The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Mon, Oct 14, 2024 ■ י"ב תשרי, תשפ"ה
סימן תקמ"ז סעיף י"א-סימן תקמ"ח סעיף ג'

Overview

Siman 547 Seif 11:

It is prohibited to dig a crypt in the ground or a grave in a structure during *chol hamoed* to be ready for someone who will die. It is permitted to adjust one, for example, to shorten one that is too long, to lengthen it or widen it.

- This involves excessive exertion. If it is needed for someone who died during *chol hamoed* it is permitted to dig one in the first place on *chol hamoed*. (M.B. 24)

Siman 547 Seif 12:

We do not detach grass or dirt during *chol hamoed* in a cemetery as we do during the week. (As far as the recitation of צדוק הדין during *chol hamoed* see Yoreh Deah 401:6.)

- Elya Rabba explains that the restriction is for detaching grass for the benefit of the cemetery but when it is done after a burial to recall resurrection, it is permitted but Maamar Mordechai questions this and the custom is to be stringent in all cases. (M.B. 25)
- When צדוק הדין is not recited we also do not recount praises of the deceased since it could lead to eulogizing and the only allowance to eulogize is in the presence of a Torah scholar who passed. One who fasts on *chol hamoed* for a bad dream must fast again after the *moed* to atone for fasting during *chol hamoed* and preferably it should be after *isru chag*. (M.B. 26)

Siman 548 Seif 1:

One who buries a relative during the *moed* does not observe mourning practices; rather he begins to observe *shiva* after the *moed*. *Shloshim* begins from the burial and the restrictions of *shloshim* apply for the remainder of *shloshim*.

- It doesn't matter whether the burial was on *yom tov* or *chol hamoed*. (M.B. 1)
- Those who kindle a candle for *shiva* may kindle it immediately but it should be kindled in a place where one does eat and thus should preferably be kindled by a gentile. (M.B. 3)
- Shemini Atzeres only counts as one day in the *shloshim*. (M.B. 4)

Siman 548 Seif 2:

In places that observe two days of Yom Tov, *shiva* begins on the last day of Yom Tov. Even though one does not mourn, one is credited with the day since anyways observing the day as Yom Tov was instituted by Chazal and one observes an additional six days. Whether the 2nd day of Rosh HaShanah counts as a day of *shiva*, see Yoreh Deah 399:13 in Rema.

- The two days of Rosh HaShanah count towards *shiva* even though he does not observe *aveilus*. (M.B. 8)
- This is an error since this issue is not discussed there. (M.B. 9)

Siman 548 Seif 3:

If one buries a relative on the last day of Yom Tov in the Diaspora or the second day of Shavuos, he observes mourning practices if the deceased died and was buried on that day. Since the Yom Tov is Rabbinic and the obligation to mourn on the first day is Biblical, the positive Rabbinic obligation is pushed aside for the positive Biblical obligation. If the deceased was buried on the second day of Rosh HaShanah , he does not mourn since the two days are one extended day. Some disagree and maintain that we do not mourn on the second day of Yom Tov and this is the common custom and one should not deviate from it.

- This applies only to the seven Biblical relatives for whom one must mourn but not to the other relatives for whom Chazal obligated one to mourn. (M.B. 10)
- These authorities maintain that mourning is always only a Rabbinic obligation and thus celebrating on *yom tov* takes precedence since it is a communal *mitzvah*. (M.B. 14)

Halacha Highlight

Kindling a seven day lamp on Yom Tov

Shulchan Aruch Siman 548 Seif 1
לא חל עליו אבלות ברגל
***Aveilus* does not take effect on Yom Tov**

Shulchan Aruch (סי' תקמ"ח סע' א') writes that one who buries a relative during the *moed*, regardless of whether the burial is performed on *yom tov* or during *chol hamoed* (מ"ב סק"א), the *aveilus* does not begin during the *moed*. It commences once the *moed* is over. Mishnah Berurah (סק"ב) explains that the positive communal *mitzvah* to rejoice trumps one's private *mitzvah* to mourn. Mishnah Berurah (סק"ג) also notes that although the mourner does not sit *shiva* during the *moed,* it is permitted to kindle the light that remains lit for the duration of *shiva* during the *moed*. Teshuvas Nachalas Shiva (סי' ע"ג) explains that although we do not observe public mourning practices, kindling the seven day candle is permitted. The reason is that it is intended to elevate the soul of the deceased and does not constitute a mourning practice. This is similar to the recitation of *kaddish* which is permitted on Shabbos and Yom Tov even though we do not mourn publicly on those days.

This light should be kindled in a room where one does not eat and it may certainly not be kindled in the room where the deceased passed since that could lead to eulogizing the deceased. This poses an issue on Yom Tov since it is prohibited to kindle a flame if one will not benefit from that light. Therefore, in the name of earlier authorities Mishnah Berurah writes that one should have a gentile kindle the light. Sha'ar HaTziyun (סק"ג) directs our attention to the writings of the Kesav Sofer cited in Biur Halacha (סי' תקי"ד סע' ה' ד"ה נר) where he writes that in a pressing circumstance it may be permitted even for a Jew to kindle a *yahrtzeit* lamp since it is considered a *mitzvah*. Seemingly, the same rationale would apply for the seven day candle that is kindled for a burial and if one cannot have a gentile kindle the light, one may kindle the light himself.