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

Overview

Siman 696 Seif 6:

There is an opinion that maintains that a mourner is obligated in the *mitzvah* of *mishloach manos*. However, we do not send to a mourner during his twelve months as explained in Yoreh Deah *siman* 385 and see there. If the only people are the mourner and another person, the other person must send *mishloach manos* to the mourner to fulfill the *mitzvah* unless the mourner forgoes the gift.

- This is true even for a mourner in *shiva* and he is certainly obligated in *matanos l'evyonim*. (M.B. 17)
- He should not send items of *simcha*. (M.B. 18)
- One may not send the mourner even items that do not involve *simcha*. If the mourner is poor, it is permitted to send him money even during *shiva*. (M.B. 19)
- For other relatives this restriction ends after *shloshim*. (M.B. 20)
- Rema's intent is that in those places that have the custom to inquire about the mourner's wellbeing (לשאל בשלומם) it is permitted to send *mishloach manos* as well but *simcha* related items should not be sent. (M.B. 21)

Siman 696 Seif 7:

There is an opinion that maintains that an *onen* may eat meat and drink wine since the positive command for an individual to mourn does not push aside the communal positive Biblical command since the celebration of Purim is derived from *divrei kabbalah* which is treated like a Biblical command. He is certainly obligated to hear the *megilla*, *daven* and recite *krias shema*. It seems to me that this applies at night even though the deceased is present but during the day when he wants to bury the deceased, burying the deceased takes precedence as explained in *siman* 687:2. Therefore, he should recite *shema* and *daven* afterwards since it is no better than Shabbos and Yom Tov as explained above in *siman* 71 and this appears correct to me.

- Although Shulchan Aruch maintains that mourning is observed on Purim, *aninus* is not observed. Magen Avrohom asserts that this is limited to the day but not at night, even the 1st night but certainly not the 2nd night. (M.B. 24)
- It is similar to the night of the 2nd day of Yom Tov where many *Poskim* obligate him to perform *mitzvos*. Derech HaChaim disagrees and writes that on the night of the 14th he should listen to another person read the *megilla*. (M.B. 25)
- It is explained there that any time there are not enough people to bury the deceased they first bury the dead and then read the *megilla*. Magen Avrohom writes that many *Poskim* disagree and assert that in all cases the *megilla* is read before burying the deceased and that is the custom. Magen Avrohom notes that this rationale applies to others but not the *onen* and thus he rules that the *onen* must listen to the *megilla* after the burial, even if he heard it read before the burial. (M.B. 26)
- The reason is that before the burial he is exempt from these obligations. (M.B. 27)

Halacha Highlight

Sending *mishloach manos* to a mourner

Shulchan Aruch Siman 696 Seif 6
שהאבל חיב לשלח מנות

That a mourner is obligated to send *mishloach manos*

Shulchan Aruch (סע' ו') cites an authority who writes that a mourner is obligated to send *mishloach manos*. Mishnah Berurah (ס"ק י"ז) explains that even a mourner sitting *shiva* is obligated to send *mishloach manos* since it is a *mitzvah* and mourners are obligated to observe *mitzvos*. Rema then notes that we do not send *mishloach manos* to a mourner during his 12 months of mourning (for a parent and during *shloshim* for other relatives (מ"ב סק"כ)) as explained in Yoreh Deah *siman* 385. Mishnah Berurah (ס"ק כ"א) explains that in Yoreh Deah there we are taught that there are places that restrict שאלת שלום—greetings of friendship to a mourner during his period of *aveilus* and in those places one would not send *mishloach manos* since it is considered a greeting of friendship. Consequently, in places where they do not restrict greetings of friendship, it is permitted to send the mourner *mishloach manos* provided that the gift is not *simcha* related.

In the event that someone sends a mourner *mishloach manos* in a place where the custom is not to send to mourners, Kesav Sofer (שו"ת או"ח סי' קמ"א) writes that it is permitted for the mourner to accept it. His reasoning is that the restriction is against sending it since that is the gesture of friendship but once that was done, accepting it doesn't add to the gesture so there is no reason not to accept it. Shevet HaLevi (ח"י סי' ק"ז אות ג') also rules that it is permitted for the mourner to accept *mishloach manos* and explains that even when it comes to actual greetings, once someone greeted a mourner, even though improperly, it is permitted for him to respond to that greeting (יו"ד סי' שפ"ה סע' א'). Rav Yosef Shalom Elyashiv (פני ברוך פכ"ט הע' ע"א) writes that it is permitted to send *mishlaoch manos* to the wife of a mourner. Even though what a woman acquires belongs to her husband, nevertheless, the prohibition is to send it to the mourner not for the mourner to receive it.