakah* and *chesed* activities.

Expressing sorrow and grief on the death of a relative is mentioned numerous times in the *Tanach*. As a *mitzvah*, it is mentioned in connection with priestly service and eating *korbanos* and certain other sanctified foods. It is from the restriction on the *kohain's* contamination with a corpse, that is relaxed for relatives, that we derive the general *mitzvah* of *availus*. Here we learn which relatives must be mourned. The Scriptural *mitzvah* does not extend past the first day of bereavement. Rabbinically, it is extended in phases.

The first phase, Scriptural *aninus*, bereavement, applies for the first day. Rabbinical *aninus* applies the following night as well, as long as the body has not been buried. (Actually, Scriptural *aninus* should apply the entire first day, even after burial. However, Rabbinical *aninus* ceases after burial, and formal *availus* begins.) An *onen* is also exempt from fulfilling positive *mitzvos* until the burial. The poskim debate whether this is an element of Scriptural *aninus* or a Rabbinical addition. The poskim also debate the nature of this exemption. Some say the *onen* is excused, while others say he is forbidden to perform *mitzvos*. The difference between them is whether he may practice stringency.

Two reasons are given for the exemption. Both are part of the same reason, but vary in emphasis. The poskim thus apply both. First, the relatives are the ones on whom the 'load of burying falls'. This causes *tirda*, preoccupation, taking up their attention and time. Preoccupation with one *mitzvah* exempts one from another *mitzvah* that comes into

conflict with it. For one who does not feel so preoccupied, stringency could be practiced to fulfill other *mitzvos*, according to this reason. Second, in respect for the deceased, the *onen* should focus on the *mitzvah* of burial, rather than on other matters. When done properly, *mitzvos* require undivided attention and are time-consuming. According to this reason, the *onen* has no right to practice personal stringency at the expense of the *niftar*. The *aninus* exemption ceases when the burial needs are fully accomplished or otherwise taken care of. However, the mourning aspect of Scriptural *aninus* continues for the rest of the first day of bereavement. [Torah law assumes that the burial takes place on the day of the passing, except on a *Shabbos* or the like.]

The next phase is *shiva*, the one week period of mourning, introduced Rabbinically by Moshe Rabeinu. This gives the mourner time off work to respect his departed relative (pay respects!), and to contemplate the eventual death of each human. Immediate return to life as usual would leave no time to think about repentance. In the Torah, Yosef mourns for Yaakov, and it is Rabbinically linked to other sources as well.

Shloshim, the remainder of the month, and for parents, twelve months (usually, the rest of the Jewish year), are learned from the honor accorded to a sage. Moshe Rabeinu was mourned for thirty days. On the first anniversary of the death of Rabi Yehuda Hanasi a eulogy was delivered. The grief aspects of *shloshim* are derived from other sources [see below, on the *Parsha*.] After *shloshim* some leniencies apply, but a child is still in mourning for the parent. For most relatives the main principle is showing grief. For a parent it is extended to show added respect.

Various practices show the connection to the departed soul, and how the survivor has also lost some of his 'life' in the death of his relative. As such, things that show one's 'life' and general grooming are restricted. One lets his hair grow, does not wear new clothes, and for the *shiva*, practices additional restrictions. He tears his clothing on hearing the news, he sits on the ground, refrains from Torah study, does not leave his home, does not change his clothing, and follows some other practices.

In terms of *teshuva*, the Talmud says that the family of the departed is judged. 'The sword is brandished for thirty days, and though not brought to bear, it is not returned to its scabbard for twelve months.' Merrymaking shows a carefree attitude to the judgment. Therefore a number of restrictions are instituted to show mourning. These include reducing one's social activity. For example, we learn from the *Navi Yechezkel* that one should not engage an *aveil* in greeting. As the phases pass, this changes gradually. Pleasure trips in the company of friends, and festive celebrations are somewhat restricted. [See Brochos 17b-18a Moed Katan 19a 21b, Kesubos 103b Yerushalmi 1, Kidushin 31b, Poskim. Tur Sh. Ar. YD 380-398, commentaries.]

B) Interrupting the phases due to Yomtov

The *shiva* and *shloshim* are known as periods and phases. In terms of the activities done to honor the deceased, the entire period is observed. In terms of mourning and grieving observances, they are phases, called *gezairas shiva* and *gezairas shloshim*, the Rabbinical decrees of seven or thirty days. For both of these phases, one need not observe the entire first or last day. Part of the day counts, provided that one included some of the daytime hours. After sunrise on the final day, one ends the *availus* practices of that

phase. On the final day of the twelve month phase of mourning for a parent, the entire day must be observed. The Talmud says that a *Yomtov* breaks up the *gezairas shiva* or *shloshim*, but not the twelve months. Things based on numbers of days defined in *halacha*, follow the principal of *miktzas hayom kekulo*, part of a day can count as a day. The twelve month phase is based on months, which must be complete.

When *gezairas shiva* is interrupted by a *Yomtov*, the rest of the *shloshim* must be observed. However, the *Yomtov* reduces the number of days, based on the length of the *shiva*. Thus, the *shiva*, which literally means seven, counts as seven days of the *shloshim*, regardless of how long it actually took. If it began on *Erev Yomtov*, lasting one day (or part of a day), it still counts as seven days of the *shloshim*. Some *Yomim Tovim* can count for more than their own length. *Shavuot* is only one day, Scripturally. Yet, certain offerings mandated for *Shavuot* may be brought on the subsequent six days, giving it a festive nature of seven days. Therefore, the one day of *Yomtov* reduces the *shloshim* by these additional six days. Only sixteen days will remain after *Shavuot*.

When *Yomtov* occurs after the *shiva* is over, it cancels the entire remainder of the *shloshim*. On *Yomtov*, one will be over his *shloshim* phase and should not be demonstrating any signs of the mourning. Therefore, if mourning for anyone but a parent, he may take a haircut on the afternoon of *Erev Yomtov*.

Shabbos does not break up *shiva* or *shloshim*. Every *shiva* includes a *Shabbos*, and every *shloshim* includes a few of them. Overt activities associated with mourning may not be practiced on *Shabbos*, but the *shiva* or the *shloshim* is still in effect. If *shiva* ends on *Shabbos*, inconspicuous practices are observed until sunrise. [See Moed Katan 19a-b 23a-24b, Poskim. Tur Sh Ar OC 548:7-20 YD 390:4 395 398 399 400, commentaries.]

C) Haircutting and shaving

As mentioned, one of the mourning practices is to allow the hair to grow. However, this differs from other practices. For example, the practice not to launder clothing only applies to the *shloshim*, regardless of whether it is *availus* for a parent or any other relative. Attending a wedding is forbidden for the entire *availus* period. Thus one mourning a parent may not attend a wedding until the twelve months are over. Haircutting is a cross between these two. It applies for the *shloshim*, but continues past it. The length of time that it applies is when one expects his friends to admonish him for not having a haircut. Since people cannot take haircuts every day, just letting the hair grow for a few weeks does not demonstrate any special mourning observance. It must reach the point that people notice it enough to complain. They need not actually complain, but when it is deemed long enough for them to admonish, it is time to take a haircut. There are varying views on this measure. Once this point is reached, he has fulfilled his duty, even when mourning for a parent. Thus, it is like an extended initial mourning observance. In he is admonished before this time, he may take a haircut then, unless it is during *shloshim*.

A minority view maintains that one should restart the observance after the haircut, and continue doing so throughout the twelve months. This is anyhow a *minhag* that can be undertaken. Some even try to avoid a haircut for the entire period. One mourning anyone but a parent is not obliged to extend his observance past *shloshim*.

Since this is a measure of unkempt appearance, *Yomtov* cannot break up this phase.

Thus, even if one ceases other observances early due to the interruption of *Yomtov*. One may not shave before the thirty days are over. An *avail* for a parent, even after the regular *shloshim*, may not take a haircut in honor of *Yomtov*.

Shaving the beard is more complex. Some people shave daily. However, even these people allow their beard to grow a little, for example, during a *Yomtov*. Thus, there is also a measure of admonishment, but not as long as that for a haircut. The poskim discuss this, and they seem to agree that in this case, the measure is thirty days. Thus, the beard should be allowed to grow for the entire *shloshim*. Even one mourning a parent may shave after this time. [There does not seem to be a minority view requiring one to let the beard grow after the first shave.] [See Moed Katan 14b 22b, Poskim. Tur Sh Ar OC as in section B YD 390:1-4, (RAE PT) commentaries. Igros Moshe YD:III:156-157.]

D) Shabbos Erev Yomtov

If *Yomtov* interrupts the *shloshim* phase, the restrictions are relaxed on *Erev Yomtov* afternoon. If *Erev Yomtov* is a *Shabbos*, this poses an interesting problem. A similar issue arises when *Yomtov* breaks up the *shiva*, and *Erev Yomtov* is *Shabbos*. In that case, the restrictions are more serious, since they apply on *Shabbos* itself. In the case of *shloshim*, the restrictions are relaxed before *Shabbos*. Since one could not launder or shave on *Erev Yomtov* itself, he may do so on *Erev Shabbos*. However, this does not apply to a mourner for a parent taking a haircut. Even *Yomtov* would not permit it, unless he has reached the point of admonishment. Our question is, since shaving applies for thirty days, does it have the rules of other restrictions, and is it therefore, permitted?

The answer lies in the source of the thirty day measurement. It is based on admonishment, whether for haircutting or for shaving. For other mourners, the thirty day measure for haircutting is the same as for any other observance. While they might not have reached the point of admonishment, their entire *availus* is over with the advent of *Yomtov*. An *avail* for a parent is still in the middle of his *availus*. The measure of admonishment for shaving happens to be thirty days. However, this does not depend on having ended a phase of *availus*. Therefore, even shaving would not be relaxed for him due to *Yomtov*. Therefore, it is certainly not relaxed on *Erev Shabbos*. [See Moed katan 19b, Poskim. Tur Sh Ar OC 548:8-9 YD 390:4 399:3-4, commentaries.]

In conclusion, the *avail* may not shave before *Shabbos*.

On the Parsha ... Holy 'yihyeh', shall be, the hair that grows wild .. [6:5] The numerical value of *yihyeh* is thirty. Standard *nezirus* is thirty days. From here we derive that hair growth of thirty days is considered wild for an *avail*. [Moed Katan 19b] *Raavad* maintains that this is the source for *shloshim* of *availus*. *Rambam* derives it from the captive maiden, who mourns for a month, based on a *Yerushalmi*. Why does he not follow the Talmud *Bavli*? [See *Radva"z Aivel 6:1*] Perhaps wild hair growth is not a good source for other *availus* observances. Since an *avail* for a parent must wait until he is admonished, it appears that thirty days is only an absolute minimum, that applies to other mourners. Perhaps the other practices should only be observed for less time. Therefore, *Rambam* prefers the source cited by the *Yerushalmi*.

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