

Sefirat Haomer

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May a person be released from **Omer restrictions** (e.g. haircuts) before Shavuot if the opportunity arises without guarantee of its availability later?

(Answer by Rabbi Gail Labovitz) The custom of not holding weddings during the Omer period is already attested in Geonic literature (Otzar haGeonim to Yevamot 62b, p. 141). It is very clearly described there as a custom – מנהג – and explicitly distinguished from an outright prohibition – איסור. The given reason is that it is customary to practice mourning for the students of Rabbi Akiva who died in a plague (“because they did not show respect for each other”), which is further said to have happened “between Passover and Shavuot” and to have been caused by “askara,” which Marcus Jastrow (p. 94) translates as “choking, croup” (the episode is briefly related in b. Yev. 62b). At a much later time, other mourning practices/customs are also attested, including a custom not to have one’s hair cut during Omer (or at least not until Lag b’Omer; see below). Maimonides makes no mention of this or any other mourning practices during Omer in the Mishneh Torah (Hilkhos Temidin u’Musafin, 7:22-25), but they do appear in the Tur and Shulhan Arukh, O.H. 493. The practice of foregoing shaving and haircuts, again described by use of the root n.h.g., a custom rather than a prohibition, appears in both (as seif 2 in S.A.). Many of these restrictions, however, are lifted on or just after Lag b’Omer, which is said to be the day on which the plague came to an end.

As far back as the time of the Mishnah and the Talmud, the rabbis expected that halakhically observant Jews would prepare for a holiday, such as Passover, by (among other things) getting their hair groomed so that “they do not enter the festival while disheveled” (b. Mo’ed Katan 14a). In fact, they forbid haircutting during hol ha’mo’ed in part to motivate people to observe this practice. This year, however, as we attempt to slow the spread of the Covid-19 virus by practicing “social distancing,” and as many businesses including hair salons and barbershops have been closed – and indeed, when it would be dangerous and irresponsible for a hairdresser/barber and a client to have such close physical contact – and as it appears that restrictions will last at least several more weeks, it is likely that many of us will have no choice but to enter the Passover holiday without having been able to get our hair cut as we would normally like.

In fact, the authorities of the rabbinic period were aware of circumstances that might make it impossible for someone to get a haircut prior to the festival, and therefore in m.

M.K. 3:1 allowed certain persons the leniency of cutting their hair during hol ha'mo'ed (indeed, it is precisely from these anomalous cases that the gemara, b. M.K. 14a) infers the existence of a prohibition on everyone else):

ואלו מגלחין במועד הבא ממדינת הים ומבית השביה והיוצא מבית האסורין והמנודה שהתירו לו חכמים
וכן מי שנשאל לחכם והותר והנזיר והמצורע העולה מטומאתו לטהרתו:

And these [persons] may cut [their] hair during the mid-festival: one who comes from overseas, and from captivity, and one who leaves prison, and the excommunicated person whom the sages have released; and similarly one who inquired of a sage and was released; and the nazirite and the metzorah who goes forth from his impurity to his purity.

Without needing to get into the specifics of each case, what unifies them is that the persons in question were unable, by virtue of a physical (being at sea or imprisoned/held captive) or ritual (excommunication, a vow, etc.) impediment, to cut their hair prior to the festival. When the impediment is lifted, they are given an exemption from the general prohibition, and may attend to their personal grooming even during the midfestival.

Similarly, we need not get into the specifics of which of these cases is most analogous to our current situation of social distancing and sheltering in our homes to recognize that we are currently under an impediment that will almost certainly prevent us from having professional assistance in cutting our hair prior to the festival, and that it is moreover likely that we will remain in this state when the festival is fully over and we are in the counting of the Omer. I was thus delighted to find that my intuition to associate these cases was anticipated over a century ago by Rabbi Israel Meir HaKohen in a short comment in the Bi'ur Halakhah portion of the Mishnah Berurah, to S.A. O.H. 493:2:

ומ"מ אותן המותרין להסתפר בחוה"מ כבסימן תקל"א י"ל דגם בספירה שרי דלא עדיף מחוה"מ.

And in any case, those who are permitted to cut their hair during hol ha'mo'ed, as in siman 531, one may say that also during the counting (of the Omer) it is permitted, for this is not more significant than hol ha'mo'ed.

Rather, as noted above, while the restriction during hol ha'mo'ed is a (rabbinic) prohibition, the restriction during the Omer has always been recognized as a minhag at most. Thus, when (God willing, soon), it becomes safe for us to leave our homes again, and businesses such as salons and barbershops are permitted by local authorities to reopen, even those who would normally observe the restrictions on haircutting during the Omer may get their hair cut and styled as soon as they are able and need not wait

until (Rosh Hodesh or) Lag b'Omer. Moreover, I cannot help but note the resonance between the affliction that is said to have taken the lives of so many of Rabbi Akiva's students and the effects of Covid 19, which often causes acute respiratory distress in its most severe and deadly cases. If the lifting of such a plague in tannaitic times was marked in Jewish practice even long after, then it seems only fitting that the lifting of a pandemic in our own time is worthy of recognition when it occurs, and that celebrating by getting one's hair cut may (or even should) be fully embraced immediately.