

# SHE'AILOS U'TESHUVOS

*by Rabbi Doniel Neustadt*

**QUESTION:** For those who began observing the sefirah restrictions on the second night of Pesach, is there any special dispensation to take a haircut or a shave on Rosh Chodesh Iyar when it falls on a Friday [and Shabbos] - as it does this year?

**DISCUSSION:** Mishnah Berurah,(1) followed by almost all of the poskim,(2) rules that when Rosh Chodesh Iyar falls on a Friday, it is permitted to take a haircut or a shave that Friday, even for those who are already in the midst of the sefirah mourning restrictions. This exception (which is for haircut and shaving only - not for other sefirah restrictions such as listening to music) is permitted in honor of the double occasion of Shabbos and Rosh Chodesh.(3)

Mishnah Berurah, however, does not clearly address whether or not this also applies to those who follow the special restriction recorded in the Will and Testament of Rabbi Yehudah Hachasid never to take a haircut or a shave on any Rosh Chodesh throughout the year, even if Rosh Chodesh falls on Friday.(4) Other poskim, however, do discuss this issue directly: Some hold that Rosh Chodesh Iyar is an exception and permit taking a haircut or a shave on Friday, Rosh Chodesh Iyar;(5) others maintain that Rosh Chodesh Iyar is not an exception and is no different from any other Rosh Chodesh;(6) while a third opinion suggests that one should take a haircut or a shave on Thursday afternoon after chatzos.(7) One should consult his rav as to which opinion to follow.

**QUESTION:** Are there any restrictions against reciting the blessing of shehecheyanu during the mourning period of Sefiras ha-Omer?

**DISCUSSION:** The poskim agree that from an halachic point of view there is no reason not to recite shehecheyanu during the days of sefirah.(8) It is, therefore, permitted to eat "new" fruit in season and to buy new clothing or dishes during this time period.(9)

Still, there are communities where shehecheyanu is not recited during sefirah. Some communities are even stricter and refrain from buying new clothes during sefirah altogether, even basics which do not require the blessing of shehecheyanu. Since these restrictions have valid sources - some can be traced as far back as to the Rishonim(10)- they should be upheld by the communities or families whose traditions they are. But those who do not have these customs are not required to observe them, as the halachah makes no such stipulations.(11)

[One who was under the impression that it is halachically prohibited to recite shehecheyanu during sefirah, but learned subsequently that this is not the case, does not need a hataras nedarim in order to

change his custom and recite shehecheyanu during sefirah.(12)]

Moving into a new house or apartment during sefirah is another case in point. According to the halachah, it is permitted to move during sefirah.(13) It is also permitted to paint or decorate one's home during sefirah.(14) But if one's family practice is to refrain from moving during sefirah,(15) one should follow the principle of not deviating from family custom, as is true in all matters of halachah.

Note: The above halachos apply only to the days of sefirah. During the Three Weeks, which take place before Tishah b'Av, the halachos are more stringent; see The Weekly Halachah Discussion, vol. 2, pg. 423-428.

**QUESTION:** Is there a source for the custom not to study Tanach at night? Is reciting Tehilim restricted as well?

**DISCUSSION:** In several Midrashim,(16) Chazal link the study of the Written Torah to the daytime and the study of the Oral Torah to the night. Based on these and other sources,(17) the Arizal (18) writes that only the Oral Torah should be studied at night and that the Written Torah must be studied by day only.

Among the latter poskim we find varying degrees of acceptance of the Arizal's ruling. Some poskim, especially those who follow Kabbalistic teachings, strictly adhere to it,(19) going so far as to say that it is a sakanah to veer from it.(20) Others accept it only as a chumrah l'chatchilah,(21) while yet others do not follow it at all.(22) As always, one should follow his family's custom on this issue, which is not a pure matter of halachah but of middas chassidus.

But even many of the communities who do follow the Arizal's ruling, do so with many exceptions. Thus we find in the poskim that:

- \* Women, children or adults who are unable to study the Oral Torah may study the Written Torah at night without restriction.(23)
- \* Only studying is restricted; pesukim which are said for the purpose of prayer or segulos are permitted. This includes Tehillim, Tikkun Chatzos, Viyten Lecha on Motzei Shabbos, etc.(24)
- \* The restriction does not apply when Tanach is learned with a tzibbur.(25)
- \* The koreh may prepare his Torah reading at night.(26)
- \* The restriction does not apply on Thursday night,(27) Friday night and Motzei Shabbos until after Melaveh Malkah.(28) In addition, Yom Tov(29) and Chol ha-Moed(30) nights are excluded.
- \* When Tanach is studied with Rashi, it is considered as if one is studying the Oral Torah.(31)

**QUESTION:** Do small electric appliances that come into contact with food, such as a hot-water urn or a George Foreman grill, require tevilah?

**DISCUSSION:** Yes, they require tevilah and a blessing before the immersion.

Harav M. Feinstein<sup>(32)</sup> was of the opinion that only the part of the appliance which touches the food must be immersed. The outer casing, which houses the electrical element and does not come in contact with food, is considered a separate "vessel" and does not require immersion at all. Other contemporary poskim, however, do not agree with this approach and require that the entire appliance be immersed at one time.<sup>(33)</sup> [In order not to damage the appliance, it should be thoroughly dried (a blow drier is most effective for getting rid of any moisture) and not used for 72 hours after immersion. Our experience has been that if these instructions are followed, the immersion will not damage the appliances mentioned above. <sup>(34)</sup>]

Although some poskim have suggested that no electrical appliances need to be immersed because they can operate only if plugged in, rendering them "attached to the wall" and no longer in the category of "movable utensils<sup>(35)</sup>," this approach was not accepted by the vast majority of poskim and one should not rely on this leniency alone.<sup>(36)</sup>

*FOOTNOTES:*

1 O.C. 493:5.

2 A dissenting view is quoted by Kaf ha-Chayim 493:42.

3 If, for some reason, one will be unable to take a haircut or shave on Friday, it is permitted to do so on Thursday night.

4 As quoted by Mishnah Berurah 260:7.

5 Harav M. Feinstein (quoted in L'Torah V'horahah, vol. 2, pg. 20); Harav Y. Kamenetsky (Emes L'yaakov O.C. 260:1). Note, however, that even according to this opinion, only those who are already observing the sefirah restrictions may be lenient on Rosh Chodesh. Those who customarily begin sefirah restrictions on Rosh Chodesh should do so this year as well and take their haircut and shave on Thursday.

6 Harav Y. Y. Kanievsky (quoted in by Harav C. Kanievsky in Bein Pesach L'shvuos, pg. 246.)

7 Kaf ha-Chayim 493:47, quoting several poskim.

8 Mishnah Berurah 493:2 and most other poskim, quoted in Bein Pesach l'Shvuos 16:1.

9 Harav Y.S. Elyashiv (Mevakshei Torah, 19).

10 Rabbeinu Yerucham, quoted by Eliyahu Zuta 493:1; Leket Yosher, pg. 97, quoting Terumas ha-Deshen; Tzror ha-Mor, Parahsas Emor.

11 Ta'amei ha-Minghagim, pg. 251; Tosafos Chayim on Chayei Adam 131:12; Harav S.Z. Auerbach (Shalmei Moed, pg. 441).

12 Yechaveh Da'as 1:24.

13 Satmar Rav (quoted in Piskei Teshuvos 493, note 6); Harav Y.S. Elyashiv (Mevakshei Torah, 19); Tzitz Eliezer 11:41.

14 Yechaveh Da'as 3:30; Tzitz Eliezer 11:41

15 This custom is recorded in several sources; see Piskei Teshuvos 493, note 1.

16 See Pireki R' Eliezer 46, Tanchumah, Ki-Sisa 36 and Tana Dvei Eliyahu 2.

17 See Targum Eichah 2:19 and Ohr ha-Chayim, Devarim 32:2.

18 Quoted in Be'er Heitev O.C. 238:2.

19 See Birkei Yosef O.C. 238:2 and Kaf ha-Chayim 237:9.

20 Yesod V'shoresh ha-Havodah 6:2.

21 Sha'ar ha-Tziyun 238:1.

22 See Peri Megadim, Mishbetzos, O.C. 238:1 (quoted by Sha'ar ha-Tziyun 238:1) and Da'as Torah O.C. 238:2. Note also that Chayei Adam, Kitzur Shulchan Aruch and Aruch ha-Shulchan do not quote this ruling of the Arizal at all.

23 Levushei Mordechai, Tanyana, O.C. 186; Bayis Yisrael 35.

24 Eishel Avraham O.C. 238; Orchos Rabbeinu, vol. 1, pg. 97; Emes L'yaakov Y.D. 246, note 129.

25 Da'as Torah O.C. 238:2, quoting Avnei Tzedek Y.D. 102.

26 Bayis Yisrael 35.

27 Kaf ha-Chayim 237:9; Divrei Yatziv Y.D. 136.

28 Da'as Torah O.C. 238:2.

29 Rav Pa'alim 2:2.

30 Levushei Mordechai, Tanyana, O.C. 186.

31 Da'as Torah O.C. 238:2, quoting Avnei Tzedek Y.D. 102.

32 Igros Moshe Y.D. 1:57-58.

33 See Tevilas Keilim, pg. 206 and Chelkas Binyamin, Tziyunim 120:300 quoting several sources.

34 Concerning a toaster, however, some people claim that immersion ruins it even when it is thoroughly dried. Note, however, that Harav M. Feinstein (Igros Moshe Y.D. 3:24) maintained that a toaster is exempt from tevilah altogether. He explained that a toaster is not a utensil which is used to prepare [or serve] food; rather it is a utensil which enhances already prepared food. Thus it is not a

klei seudah. Other poskim, however, do not agree with this leniency; see Tevilas Keilim, pg. 208.

35 See Chelkas Yaakov 1:126 and 2:61 who relies on this approach concerning immersion heaters but not for electric pots and pans. See also She'arim Metzuyanim B'halachah 37:7.

36 Igros Moshe Y.D. 1:57; Minchas Yitzchak 2:72; Minchas Shelomo 2:66- 4; Harav Y.S. Elyashiv (Koveitz Teshuvos 1:3); Shevet ha-Levi 1:57-3, among others.

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Rabbi Neustadt is Rav of Young Israel in Cleveland Heights. He may be reached at 216-321-4635 or  
at [jsgross@core.com](mailto:jsgross@core.com).