The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקמ"ז סעיף ה'-י'

Overview

Siman 547 Seif 5:

It seems to me that the custom at the end of the year to eulogize the deceased and recall his soul is not included in this restriction and is permitted within the 30 days of the *moed*.

- Shulchan Aruch does not refer to קל מלא which may be recited even during the *moed*. (M.B. 8)

Siman 547 Seif 6:

One does not rend his garment when someone passes unless it is for a relative for whom one must mourn, for a Torah scholar, for an upright person or if one was present at the moment of someone's passing. For a relative for whom one must mourn and for a Torah scholar, one rends his garment even if he is not in the presence of the deceased but receives news within 30 days of the deceased's passing. For an upright person one rends his garment only if he hears the news between the deceased's passing and burial. Some disagree and the custom in Germany is to refrain from rending garments except for a parent but for other relatives one rends his garment after the *moed*. In a place without a custom one should rend for all of the above.

- Even for a relative one rends his garment only if he passes on *chol hamoed* but if he passes on Yom Tov one does not rend his garment until after Yom Tov since in such a case, *chol hamoed* is neither the time of emotion nor the time when he received the news. (M.B. 11)
- Shulchan Aruch refers to a scholar from whom one could ask any question and he will respond. We do not have such scholars nowadays. (M.B. 12)
- If it is past 30 days one does not rend his garment even for a parent. (M.B. 14)
- If one is present when someone passes he must rend his garment even if the deceased was not an upright person. (M.B. 15)
- Germans compromise between the opinions and rend their garment only for parents. Rema writes that in places that do not have a custom one rends his garment for all of the categories since technically, *halacha* follows the first opinion. (M.B. 16)
- In Poland the custom is to rend for all of the categories. (M.B. 17)

Siman 547 Seif 7:

Uncovering the shoulder is only done for relatives that one mourns or for a Torah scholar.

- Nowadays we do not uncover our shoulder for anyone, even during the week. (M.B. 18)

Siman 547 Seif 8:

One may give a mourner's meal provided that only the relatives of the deceased have the meal in the street. The mourner should have the meal in his home on upright beds since we do not overturn beds during the *moed* at all.

Siman 547 Seif 9:

For a Torah scholar everyone joins the mourner's meal in the street as one would have a meal for mourners since everyone is a mourner for him.

Siman 547 Seif 10:

We address all of the needs of the deceased during *chol hamoed*, for example, we cut his hair, launder his clothing and make a casket in the yard that contains the deceased so that it should be understood that it is for the deceased. If they do not have boards they may bring beams and cut from them boards in the privacy of one's house. If the deceased was well known this may be done even in the market. However, we do not fell trees in the forest in order to make boards for a casket nor do we hew stones to construct a grave. In a place with few Jews and everyone knows that someone passed away in town, everyone is considered well known.

- If it cannot be done is private it may be done in public but in the presence of Jews. If it must be done in the presence of gentiles there is a debate whether it may be done. (M.B. 20)
- It is permitted to cut a myrtle since everyone knows it is for the deceased as opposed to cedar trees. If there is no alternative there are authorities who permit cutting the tree and certainly if it cut by a gentile. (M.B. 22)
- If the stone was hewn and just needs to be carved the *halacha* is similar to manufacturing boards. (M.B. 23)

Halacha Highlight

Rending a garment

Shulchan Aruch Siman 547 Seif 6

אין קורעין על המת בחל המועד

One does not rend his garment for the deceased during *chol hamoed*

Shulchan Aruch (סעי' ו') writes that one rends his garment on *chol hamoed* when hearing of the death of only certain categories of people. The first category is one's relatives for whom he will mourn. Similarly, one rends his garment for a Torah scholar, who can respond to any *halachic* inquiry, or an upright person, defined as one who is not suspected of transgressing any prohibitions or forgoing a *mitzvah* and does not have a bad reputation. A person qualifies for this category even though he is not an outstanding Torah scholar. The last category is when one is present at the moment a person passes away. On the other hand, if one would normally rend his garment when hearing about another person who passed away as a sign of respect for that person, one does not do so during *chol hamoed*. Tzitz Eliezer (חי"ה סי' ה') writes that even when one rends a garment during *chol hamoed*, after the burial the mourner should change garments since only private mourning observances are performed during the *moed* and wearing a rent garment is a public display of mourning.

Rema notes that some authorities reject this position and maintain that no one rends their garment during *chol hamoed*. He then notes that in Germany the custom is that one rends his garment only upon the passing of a parent but not for any of the other categories. Mishnah Berurah (ס"ק ט"ז) explains that their intent is to strike a compromise between the two positions. However, in a place where the custom is not well known, one should rend for all of the categories mentioned by Shulchan Aruch. The custom in Yerushalayim is consistent with the German custom that one rends his garment only upon the passing of a parent. Outside of Yerushalayim, absent a known alternative custom, Ashkenazim rend their garment only upon the passing of a parent and Sephardim rend their garment for any relative that passes. This means that those present when another person passes away do not rend their garment (פסקי תשובות אות ג').