

## *The Mysterious Origin of Lag Ba-Omer*<sup>1</sup>

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It is typically assumed that there is a well-grounded tradition that R. Akiva's students stopped dying around the time of *Lag Ba-Omer*<sup>2</sup> and that this cessation is the basis for the *Lag Ba-Omer* holiday. This article will analyze the earliest sources that refer to the holiday and will show that neither of these assumptions is correct. The article will further analyze the interesting evolution of the holiday in its earliest stages, the time of the *rishonim*.<sup>3</sup> It will be concluded that the origin of the holiday still remains a mystery.

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<sup>1</sup> I would like to thank Rabbi Avrohom Lieberman, Rabbi Alan Zelenetz, and my son Rabbi Shaya First for commenting on and improving the draft.

I would like to dedicate this article to the memory of Rabbi David Feldman who passed away in 2014. He was a world-renowned rabbi, bioethicist and scholar. He authored several books including the classic *Marital Relations, Birth Control, and Abortion in Jewish Law* (1968). He was fascinated by the origin of the holiday of *Lag Ba-Omer* and devoted much research to this topic. (See below, n. 4.)

<sup>2</sup> For simplicity, I will refer to the holiday as *Lag Ba-Omer*, which is how the earliest known source refers to it. The term used by R. Abraham b. Nathan ha-Yarḥi, a few decades later, is unclear. In some manuscripts of his work, the holiday is referred to as *Lag La-Omer*. In others, it is referred to as *Lag Ba-Omer*.

<sup>3</sup> For the evolution of *Lag Ba-Omer* in the period of the *aḥaronim*, see the fascinating article of May 19, 2011 at [seforim.blogspot.com](http://seforim.blogspot.com) by Eliezer Brodt, "A Printing Mistake and the Mysterious Origins of Rashbi's Yahrzeit." Brodt points out that the notion that R. Shimon b. Yoḥai died on *Lag Ba-Omer* is not found prior

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The earliest references to *Lag Ba-Omer* are found in brief anonymous annotations in the London manuscript of *Mahzor Vitry*.<sup>4</sup> Most likely, the author of these annotations was R. Isaac b. Durbal,<sup>5</sup> who died circa 1175. He seems to have been from northern France, as he was a student of R. Tam.<sup>6</sup> R. Isaac references *Lag Ba-Omer* in an annotation on a section of *Mahzor Vitry* on the Jewish calendar. He points out that Purim and *Lag Ba-Omer* fall on the same day of the week every year:

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to the 18th century and seems to have originated based on an erroneous printing of the word *המש* as *המ*.

<sup>4</sup> See the edition of A. Goldschmidt (Jerusalem: Mekhon Otzar Ha-Poskim, 2004), vol. 2, p. 581 and the earlier edition of S. Hurwitz (Nurnberg, 1923), pp. 222-223. The London manuscript of *Mahzor Vitry* is not the earliest manuscript of this work. The earliest is MS ex-Sassoon 535. It dates to the second quarter of the 12th century. See S. Stern and J. Isserles, “The Astrological and Calendar Section of the Earliest *Mahzor Vitry* Manuscript (MS ex-Sassoon 535),” *Aleph* 15.2 (2015), pp. 199-318.

The best discussions of the origin of *Lag Ba-Omer* that I have come across are: 1) D. Feldman, “A Dvar Torah Suggested by Lag Ba-Omer,” *Proceedings of the Rabbinical Assembly* 26 (1962), pp. 201-224, 2) D. Feldman, “Omer,” in *EJ* 12:1382-89 (1972), 3) D. Sperber, *Minhagei Yisrael*, vol. 1 (Jerusalem: Mossad Harav Kook, 1990), pp. 101-11, 4) Z. Goren, “*Al Mekoro Shel Lag Ba-Omer ve-Gilgulav*,” *Meybkerei Hag* 3 (1992), pp. 36-43, and 5) E. Reiner, *Yehoshua Hu RShB”Y, Hagzor Hiy Meiron, Tarbut* 80 (2012), pp. 179-218 (at pp. 200-207). Also important is L. Silberman, “The Sefirah Season: A Study in Folklore,” *HUCA* 22 (1949), pp. 221-237. All of these extensively researched articles overlooked this passage in *Mahzor Vitry*.

<sup>5</sup> These comments are followed by the letter *ה* in the London manuscript, indicating that they were additions (*תוספת*) to the basic text of *Mahzor Vitry*. According to Justine Isserles (private correspondence), most likely all of these sections with a *ה* reflect additions by R. Isaac b. Durbal. (Compare the slightly different formulation at *EJ* 11:737.) Dr. Isserles is an authority on *Mahzor Vitry* manuscripts and I am grateful to her for her assistance.

The London manuscript of *Mahzor Vitry* dates to 1242, so the annotations are not those of R. Isaac b. Durbal. Rather, according to Isserles, the author of the London manuscript had before him three manuscripts of *Mahzor Vitry*, and probably one of these was the manuscript with the annotations of R. Isaac himself. (Another seems to have been a manuscript of *Mahzor Vitry* with the annotations of R. Abraham b. Nathan ha-Yarhi; these annotations are usually signaled in the London manuscript with the acrostic *אב”ח*.)

<sup>6</sup> He is also known to have traveled to places such as Bohemia and Russia.

וביום פורים הוא ל"ג בעומר. וזכר לדבר "שם האחד פל"ג" - פורים ל"ג  
בעומר...

But these remarks shed no light on the origin of the holiday.<sup>8</sup>

The second earliest reference to *Lag Ba-Omer* is found in the *Sefer Ha-Manhig* of R. Abraham b. Nathan ha-Yarhi, composed in Toledo in 1204. Prior to composing this work, R. Abraham had traveled widely and one of the main purposes of this work was to explain the various Jewish customs he had encountered.<sup>9</sup> The background to R. Abraham's statement is that, according to the Talmud (*Yevamot* 62b), R. Akiva had 24,000 students and they all died in one period, מפסח ועד עצרת.<sup>10</sup> In the context of his discussion of marriage rituals, R. Abraham writes (emphasis added):<sup>11</sup>

ואך מנהג בצרפת<sup>12</sup> ופרובינצ' לכנוס מל"ג לעומר ואילך.<sup>13</sup> ושמעתי  
בשם רבי ר' זרחיה מגירונדא שמצא כתו' בספר ישן הבא מספרד,<sup>14</sup> שמתו

<sup>7</sup> His citation is to Gen. 10:25. His claim is that the *pe* preceding the *lamed* and *gimmel* is an allusion to Purim.

<sup>8</sup> He uses the phrase *ביום פורים ל"ג* a few words later as well.

<sup>9</sup> See *EJ* 2:154 and R. Abraham's introduction to his *Sefer Ha-Manhig* (ed. I. Raphael, Jerusalem: Mossad Harav Kook, 1978), p. 8.

<sup>10</sup> See similarly *Kobelet Rabbah* 11:6. Compare *Beresbit Rabbah* 61:3, where the death of R. Akiva's students *be-perek ehad* is mentioned without a specification of the particular time period. See also *Tanḥuma Hayyei Sarah* 6 and *Tanḥuma Buber, Hayyei Sarah* 7. It has been suggested that originally there was no tradition of the time period that the students died and that the specification of the time period is a later invention. See, e.g., Reiner, pp. 200-201. It has also been argued that the entire story of the death of a large number of the students of R. Akiva in one period is a literary fiction. See A. Amit, "The Death of Rabbi Akiva's Disciples: A Literary History," *JJS* 56 (2005), pp. 265-84. But a mainstream approach is to believe that there is a historical kernel to the tradition (i.e., that a large number of students of R. Akiva did die in one period, perhaps in connection with the Bar Kokhba rebellion). See, e.g., the scholars cited by Amit on p. 268.

On the term *תנא* at *Yevamot* 62b, see Amit, p. 268, n. 10 and Reiner, p. 201, n. 58.

<sup>11</sup> *Sefer Ha-Manhig*, vol. 2, p. 538 (*Hilkhot Erusin ve-Nissuin*).

<sup>12</sup> He probably does not mean all of France here, as there is no mention of any such leniency in *Sefer Ha-Orah*. There we find, in section 92, a prohibition of *kiddushin* and *nissuin* for the entire 49-day period.

<sup>13</sup> The manuscript that Raphael printed (the earliest one) reads *מל"ב לעומר* here. But Raphael points out that *מל"ב* is obviously an erroneous reading. The four other manuscripts read *מל"ג*. Regarding the next word, both *בעומר* and *לעומר* are found in the manuscripts. One cannot tell what the original reading was.

<sup>14</sup> The implication of the phrase *ספר ישן הבא מספרד* is that it was a reliable source. See Reiner, p. 205, n. 68, citing Y. Zusman.

מפסח ועד פרוס העצרת, ומאי פורסא? פלגא כדתנן שואלין בהלכו' הפסח קודם לפסח ל' יום ופלגא המשנה עשר יום קודם העצרת וזהו ל"ג לעומר.

His citation כדתנן is to an explanation of פרוס as fifteen made in another context, at *Bekhorot* 58a.<sup>15</sup>

It is unclear whether the “49-15” explanation offered for *pros ha-atzeret* in the context of the death of the students of R. Akiva originated with R. Zerahiah (author of *Ha-Maor*, d. 1186<sup>16</sup>) or with R. Abraham.<sup>17</sup> But the explanation is merely an attempt at a rationale for a **pre-existing** custom to marry from the 33<sup>rd</sup> day onwards.<sup>18</sup> There is no tradition elsewhere that R. Akiva’s students stopped dying around the 33<sup>rd</sup> day of the *omer*. Whether R. Akiva’s students stopped dying around the 33<sup>rd</sup> day of the *omer* depends on the merits of the interpretation of *pros ha-atzeret* offered here. On close analysis, the interpretation is almost certainly wrong. Saul Lieberman has surveyed the use of the word פרוס in early rabbinic literature.<sup>19</sup> These four letters can reflect a Hebrew word that means “broken” or “half,” or a Greek word (πρὸς) that means “before.”<sup>20</sup> Lieberman’s survey reveals that when the word is used in connection with a holiday, it is almost always the Greek word that is being used, and the meaning is

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It would be interesting to check manuscripts of *Yevamot* and *Kobelet Rabbah* to see if there is other support for this reading. But I have not done so. In light of S. Lieberman’s conclusion as to the meaning of the word פרוס in our passage, the variant is now of little significance.

<sup>15</sup> His citation merely paraphrases the passage. See also *J. Shekalim* 3:1. In both of these sources, the Sage quoted is R. Abahu. See also a similar passage in *Tosefta Shekalim* 2:1 and *Tosefta Bekhorot* 7:6, both in the name of R. Yose b. Yehudah.

<sup>16</sup> R. Zerahiah left Gerona, Spain in his youth and settled in the region of Provence. There he lived for many years in the city of Lunel. This accounts for the name of his commentary on the Talmud, *Ha-Maor*.

<sup>17</sup> I lean towards the view that the explanation originated with R. Abraham.

<sup>18</sup> It would be extremely farfetched to view the leniency as having arisen as a consequence of the finding of this variant. First, that is not what the passage says. Second, to start acting in accordance with such a leniency would have been going against the contemporary tradition and acting against the previously accepted reading in the Talmud. Third, and most important, a new practice created as a consequence of this reading would have generated a leniency commencing only, at the earliest, at some point on the 34<sup>th</sup> day. (After some mourning on the 34<sup>th</sup> day, the principle of *miktzat ha-yom ke-kehulo* on the last day could have been invoked.)

<sup>19</sup> Quoted in Sperber, *Minhagei Yisrael*, vol. 4, pp. 237–39.

<sup>20</sup> The prefix in English “pre-” derives from the Greek word πρὸς.

“just before the holiday.”<sup>21</sup> Moreover, in our case, the argument for interpreting the word as Greek is even stronger. We already have a source that records that the students of R. Akiva died *mi-pesah ve-ad atzeret*. When we find another source that records that they died *mi-pesah ve'ad pros ha-atzeret*, our presumption should be that the sources can be reconciled. Therefore, we should interpret the second source in a manner consistent with the first source, and not in a manner that creates a contradiction between them.

Moreover, even if פרוס was used as a Hebrew word in this passage, and it meant “half of thirty,” the explanation suggested would only explain a custom to marry starting on the 35<sup>th</sup> or 34<sup>th</sup> day of the *omer*.<sup>22</sup> It would not explain a custom to marry starting on the 33<sup>rd</sup> day.<sup>23</sup>

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Meiri (d. 1316) writes that there is a *kabbalah be-yad ha-geonim* that R. Akiva's students stopped dying on the 33<sup>rd</sup> day of the *omer*.

But there is no other source documenting such a tradition in the Geonic period. Moreover, as I will point out in the next section, there are many sources from the Geonic period in Palestine documenting that the 18<sup>th</sup> of *Iyyar* (*Lag Ba-Omer*) was observed there as a fast day commemorat-

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<sup>21</sup> Lieberman suggests that the precise *biddush* of the statements of R. Yose b. Yehudah and R. Abahu (see above, n. 15), who both interpreted פרוס in their contexts to mean “half of a month,” was that these were the exceptional cases. They both made their statements precisely because elsewhere in early rabbinic literature פרוס meant “just before the holiday.”

<sup>22</sup> From the beginning of the 35<sup>th</sup> day until the end of the 49<sup>th</sup> day, it is 15 days. If one makes the further (unnecessary) assumption that the dying stopped at some point during the 34<sup>th</sup> day, or one alternatively invokes the principle of *miktzat ha-yom ke-kehulo* on the last day, this would explain a leniency commencing at some point on the 34<sup>th</sup> day. This point is noted by authorities such as R. Yehoshua Ibn Shuiv (Spain, early 14<sup>th</sup> century, cited in *Beit Yosef* to *OH* 493) and R. Shimon Duran (Spain and North Africa, d. 1444, also cited in *Beit Yosef* there). Based on this reasoning, the alternative custom arose among Sefardic Jewry of continuing the mourning until the morning of the 34<sup>th</sup> day. See the codification of R. Yosef Caro in *Shulhan Arukh*, *OH* 493 (2).

<sup>23</sup> Why do R. Zerahiah or R. Abraham not mention this mathematical difficulty? I can only suggest that the leniency of marrying from the 33<sup>rd</sup> day onwards was viewed as very puzzling. When either R. Zerahiah or R. Abraham came up with this explanation, he probably viewed it as a major accomplishment, even though it was off by one day.

ing the death of Joshua. When Meiri used the term *geonim* here, it is possible that he was misinformed, as it is likely that he did not have access to *Sefer Ha-Manhig*.<sup>24</sup> Alternatively and more likely, when Meiri used the term *geonim* here, he was not referring to the rabbinic authorities in Babylonia from the late 6<sup>th</sup> to early 11<sup>th</sup> centuries. Rather, he was referring to the rabbinic authorities in Europe in the generations just before him.<sup>25</sup> There are many other examples of Rishonim using the term *geonim* in a similar manner.<sup>26</sup> Unfortunately, Meiri's statement connecting *Lag Ba-Omer* with the *geonim* is usually taken too literally and has been widely quoted.<sup>27</sup>

It is also interesting that what originated as a weak suggestion by R. Zerahiah or R. Abraham is now referred to by Meiri as a *kabbalah* (tradition)!

Something similar occurred in the *Tur* (OH 493) of R. Jacob b. Asher (early 14<sup>th</sup> cent.). R. Jacob first discusses the customs of not marrying and not taking a haircut for the entire 49 days. He then adds: “*ve-yesh mistaprin me-Lag Ba-Omer va-eylekh she-omrim she-az pasku la-mut.*” From the brief and conclusory manner in which the explanation is presented here, readers would never know that it was only a speculative suggestion. While Meiri likely did not have access to the *Sefer Ha-Manhig*, R. Jacob b. Asher certainly did.<sup>28</sup>

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<sup>24</sup> In his introduction to *Sefer Ha-Manhig*, Raphael lists the *Rishonim* who cited the *Sefer Ha-Manhig*. Meiri is not one of them. As Raphael points out, *Sefer Ha-Manhig* was not a well-circulated work.

<sup>25</sup> This view is expressed by Dr. Shnayer Leiman in his May 2003 lecture on the origin of *Lag Ba-Omer* (“The Strange History of Lag Ba-Omer”), available on YU Torah.

<sup>26</sup> See, e.g., E. Urbach, *Ba'alei Ha-Tosafot* (Jerusalem: Mossad Bialik, 1957), vol. 1, p. 446, giving the example of R. Isaac of Vienna (d. mid-13<sup>th</sup> cent.; author of *Or Zarua*), and S. Elitzur, *Lammah Tzammu?* (Jerusalem: Ha-Iggud ha-Olami le-Maddaai ha-Yahadut, 2007), p. 115, giving the example of R. Tzidkiyah ha-Rofei (d. c. 1300, Italy; author of *Shibbolei Ha-Leket*). At least one time, Rambam used the term to indicate all post-Talmudic rabbis, including *Rishonim* in Spain and France. See Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven: Yale Univ. Press, 1980), p. 66 (citing a passage from the introduction to the *Mishneh Torah*). See also Haym Soloveitchik, *Collected Essays, Volume II* (Oxford and Portland: Littman Library of Jewish Civilization, 2014), p. 40.

<sup>27</sup> See, e.g., B. M. Lewin, *Otzar Ha-Geonim* (Haifa and Jerusalem: 1928–44), *Yevamot*, p. 140, *EJ* 10:1356 and 12:1387, and Rabbi S.Y. Zevin, *The Festivals in Halabab (Pesach, Omer, Shavuot)* (Brooklyn: Mesorah Publications, 1982), p. 218 (ArtScroll English edition). Meiri's work was not widely read until modern times.

<sup>28</sup> See *Sefer Ha-Manhig*, intro., pp. 67–68.

There are many sources from the Geonic period in Palestine documenting that the 18<sup>th</sup> of *Iyyar* (*Lag Ba-Omer*) was observed there as a fast day commemorating the death of Joshua. These sources are collected by Shulamit Elitzur.<sup>29</sup> For example, this fast day is mentioned by the *paytanim* R. Eleazar Kallir (c. 600) and R. Phinehas (8<sup>th</sup> century).<sup>30</sup> It is mentioned in other sources from Palestine and Egypt in the subsequent centuries as well.<sup>31</sup> The existence of this fast day is strong evidence that the concept of *Lag Ba-Omer* as a festive day was not yet in existence in the Tannaitic, Amoraic or Geonic periods.<sup>32</sup>

In a recent article,<sup>33</sup> Elchanan Reiner made the suggestion that when the Jews in 13<sup>th</sup> century Europe<sup>34</sup> realized that the prohibition to marry for seven weeks was too hard, they chose the 18<sup>th</sup> of *Iyyar* as the day for the relaxation of the prohibition because it already was a special day, the day commemorating the death of Joshua. But it is very hard to accept this suggestion. The transformation of the day in the manner that Reiner has suggested seems extremely unlikely. Moreover, Reiner's explanation does not adequately explain why the permission to marry would continue after the 18<sup>th</sup> of *Iyyar*. It is probably merely a coincidence that *Lag Ba-Omer* falls out on the same date as the prior fast day.

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<sup>29</sup> See her *Lammah Tzammnu?*

<sup>30</sup> See Elitzur, pp. 18-19 and 26.

<sup>31</sup> See Elitzur, pp. 172 and 276-77. (Some of the later sources list the 26<sup>th</sup> of *Nissan* as the date, and not the 18<sup>th</sup>.)

<sup>32</sup> Many speculative suggestions for an origin of *Lag Ba-Omer* in the Tannaitic or Amoraic periods have been offered. Some of these are summarized by Feldman at *EJ* 12:1388-89. See also Y. Tabory, *Moadei Yisrael be-Tekufat ha-Mishnah ve-ha-Talmud* (Jerusalem: Magnes Press, 1995), p. 145. (Regarding the latter, and a possible link between the 18<sup>th</sup> of *Iyyar* and the attempt to rebuild the Temple in the reign of the Roman emperor Julian in 363 C.E., see S. P. Brock, "A Letter Attributed to Cyril of Jerusalem on the Rebuilding of the Temple," *Bulletin of the School of Oriental and African Studies* 40 (1977), pp. 267-86.)

<sup>33</sup> See above, n. 3.

<sup>34</sup> Reiner erroneously focuses his analysis on the mindset of the Jews in the 13<sup>th</sup> century because he was not aware of the 12<sup>th</sup>-century reference to *Lag Ba-Omer* by R. Isaac b. Durbal. But Reiner does correctly point out that the explanation offered in *Sefer Ha-Manhig* was not based on any tradition, and was only an attempt to justify an already existing practice.

The work *Maaseh Ha-Geonim* records the custom of not marrying between *Pesah* and *Shavuot* due to the death of the students of R. Akiva. It then continues:

אבל ראיתי שנושאים לאחר הפסח עד ראש חדש אבל לאחר ראש חדש  
מתחילין שלא לישא.<sup>35</sup>

*Maaseh Ha-Geonim* is a work that derives almost entirely from *Maaseh Ha-Mekhiri*, a work of *halakhah* compiled by four brothers (sons of a R. Makhir) that is no longer extant and that reflects mainly the practices of Mainz, Worms and Speyer at the end of the 11<sup>th</sup> and beginning of the 12<sup>th</sup> centuries.<sup>36</sup> It seems from the above passage that the holiday of *Lag Ba-Omer* was not known to the authors of *Maaseh Ha-Mekhiri*.

Moreover, one wonders if those following this leniency initially followed the practice of not marrying for the entire 49 days. If they did, their leniency would seem to be a historically earlier relaxation of the 49-day prohibition than the one reflected by *Lag Ba-Omer*. But alternatively perhaps this community never adopted the prohibition of marrying for the entire seven weeks,<sup>37</sup> and at the outset adopted a prohibition starting only

<sup>35</sup> *Ma'aseh Ha-Geonim*, ed. A. Epstein (Berlin, 1909), p. 51.

<sup>36</sup> See A. Grossman, *Hakbmei Ashkenaz ha-Rishonim* (Jerusalem: Magnes, 1988), pp. 361–386. *Ma'aseh Ha-Mekhiri* was not the original name of this work. It was called this by one early source and it is how Grossman and other scholars typically refer to the work today.

<sup>37</sup> Perhaps the earliest source for the tradition of mourning during the Omer, a Geonic responsum attributed to R. Natronai Gaon (included in *Otzar Ha-Geonim, Yevamot*, p. 141), claims that the mourning for the students of R. Akiva originated shortly after their deaths in the 2<sup>nd</sup> century C.E. (ומאותה שעה ואילך). But since there is no actual evidence for this mourning custom in the Tannaitic or Amoraic periods, the antiquity of the custom can be questioned. See, e.g., Silberman, p. 222, n. 5. The R. Natronai Gaon referred to could be the earlier R. Natronai (8<sup>th</sup> century) or the later (9<sup>th</sup> century). The latter is much more likely. Robert Brody believes that the attribution to R. Natronai is erroneous and that most likely the responsum was authored by R. Hai (d. 1038). See Brody, *Teshuvot R. Natronai bar Hilai Ga'on* (Jerusalem: Mekhon Ofek, 1994), p. 48, n. 90. See also Reiner, p. 204, n. 64.

A recently discovered manuscript records a similar responsum in the name of R. Sherira, the father of R. Hai. See E. Kupfer, *Teshuvot u-Pesakim* (Jerusalem: Mekitzei Nirdamim, 1973), p. 114. This responsum also seems to imply that the custom originated in the 2<sup>nd</sup> century C.E. (But the precise term ומאותה שעה ואילך is not found here.)

The absence among Yemenite Jewry of a custom of mourning in the Omer is some evidence that the custom is not ancient. But that absence may merely be the result of the custom not being mentioned in Rambam.

from *rosb hodesh Iyyar*. Moreover, their prohibition may have had nothing to do with the death of the students of R. Akiva.<sup>38</sup>

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An interesting statement is found in *Sefer Minbag Tov*, an anonymous work composed in Italy sometime after the year 1273. The author writes that from *pesah* to *atzeret* it is a *minbag tov* to refrain from the following activities: getting a haircut, wearing new clothes, acquiring anything new, going to a bathhouse, and doing one's nails, all in honor of *be-basidim ha-temimim ve-ha-yesharim* who gave up their lives in *kiddush Hashem* (the martyrs of the Crusades).<sup>39</sup> He then continues:

אבל ביום ל"ג בעומר מותר בכל אילו מפני הנס שהיה ומל"ג ועד עצרת  
במקומו עומד לחומר.

It can be argued that his reference to a *nes* is a reference not to the cessation of the deaths of the students of R. Akiva, but to some other

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Since Rambam does not mention the practice of mourning in the Omer, he also does not mention *Lag Ba-Omer*. More significantly, in *Hilkehot Isbut* 10:14, after listing the days on which marriages may not be solemnized (such as Sabbaths and festivals), Rambam explicitly codifies that one can marry any other day. This is pointed out by Feldman, p. 210. Rambam composed his *Mishneh Torah* in Egypt.

Scholars have also theorized that the original reason for the mourning in the Omer may not have had anything to do with the students of R. Akiva. See, e.g., the discussion at Silberman, pp. 221–32 and Feldman, pp. 201–02.

<sup>38</sup> Sperber (*Minbagei Yisrael*, vol. 1, pp. 105–11) theorized that the practice of mourning in *Iyyar* arose because some of the most severe losses of Jewish communities at the time of the Crusades occurred in the five-week period commencing with *Iyyar*. But Sperber did not realize how early the practice of mourning in *Iyyar* can be documented, as he did not cite *Ma'aseh Ha-Geonim*. Nor did he cite *Sefer Ha-Pardes*, where the practice is also mentioned. See the edition of H.L. Ehrenreich (Budapest: ha-Aḥim Katzburg, 1924), p. 264. I would like to thank Dr. Pinchas Roth for pointing out to me that the passage in *Sefer Ha-Pardes* was taken from *Ma'aseh Ha-Geonim*.

<sup>39</sup> It seems that the observance of mourning in the Omer became more stringent, and probably more widespread, after the Crusades. See also the statement in *Asufot* below. In all but one of the Geonic sources, only two prohibitions are referred to: the prohibition of marriage, and a prohibition of working from evening until morning. (The Geonic source published by Kupfer specifies an additional prohibition, that of making new clothing. But it has been suggested that this prohibition was not found in the original responsum. See Sperber, vol. 1, p. 107, n. 26).

positive event that occurred on the 33<sup>rd</sup> day, perhaps related to the Crusades, that generated only a one-day leniency.<sup>40</sup> But more likely, the author is referring to the death of the students of R. Akiva. I suspect that once the leniency from the 33<sup>rd</sup> day onwards came to be understood as reflecting that the students of R. Akiva stopped dying on the 33<sup>rd</sup> day, a stringency that would have developed next in some communities was the limitation of the leniency to the 33<sup>rd</sup> day. I adopt this interpretation of *nes* in *Sefer Minhag Tov* because there is another source, from a student of R. Eleazar b. Judah of Worms,<sup>41</sup> that also seems to adopt only a one-day leniency and that explicitly takes the position that the 33<sup>rd</sup> day reflects the cessation of the death of the students of R. Akiva.<sup>42</sup>

### Conclusions

In 1202, there is a clear reference by R. Abraham b. Nathan ha-Yarḥi to a custom in France and Provence of allowing marriages from the 33<sup>rd</sup> day onwards. The existence of the custom cannot be denied, even though the explanation for the custom suggested by R. Abraham or R. Zeraḥiah cannot be accepted. The custom is also referred to in annotations to *Mahzor Vitry* that are most likely those of R. Isaac b. Durbal. He was writing a few decades earlier. Most probably, he was writing in France. Since it seems that the holiday of *Lag Ba-Omer* was not known to the authors of *Maaseh Ha-Mekhiri* in late 11<sup>th</sup> – early 12<sup>th</sup> century Germany, the origin of *Lag Ba-Omer* probably lies in 11<sup>th</sup> or 12<sup>th</sup> century France or Provence.<sup>43</sup>

<sup>40</sup> The author's context is the martyrs of the Crusades. It can be argued that we would expect more of an explanation if he were switching to a different context. Also, *nes* is perhaps not the right word to describe a cessation of deaths. Silberman (p. 234) is one scholar who takes the approach that the cessation of the death of the students of R. Akiva is not what is being referred to here.

<sup>41</sup> R. Eleazar died circa 1230.

<sup>42</sup> See the manuscript *Asufot*, sec. 382, p. 66b (quoted in Z. Cohen, *Bein Pesah la-Shavuot*, Jerusalem: Hal-Or, 2d. ed., 1985, p. 219):

מנהג הוא בזה המלכות שאין נושאים נשים בין פסח לעצרת ואין מקיזין דם עד ל"ג בעומר, לפי שהימים הן עלולין, שנפלה מגפה בתלמידי חכמים רבי עקיבא, כמה אלפים שמתו מן פסח עד ל"ג בעומר, וכולם מתו עבור שנאת חנם, ואותו היום נעצרה המגפה ועשו אותו היום יום טוב, ולפיכך נהגו להקיז בל"ג בעומר. ועוד נראה לי, מה שאין נושאים נשים בין פסח לעצרת, מפני צער הגזרות שנהרגו הקהילות בכל זה המלכות...

<sup>43</sup> In the past two centuries, many scholars have made speculative suggestions for the origin of *Lag Ba-Omer*. Typically these suggestions are made without adequate consideration of the evidence as to when and where the holiday first arose. They do not even merit being discussed. Many of them are collected in Feldman,

Although we still do not know the origin of the leniency, we can make interesting observations about its evolution.

At some point in the Geonic period or prior,<sup>44</sup> a large segment of Jewry accepted upon itself a custom of not marrying for 49 days. Eventually, the need for a leniency must have been felt, and a leniency from the 33<sup>rd</sup> day onwards arose in a limited area, based on a justification that still remains unknown. An erroneous belief about the cessation of the death of the students of R. Akiva<sup>45</sup> then became attached to this leniency and this helped the leniency spread. The fact that the leniency made its way into the *Tur* and the manner of its presentation there also helped the leniency spread. From the brief and conclusory manner in which the explanation for the leniency is presented in the *Tur*, readers would never know that it was only a speculative suggestion. Its precariousness is evident in the language of R. Abraham b. Nathan ha-Yarhi, but the *Tur* does not quote this language.<sup>46</sup> The need for the leniency also surely helped the leniency spread.

After the leniency erroneously became associated with the cessation of the death of the students of R. Akiva, the leniency was further re-defined. In some areas, the leniency was limited to one day, the day of the cessation.<sup>47</sup> In other areas, the areas subject to Sefardic decisors, the mathematical anomaly of 49-15 not equaling 33 was corrected. It was decided that the cessation of the death of the students of R. Akiva must have occurred on the 34<sup>th</sup> day and that only from this day onwards would the leniency be applied.<sup>48</sup>

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*EJ* 12:1389 and Silberman, p. 236. As I have tried to show, the origin of *Lag Ba-Omer* seems to lie in 11<sup>th</sup> or 12<sup>th</sup> century France or Provence.

<sup>44</sup> See above, n. 37.

<sup>45</sup> The cessation of the death of the students of R. Akiva symbolizes, on some level, the continuation of Torah study.

In this context, it is interesting to observe (as pointed out to me by my friend Ariel Zell) that many Jewish holidays eventually develop Torah-related themes that were not part of the holiday originally. For example, Shavuot was perhaps originally only an agricultural holiday. Purim was expounded hermeneutically to represent a second acceptance of the Torah (see Shabbat 88a). *Yom Teruah* (Rosh Hashanah) was interpreted in the writings of Philo as the day commemorating the giving of the Torah, and a similar interpretation is found in the writings of R. Saadiah Gaon. Shemini Atzeret has taken on the additional theme of the completion of the yearly Torah-reading cycle.

<sup>46</sup> Also, as mentioned earlier, Meiri referred to the weak suggestion by R. Zerahiah or R. Abraham as a *kabbalah* (tradition). But Meiri was not widely read.

<sup>47</sup> See, e.g., *Asufot* and *Sefer Minhag Tov*.

<sup>48</sup> See above, n. 22.

Finally, an accepted view had been that there was a widely embraced Jewish practice of not getting married for 49 days and that the leniency of *Lag Ba-Omer* was the earliest break with it. But it seems from *Maaseh Ha-Geonim* that this is not the case. The leniency recorded in *Maaseh Ha-Geonim*, assuming that it derives from *Maaseh Ha-Mekhiri*, would seem to date earlier than the original *Lag Ba-Omer* leniency. Also, the leniency recorded in *Maaseh Ha-Mekhiri* may have been one adopted in communities that followed a different paradigm and never accepted the full 49 days of mourning.

### Endnote: A Proposal

In a famous passage in his commentary to *parashat Hukkat*, Samuel David Luzzatto remarked that Moses committed only one sin in this *parashah*, but the commentators heaped upon him at least 13 possible sins; each commentator invented a new sin. After this criticism, Luzzatto then went on to suggest his own new sin! In this spirit, I offer my own proposal to explain the origin of the period of leniency that begins with *Lag Ba-Omer*.<sup>49</sup>

The prohibition of marriage for the full 49 days must have been very difficult. Perhaps the following leniency developed in some parts of France or Provence: once a **majority** of the 49 days was observed, that would suffice. After the eight days of Passover, if a community would not conduct marriages from the 23<sup>rd</sup> of *Nissan* through the 17<sup>th</sup> of *Iyyar*, the community would have refrained from conducting marriages for 25 days. This would reflect observance of the majority of the original 49-day prohibition (assuming credit is given for refraining from conducting marriages on *Shabbat*). Perhaps this was the original leniency that was later given new meaning with the erroneous connection to the students of R Akiva.<sup>50</sup> In the most explicit early source, *Sefer Ha-Manhig*, the prohibition on marriages ceased on the 33<sup>rd</sup> day and was not just temporarily suspended for a day. This supports the idea that the solution is not tied to a

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<sup>49</sup> I am also inspired by Dr. Haym Soloveitchik, who, in a recent essay “The ‘Third Yeshivah of Bavel’ ” suggested a creative and groundbreaking solution to a historical problem, without any hard evidence for his solution. Aware of the speculative nature of his solution, he decided to characterize it as only a “proposal.” See his *Collected Essays, Volume II*, pp.150–201. I do the same here.

<sup>50</sup> A somewhat similar suggestion was made by J. Derenbourg at *REJ* 29 (1894), p. 149. Derenbourg observed that *Lag Ba-Omer* was approximately the midpoint of the *Omer* mourning period and suggested that for this reason the prohibition was relaxed for this day. But since it is more likely that *Lag Ba-Omer* originally reflected the complete cessation of the marriage prohibition (as evidenced by *Sefer Ha-Manhig*), Derenbourg’s explanation does not fit.

particular historical event that occurred around the 33rd day. Also, the name of the holiday is not tied to a particular historical event. This also supports the idea that what we are looking for is some type of mathematical/calendrical basis for a leniency, and not a historical event.

