

Halacha Highlight

Overview

Burying the deceased before or after *davening*

Shulchan Aruch Siman 526 Seif 12
משכימין וקוברין אותו קדם תפלה

They rise early and bury the deceased before
davening

Shulchan Aruch (סעי' י"ב) rules that when someone dies on the night of the 2nd day of Yom Tov, the body should be buried in the morning before *davening*. If the person dies during the day the body should be buried after the meal. Aruch HaShulchan (סעי' כ"א) explains that the reason the body is buried before *davening* is so that the relatives (אוננים) will be able to *daven* together with the *tzibbur* since they are not permitted to *daven* until after the burial. Elya Rabba adds that nowadays that even on the 2nd day of Yom Tov the burial is performed by gentiles who will not be as quick to bury the deceased, we push off the burial until later so that the burial does not overlap with the time to *daven*. When it is not possible to bury the deceased before *davening* since the person died Yom Tov during the day, it is pushed off until after the meal. Aruch HaShulchan, however, asserts that nowadays the burial is performed before eating.

Mishnah Berurah (סי"ק נ"ב) writes that when everything necessary for the burial is prepared so that it is possible to bury the deceased without impacting *simchas yom tov*, it is preferred to bury the deceased before eating since the Midrash indicates that it is prohibited to eat a meal before burying the deceased. On *erev* Pesach, Mishnah Berurah (סי"י תמ"ג סק"ו) wrote that it is improper (שאין נכון) to eat before burying the deceased and did not state, as he does in our context, that it is prohibited to eat before burying the deceased. He then adds that if one is pressed for time and if they

Siman 526 Seif 11:

One does not rend his garment in response to a death, even on the 2nd day of Yom Tov and even if it is a relative.

- ❖ The garment should be rent at night. (M.B. 50)

Siman 526 Seif 12:

When someone dies the night of the 2nd day of Yom Tov, we rise early and bury the body before *davening*. When one dies on the 1st day of Yom Tov, the body is buried after the meal. Regarding the *halacha* of *tziduk hadin* on Yom Tov see Yoreh Deah *siman* 401:6.

- ❖ On the first day when the burial will be performed by gentiles, even if the person passed away at night, the body is buried after eating or after *davening*. This is true according to Shulchan Aruch but according to our custom that even on the 2nd day the burial is performed by gentiles, the 1st and 2nd days of Yom Tov are treated the same. (M.B. 51)
- ❖ If the deceased is a prominent person that everyone will accompany, the body should be taken out after *davening* and accompanied to the cemetery and placed down until after eating when the burial should be performed. However, if everything needed for the burial is prepared, the body could be buried before the meal if it will not cause an impediment to *simchas yom tov*. (M.B. 52)

bury the deceased there will not be time left in the day to eat *chometz*, it is preferable to eat first and destroy the *chometz* and then afterwards bury the deceased. Sha'ar HaTziyun (שם סק"ט) adds that this is preferable since if the burial is performed first there exists the possibility that people will eat *chometz* after the time that it became prohibited.