

HALOCHOSCOPE

This week's question:

When *Lag b'Omer* falls on Sunday, may children have a haircut on Thursday evening?

The issues:

A) *Availus*, mourning practices, during the *Omer* period

B) *Lag b'Omer*

C) *Kavod Shabbos*, honor due to *Shabbos*

A) *Availus* practices during the *sefiras haomer* period [Excerpted from Halochoscope XIII:28]

Between *Pesach* and *Shavuos*, twenty-four thousand disciples of Rabi Akiva died. Their deaths threatened the continuity of the transmission of the Oral Torah. In addition, the massacres by the crusaders took place, primarily, during this period. It is also evident from liturgical poems composed for the *Shabbosos* of this period that other calamities befell us at this time. To commemorate the calamity and the Divine judgment, we observe mourning during this period, to reflect on the loss and to repent.

The term used by the poskim for the practices during this period is '*minhag*', or custom. '*Minhag*' is usually used in two situations: where there are various ways to perform something, and it has become the norm to do it one way; and where there are two *halachic* opinions. The prevailing practice favors one view. It represents the decisions of the main bodies of Rabbinic leadership, followed by many communities. With no decisive conclusion, each community chose its path – its *minhag*. This weighs more than the majority of *recorded* opinions as a deciding factor. Once a practice is adopted by the people, it can even affect the decision in *halacha*, if it depends on a 'norm'.

Minhag hamakom refers to something followed in certain locations. Anyone in the location is compelled to follow their *minhag*, despite his own preferences or *minhag* from back home. This is a sub-division of the Scriptural *mitzvah*, *lo sisgodedu*, translated to mean 'do not break away from the greater group to make small groups'. This can also lead to strife. Members of the majority feel that the minority has a low opinion of them.

Sometimes someone chooses to follow a certain *halachic* practice that is not required, but has basis. The commitment has the stringency of a *neder*, oath or vow, with Scriptural force. Some practices become binding on descendants, or on future residents of a community. This is based on the verse '*do not forsake the Torah of your mother!*' (*Mishlei 1.*) Some practices are initiated with no credible basis in *halacha*. They are nonetheless not discouraged where that might lead to laxity in true *halacha*.

Another kind of *minhag* is instituted by Rabbinical authorities with a good reason, but is not considered fully *halacha*. An example of this type of *minhag* is the mourning practice during *Sefira*. There is no Talmudic record of these practices, nor is there evidence that they were not practiced. Either they were taken for granted as *minhagim* at the

time, but were never *halachically* binding, or they were only initiated later. They were already observed during the *Gaonic* period, when all Jews still subscribed to the rulings of a single supreme Rabbinic authority. However, a written record dating from this period, a *Gaonic* responsum, refers to the practices having begun at the time the deaths occurred.

Initially there were two main practices: not to marry, which was universally accepted; and not to have haircuts, which was initially only adopted, apparently later, by certain communities, but has become universally accepted. The *minhag* was accepted out of choice. It has the force of a ban or oath, which has Scriptural ramifications. However, being accepted voluntarily by the masses of Jews, it is relaxed under certain circumstances. The rule of *ada'ata dehachi lo kiblu*, they never meant to adopt it with this in mind, is invoked. When and how this leniency is applied is a matter of great controversy.

The period is one of public mourning. Loss of Torah scholars is compared to the burning of the Temple. Actual mourning includes Rabbinically ordained practices or restrictions with Scriptural links. They represent sadness, grief, respect, judgment, repentance, humbling oneself, sympathy, and work restrictions due to a type of commemorative *chag*. They reflect one's connections to the departed person, his eternal soul and to the mourners. In our case, only some practices were adopted, with varying degrees of observance. Some say that the period is Scripturally festive. It cannot be declared a mourning period. Some liken it to *shloshim* or a *yahrzeit*, or an *availus yeshana*, old mourning, all of which have a lower level of observance. To honor the memories we restrict weddings; to show grief we restrict haircutting. We permit laundering and business travel.

Chinuch, training a child in *mitzvah* observance, is debated when applied to *availus*. The Talmud excludes children from certain observances. Some say this refers to a minor under the age of *chinuch*, which is when he can be expected to understand and is able to perform the *mitzvah*. The early poskim seem to exclude a minor from all *availus* practices, including haircutting. They debate his status when he turns *bar-mitzvah* during *shiva*. A minority view seems to extend all *availus* to a minor.

Regarding *Sefira*, there is no clear discussion by the poskim. Regarding the Three weeks, the poskim restrict haircutting for a minor as well. The reason is *availus derabim*, it is communal mourning. In one view, it is not bereavement, but the *churban*, which is included in *chinuch*. Some say that the adults should be aroused when they observe children looking unkempt. One could argue that the same basic idea should apply during *Sefira*. The death of scholars is a type of destruction, as well as bereavement. It seems to have become the prevailing practice to refrain from cutting children's hair during this period. However, in the absence of a clear ruling, leniencies could be applied. [See Psachim 50b 51a-b Moed Katan 14b Yevamos 13b 62b 102a Yerushalmi Chulin 18b Poskim. Shach YD 65:7. Magen Avraham OC 690:22. Eshel Avraham OC 58:1:(b). Tur Sh Ar YD 214:2, Pischei Teshuva 2, 384:5 396:3 TZ 15, Pri Chadash OC 468, Sh Ar OC 493:1-2, commentaries (Ar Hash, Chok Yaakov, Yeshuos Yaakov, Kaf Hachaim 6 etc.) 551:14, MA 38 Ar Hash, commentaries. Minchas Yitzchok I:111. Yechaveh Da'as III:30. Igros Moshe YD:I:224. Halochoscope I:14.]

B) Lag b'Omer

L(a)g are the Hebrew letters that represent thirty-three. The deaths of these scholars

occurred for thirty-three days, though the exact days are a matter of debate. One need observe no more than thirty-three days. How these days are counted is debated. There are some other slight variations, and there is a practice among some sects to observe the entire period. Some suggest observing certain practices the entire period, but not others. The main *minhagim* are: the first thirty-three days, ending on *Lag Ba'omer* [within this *minhag* there are varying practices with regard to the night, day 33 and day 34.]; beginning on the 2nd of *Iyyar* until *Erev Shavuot* [the crusades calamities occurred after *Lag Ba'omer*!]; all days during this period when *tachanun* is recited.

The basis for the varying *minhagim* is also debated. There seem to be two main theories. One view maintains that the *minhagim* follow the opinions on when the deaths occurred. Thus, some feel that the deaths occurred from the beginning until the thirty-third day. The status of day thirty-three is also debated. Others maintain that the deaths did not occur on certain days, but on the remaining thirty-three days. The other view maintains that regardless of when the actual deaths occurred, one chooses thirty-three days to observe mourning, based on the status of the period. According to the second view, some variations are equally commemorative, though they differ in their dating. Accordingly, one may change from one to another without facing the possibility of changing a *minhag*.

The debate on the status of day thirty-three is when the deaths actually stopped. Some say that there were no deaths on this date, while others maintain that the deaths stopped on this date, and yet others maintain that there were even a few on the following day, but that they were far fewer. The Terminology in the Talmudic and Midrashic record is that they died until a half-month (15 days) before *Shavuot*, which would be the 34th day of the *Omer* counting. We have also cited the opinions that the deaths occurred throughout the *Sefira* period. According to this view, the significance of *Lag b'Omer* is either that it commemorates the end of the mourning period for those who observe thirty-three consecutive days, or that possibly there was a break in the plague on this day.

Ashkenazic Jews observe all festivities and permit haircuts and weddings on *Lag b'Omer*. Sephardic Jews observe day 33 partially, by omitting *tachanun*. They also observe some festivities, for other reasons, some of them mystical, including the *yahrzeit* of R Shimon bar Yochai. However, they do not permit weddings and haircuts until day 34.

The end of a mourning period is on the last day. The complete day need not always be observed. For the seven day and thirty day observances, part of the day is observed. This means that one observes a small part of the day after sunrise, and the rest of the day he may conduct himself normally. A minority view considers a part of the evening before enough. For the twelve month observances, most authorities say that the entire day is observed. *Lag b'Omer* is considered the last day. Some say that this is another reason for the disparity in observances. According to this view, some would say that one may cut hair in the morning. The others would only permit it that night. Others maintain that everyone considers it like *shiva*. The debate is about which is indeed the last day. This view would maintain that one must wait until morning of the 33rd or the 34th day. However, some maintain that haircutting is permitted during the evening before, since it is already the day of festivities. Some suggest the reasoning is that while it is indeed the end of a mourning period, it is celebrated as a festive day – for this very reason. This is not actual

mourning, but a commemorative form of it. The same thing is commemorated by the festivities of *Lag b'Omer*. Some say that one may rely on the minority view that observing part of the preceding night counts. [See refs to section A, Kaf Hachaim OC 493.]

C) Kavod Shabbos

Kavod Shabbos is of quasi-Scriptural origin, based on *pesukim* in Yeshaya. In fact, the passage of the *mohn* also implies that one must make special preparations for *Shabbos*. The poskim say that if *Lag b'Omer* falls on a Sunday, one may take a haircut of *Erev Shabbos*. The simple explanation is that it would seem to slight *Shabbos* if one took a haircut right after *Shabbos*. According to this reasoning, one must actually do it before *Shabbos*. Some say that this is not a requirement but a dispensation, for those who choose to do it in honor of *Shabbos*. Some say that it applies to one who thinks he will be unable to do it on *Lag b'Omer*. Since the additional reason of *kavod Shabbos* applies, he may do it on Friday. All of this could only apply to a *minhag*. For real *availus*, this would be more difficult to reconcile. The theory seems to be that the *minhag* was adopted with this exception in mind. In this case, some poskim say that if one will have difficulty arranging his haircut on *Erev Shabbos*, he may do it the night before, even though we have cited the majority view that normally restricts this.

Our question is whether one could give children a haircut the day before, in late afternoon. The children will be going to sleep before it gets dark. A small precedent exists, and by analyzing it, we might shed light on our case. If one celebrates *bris milah* on a child during *Sefirah*, he may cut his hair on that day. It is like a *Yomtov* for him. If the *bris* will take place on *Shabbos*, some say he may cut his hair on Thursday. Others question the ruling: On what is it based? He could easily do it on Friday!

One suggestion is that haircutting is time-consuming. One should not engage in major projects on *Erev Shabbos*. While haircutting is clearly permitted on Fridays in honor of *Shabbos*, some permit it only in the earlier part of the day. In former times, certain activities were instituted on Thursdays in honor of *Shabbos*. These included laundry, which is also time-consuming. It could interfere with the usual preparations, and need not be done so close to *Shabbos*. Perhaps this explains the debate about a *Shabbos bris* during *Sefira*. The one view considers it *kavod Shabbos* to advance it to Thursday. The other view maintains that the *availus* practice should not be overridden. [See Psachim 50b Taanis 12b 14b 26b Baba Kama 82a, Poskim. Tur Sh Ar OC 242:1 251:1-2 551:3-4 575:4, commentaries. Pri Chadash OC 293:2 PMG EA 4.]

In conclusion, a combination of factors may allow for leniency. There is no clear ruling to forbid haircutting of young children during *Sefirah*. There is a precedent to permit haircutting on Thursday for *kavod Shabbos*. The haircut will be late in the day. It would be after nightfall if the children could stay awake, or if a barber was available then. Thus, if they are older, the children understand the issues.

Sponsored for the *zechus* of a *refuah shelaimah bimehairah* for Yosef Yitzchok ben Yehudis

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