

Moving on from Seder Night

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PARTIES, BALLGAMES AND MOVIES DURING SEFIRAH

The Gemara, *Yevamos 62*, tells us that R' Akiva advises to continue to teach and amass talmidim even while advancing in age. This advice was based on his own experience in perpetuating Torah She'ba'al Peh (through his talmidim from later in life — Rabbi Meir, Rabbi Yehudah, Rabbi Shimon bar Yochai, Rabbi Yosi, and Rabbi Elozor ben Shamua) even after 12,000 pairs of his original talmidim had died between Pesach and Shavuos for not being *noheg kavod zeh lazeh*, for not respecting one another. Again, in the time of the Crusades, terrible tragedies happened to the Jewish communities of the Rhine River Valley during the period between Pesach and Shavuos (*Taz and Aruch HaShulchan, Orach Chayim 493*). Some of these catastrophes are recorded in the Kinot that we recite on Tisha B'Av.

Although the Gemara highlights the tragedy of the demise of so many great Torah scholars, the Gemara is not specific as to the precise timing of this tragedy (an ambiguity that has led to divergent practices as to which of the days of sefirah should be observed), nor how to properly mourn this tragedy. Importantly, for the purposes of this essay, the Gemara does not teach us of any specific mourning practices that should be observed during this period.

The *Shulchan Aruch*, however, does highlight two particular practices of mourning that should be observed during this period. First, based on many sources in the Geonim, the *Shulchan Aruch* 493:1 says the minhag is not to get married during the mourning period of sefirah, but betrothal (*le'ares ulekadesh*) is permitted. The *Shulchan Aruch* (493:2) adds that even if somebody

performs *nisuin* (marriage), we don't punish him. Second, the *Shulchan Aruch* rules, based on the *Tur* (493), to refrain from haircuts during this time.

Is There a Difference between Sefirah & Bein Hametzarim?

The closest parallel on the Jewish calendar to the period of sefirah is the period of "*bein hametzarim*," commonly referred to as "The Three Weeks." However, there is some debate among poskim as to whether these two time periods are fundamentally similar.

Rav Ovadya Yosef, *Yechaveh Da'as* 3:30, argues that these time periods are very different from each other. The days of *bein hametzarim* are fundamentally sad times, whereas Ramban says that the days of sefirah

are like a Chol Hamoed of sorts, in that they bridge the holidays of Pesach and Shavuot. In other words, mourning practices are a natural fit during the *bein hametzarim*, whereas they are observed during sefirah to commemorate anomalous events that occurred. It therefore follows that saying Shehecheyanu and moving into a new house (especially in Eretz Yisrael where it is a mitzvah) would be prohibited during The Three Weeks but permissible during sefirah. Only forms of excessive simcha, such as weddings, haircuts and music, are forbidden during sefirah.

Similarly, Rabbi Eliezer Waldenberg, Tzitz Eliezer 18:41, also says that strictly speaking the only prohibited activities during sefirah are weddings, haircuts, and music. All other forms of mourning would be dependent on *minhag* (custom). He therefore concludes that as long as one doesn't have a *minhag* to the contrary one may say Shehecheyanu, make home improvements, go swimming, etc.

Despite this view of poskim that distinguishes these two time periods, there are several indications that they are similar, and that the period of sefirah is not a fundamentally happy time. In fact, it is possible that the period of sefirah is a time of mourning and sadness even on a Biblical level. Moreinu HaRav Schachter shlit"z often mentions that the Zohar considers sefirah to be a Biblical period of mourning unrelated to the death of the students of Rabbi Akiva, and explains that it

is because of this Biblical element of aveilus that we don't recite complete Hallel on She'vi'i shel Pesach in commemoration of the miracle of kriyas Yam Suf, even though we do recite Hallel Shaleim to commemorate other miracles (such as the miracles of Chanukah).

Indeed, the *Magen Avraham* says that we should refrain from singing and dancing during the period of sefirah. The *Mishnah Berurah* 493:2 says "*ain l'harbos b'simcha*" — "we should not increase simcha," but permits Shehecheyanu in a situation where it happened (*im nizdamnu lo*). There is a dispute among the Acharonim (quoted in the *Dirshu* edition of the *Mishnah Berurah*) as to whether the *Mishnah Berurah* would even allow saying a *Shehecheyanu lechatchila*. If the *Mishnah Berurah* does allow recitation of *Shehecheyanu* during sefirah, he clearly distinguishes between this period and that of *bein hametzarim*, but if the *Mishnah Berurah* in fact holds that we may not recite *Shehecheyanu* during sefirah, he may hold that they are similar.

As a matter of halacha, Rav Soloveitchik, cited in *Nefesh Harav* pages 191-192, based on the *Magen Avraham* and his own analysis, says that we can assume the period of mourning is patterned after some actual halachos of aveilus, so all the laws that a mourner observes in the 12 months for a parent should apply.

Rav Moshe Feinstein, *Igros Moshe*, *Even Ha'Ezer* 1:98, also agrees that

both time periods should probably be treated the same way, but in dealing with a party for a wedding, combines the possibility that sefirah is different from The Three Weeks, with the idea that it is a *seudas mitzvah* to be lenient in a particular scenario.

Practical Application to Parties, Ballgames and Movies

When it comes to the question of attending parties during sefirah, it would depend on which opinion one follows in the above discussion. If you hold like Rav Soloveitchik, it is prohibited to have any sort of *simchas merei'us* (social party) even without music. If you hold like Rav Ovadya, it should be permissible. If you hold like Rav Moshe, you would need additional considerations for leniency such as a mitzvah purpose.

However, the precise definition of a party is not so clear. It is difficult, for example, to clearly define at what point a social gathering moves from a small meal with friends, into the category of a full-blown party. Moreinu Rav Schachter shlit"z thought that having one or two couples over for a barbecue is permissible during sefirah since that does not yet rise to the level of a "party," but more than that is a problem.

A shul or yeshiva dinner, for example, involves many friends getting together and eating in large crowds. However, it would also have the leniency of



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mitzvah purpose so it should be permissible, according to Rav Moshe. Moreinu Rav Schachter shlit”a was once asked about an Abraham Lincoln enthusiast attending a dinner with Lincoln scholars during sefirah. Rav Schachter thought that even Rav Soloveitchik would say it is permissible because it is an intellectual rather than a social event, since the majority of the attendees are non-Jews with whom the questioner has very little in common.

One can argue that ballgames and movies are not similar to a party in that it is not a place to socialize with other people, but just to enjoy entertainment.¹ However, Moreinu Rav Schachter shlit”a has said that according to Rav Soloveitchik, a ballgame would be considered a *simchas merei’us* and therefore prohibited during sefirah. The Rav

held that since it is fun, it should be prohibited. Rav Aron Soloveitchik added that since your pleasure is enhanced by a larger crowd, it is prohibited.

When it comes to attending movies (presuming that the movie is “kosher”) at a theatre, Rav Soloveitchik thought it is prohibited because it is also for fun. However, Rav Aron Soloveitchik didn’t think this counts as *simchas merei’us* since your pleasure isn’t enhanced by a larger crowd.

Endnote

1. It should be noted that Rav Moshe Feinstein in his *Igros Moshe*, Chelek 8:4 YD:11 writes that going to theaters and stadiums does not fall into the prohibition of *bechukoseihem lo telechu*. However, he writes that one should not attend due to *moshav letzim, bitul Torah*, and other reasons.



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