

AVELUT DURING THE 'OMER

by Rabbi Yitzchak Etshalom

"And you shall count for yourselves, from the day after Shabbat, from the day your bring the 'Omer which is lifted up, seven perfect weeks." (Vayyikra 23:15). With this command, Hashem directed us to reckon 49 days from the barley offering on the 2nd day of Pesach until the wheat offering on Shavuot. This period, which we are a bit more than halfway through at this point, generally brings up different associations - it is a period when we practice a limited form of mourning, abstaining from weddings, festive parties, shaving/haircutting and a variety of other practices which vary from group to group within Am Yisrael. This mourning, which, for some, is practiced throughout the entire period and, for others, lasts from either Pesach until Lag ba'Omer or from 1 Iyyar until just before Shavuot, is of mysterious provenance. I would like to explore a few of the approaches taken by the classic commentators and codes to solving this mystery.

Conventional wisdom holds that the mourning during this period is in commemoration of the death (or massacre - as per the epistle of R. Sherira Gaon) of thousands of R. Akiva's students, as recorded in BT Yevamot 62a (and parallel texts in Beresheet Rabbah and Kohelet Rabbah). According to a later tradition, the period during which they all died was between Pesach and Shavuot. However, there are several difficulties with this explanation. First of all, where do we ever find mourning practices taken on in commemoration of the loss of human life? We mourn those close relatives at the time of death and for up to 12 months thereafter - but there is no precedent for an annual mourning rite in commemoration of death - even of thousands. In addition, considering that the Peri Etz Hayyim, the first source we have that identifies Lag ba'Omer as the (celebrated!) anniversary of R. Shimon bar Yohai's passing, supports his contention by noting that bar Yohai was a student of R. Akiva and his students died during this period. It is inherently contradictory to mourn the passing of some of R. Akiva's students while rejoicing on the anniversary of the death of one of them - during the same period. An additional problem arises when we note that in none of the sources that relate the story of the death of R. Akiva's students is there any mention of mourning practices undertaken in response.

The first Halakhic source we have that makes any mention of mourning practices is in the Sha'arei Simchah of R. Yitzhak Ge'at (Spain 1038- 1089) where he records that there is a custom to delay marriages until after Shavuot - but, curiously, he notes that "this is not due to a prohibition, rather a custom of mourning for R. Akiva's students." It is unclear what the prohibition was that he was negating, but we also find in Teshvuot haG'onim (Sha'arei Teshuvah #278) that there was a perception that there was some prohibition against getting married and, again, the respondent

corrected that misperception by identifying the practice as a "minhag avelut" (practice of mourning).

The Shibbolei haLeket (R. Tzidkiyah haRofo, Italy, 1230—1300) suggested two other explanations for the "custom of some (!)" to avoid having weddings during this period. He first suggests that the days are ominous (and therefore, a bad time to marry), as evidenced by the death of thousands of R. Akiva's students. In other words, their death is not being mourned by our avoiding weddings; rather, their death points to the dangerous nature of the season. This approach is seconded by R. Aharon haKohen of Narbonne (1280-1330), in his "Orhot Hayyim", who notes that there is a custom to avoid blood-letting or other medical treatment during this period as it is "ripe for punishment".

The Shibbolei haLeket then suggests another reason, quoting his brother, R. Binyamin (whom he quotes often). In Midrash Seder Olam (cf. Eduyot 2:10), there is a dispute as to the duration of punishment of the wicked in Gehenna; R. Akiva is of the opinion that their judgment lasts 12 months (hence our custom of saying Kaddish for only 11 months, as we do not wish to consider our relatives to be wicked). R. Yohanan b. Nuri maintains that the wicked are judged from Pesach until Shavuot and, therefore, it is hardly a time to celebrate weddings. This, again, is a most curious and difficult explanation; why would we avoid weddings during the period that the wicked are suffering other-worldly torment? Additionally, if we were to apply this approach, but use R. Akiva's "calendar", we would never have weddings as the wicked are always being judged!

Rabbenu Yeruham (1290-1350; Languedoc -Toledo) in his offers a novel suggestion (Toldot Adam veHavah 5:4). Since the period in question is informed by the offering of the "Omer", which is 1/10th of an Ephah of barley - and that same measure of barley is used for the Minhah Sotah (brought by a wife accused of infidelity) we do not have weddings during the period.

I'd like to share one final approach, taken by R. Zerahiah haLevi (1135- 1186, Geronda) in his Sefer haMa'aor (end of Pesachim). He was not addressing practices of mourning, rather the observation that we do not recite the festive "Shehechyanu" when first counting the 'Omer. His response is that every time that we count the 'Omer, we are reminded of the destruction of the Mikdash, since we are counting from an offering that we were not able to bring, due to the Hurban. As such, he maintains that the period has a "built-in" mourning, having nothing to do with the unlucky nature of the days or the death of R. Akiva's students. It is, if you will, a parallel to the 3 weeks of mourning we practice in the summer (17 Tammuz- 9 Av) to commemorate the destruction of our Mikdash.

In sum, the practice of not marrying during this period dates back at least a thousand years...but the reason for this practice is not known with certainty and, over the years, our sages have offered a range of explanations, each of which gives us a unique insight into the season.

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