



לעילוי נשמת
 יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Cutting Nails During Shloshim

Question: May a mourner during *Shloshim* cut his/her nails? Does it depend on the circumstances?

Answer: The short answer is that an *avel* may not cut his nails during *Shloshim*. A *baraita* (Moed Katan 17b) cites Rabbi Yehuda, who equates cutting hair and cutting nails, in that both are forbidden on *Chol Hamoed* and during *aveilut*. Rabbi Yossi does not equate nail cutting to haircutting and permits cutting nails in both circumstances. The *gemara* (ibid. 18a) concludes with Shmuel's opinion that we follow Rabbi Yossi and permit cutting nails during *aveilut* as well as *Chol Hamoed*, except

that during *aveilut* it must be done **without a nail cutting utensil**. The Shulchan Aruch (Yoreh Deah 390:7) indeed forbids cutting nails with a utensil during *aveilut*, throughout *Shloshim*.

Some leniencies are broadly accepted; some leniencies are a matter of opinion; others are dependent on need and circumstances. The philosophy of many of the *halachot* of *aveilut*, including haircutting and nail cutting, is that one should be in a state of mind where his physical and especially his aesthetic side should not be pursued in a normal manner. This can explain some leniencies.

The Gesher Hachayim (21:11:9) rules that if one's nails are particularly long so that it takes away from the honor of Shabbat, he may cut them. In other words, the prohibition was not meant to negate certain values or other needs that are not aesthetic. This is reminiscent of the *halacha* regarding haircutting that if one's mustache is impeding his eating in any way, he may trim it (Shulchan Aruch ibid. 1). In other words, these *halachot* are not meant to take away from functionality.

A leniency that includes functionality and *mitzva* is that of a *mohel* who can fix the nails he needs to perform a *brit mila* most effectively (Rama, YD 393:3). Another religiously related need is the permission for a woman who needs to go to the *mikveh* to cut her nails in preparation (Shulchan Aruch, YD 390:7).

We saw above (Mo'ed Katan 18a; see also the Rambam, Avel 5:2) a major distinction. It is permitted without special need to cut nails



by hand or teeth, even during *shiva* (Shulchan Aruch, YD 390:7). The logic is that only the normal manner of cutting was forbidden. Yalkut Yosef (Aveilut 37:8) says that one can even use a nail cutter to merely start the cut, and then one does the main part of the cutting by hand or with teeth.

On the other hand, the fact that there are different ways to get the job done can create limitations even when other leniencies apply. For example, regarding the permissibility of cutting before going to the *mikveh*, the Shulchan Aruch (ibid.) requires that she have a non-Jew cut them for her. The Rama (ad loc.) does not see why, if it is not done by the *aveila* herself, it would make a difference whether a Jew or non-Jew would do it, considering that for even a Jewish cutter, there is no prohibition involved. Therefore, the Rama posits that even the Shulchan Aruch meant just that it be done by someone else, but it could even be a Jew. Among the commentators, some do require specifically a non-Jew to cut (Shach ad loc. 4) whereas some say that the *aveila* can do it even herself since it is for a *mitzva* (Taz ad loc. 3). As far as the bottom line, when there is a good reason to be lenient, one may be (Mei'olam V'ad Olam 33:21).

One way in which nail cutting is more lenient than haircutting, is according to most opinions, regarding what happens after *Shloshim* for parents. For haircutting, one must wait until people "criticize" his long hair after *Shloshim* (Shulchan Aruch ibid. 4). However, R. Akiva Eiger (ad loc.) says that this is not

required for nails; rather, it is automatically permitted after *Shloshim*. (There are dissenters, but the lenient opinion is standard *halacha* – see Divrei Sofrim 390:44.) Interestingly, though, R. Akiva Eiger's source (Shut Halachot K'tanot I:113) seems to indicate that the distinction is technical rather than hierarchical. ■

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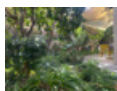
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