The Chicago Center
Mishna Berura Digest
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקכ"ו סעיף ז'-ח'

# Overview

<u>Siman 526 Seif 7:</u>

**Those accompanying the deceased or even the mourners may not ride on an animal, even on the second day of Yom Tov. However, those who will bury the body may ride on animals if there is no other way for them to be able to bury the body.**

- The same is true regarding travel by boat and it is prohibited even within the *techum*. (M.B. 37)
- Even if one cannot travel there by foot and the deceased will not be accompanied to burial, it is prohibited. (M.B. 38)
- They may not ride on an animal in town. (M.B. 39)
- Those who will bury the deceased may also travel by boat. (M.B. 40)

<u>Siman 526 Seif 8:</u>

**If the residents of a city find out that a Jew who is four or five days journey away remains unburied, it is permitted to begin to travel to bury the deceased even though one will not reach the body on Yom Tov so that they could bury the deceased as quickly as possible.** It is permitted to bring the deceased from outside of the *techum* so that the body could be buried in a Jewish grave, even though it could be buried in its place.

- Since a number of days passed and the body was not buried, one must respond as quickly as possible to prevent further disgrace of the body. (M.B. 42)
- The novelty of Rema's ruling is that it is permitted to travel out of the *techum* to transport the body so that it could be buried in a Jewish grave. Biur Halacha writes that one should not be lenient unless the body was also unburied for a period of time. (M.B. 43)

# Halacha Highlight

## <u>Receiving a ride in a car to bury the deceased</u>

Shulchan Aruch Siman 526 Seif 7

**אסורים לרכב על בהמה**

**It is prohibited to ride on an animal**

Shulchan Aruch (סע' ז') rules that it is prohibited for those accompanying the deceased who will not bury the body to ride an animal to the burial, even on the second day of Yom Tov. Mishnah Berurah (ס"ק ל"ז) questions why it should be prohibited to ride on an animal when it is permitted to travel beyond the *techum* in order to bury the deceased and both are Rabbinic prohibitions. He presents two resolutions to this question. The first is that riding an animal is worse than traveling beyond the *techum* since the prohibition against riding an animal is out of concern that one will violate the Biblical prohibition against cutting a branch from a tree to guide the animal as opposed to traveling beyond the *techum* which is not related to a Biblical prohibition. His second reason is that riding an animal is a worse form of irreverence for Yom Tov than walking beyond the *techum*.

Teshuvas Har Tzvi (יו"ד סי' רצ"ג) permitted Jews to ride in a car driven by a gentile if the body will become disgraced if it is not buried on Yom Tov. He explains that this allowance is consistent with both explanations of the Mishnah Berurah. According to the first reason that riding is worse due to the concern that the rider will violate a Biblical prohibition, there is no concern when one is a passenger in a car driven by a gentile since the gentile is performing the *melacha* rather than the Jew. Moreover, even according to Mishnah Berurah's second explanation that riding an animal demonstrates greater irreverence, it is permitted. He explains that riding as a passenger in a car that is driven by a gentile does not demonstrate irreverence since the Jew is completely passive as the car drives and thus does not demonstrate any irreverence.