

# HALOCHOSCOPE

**This week's question:**

Between *Pesach* and *Shavuos* we observe mourning practices for thirty-three days. There are varying *minhagim*, customs, on how to choose thirty-three days out of the forty-nine total. Assuming that one may observe one *minhag* of restrictions during *sefirah*, while attending the wedding of one who observes a different *minhag*, may the guest shave?

**The issues:**

- A) The mourning practices during this period
- B) The various *minhagim* to calculate the thirty-three days
- C) *Simchas chasan vekalah*, gladdening a wedding couple

## A) Mourning practices of *sefirah*

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 *Shabossos* of this period that other calamities befall 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 sigodedu*, 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. He 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*. It might be to commemorate something, or to prevent

something after an incident. An example of this type of *minhag* is the mourning practice during *Sefira*. There is no Talmudic record of these practices. There is also no evidence that they were not practiced. This leads to the belief that either they were taken for granted as *minhagim* at the time, but were never considered *halachically* binding, or that they were only initiated later. It is assumed that they were formally adopted during the *Gaonic* period, when an institution could still be adopted by the entire Jewish People. They all subscribed to the rulings of a single supreme Rabbinic authority. This was the period between the end of the recording of the Talmud and the times of the writing of the great commentaries, such as *Rashi*. 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 by certain communities, but has become universally accepted. Furthermore, it seems, refraining from haircuts came later. It is possible that additional practices came as a result of further hardships and calamities. As a *minhag*, it was accepted out of choice. In one respect, it has the force of a ban or oath, which has Scriptural ramifications. In other respects, having been 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 and grief, respect, judgment, repentance and 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 maintain that the period is Scripturally festive, so it could not 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, and to show grief we restrict haircutting. We permit laundering and business travel. [See Psachim 50b, 51a-b, 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. Pri Chadash OC 468. 493, commentaries. [Ar. Hash. Chok Yaakov, Yeshuos Yaakov] Minchas Yitzchok I:111. Yechaveh Da'as III:30.]

### **B) Varying minhagim**

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 2<sup>nd</sup> 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 oc-

curred. 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*.

While it was always considered a violation of *lo sigdodu* to practice *minhagim* at variance with one's community, the poskim make an exception for this *minhag* in modern times. First, there are few homogeneous communities nowadays. In most communities one may assume that there is no established uniform *minhag hamakom*. Second, all practices have a sound basis. Third, neither is more stringent than the other, but rather a different manner of calculation. Therefore, it is unlikely to lead to strife. Fourth, some of the variations, according to some, are anyhow equally valid versions of the same practice. In practice, the poskim permit one to follow a different practice each year. Thus, it is possible for one person to observe 'the first half' while his friend observes 'the second half'. What if the latter gets married on *Rosh Chodesh Iyyar*, and the former wishes to attend?

The practices are not as stringent as regular *availus*. Some maintain that the wedding restriction applies to all in attendance. According to others, the restriction applies mainly to the couple. If they are exempt, due to their *minhag*, any guest may attend. He is not in violation of his own *minhag* by doing so. Once in attendance, he has an obligation to gladden the *chasan* and *kallah* [see below]. Nowadays, many follow this lenient view. On the other hand, he seems to retain his own *minhag* restricting shaving. [See Tur Sh Ar OC 593:2-3, commentaries. Igros Moshe OC I:159 II:95.]

### **C) *Simchas chasan vekalah***

A wedding is not held privately, but rather with the attendance of guests. This is part of the joy of the occasion. The guests have a part in the *simcha* as well, and are indeed obliged to attend and gladden. There are two parts to this *mitzvah*, *hachnasas chasan vekalah*, the obligation to attend the *chupah*, and *simchas chasan vekalah*, to gladden the couple. Both are considered Rabbinical *mitzvos* connected to the Scriptural *mitzvah ve'ahavta lera'icha kamocho*, general furtherance of friendship and goodwill. In addition, there is a *mitzvah* to participate in a *seuda* at the wedding. The Scriptural aspect of these *mitzvos* is seen when one has a conflict between them and other *mitzvos*, such as destroying *chametz*, or studying Torah. In many instances, this *mitzvah* takes precedence.

Thus, a wedding couple's *halachic* rulings often extend to the party accompanying them. For example, on *Sukos*, one should spend his time in a *sukah*. A *chasan vekalah* are exempt from the *mitzvah*, due mainly to their preoccupation with their own *mitzvah*. The *shushbinin*, attending to them, and the *benai hachupah*, guests, are also exempt. Accordingly, we learn that such guests can and may assume the status of the bride and groom in other such situations. [The actual wedding feast takes place before *Yomtov*, because one does not hold weddings during a *chag*. The reference here is to the ensuing seven days of feasting. In practice, the poskim recommend that these groups should try to eat in a *sukah*, but should refrain from the *brocha, laishaiv basukah*.]

There are various levels of obligation that exempt one of other obligations at corre-

sponding levels. The closest members of the party, *shushbinin*, are more exempt than regular guests. There is a term *benai hachpah* that seems to apply to those officiating and the family members, but might apply to all guests. Of the general party, there seems to be more leniency for those who are invited personally than for those who attend voluntarily for the sake of the *mitzvah*. Of those invited, some travel out of town for it, and some might leave their work in town for it. We follow the view that one not invited need not leave his work nor abandon his study for the sake of this *mitzvah*. However, the view that one should is taken into account in evaluating the enormity of the *mitzvah*.

In our case, the issue is whether one attending may violate his own *minhag*. There is the view that those who are bound by their community's *minhag* must follow it with regard to this as well. They may not attend a wedding in another community. Due to the permissibility of choosing a *minhag*, this usually does not apply. Every year, he may follow the more convenient *minhag* for the weddings he is invited to attend. It could apply to one invited to two weddings, during incompatible periods in the same year. This same view maintains that a community *minhag* for haircutting does not govern one's restrictions to attend weddings. In general, we have shown that the two practices are treated differently according to many poskim. The prevailing custom follows the view that one may attend a wedding during the time he is observing his own version of the *minhag*. May he shave for the sake of gladdening the *chasan vekallah*?

Since one has a personal obligation to attend, if refraining from a haircut will cause hesitation in attending, one should take the haircut. In this respect, the attendee is similar to the father, *mohel* and *sandek* at a *bris milah*. Their personal *simcha* overrides communal *avilus*, such as that of *Sefirah* and the Three Weeks. Since shaving regularly is on the same level as an occasional haircut in terms of shame or presentability, one may shave if he feels he cannot attend without doing so. If he is personally not ashamed, but he is a close member of the family of either the bride or groom, he will embarrass them if he does not shave. This is reverse *simchas chasan vekalah*. Therefore, he must shave.

An additional factor seems to apply here. A *chasan* is compared to a king. For example, some invoke the verse, 'the multitude of people is glory for the king', in requiring everybody possible to attend. One may not appear before a king unkempt, as we learn from Mordechai. While this might not apply while one is observing mourning practices, the practices during this period are already considered less stringent. Therefore, this seems to be another reason to permit shaving. [See Brochos 6a 62b Megillah 3b 29a Sukah 26b Kesubos 7a-8b 17a etc PDRE 17, Poskim. Tur Sh Ar OC 640:6 EH 65, commentaries. Sh'Ut Chasam Sofer OC 142. Igros Moshe OC II:95.]

In conclusion, family members must shave. Other guests may shave if they feel uncomfortable enough not to attend if unshaven.

**On the Parsha ...** *And your brothers, the entire house of Israel will weep ... [10:6]* Why does the Torah use the terms 'your brothers', the 'entire house of Israel', in this instance? Perhaps, there is some indication here that when the mourning is for Torah scholars, one should not decide for himself that he was not close enough to this particular scholar. Perhaps there is also some indication that this situation is especially sensitive to *lo sisgodedu*.

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