



לוקוטי ופסקי הלכות "חוקי חיים"



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Days of the Omer

Tazria-Metzora 5785

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Aveilus During Sefira

On Which Days Do We Practice Aveilus?

- R' Akiva had 12,000 pairs of talmidim who all died between Pesach and Shavuos because they did not act with respect toward one another (גמי יבמות דף ס"ב ע"ב). This shows that the halachos of these days stem from aveilus. However, there are also sources that show these are days of din, so we do not do activities involving joy (ש"ע סי' תצ"ג ס"א).
- The poskim argue about which days they died on, the ramifications being on which days we practice aveilus. Multiple minhagim developed based on this, as will be explained.
- Opinion 1.** They died throughout the full 34-day period after the first day of Pesach (מדרש הובא בביאה"ל ד"ה יש). According to this, aveilus is practiced for 34 days from the start of sefira, i.e., from Day 2 of Pesach through the 34th day of the omer. After neitz on the 34th day, one may be meikel in the aveilus due to the rule of "מקצת יום ככולו" [part of a day is treated like the whole day]. This is the opinion of the Mechaber (ש"ע סי' תצ"ג ס"ב). According to this, there is no basis to be meikel on Rosh Chodesh Iyar (ש"ע סי' ג) or Lag b'Omer.
- Opinion 2.** They died during the first 33 days (ביאור הגר"א), and aveilus is practiced during those 33 days. One may be meikel in the aveilus the morning of Lag b'Omer, but not the previous night. This is the Rama's opinion (שם סי' ב) [these two opinions agree that aveilus is only practiced on the days the talmidim actually died].
- Opinion 3.** They died throughout the entire period between Pesach and Shavuos, except for the 16 days on which Tachanun is not said [7 days of Pesach, including Isru Chag/Yom Tov Sheini, 6 days of Shabbos, 2 days of Rosh Chodesh Iyar, and the day of Rosh Chodesh Sivan], totaling 33 days (בשם תוס'). Accordingly, Klal Yisrael took upon themselves some aveilus for 33 days, with differing customs as to which 33 days, as follows:
 - Some subtract 16 days from the beginning of sefira, i.e., from the second day of Pesach through the second day of Rosh Chodesh Iyar, thereafter practicing aveilus until Shavuos, for a total of 33 days (ב"ה, מג"א סק"ה), despite the fact that those days are not the same 33 days R' Akiva's talmidim died. The Rama (סי' ג) mentions this minhag.
 - According to this, there is one day that can have the leniency of מקצת יום ככולו, and Lag b'Omer was chosen (פמ"ג). Therefore, one may get a haircut on Lag b'Omer morning, but not from Day 34 through Shavuos (רמ"א סי' ג)—not even Rosh Chodesh Sivan (מג"א).
 - Nevertheless, one may get a haircut on Erev Shavuos because of מקצת יום ככולו (מחזה"ש).
 - Another minhag the poskim cite is to practice aveilus from the first day of Rosh Chodesh Iyar through the morning of 3 Sivan – they are meikel on the yemei hagbala [the 3 days of preparation leading up to Shavuos] and apply מקצת יום ככולו on the morning of the first of those 3 days. They add the two days of Rosh Chodesh Iyar to keep the total at 33 (סק"ה מג"א).

- According to this minhag, Lag b'Omer is no different than any other day of aveilus (ט"ז סק"ב). However, some apply מקצת יום ככולו on the morning of Lag b'Omer (ח"א הובא במ"ב). The reason is unclear.
- 3.** Another minhag cited is to practice aveilus from after Pesach until [but not including] Rosh Chodesh Sivan, besides for two days of Rosh Chodesh Iyar and Lag b'Omer (דרך החיים הובא במ"ב סק"ט). Some say the **minhag of Eretz Yisroel** is not to get haircuts or make weddings from Pesach until [but not including] Rosh Chodesh Sivan (ספר א"י להגר"מ ט"ז ח"י אות ב').
- Opinion 4.** Another minhag cited is to practice aveilus during all the days from the day after Pesach until Shavuos, besides for Rosh Chodesh Iyar and Rosh Chodesh Sivan (מג"א שם). The Rama does not cite this, implying he does not agree with it.
- Opinion 5.** Another opinion mentioned in the poskim is that the talmidim died for 32 [not 33] days between Pesach and Shavuos. Based on this, one may be meikel starting the night of Lag b'Omer, both for weddings [below, 34] and haircuts [29]. According to this, the reason Tachanun is not said at Mincha on Erev Lag b'Omer is because it is treated like any other Erev Yom Tov (לבוש סק"ב א"ד סק"ה, ש"ע הרב סי' ה). However, most poskim do not side with this opinion.

Establishing a Minhag

- Within one city, there should not be some people practicing aveilus on certain days and others on different days, due to the issur (רמ"א סי' ג) לא תתגודדו.
- Some say that the issur of תתגודדו only applies in a city in which everyone has the same shul and rav. However, in today's big cities, which have many Jews from different places and many separate shuls, rabbanim, and kehilos, there is no issur (קצ"ט).
- In a place without a fixed minhag, a person may keep one minhag one year and a different one the next (ש"ת חת"ס סי' קמ"ב, ש"ת מנח"י) (ח"ד סי' פ"ד).

Halachos of Aveilus During Sefira

Haircut

- The minhag is not to get a haircut during sefira (ש"ע סי' תצ"ג ס"ב), on the days one practices some halachos of aveilus, depending on the opinions and minhagim mentioned above.
- Men.** The issur to get a haircut applies to any spot with a concentration of hair. Thus, the minhag is not to cut the hair of the head or beard (ש"ע סי' תקנ"א סי"ג). If one's mustache hairs are interfering with eating, he may trim them (ש"ע ומ"ב שם). The poskim discuss whether one may shave his beard for a meeting with an important official (ש"ת זרע אמת סי' ט). However, nowadays, that it is common and accepted for a person to be unshaven even among the nations of the world and officials, this heter falls away, and each person should follow the Shulchan Aruch.
- Women.** The minhag not to get a haircut also applies to women, to the hair of their heads or any other spot with a concentration of hair. However, plucking isolated hairs is not called a haircut. Thus, a woman may do her eyebrows and pluck isolated body hairs if they bother her (מור"ד בש"ת שבט הקהתי ח"ה סי' צ"ח אות ג'). Similarly, a woman may remove leg hair where necessary (אוצר הלכות סי' תצ"ג) as well as continue laser treatment for hair removal.

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20. **Necessity.** If a haircut is necessary, e.g., for health purposes, or to trim some hair to even it out, for a girl whose hair is in her eyes and bothering her, or for lice, nits, or sores on the scalp (הליכות אבן) (ישראל), one may cut the hair. Similarly, if one needs a haircut for a halacha or a mitzva, e.g., a woman needs to cut hair coming out from under her head covering or the hair at her temples for tznius purposes (הגר"ש וואזנר קובץ מבית לוי בין המצרים), or her hair is too long and pushing the boundaries of tznius, she may get a haircut.
21. **Children.** The minhag is not to give haircuts even to children below chinuch age; the reason is for the anguish of the adults (ע"פ שעה"צ) (סי' תקנ"א סקצ"א). However, if the hair bothers the child and not his parents, one may cut his hair.
22. **Chalaka/upsherin.** Strictly speaking, it should be mutar to make an upsherin for a three-year-old boy, as doing so is merely making peyos, not giving a haircut (מ"ז). However, the minhag is to wait until Lag b'Omer. Then, one may cut his hair on the night of Lag b'Omer; he does not need to wait until the morning, like for gedolim or for the 34th of the omer according to the Mechaber (see Issue 265). Even for those who follow the Arizal's minhag not to get a haircut on any of the days of sefira, the minhag is to do an upsherin on the day of Lag b'Omer (אריז"ל).
23. **Bris, chosson.** One may get a haircut for a real mitzva need, even the night before doing the mitzva (מ"ב סק"ג), e.g., baalei bris (רמ"א)—the mohel, sandek, and father, but not the grandparents or "kvatter" (מ"ב שם סק"ב)—or a chosson for his wedding or aufruf Shabbos (שערי תשובה שם). However, one may not get a haircut for a pidyon haben, as we do not find a heter given for this purpose.
24. **Bar mitzva boy.** Some poskim allow a bar mitzva boy to get a haircut for his bar mitzva (מקור חיים לחוות יאיר ס"ב). Others do not allow it, just as a bar mitzva is not a reason to omit Tachanun (שו"ת) (משנה הלכות ח"ו סי' מ"ה). Where necessary, one may rely on the meikel poskim to allow a boy to get a haircut for his bar mitzva while he is a katan (הגרש"א הליכות שלמה פ"א ס"ז).
25. **Barber.** One whose minhag on a given day is that he does not get haircuts may still give a haircut to a person whose minhag is to be meikel on that day. The issur during aveilus is to get a haircut, not to give one (הגרש"א, הליכות שלמה נ"ס פ"א דבר הלכה אות ל"ה).
26. **Nails.** One may cut his nails during sefira without any restrictions [we received shailos about this...]
34. **Recorded music.** Similarly, listening to an audio recording of musical instruments is assur (שו"ת אג"מ שם, שו"ת צ"ח חט"ו סי' ל"ג).
35. **A cappella.** Today, there are many a cappella recordings [vocals without instruments] specifically for sefira and the Three Weeks. They write it is with the approval of [anonymous...] rabbanim. In practice, the leading poskim opposed this, especially when the singers mimic instruments, as they held that is considered song with instrument (שו"ת שבט הלוי ח"ב סי' נ"ז אות ב', ו"ח סי' קכ"ז אות ב', הגר"נ קרליץ, חוט שני שבת (ח"ד עמ' שני"ט, הגרש"א, תורת המועדים ס"ה אות א', מו"ד בעל קנה בשם).
36. Truthfully, it is only with difficulty that the poskim allowed listening to recorded music all year round, as it is contrary to the halachos of remembering the Churban (שו"ע סי' תקס"ט). They only did so based on the weakness of the generation. Therefore, at the very least, one should not listen to music during periods of aveilus, such as sefira or the Three Weeks, and not be influenced by the general disregard of the people who produce this music for profit and extinguish whatever weak feelings of aveilus that are still felt.
37. **Stores.** Unfortunately, there are stores that play these songs during these days to attract customers to their stores and to open their hearts [and wallets]. To rationalize listening for oneself is a personal matter but it is wrong to lead astray G-d-fearing Jews who want to properly keep the halachos of aveilus.
38. **For therapeutic purposes.** One may listen to musical instruments if it is not for simcha, e.g., a choleh may listen to music to lift his spirits (הגרש"א, הליכות שלמה פסח פ"א הערה 54, הגר"נ קרליץ) and groups or organizations may go to hospitals to play music and cheer up the patients; this is praiseworthy. The same applies to someone experiencing melancholy or some depression (הגר"ח) (קנייבסקי). In these scenarios, it is best to listen with earphones if possible so others do not hear.
39. **Music on a phone, alarm clock.** If one has a musical ringtone on his phone, he does not need to change it, as the point of that music is to notify a person that his phone is ringing, not for simcha. Similarly, one may listen to hold music, as that is not for simcha. One may also use an **alarm clock** that plays music—that music is not to awaken joy, but to awaken to a new day. On the contrary; people usually try to silence it.
40. **Children.** Children until about four years old may listen to music if it is necessary to calm them down or help them go to sleep, as the needs of children are like the needs of cholim.