

## "Omer Observances: Appropriate Abstinence or Excessive Restraint?"

By: Rabbi Noah Gradofsky

### *What is the Counting of the Omer*

#### **Leviticus 23**

#### **ויקרא פרק כג**

(י) דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אָנֹכִי נֹתֵן לָכֶם וּקְצַרְתֶּם אֶת קְצִירָהּ וַהֲבֵאתֶם אֶת עֹמֶר ראשית קצירכם אֶל הַפֶּה:

(יא) וְהִגִּיף אֶת הָעֹמֶר לִפְנֵי ה' לְרִצְוֹנְכֶם מִמִּקְרַת הַשַּׁבָּת יְנִיפוּ הַפֶּה:

...

(יד) וְלֶחֶם וְקָלִי וְכַרְמֶל לֹא תֹאכְלוּ עַד עֲצָם הַיּוֹם הַזֶּה עַד הֵבִיאְכֶם אֶת קֶרְבֶּן אֲלֵהֵיכֶם חֶקֶת עוֹלָם לְדֹרֹתֵיכֶם בְּכָל מִשְׁבְּתֵיכֶם: ט

(טו) וּסְפַרְתֶּם לָכֶם מִמִּקְרַת הַשַּׁבָּת מִיּוֹם הֵבִיאְכֶם אֶת עֹמֶר הַתְּנוּפָה שְׁבַע שַׁבָּתוֹת תְּמִימֹת תִּהְיֶינָה:

(טז) עַד מִמִּקְרַת הַשַּׁבָּת הַשְּׁבִיעִת תִּסְפְּרוּ חֲמִשִּׁים יוֹם וְהִקְרַבְתֶּם מִנְחָה חֲדָשָׁה לַה':

(10) Speak to the Children of Israel and say to them: When you come to the land which I give you and you harvest its harvest, you shall bring the first sheaf of your harvest to the priest.

(11) And he shall raise the sheaf before God, so that you may be accepted, on the day after the Shabbat shall the priest raise it.

...

(14) You shall not eat bread or parched grain until this self-same day, until you bring the offering of your God, a permanent law for your generations in all your dwelling places.

(15) And you shall count after that Shabbat, from the day of your bringing the sheaf of raising, seven full weeks it shall be.

(16) Until the day after the seventh Shabbat (alt: week) shall you count fifty days, and you shall offer a new mincha to the LORD.

**EXPLANATION:** *Grain from the new year's crops is treated as God's property, and can only be eaten after the first sheaf is offered before God. This offering was to be done "on the day after the Shabbat." The word "Shabbat" here is understood by the sages to refer to the first day of Passover (a holiday can also be called a "Shabbat." From that day, seven weeks were to be counted. After that seventh week, on the fiftieth day, an offering made of new grains (described in the next verses) was to be brought. This fiftieth day is a holiday (Lev. 23:21) which we call "Shavuot."*

### *The Death of Rabbi Akiva's Students*

#### **Babylonian Talmud, Yevamoth 62b**

#### **תלמוד בבלי יבמות סב**

אמרו: שנים עשר אלף זוגים תלמידים היו לו לרבי עקיבא . . . וכולן מתו בפרק אחד מפני שלא נהגו כבוד זה לזה . . . תנא: כולם מתו מפסח ועד עצרת. אמר רב חמא בר אבא, ואיתימא ר' חייא בר אבין: כולם מתו מיתה רעה. מאי היא? א"ר נחמן: אסכרה.

They said: Rabbi Akiva had 12,000 pairs of students . . . and they all died at the same time, because they did not behave respectfully toward one another . . . it was taught: They all died between Passover and Atzeret (Shavuot). Rav Chamah bar Ava, and some say Rav Chiya bar Avin said: They all died a bad death. What was it? Rav Nachman said: Croup.

**EXPLANATION:** *Explanations of this story abound. Some associate this story with the defeat of the Bar Kochba rebellion. The status of Lag B'Omer is also mysterious, as the Talmud here says that the deaths happened "between Passover and Shavuot." However, it seems that there is a midrashic tradition that reads it was taught: they all died between Passover and near Atzeret. Others surmise that perhaps Lag B'Omer commemorates some brief victory in the rebellion against the Romans. See further Encyclopedia Judaica "Omer."*

## Restrictions During the Omer

**INTRODUCTION:** *Let us note at the outset that neither the Torah nor the Talmud place any restrictions on behavior during the Omer. The first references we have to this semi-mourning practice is during the Geonic period.*

### **Teshuvot Hage'onim Sha'arei Teshuvah 278**

### **תשובות הגאונים - שערי תשובה סימן רעח**

וששאלתם למה אין מקדשין ואין כונסין בין פסח לעצרת אם מחמת איסור או לאו. הו' יודעי' שלא משום איסור הוא אלא משום מנהג אבלות שכך אמרו חכמי' שנים עשר אלפים זוגים תלמידים היו לו לר' עקיבא וכלם מתו בין פסח לעצרת על שלא נהגו זה בזה . . . ומאות' שעה ואילך נהגו ראשונים בימים אלו שלא לכנוס בהן ומי שקפץ וכנס אין אנו קונסי' אותו לא עונש ולא מלקות אבל אם בא לשאול לכתחילה אין מורי' לו לכנוס ולענין קדושין מי שרצה לקדש בין פסח לעצרת מקדש לפי שאין עיקר שמחה אלא בחופה:

And that you asked: Why do we not marry nor take home (i.e. take a new wife into one's home, "consummating" the marriage) between Passover and Shavuot whether it is because of a prohibition or not. Know, that it is not because of a prohibition, but because of a minhag (practice) of mourning, for the sages said: Rabbi Akiva had 12,000 pairs of students and they all died between Passover and Atzeret because they did not behave respectfully toward one another. . . . And from that moment on, the early ones made a practice in those days to not take home during those (days), but one who jumped and took home, we do not fine him, either with punishment or lashes, but if one comes *ab initio* (in the first place) to ask, we do not instruct him to take home. However, regarding betrothal, who ever wants to betroth between Passover and Atzeret may betroth, because the essence of the joy is only through the canopy.

**EXPLANATION:** *This responsa, attributed to Rav Natronai Gaon (Gaon of Sura 853-858), is the earliest mention I have found of restricted practices during the Omer. A few interesting notes. He seems to take the restriction of marriage as applying for the whole Omer. He also explicitly says that marriage is not forbidden. It is merely a practice not to get married. One who does not follow this practice is not at all punished for doing so. The restriction is only on the marriage itself. Betrothal was not restricted.*

### **Rabbenu Yerucham (in Otzar Hageonim) (אוצר הגאונים יבמות תשובה שכ"ז)**

לקדש ולכנוס בין פסח לעצרת כתב רב האי ז"ל בתשוב' שמקדשין כי אין שמחה אלא בחופה ובסעודה אבל אם בא לשאול אם יכנוס אומרים לו לא תעשה משום תלמידי ר' עקיבא שמתו כלן באסכרה בין פסח לעצ' מפני שלא נהגו כבוד זה בזה ואם עבר וכנס מלקין אותו ולא קונסין אותו בשום קנס.

Regarding betrothing or taking home between Passover and Atzeret, Rav Hay, of blessed memory, wrote in a responsa that we betroth because there is only joy in the wedding canopy and meal, but if one comes to ask if he may bring in, we say to him do not do so because of the students of Rabbi Akivah who all died between Passover and Atzeret because they did not behave respectfully toward one another. But if one transgressed and took home, we lash him but do not give him any fine.

**EXPLANATION:** *Rabbenu Yerucham (14th Century Spain) sites Hai Gaon (939-1038, Pumbedita) re: not getting married. The status of this rule is not explicitly discussed. Here, too, betrothal is permitted.*

## Rabbi Yitzchak Ibn Gi'at

## הלכות רי"ז גיאת הלכות חדש וספירת העומר עמוד שמד

ומנהג בכל ישראל שלא לישא בין פסח לעצרת ומשום אבילות הוא ולא משום איסור הוא שכך אמרו חכמים שנים עשר אלף זוגות תלמידים היו לו לר' עקיבא . . . ומאותה שעה ואילך נהגו להתאבל עליהן שלא לישא אשה בימים הללו. ודוקא נשואין שעקר שמחה בחופה ובכניסה אבל לארס ולקדש לא. ונשואין נמי מי שקפץ וכנס אין עונשין אותו אבל אם בא לשאול לכתחלה מורין לו שלא לעשות ושלא לסתור מנהג ישראל וכן הורו הגאונים.

The practice in all Israel not to marry between Passover and Atzeret is out of mourning, and not out of a prohibition, for thus said the sages: Rabbi Akiva had 12,000 pairs of students . . . and from that moment onward they practiced to mourn for them by not marrying a woman during those days. And this [restriction] regards particularly marriage, for the essence of the joy is through the marriage canopy and bringing home, but does not (restrict a person) from betrothing or engaging. And also regarding marriage, one who jumped and brought home, we do not punish him, but if he comes to ask *ab initio* we teach him to not do so, and not to uproot the minhag of Israel, and thus taught the Geonim.

**EXPLANATION:** *Ibn Giat (1038-1089, Lucena) also stresses that the practice not to get married is a symbolic mourning, and is not because of any prohibition of marriage. There is no punishment of anyone who gets married during this period, but it is discouraged so as not to change the common practice.*

## Beth Habechira (Meiri) 234 בית הבחירה צס

וקבלה ביד הגאונים ז"ל שביום ל"ג לעומר פסקה המיתה ומתוך כך נוהגין שלא להתענות בו וכן נוהגין מתוך כך שלא לישא אשה מפסח עד אותו זמן.

It is a tradition from the Geonim, of blessed memory, that on the 33rd day of the Omer the deaths ceased, and therefore we practice not to fast on it (i.e. the 33rd), and also we practice not to marry a woman from Passover until that time.

**EXPLANATION:** *Meiri (1249-1316, Southern France) mentions the tradition that the deaths of Rabbi Akiva's students ended on the 33rd day of the Omer (note that the texts above did not say this). He also describes not marrying as a "minhag" (custom/practice).*

**NOTE:** *Maimonides, in his law code, the Mishneh Torah, does not mention any Omer restrictions (הלכות תמידין) (ומוספין פרק ז הלכה כב"ב).*

## Tur Orach Chayim 483

## טור אורח חיים סימן תצג

נוהגין בכל המקומות שלא לישא אשה בין פסח לעצרת והטעם שלא להרבות בשמחה שבאותו זמן מתו תלמידי ר"ע וכתב הר"י גיאת דוקא נישואין שהוא עיקר שמחה אבל לארס ולקדש שפיר דמי ונישואין נמי מי שקפץ וכנס אין עונשין אותו אבל אם בא לעשות בתחלה אין מורין לו לעשות כך וכזה הורו הגאונים ויש מקומות שנהגו שלא להסתפר ויש מסתפרי' מל"ג בעומר ואילך שאומרים שאז פסקו מלמות

We practice not to marry a woman between Passover ad Atzeret, and the reason is so as not to celebrate excessively because during that time the students of Rabbi Akiva died. And Rabbi Yitzchak Ibn Giat wrote "particularly marriage, which is the essence of joy [is forbidden], but to betroth and engage is fine. And regarding marriage, too, someone who jumped and brought home, we do not punish him, but if he comes to do so *ab initio*, we do not instruct him to do so, and thus taught the Geonim." And there are places where they practiced to not cut hair (during this period), and there are those who cut hair from the 33rd of the Omer and onward, because they say that then [Rabbi Akiva's students] stopped dying.

**EXPLANATION:** *Tur (1270?-1340, Germany then Toledo) reports the universal practice of not marrying during the Omer (quoting Rabbi Giat, above for some of the details). He also mentions a seemingly less universal practice not to have hair cuts during the Omer, and that some people allow haircutting after Lag B'Omer. Note:*

- *The earlier discussions we saw mentioned nothing about haircutting. The Beth Yosef commentary (written by the author of the Shulchan Aruch, 16th Century Spain/Turkey/Israel) says describes this practice as fairly ubiquitous in his area. He mentions that this practice was mentioned by Ibn Sho'iv (date?, but someone who sites the tosafot, so at least 12th century). Beth Yoseph also refers to a number of scholars discussing the allowance of weddings/hair cuts after Lag B'Omer, including Avudraham (13th Century Spain, quoted below), HaManhig (Abraham b. Nathan Hayarchi, Provence 1155-1215,*

though HaManhig only mentions a restriction on marriage for the 33 days), R. Zerachia ben Isaac Ha-Levi Gerondi (12th Century Spain) and Ibn. Sho'iv.

- Tur seems only to know of people who have Lag B'Omer as a cut-off date for haircuts (no pun intended), and seems to believe that everyone restricts marriage for all of the Omer. However, Beth Yosef argues that Tur only mentions the restrictions ending vis a vis haircutting, but intends both issues.

- Regarding haircuts, the language used is "להסתפר," which generally is not a term used to refer to shaving (in which case, the term "גלוח," which can mean both shaving and cutting hair could be used, although in Beth Yosef's quotation of Ibn Shoiv, the word גלוח is used).

## **Sefer Abudraham**

## **ספר אבודרהם תפלות הפסח ד"ה כל ארבעה**

ונוהגין בקצת מקומות לא לישא אשה בין פסח לעצרת ושלא להסתפר והטעם שלא להרבות בשמחה . . . ויש מקומות שנוהגין לישא אשה ולהסתפר מל"ג לעומר ואילך שאמרו שאז פסקו מלמות . . .

And they practice in some (alt: a few) places not to marry a woman between Passover and Atzeret and not to cut hair, and the reason is so as not to celebrate excessively . . . and there are some places that they practice to marry a woman and cut hair from Lag B'Omer and onward because then they stopped dying . . .

QUESTION: Does Abudraham (13th Century Spain) imply that the practice not to marry is less than universal when he says "they practice in some places," or does he mean that some places cover all of Passover to Shavuot, while others only go to Lag B'Omer?

## **Shulchan Aruch Orach Chayim 493:1-2**

## **שולחן ערוך אורח חיים סימן תצג סעיף א"ב**

נוהגים שלא לישא אשה בין פסח לעצרת עד ל"ג לעומר, מפני שבאותו זמן מתו תלמידי רבי עקיבא; אבל לארס ולקדש, שפיר דמי, ונשואין נמי, מי שקפץ וכנס אין עונשין אותו. הגה: מיהו מל"ג בעומר ואילך הכל שרי (אבודרהם ב"י ומנהגים). (סעיף ב) נוהגים שלא להסתפר עד ל"ג לעומר, שאומרים שאז פסקו מלמות, ואין להסתפר עד יום ל"ד בבקר אלא א"כ חל יום ל"ג ערב שבת שאז מסתפרין בו מפני כבוד השבת. הגה: ובמדינות אלו אין נוהגין כדבריו, אלא מסתפרין ביום ל"ג . . .

We practice not to marry a woman between Passover and Shavuot until Lag B'Omer, because at that time the students of Rabbi Akiva died, but to betroth and engage, is acceptable, and marriage also, one who jumped and brought in, we do not punish him. Note (By Rabbi Moses Isserless): However, from Lag B'Omer on, all is permitted. (493:2) We practice not to cut hair until the 33rd of the Omer, because they say that they (Rabbi Akiva's students) stopped dying then. And one should not cut until the morning of the 34th, unless the 33rd day is on the eve of Shabbat, because then we cut during it (the 33rd) because of the honor of Shabbat (i.e. so we are clean-cut for Shabbat). Note (By Rabbi Moses Isserless): In these and we do not practice according to his words, rather we cut during the 33rd day . . .

EXPLANATION: Rabbis Karo (15th Century Spain/Turkey/Israel) and Isserless (16th Century Poland) discuss the practices regarding marriage and hair cuts. There is a slight debate as to whether observances end on the 33rd or the 34th day, a matter which we won't address (it is discussed by Karo in the Beth Yosef).

## **Magen Avraham on Shulchan Aruch OCh 493:1**

## **מגן אברהם על שולחן ערוך אורח חיים סימן תצג סעיף א**

שפיר דמי - שמא יקדמנו אחר, ונ"ל דמותר לעשות באותו פעם סעודת אירוסין (עס"ל תקנ"א ס"ב) אבל לעשות ריקודין ומחולות של רשות נהגו לאסור ונ"ל שאף מי שעשה שדוכים אסור לעשות ריקודין ומחולות:

Is acceptable - Lest another precede him (i.e. beat him out to betrothing the woman), and it seems to me that it is permitted to make at that time a betrothal feast, but to do optional songs and dances, they practiced to forbid, and it seems to me that even someone who made an arrangement (i.e. arranging a marriage) may not have singing and dancing.

EXPLANATION: Magen Avraham (c. 1637-1683, Poland) says that the allowance to betroth during this time is so that a man not be beaten to the bunch. Though this is often a justification for permission to betroth, this is conspicuously not the reason provided by all the resources above. Magen Avraham also mentions a new restriction, which we have not seen before - that of singing and dancing. There is some ambiguity in his

statement. He refers to not permitting such things by way of "רשות," which I have translated as "optional," but is perhaps better rendered "right" - i.e. something not required, but generally permitted. It seems to me that he is saying that singing and dancing at a betrothal celebration is considered a mitzvah and is thus permitted, but is not otherwise permitted.

**Mishnah Berurah on Shulchan Aruch OCh 493:1** **משנה ברורה על שולחן ערוך אורח חיים סימן תצג סעיף א**

(ג) שפיר דמי - שמא יקדמנו אחר. ומותר לעשות ג"כ סעודת אירוסין ועכשיו שאין מקדשין אלא בשעת נשואין מ"מ מותר לעשות שידוכין ולעשות סעודה אבל לעשות ריקודין ומחולות נהגו איסור וכ"ש בשאר ריקודין ומחולות של רשות בודאי יש לזהר:

**Is acceptable** - Lest another precede him (i.e. beat him out to betrothing the woman), and it is also permitted to make a betrothal feast. And now, since we only do engagement at the time of marriage, it is nonetheless to make an arrangement and to make a meal, but regarding doing singing and dancing they practiced a prohibition, and all the more so with other singing and dancing which is optional, there certainly is [reason] to forbid.

**EXPLANATION:** *Mishnah Berurah (Rabbi Israel Meir Ha-Kohen, Poland/Byelorussia 1839-1933) follows Magen Avraham's explanation of the allowance to engage. However, he notes that current practice is not to do the engagement until the day of the marriage (which remains prevalent practice today). He says, nonetheless, that a feast for a shidduch is permitted, but without music (as indicated by Magen Avraham).*

*Excessive Mourning*

*Note: This section is somewhat based on a conversation I had with my teacher Hakham Isaac Sassoon with regards to those who refer to the Omer as a form of mourning period, and Hakham questioning this in regards to the restriction on mourning beyond a year after the loss of a relative.*

**Babylonian Talmud Moed Kattan 27b** **תלמוד בבלי מסכת מועד קטן דף כז עמוד ב**

[ ] אמר רב יהודה אמר רב: כל המתקשה על מתו יותר מדאי - על מת אחר הוא בוכה. . . . +ירמיהו כ"ב+ אל תבכו למת ואל תנדו לו, אל תבכו למת - יותר מדאי ואל תנדו לו - יותר מכשיעור. הא כיצד? שלשה ימים - לבכי, ושבעה - להספד, ושלשים - לגיהוץ ולתספורת. מכאן ואילך - אמר הקדוש ברוך הוא: אי אתם רחמנים בו יותר ממני.

[ ] Rav Yehudah said in the name of Rav: "Anyone who grieves more than is appropriate (for a death) will cry for another dead." . . . "Do not cry for the dead and do not tremble for him" (Jeremiah 22:10) [means] do not cry more than appropriate and do not tremble more than the proper measure. How is this? Three days for crying, seven for lamenting, and thirty for (abstaining from) pressing clothing and cutting hair. From that point on, the Holy One, Blessed is He says: "You are no more merciful than I."

**EXPLANATION:** *The Talmud suggests that, at least insofar as overt actions are concerned, there is a limit to how long mourning should be observed. The Talmud says one should not mourn for "too much." Of course this begs the question of what is "too much," but the Talmud indicates that at the very least mourning practices should not be extended beyond their halachic time periods (i.e. shiva, sheloshim (the thirty day period) and presumably, although not mentioned, twelve months for parents). Some explain that mourning excessively might reflect a questioning of divine justice. In light of this Gemara, one may question the propriety of continuing forms of mourning ritual well beyond the twelve months after the plague to Rabbi Akiva's students (or even, as some argue, for the victims of the crusades. This point was raised by my teacher Hakham Isaac Sassoon. It is interesting to note, however, that even the Geonim cited above who know only of an avoidance of marriages during the Omer, refer to it as a מנהג אבלות - a practice of mourning.*

### *Abstinence Is Not Harmless!*

*Thus far we have read about a fairly ancient practice restricting marriages during some or all of the Omer, as well as a not-too-onerous restriction on hair cuts. Of late, many well meaning Jews have expanded these restrictions to all different types of enjoyment, including concerts, sporting events, movies, etc.<sup>1</sup> Though many see restrictions on recreational behavior as halachically harmless, such people would do well to remember the words of Rav in Yerushalmi Kiddushin 4:12 (page 66b): עתיד אדם ליתן דין וחשבון על כל מה שראת עינו ולא אכל "In the future a person will give accounting for everything his eyes saw and did not enjoy." This is one of many statements in Rabbinic literature which stands for the idea that we should enjoy everything that life has to offer, provided, of course that it is not restricted by Jewish law (a point I learned from my teacher Rabbi David Weiss Halivni).*

*An additional note is appropriate regarding shaving and hair cuts. While a practice not to shave or cut hair is not particularly onerous and therefore not particularly objectionable, I feel strongly that those who normally shave should do so prior to Shabbat during the Omer. The Talmud (Ta'anit 29b) says that when Tisha B'Av falls on Friday (which does not happen in our calendar), we would be allowed to launder clothing (and it seems to cut hair/shave) on the Thursday before Tisha B'Av in honor of Shabbat, even if that means we will be laundering clothing during the week preceding Tisha B'Av, which is generally forbidden.<sup>2</sup> Obviously, the Rabbis placed greater priority on being presentable on Shabbat than they did on their rituals pertaining to the week before Tisha B'av. If respect for Shabbat overrides halakhic restrictions on grooming during the week before Tisha B'Av, it certainly should override any practice not to shave during the Omer.*

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<sup>1</sup> This is quite similar to the precipitous expansion of restrictions during the so-called "three weeks' period between the 17th of Tamuz and Tisha b'Av. On that subject, see my "Laws of the 9 days and Tisha B'av" available at <http://www.e-ark.net/rabbi/9days.htm>.

<sup>2</sup> See discussion at <http://www.e-ark.net/rabbi/9days.htm>.