

HALACHICALLY SPEAKING

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{ TOPIC }

AVEL LEAVING HIS HOME DURING SHIVAH

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AVEL LEAVING HIS HOME DURING SHIVAH

An *avel* may not leave his home during *shivah*. What is the reason behind it? If there is no *minyan* in his home, can he leave and *daven* with a *minyan* in a shul? Can he leave to sleep in his home if *shivah* is not in his home? Can an *avel* travel by plane to sit *shivah* in his hometown? All these and other issues related to this topic will be discussed below.

Source

The Gemara¹ rules that an *avel* may not leave his home for the first three days of *shivah*, even to another house of mourning or a cemetery.² Afterwards, he may go. This is how the halachah is codified.³

The Rama⁴ adds that the custom is not to go to another house of mourning or a cemetery for seven days.⁵

In addition, during the first week⁶ of mourning (known as *shivah*), an *avel* does not leave his home⁷ even for a *dvar mitzvah*.⁸ An *avel* is obligated in mitzvos that apply to an individual, such as *tzitzis*, *tefillin* and to serve as a *mohel*

1. *Maseches Moed Kattan* 21b.

2. See *Bach Y.D.* 393 which says the crying over the loss is usually for the first three days, so therefore, after the three days he can leave.

3. *Rambam Hilchos Avel* 7:5, *Tur Y.D.* 393, *Shulchan Aruch Y.D.* 393:1.

4. *Y.D.* 393:1.

5. *Shach* 6.

6. *Rosh Moed Kattan* 3:46, *Tur Y.D.* 393, *Beis Yosef* (perhaps opinion of Rambam in *Hilchos Avel* 7:5), *Bach*. Others say it actually means Shabbos, not the entire week (see opinion quoted in *Rosh Maseches Moed Kattan* 3:46). Refer to *Badei Hashulchan Y.D.* 393:14.

7. *Maseches Moed Kattan* 23a.

8. *Tur Y.D.* 393, *Shulchan Aruch Y.D.* 393:1.

for his child. However, he may not go to hear *brachos* at a *chuppah* or a *bris* (where he is not the *mohel*).⁹

Reason

The reason for this restriction is in order that he should not lose focus on the mourning.¹⁰

Lenient View

The *Aruch Hashulchan*¹¹ maintains that although an *avel* may not involve himself with work, strolls, or attending shul with people who will take his mind off the mourning, there is no prohibition per se to leave. Therefore, if there is a need to leave his home, he may do so.¹²

What Is Considered Going Out of His Home

The restriction is limited to public streets. However, the *avel* can walk outside on the porch (even an unenclosed porch)¹³ or in his yard.¹⁴

Motive

An *avel* does not go outside his home for pleasure purposes or for business.¹⁵ However, if it will cause a loss if he does not leave, he may go.¹⁶

Night

Even at night, there is a concern that he will take

9. *Beis Yosef* Y.D. 393, *Bach*, *Shach* Y.D. 393:3.

10. *Terumas Hadeshen* 290, *Aruch Hashulchan* Y.D. 393:2.

11. Y.D. 393:1, 4.

12. See *Mordechai Hilchos Avel* 896.

13. *Shevet Hakehasi* 4:294.

14. *Nishmas Yisrael* 1:page 320.

15. *Rama* Y.D. 393:2.

16. *Rama* Y.D. 393:2. Refer to *Mishneh Halachos* 12:256 about cashing a check during *shivah*.

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his mind off the mourning.¹⁷ Late at night (dependent on community),¹⁸ when no one is around, it is permitted to leave his home if need be.¹⁹

Going to Shul

Some maintain that the *avel* should go to shul even during the week, since it says that anyone who does not attend a shul in his city is a bad neighbor.²⁰ However, others maintain that he can make a *minyan* in his home, and there is no need to go to shul.²¹ This is the custom.²²

The custom is that an *avel* goes to shul on Shabbos.²³

If No *Minyan* at *Beis Avel*

It is difficult to arrange for a *minyan* for Minchah and Ma'ariv during the winter, when many people are still working at the time of sunset.²⁴ May an *avel* go to shul during the week if he cannot get a *minyan* at his home?

An *avel* may stand on the steps of his home to recruit people to *daven* in his home to make a *minyan*.²⁵

Some maintain that even if one cannot get a *minyan* together and he is sitting *shivah* for a parent he may not go

17. Refer to *Avnei Yushpei* 2:82 if sitting in a car is an issue for an *avel* during *shivah*.

18. *Nishmas Yisrael* 1:page 335.

19. *Terumas Hadeshen* 290, *Rama Y.D.* 393:2, *Chachmas Adam* 164:2, *Aruch Hashulchan* 4. See *Teshuvos V'hanhagos* 1:699, *Badei Hashulchan Y.D.* 393:16.

20. *Maseches Brachos* 8a.

21. *Bach*.

22. *Shulchan Aruch Y.D.* 393:2, *Aruch Hashulchan* 4.

23. *Rosh Maseches Moed Kattan* 3:46, *Tur Y.D.* 393, *Bach, Shulchan Aruch* 3, *Rama*. Refer to *Mishneh Halachos* 12:255.

24. This is also common in the summer when one is in a bungalow colony (*Nitei Gavriel, Aveilus* 112:7).

25. *Nishmas Yisrael* 1:page 323.

איך ללמוד להלכה של אמת של הלכה בלבד... (ברכות ה.)

to shul to *daven* with a *minyan* and say Kaddish there,²⁶ while others permit this.²⁷

Some only permit it if the shul is so close that one does not have to pass in the street among people.²⁸

Others say that the custom is if the *avel* cannot get a *minyan* he may go to shul even if it is far away.²⁹ If possible, the *avel* should *daven* in a side area and turn his face to the crowd.³⁰

There is a discussion in the *poskim* if an *avel* during *shivah* can be a *shliach tzibur* when *davening* outside his home.³¹

Tishah B'Av

An *avel* may go to shul on Tishah B'Av since the shul is like a house of mourning for the destruction of the Beis Hamikdash.³²

Selichos

An *avel* does not leave his home for *Selichos* during *shivah*, except for the lengthy *Selichos* recited on Erev Rosh Hashanah.³³ The same applies to Erev Yom Kippur if the custom in that place is to say a lot of *Selichos*.³⁴

26. *Matei Ephraim* on Kaddish 1:8:page 282, *M'Beis Levi* 9:page 51:18. See *Elyah Rabbah* O.C. 132:4, *Pri Megadim Eishel Avraham* O.C. 581:5, *Divrei Nechemiah* 2:26. Refer to *Igros Moshe* Y.D. 3:158:1.

27. *Chachmas Adam Kuntres Matzavas Moshe* 8, *Pischei Tesuvah* Y.D. 393:2, *Pnei Baruch* 21:7:footnote 16, *Gesher Hachaim* 1:21:13:6, *Badei Hashulchan* Y.D. 393:34. Refer to *Sho'alim V'dorshim* 3:51.

28. *Gesher Hachaim* 1:21:13:6.

29. *Pnei Baruch* 21:7:footnote 16.

30. *Nishmas Yisrael* 1:page 322.

31. Refer to *Orchoseicha Lamdeini* 2:93, *Nishmas Yisrael* 1:pages 323, 327, *Teshuvos V'hanhagos* 5:309:13.

32. *Terumas Hadeshen* 290, *Shulchan Aruch* O.C. 559:6, *Magen Avraham* 8, *Mishnah Berurah* 24, *Beis Yosef* Y.D. 393. See *Tosfos Maseches Moed Kattan* 21b "m'kan," Maharsha.

33. *Rama* O.C. 581:1. See *Terumas Hadeshen* 134. See *Nishmas Yisrael* 1:page 329.

34. *Magen Avraham* O.C. 581:5, *Mishnah Berurah* 8.



כל השנה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

Kiddush Levanah

Some permit an *avel* to go out to say *kiddush levanah* only if the time for *kiddush levanah* will pass when he is done with *shivah*.³⁵

Other Mitzvos

An *avel* can only go out to perform mitzvos which could not be performed without him (such as *milah*).³⁶

An *avel* should not go outside with large groups for *birkas hachamah* (*brachah* said on the sun).³⁷

An *avel* should not go with large groups to burn the *chametz* on Erev Pesach.³⁸

Leaving the *Shivah* Home for a Need

Concerning large families, it is very common that there are not enough beds for all the *aveilim*. Can the *aveilim* leave the home at night to go sleep elsewhere? The practice is that one may travel to his home and sleep there.³⁹

If an old person comes to be *menachem avel* and cannot get out of the car, the *avel* can go out of the home to greet him. This is considered an honor for the deceased.⁴⁰

An *avel* is in the house the entire day and may need to air

35. *Mishnah Berurah* O.C. 426:11, *Sha'ar Hatzion* 11, *Aruch Hashulchan* Y.D. 393:13, *Badei Hashulchan* Y.D. 384:26:6. See *Birchei Yosef* Y.D. 393:2. In regard to going to shul to say Hallel see *Divrei Yatziv* Y.D. 241.

36. *Rama* Y.D. 393:3, *Aruch Hashulchan* Y.D. 393:13. Even to be a *sandek* is permitted (*Shach* Y.D. 393:4). This is permitted even the first three days of *shivah* if no one else can do it (*Rama* Y.D. 393:3).

37. *Nishmas Yisrael* 1:page 324.

38. *Nishmas Yisrael* 1:page 325.

39. *Chachmas Adam* 165:11, *Igros Moshe* Y.D. 2:172, *M'Beis Levi* 9:page 51:17, *Divrei Sofrim* 393:18, *Nitei Gavriel*, *Aveilus* 112:13, *Teshuvos V'hanhagos* 1:699, *Avnei Derech* 5:59.

40. *Nishmas Yisrael* 1:page 334.

אין על להקצי"ה בעולמו אלא יז אמות של הלכה בלבד... (ברכות ח)

כל השנה הלכות בכל יום מובטח לישוא בן עולם הנא... (תדה עב)

out his mind at night, when people are out and about. The *avel* may take this stroll.⁴¹

An *avel* may take his wife to the hospital to give birth.⁴²

If an *avel* wishes to be with his family members at night in time of war, he may do so and then return the next morning to the *shivah* house.⁴³

Sitting *Shivah* with Family

If the funeral is in one city and the children live elsewhere, can they travel to sit *shivah* in different locations so that their friends can be *menachem avel*?

Similarly, if someone hears about a loss when he is away from his family, can he return home and sit *shivah* with his family?

Since the prohibition is to ensure that he is not distracted from the mourning, he may go to his family so that he can sit *shivah* together with the other mourners.⁴⁴

In addition, if the children live in a different area than their parents and one of the parents died, they may go to their living parent to sit *shivah* together. Some permit it only after the first three days of *shivah*.⁴⁵

An *avel* should not change his place of *shivah* just to make it more convenient for the consolers. If it is easier for the *avel*, such as he wants to sleep at home, then changing places is permitted,⁴⁶ as mentioned above.

41. *Nishmas Yisrael* 1:pages 337-338.

42. *Igros Moshe Y.D.* 4:45, *Rivevos Ephraim* 4:205:2.

43. *Miyum Hahalachah* 3:17.

44. Opinion brought in *Sha'arei Deah* on *Shulchan Aruch Y.D.* 393, *Pnei Baruch* 21:3:footnote 8.

45. *Nishmas Yisrael* 1:page 331. See *Badei Hashulchan Y.D.* 393 *biurim* page 316.

46. *Emes L'Yaakov Y.D.* 393:footnote 243.

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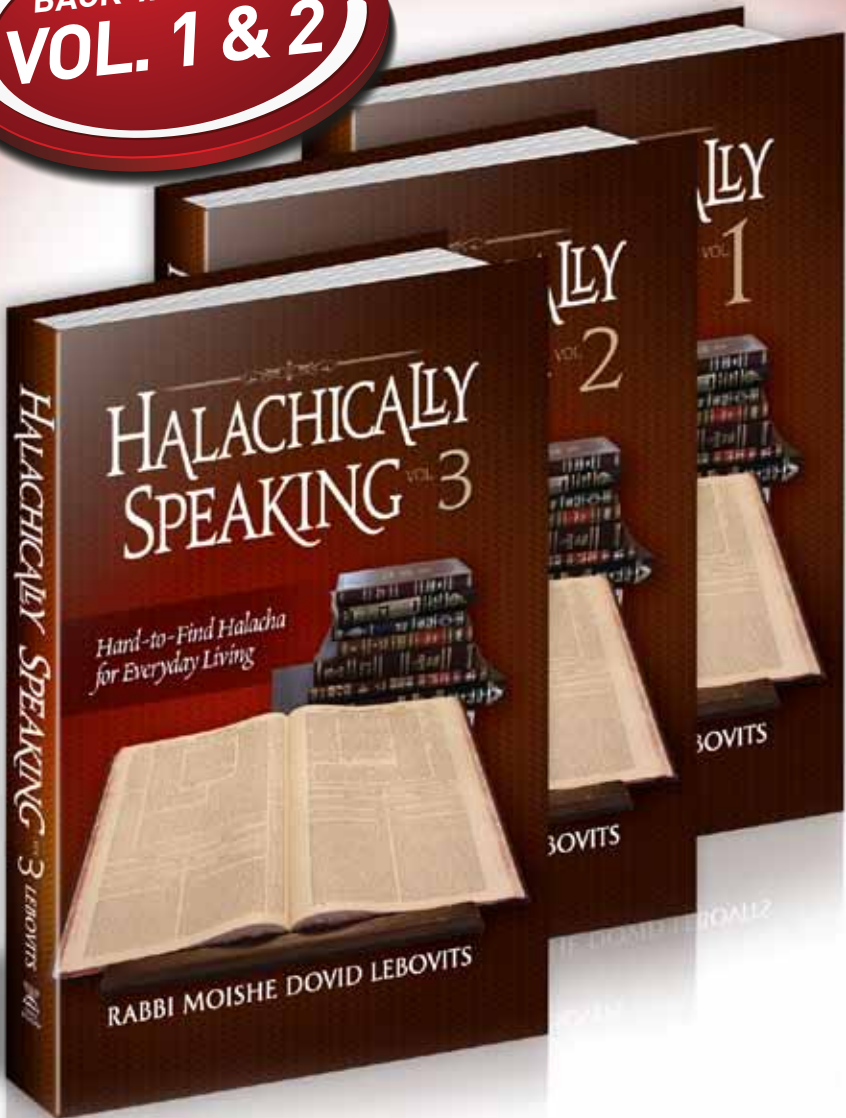
When an *avel* does travel, he must ensure that he stays secluded so that people do not talk to him. For example, he may go in his own car, but public transportation may be more questionable.⁴⁷

אין על להקדיף"ה בעולמו אלא י
אמות של הלכה בלבד.... (ברכות ח')

47. Refer to *Nishmas Yisrael* 1:pages 340-341, *Teshuvos V'hanhagos* 1:699, *Yabea Omer Y.D.* 10:53, *Avnei Derech* 5:59, *Tzitz Eliezer* 7:49:11:6, *Badei Hashulchan Y.D.* 393:16. An *avel* needs to make sure he has a *shomer* going along with him (*Pnei Baruch* 21:4).



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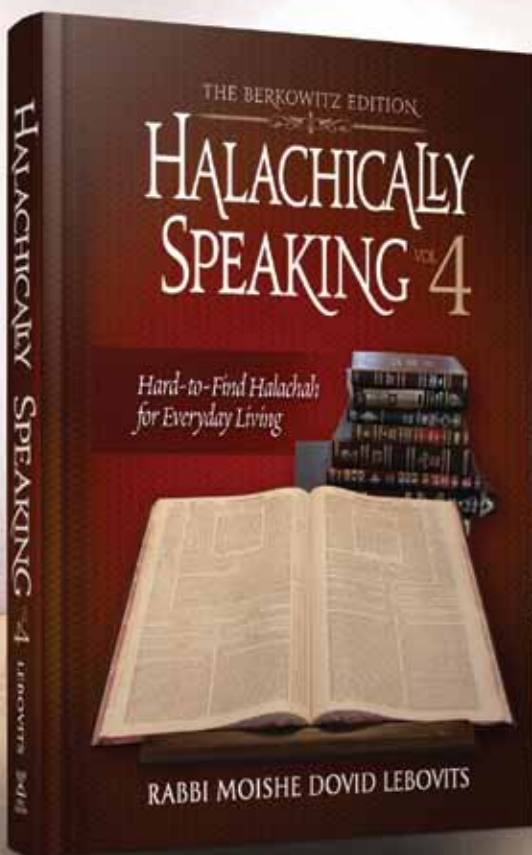


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