

# Insights into Halacha

## - Rabbi Yehuda Spitz

Ohr Somayach (yspitz@ohr.edu)

*(PhiloTorah editor's notes in green)*

## Switching S'firas

The Gemara Y'vamot (62b) famously and tragically details the deaths of 24,000 students of Rabbi Akiva during the time period between Pesach and Shavuot, all for not according each other proper honor. Although there are many different rationales given by the commentaries to explain this catastrophe, the Tashbetz (Shu"t vol. 1: 178) elucidates that the reason they were punished so severely for a seemingly minor infraction is that their not treating each other properly ended up engendering a tremendous Chilul Hashem. In fact, according to several authorities, the reason why Lag BaOmer is a day of celebration is that it is the day when Rabbi Akiva started teaching his five new students (including Rabbi Shimon bar Yochai), allowing the Torah's mesorah to perpetuate;

*However, the Yalkut Me'am Loez and Sdei Chemed maintain that Rabbi Akiva actually bestowed Semicha on his five new talmidim on this day.*

a feat that was previously in jeopardy after the deaths of his talmidim.

This calamity is actually the basis of the annual S'fira restrictions, which include not getting married or taking a haircut.

*There are also other reasons cited for these prohibitions. See Chok Yaakov that according to Rav Yochanon ben Nuri, Resha'im are judged in Gehinnom between Pesach and Shavuot... The Arizal, who mandates keeping the entire S'fira up until Erev Shavuot (including Lag B'Omer) is quoted as holding so for a different reason, a Kabbalistic prohibition, exclusive only to hair and not necessarily related to aveilut associated with S'firat HaOmer.*

Yet, that does not properly explain the different and varied minhagim that Klal Yisrael keeps regarding the actual time frames of these restrictions.

And there are different minhagim. In fact, Rav Moshe Feinstein zt"l lists six different customs, and that is not including the Arizal's minhag. Yet, practically, the Pri Megadim and Mishna B'rura break it down to three main disparate customs. The others are variations on those main opinions.

### Minhag # 1 - S'fardic S'fira

The Shulchan Aruch writes that one should not get married between Pesach and Shavuot until Lag BaOmer; likewise regarding haircuts, as at that time the Talmidim of Rabbi Akiva stopped dying. Therefore, these restrictions are permitted starting from the next day - 34 of the Omer.

### Minhag # 2 - LaG not LaD

However, the Rema argues, stating that the Ashkenazic minhag is to allow these

activities from Lag BaOmer itself, and not necessitate waiting until the next day. The reason for the allowance a day earlier than the Shulchan Aruch mandates is either due to the dictum of MIKTZAT HAYOM K'KULO, that part of a day is considered like a full day, or that he held that the Talmidim stopped dying by/on Lag BaOmer and not LaD BaOmer. Additionally, the Rema is following early Ashkenazic authorities such as the Maharil, Mahari Weil, and the Sefer HaMinhagim of Rav Yitzchak Isaac Tyrnau (Tirna), all of whom allowed haircuts and celebrations on Lag BaOmer itself.

*Although the Rema (and most other authorities explicitly only allows weddings and haircuts etc. on the day of Lag BaOmer due to the Talmudic dictum of MIKTZAT HAYOM K'KULO, and is therefore only permitted from Sunrise, nevertheless, there are several authorities who are lenient in permitting haircuts even from the preceding evening, at the start of Lag BaOmer...*

## **Minhag # 3 - Second Sefirah**

The Rema then mentions another popular minhag, to only start the S'fira restrictions from Rosh Chodesh Iyar, and not from right after Pesach. This S'fira lasts until shortly before Shavuot, excluding Lag BaOmer itself. This has come to be known colloquially as 'Second S'fira'.

*There are many variations of this opinion,*

*when this period actually starts and ends. These will be explained further on.*

But why such disparate S'firas? If we are all keeping the same prohibitions for the same reason, how can there be so many different minhagim in its practical application?

## **Halftime Respite**

It turns out that there are two main different rationales expressed by the Rishonim as to when the S'fira restrictions should actually apply. The first, mentioned as a 'Midrash' by R' Yehoshua ibn Shu'aib and an 'old Sefardi Sefer' by the Baal HaMa'or and Tashbetz,

*According to many Rishonim only on LaD BaOmer would haircuts and weddings be permitted.*

is that Rabbi Akiva's Talmidim stopped dying by PARUS HAATZERET, the half-way point before Shavuot. Since the Gemara states that we should start to learn the halachos of a Yom Tov 30 days prior to its commencement, which would mean that 15 days before a holiday would be its 'midpoint', this would squarely place the PARUS on LaD BaOmer (49-15=34). According to this, they stopped dying on LaD BaOmer and therefore all S'fira restrictions cease on this day as well. As mentioned previously, the Shulchan Aruch states that he follows this opinion, and therefore he rules that from LaD BaOmer, haircuts and weddings are permitted. As mentioned

previously, this is the common Sefardi minhag.

## 33 Days

However, there is another opinion, attributed to the Baalei Tosafot. They maintain that in actuality the talmidim died throughout the entire time period from Pesach to Shavuot. Yet, they did not die on days when Tachanun was not said, including all days of Pesach, the Shabbatot in between, and Rosh Chodesh. This adds up to 16 days. Meaning, of the entire 49 day period, they died on 33 of those days. Therefore, as a siman to show that they died for 33 of these days (in addition to several other reasons...)\* LaG BaOmer, the 33rd day of the S'fira, was chosen as a day of easing restrictions.

*\* These reasons include being the day when the MAHN (manna) started to fall, feeding Bnei Yisrael in the Midbar; the day when Rabbi Shimon bar Yochai and his son, Rabbi Elazar came out of the cave they hid in for 13 years; it possibly is Rabbi Shimon bar Yochai's Yahrzeit (unlikely); the day when Rabi Akiva gave S'micha to his five new students (including Rabbi Shimon bar Yochai) after the 24,000 died, allowing the Torah's mesorah to perpetuate; and the day when Rabi Shimon bar Yochai's hidden Torah, the Zohar, became revealed to the world.*

## Kavanat HaRema?

The question is, which of these minhagim is the Rema following? It is

fairly certain that the second Minhag Ashkenaz he delineates, starting from Rosh Chodesh Iyar until shortly before Shavuot (and variations thereof; this will be addressed later on), is following Tosafot's shita of 33 days. Since nowadays we don't say Tachanun the whole month of Nisan, the 33 days start in Iyar and last until the beginning of Sivan. But which opinion is the first custom he cites (from Pesach until LaG BaOmer) following?

The Bach maintains that this minhag as well, follows the shita of Tosafot. In other words, both minhagim cited by the Rema, 'First S'fira' and 'Second S'fira' are due to keeping 33 days, with the variant minhagim dependent on which 33 days are customarily kept. On the other hand the Vilna Gaon argues that the Rema's 'First S'fira' minhag is due to following the shita of the Shulchan Aruch, which is that the Talmidim only died up to LaG BaOmer itself.

However, it is important to note that this discussion of figuring out the Rema's true intent is not just theoretical. It actually has practical ramifications. And yes, there is a substantial difference between these understandings that just might affect us, and that is the question of the permissibility of switching S'firas.

## S'fira Switching

The Chatam Sofer, regarding scheduling weddings during S'fira, maintained that there is "no contradiction between

years” as pertaining to S'fira observance.

*He also maintains that there is no TARTA D'SATREI (contradiction) between haircuts and weddings. Meaning, one may keep one Sefirah regarding haircuts and another regarding weddings.*

This means that even in one town (which needs to follow one minhag), if one year someone got married on Rosh Chodesh Iyar, this does not prevent another from getting married during the SH'LOSHET Y'MEI HAGBALA (the three days before Shavuot) the next year. His psak is widely followed. Additionally, we find that according to many authorities, if there is no set minhag in a certain place (and nowadays, most Jewish communities with no one central authority are considered as such), one may simply choose which minhag to follow. Following this implies that one has the halachic right to choose which S'fira to keep in any given year, based on whatever specific circumstances affect him that year.

## **Rav Moshe's Ruling**

However, this is not so clear-cut, nor unanimous. In fact, and although widely and seemingly erroneously quoted as holding that one may indeed switch between 'First' and 'Second S'firas' in different years, Rav Moshe Feinstein zt"l actually qualified such action. He clarifies that for Ashkenazim to be allowed to do so would depend on the

difference of opinions between the Bach and Vilna Gaon as to the interpretation of the Rema's 'First S'fira'. He explains that according to the Bach, that both minhagim are based on keeping 33 days, it technically should not matter which 33 days are kept. Accordingly, one may switch 'S'firas' in different years.

Yet, according to the GR”A, the 'First S'fira' is solely due to the Talmidim dying only during the first 33 days of the Omer. If so, questions Rav Moshe, how can one switch 'S'firas', if each is mutually exclusive, based on different accountings? If one holds that the Talmidim only died up until LaG BaOmer, how can he, in the very next year, follow a different minhag, which is based on a shita that they did not actually die at that time, or vice versa? Therefore, he maintains that according to the GR”A one may not switch 'S'firas' from year to year.

Additionally, Rav Moshe holds that the 'Second S'fira' is the true Ashkenazic minhag and that the 'First S'fira' is essentially a Sefardic minhag. He therefore concludes that an Ashkenazi may not switch from the 'Second S'fira' to the 'First', as L'CHATCHILA we should not be lenient against the shita of the GR”A, except under extremely extenuating circumstances', but rather only between two different versions of 'Ashkenazic S'fira', in different years, both of which end in different days in Sivan (see Postscript).

## Wedding Woes?

However, and although several others contemporary authorities allow only coming for the Chupa and wishing a brief Mazal Tov, nevertheless, Rav Moshe does fully permit one to attend a wedding of someone who is keeping a different S'fira, including even staying for the music and dancing. Most poskim, including Rav Yaakov Kamenetsky zt"l, Rav Shlomo Zalman Auerbach zt"l, Rav Yosef Shalom Elyashiv zt"l, Rav Yisrael Yaakov Fischer zt"l, Rav Chaim Kanievsky zt"l, Rav Moshe Sternbuch shlit"a, and Rav Nissim Karelitz zt"l, agree with Rav Moshe and allow one who is still keeping his S'fira to fully participate in a wedding of one who is keeping/kept a different S'fira.

Although several of these Gedolim write that this applies "if one got married when it was mutar for him to do so", implying that if one did not keep a proper S'fira, it may not be permitted for others to stay and rejoice at the chatuna, nevertheless, it is important to note that Rav Moshe Feinstein zt"l (and others who agreed with his reasoning) explicitly permitted attending even in such an occurrence. Rav Moshe explains that the halacha states (Shulchan Aruch, Orach Chaim 493: 1) that if one got married during S'firat HaOmer (at a time when it was technically forbidden for him to do so) we do not punish him (meaning it is still valid). Rav Moshe writes "that there is no greater punish-

ment for a Chatan and Kalla than having guests refuse to show up and rejoice at their wedding", and therefore it is still permitted to attend. In a later teshuva Rav Moshe even allows a guest who would feel uncomfortable attending such a wedding ungroomed, to take a haircut, even though S'fira restrictions are still personally in affect for him. On the other hand, it is known that his son, Rav Dovid Feinstein zt"l, generally rules somewhat more stringently nowadays.

In conclusion, now that we have a clearer understanding of the various S'fira minhagim and their sources, we can appreciate the array of customs followed by our neighbors and friends. And if you do get a wedding invitation inviting you to share in a simcha at some point between Pesach and Shavuot, you will now know how to respond – by asking your local competent halachic authority a proper sh'eila.

**Postscript:** As mentioned previously, there are many variations as to the exact starting and ending dates for the S'fira, and especially the 'Second S'fira'. For example, there is the Rema's basic 'Second S'fira', which starts after Rosh Chodesh Iyar, breaks for LaG BaOmer, and continues until Erev Shavuot, as well as its alternative, the Magen Avraham, Chayei Adam, Aruch HaShulchan, and Mishna Berura's minhag, which starts from and includes Rosh Chodesh Iyar until the SH'LOSHET Y'MEI HAGBALA, with a break on LaG



BaOmer. Another common minhag is the Derech HaChayim's minhag which starts from Isru Chag Pesach, skips Rosh Chodesh Iyar and LaG BaOmer, and ends by Rosh Chodesh Sivan. Another interesting custom is the Elyah Rabba's minhag, keeping the entire S'fira excluding LaG BaOmer, and concluding on Erev Shavuot. Another variation is the Taz's custom, to keep the 'First S'fira' for haircuts, but to continue with the prohibition on weddings after LaG BaOmer until shortly before Shavuot; due to the horrific tragedies perpetrated by the Crusaders to many Ashkenazic communities during the second half of S'fira (G'zeirat Tatn"u). And of course, there is the well-known minhag of the Arizal, which is to keep the entire S'fira for haircuts, including LaG BaOmer, until Erev Shavuot. One should check with his knowledgeable Rabbinic authority as to which exact minhag he should personally follow.

*The author wishes to thank Rabbi Naftali Zvi Frankel for providing several important sources and for being the impetus for this author's interest and research on this topic.*

*See website for all the footnotes and sources.*

*For any questions, comments or for the full Mareh Mekomot / sources, please email the author: [yspitz@ohr.edu](mailto:yspitz@ohr.edu)*

**Rabbi Yehuda Spitz** serves as the **Sho'el U'Meishiv** and **Rosh Chavura** of the **Ohr Lagolah Halacha Kollel** at **Yeshivas Ohr Somayach** in **Yerushalayim**. He also currently writes a contemporary halacha

**column for the Ohr Somayach website titled "Insights Into Halacha".**

[ohr.edu/this\\_week/insights\\_into\\_halacha/](http://ohr.edu/this_week/insights_into_halacha/)

**Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.**

Rabbi Yehuda Spitz's English halacha sefer, "Food: A Halachic Analysis" (Mosaica/ Feldheim) containing over 500 pages featuring over 30 comprehensive chapters discussing the myriad halachic issues pertaining to food, is now available online and in bookstores everywhere.