The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Mon, May 19, 2025 ■ כ"א אייר, תשפ"ה
סימן תקכ"ו סעיף ה'-ו'

Halacha Highlight

Accepting payment for burying the deceased

Shulchan Aruch Siman 526 Seif 5

מתר לו לטל שכר

It is permitted for him to accept payment

Shulchan Aruch (סע' ה') rules that it is permitted for one who buries the deceased on Yom Tov to take payment for the job that he performed. Mishnah Berurah (ס"ק ל"ב) mentions that there are authorities who adopt a stringent perspective to these matters and prohibit taking payment for the job performed on Yom Tov; however, since there are authorities who permit taking payment for the performance of a *mitzvah* it is permitted. Furthermore, even if the one who digs the grave demands payment on Yom Tov, it is permitted to pay him. Although he is violating a prohibition by doing so, nevertheless, it is permitted since we treat the day as a weekday when it comes to matters related to burying the deceased.

Poskim question the permissibility of taking payment for burying the deceased when the corpse is prohibited from benefit. Sdei Chemed (כללים מערכת המ"ם כלל ק"ב ד"ה ושם) answered that it is permitted to accept payment for digging the grave since digging a grave does not involve direct contact with the corpse. He notes, however, that this answer does not explain why it is permitted to accept payment for washing and transporting the body. Chasam Sofer (שו"ת או"ח סי קכ"ח) relates that Rav Akiva Eiger was troubled by this matter and the Nesivos answered him based on the Gemara in Avodah Zarah. The Gemara there (63b) teaches that one may accept payment for the removal of an item prohibited from benefit. Since burial of the corpse also removes it from existence, it is permitted to accept payment for burying the deceased. Chasam Sofer contends that the prohibition against benefitting from something that is prohibited from benefit is limited to prohibited items that one must destroy or bury due to the prohibition of benefit. Since the obligation to bury the deceased is not due to the prohibition of benefit, there is no prohibition against receiving remuneration for burying the deceased. Gesher Ha-Chaim (ח"ב פ"ה אות ג – ד) answered that the payment is not for burying the deceased it is for relieving the relatives of their obligation to bury the deceased and thus is permitted.

Overview

Siman 526 Seif 5:

One who digs a grave on the second day of Yom Tov may take payment for this work.

- The same is true concerning someone who gave linen for the shrouds. (M.B. 31)
- They may not mention the price and may certainly not accept money. There are authorities who maintain that one should not take money for work done on Shabbos but there are others who are lenient when the work involved a *mitzvah*. If the digger will not perform the task unless he is paid on Yom Tov, although he is in violation of *halacha*, the relatives of the deceased should pay him since the second day of Yom Tov is treated as a weekday for such matters. (M.B. 32)

Siman 526 Seif 6:

It is permitted to accompany the deceased on the first day within the *techum* and on the second day even beyond the *techum*. It is permitted to return after the burial. It is also permitted to return the burial instruments that one took with him outside of the *techum*.

- It is permitted to travel beyond three *parsaos* even if one is only accompanying the deceased and will not bury the deceased since the day is treated as a weekday. (M.B. 34)
- It is logical that this applies when there isn't a Jewish neighborhood within the *techum* of the cemetery but if there is, there is no reason to permit them to return all the way home. If one could return home using a shorter way, he may not return using a longer way. (M.B. 35)
- The instruments are not *muktzah* since they may be necessary for another burial. Even if there is a place within the walls of the city where they would be safe, it is permitted to transport them to one's home. (M.B. 36)