

HALACHICALLY SPEAKING

Volume 12 Issue 6



{ TOPIC }

NICHUM AVEILIM

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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, zt"l* on current issues.

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NICHUM AVEILIM

There are many halachic issues that pertain to the mitzvah of being *menachem avel*. Who begins to talk first? What should one talk to the *avel* about? When should one come to be *menachem avel*? Why are the mirrors covered in an *avel's* home? May an item be removed from the *avel's* home? In this issue, we will discuss the *halachos* and customs of an *avel's* home.

Learning *Hilchos Aveilus*

Many people are hesitant to learn *Maseches Moed Kattan* because it talks about *inyanei aveilus*, and they are concerned that this might create an *ayin hara* that would result in some harmful event *R"l*. The *Sefer Chassidim*¹ comments that before learning this *masechta* one should *daven* to Hashem that nothing bad will happen to him. He maintains that *Maseches Moed Kattan* is a *meis mitzvah* since some people don't learn it for fear that something bad will happen, so if one wishes to learn it he is doing a great mitzvah. The *Knesses Hagedolah*² says that there is only a concern if one learns it with a group of people, but learning alone is permitted. This *masechta* is included in the *Daf Yomi* cycle so it would seem that one may learn it. Furthermore, most *Rishonim* have a *pirush* on this *masechta*.³ When one

1. 261:pages 225-226, see *Yosef Ometz* page 270, *Minhag Yisrael Torah Y.D.* 246:29, *Asei Lecha Rav* 8:66, *Be'er Moshe* intro to second volume page 4, *Derech Sichah* 2:page 328. Refer to *Yehuda Ya'aleh* 2:248 on why some do not learn it. Refer to *Kovetz Zera Yaakov* 14:page 190:33-34, page 191:37. The *Yalkut Yosef* intro to volume 7, pages 2-3 says if one is learning *inyanei aveilus* for the needs of the *tzibbur* he has nothing to worry about. (Quoting the opinion of Harav Ben-zion Abba Shaul *zt"l*, see *Zecher L'Avraham* 5760:pages 899-900.)

2. *Y.D.* 245:3.

3. *She'arim Metzuyanim B'halachah* beginning of *Moed Kattan*.



איך ללמוד להלכה בלבד... (ברכות ח)

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (מדה עב)

learns this *masechta* he should not delve into it as deeply as he does with other *masechtos*, but he should learn it quickly.⁴

Even if one would avoid learning *hilchos aveilus*,⁵ there is no need to abstain from learning *hilchos menachem avel*, since they pertain to one coming to console the *aveilim*. If one did not learn these *halachos* then he would not know what to do.⁶

The Mitzvah

There is a big mitzvah⁷ to console someone who lost a relative.⁸ The *pasuk*⁹ says that it is better to go to a *beis avel* than to go to a party. We see that Hashem consoled Yitzchak after Avraham Avinu was *niftar*.¹⁰ Hashem did so to Yaakov after he lost Yitzchak as well.¹¹ Therefore, even a great person should go be *menachem avel* a person of lower stature.¹² (An *avel* does not have to rise in respect for anyone of great stature¹³ because he is immersed in his pain.)¹⁴

4. *Sefer Chassidim* ibid., *Kaf Hachaim* 116:189, *Tov Yehoshua* 2:18:4, *Shemiras Haguf V'hanefesh* 89:1.

5. Refer to *Igros Moshe* Y.D. 4:60:4 which says all have to learn these *halachos*.

6. *Zecher Avraham* 5760:page 894. Refer to *Sheilas Hametzuos* 3:pages 107-108 quoting the opinion of Harav Chaim Kanievsky *shlit"a*.

7. *Kitzur Shulchan Aruch* 207:1.

8. Refer to *Bereishis* 37:34-35, *Shulchan Aruch* Y.D. 376:1. Refer to *Orchos Rabbeinu* 4:page 119:15 where it is stated that the Steipler *zt"l* went to great lengths to be *menachem avel* (and *mevaker choleh*). Refer to *Toras Chaim* page 161:9.

9. *Koheles* 7:2.

10. *Bereishis* 25:11, *Maseches Sotah* 14a, *Darhei Hachaim* 4:1, see *Sifsei Chachamim* "d'ei."

11. *Bereishis* 35:9, *Rashi* "vayivarech," *Michtav M'Eliyahu* 4:page 342.

12. *V'ein Lamo Michshol* 6:pages 299-300. See *Nishmas Yisrael* 1:24:page 481 if one should be *menachem an avel* whom one does not know well.

13. *Maseches Moed Kattan* 27b, *Rama* Y.D. 376:1, *Kitzur Shulchan Aruch* 207:2, *Darhei Hachaim* 4:5. Refer to *Rivevos Ephraim* 7:230 if an *avel* has to get up if a *sefer Torah* passes by.

14. *Levush* Y.D. 376:1.

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There is a discussion in the *poskim* if this is included in the mitzvah of doing kindness *mid'Oraisa*¹⁵ or *mid'Rabbanan*.¹⁶ Some say that one should train a child to go be *menachem avel* as well, although the custom seems to be lenient.¹⁷

The Main Focus of the Mitzvah

When one is *menachem avel*, he should realize that the main focus is to console the mourners from their pain.¹⁸ Some say it is a *tikkun* to the deceased by coming to be *menachem avel*,¹⁹ since the *davening* there brings a pleasant feeling for the deceased.²⁰ The customary phrase is “*HaMakom*”²¹ *yenachem eschem besoch sha'ar aveili Tzion v'Yerushalayim*.²² Some say that the *nusach* of *eschem*

15. *Rabbeinu Yonah Maseches Brachos* 3:page 22, “Mishnah,” *Darchei Hachaim* 4:1:footnote 1. Refer to *Pele Yoetz* “*nechamah*” page 410 (new), *Ahavas Chessed* 3:6:page 282, *Salmas Chaim* 625 (old), *Pirkei D'Rabbi Elazar* 16. Some say included in this is to make sure the mourners have food to eat, etc. (*Teshuvos V'hanhagos* 3:378). Refer to *Nishmas Yisrael* 1:24:page 481.

16. *Rambam Hilchos Avel* 14:1, *Mishnah Berurah* 224:13.

17. *Nitei Gavriel (Aveilus)* 85:15, *Chai Pinchas* page 120, *Nishmas Yisrael* 1:24:page 508.

18. *Ahavas Chessed* 3:6:page 283.

19. *Teshuvos V'hanhagos* 1:691, 2:587.

20. *V'Ein Lamo Michshol* 6:page 306:footnote 14. See *Nishmas Yisrael* 1:24:pages 496-497.

21. Refer to *Rivevos Ephraim* 5:559 why we say “*haMakom*.” Also see *Tzitz Eliezer* 17:7:1.

22. *Prisha* 393:3, *Aruch Hashulchan O.C.* 287:3, *Nitei Gavriel (Aveilus)* 90:1, *Chuko Mamtakim* 1:page 24. Refer to *Orchos Rabbeinu* 4:page 116:1 quoting this as the custom of the Steipler *zt”l*. Some say “*lo sosifu l'da'avah od*” (*Teshuvos V'hanhagos* 4:274:9:7 says this is the custom of Yerushalayim). Refer to *Nishmas Yisrael* 1:24:pages 494-495, *Tziyanei Halachah* pages 302-303. See *Teshuvos V'hanhagos* 3:378, 5:309:18 on this phrase.

איך ללמוד ולהתפלל על האבן האבן... (ברכות ח)

(*lashon rabim*) is said even when being *menachem one avel*.²³ Some say that the *aveilim* answer amen after the *brachah*.²⁴

Some explain the *nusach* as follows: When one consoles an *avel*, he does not know if it will be effective. However, we know that Hashem always takes care of the good of the *tzibbur*, and any *nechamah* which includes the *tzibbur* will be accepted. Therefore, we add Yerushalayim to the *nechamah*, which is a consolation for the *tzibbur*.²⁵

Although one can be *yotzei* the mitzvah with this one phrase, it is better to actually engage the mourner in conversation and ease his pain (see below).²⁶

Nichum Aveilim or Bikur Cholim?

Nichum aveilim is kindness for both the living and the one who was *niftar*.²⁷ Therefore, the mitzvah of *nichum aveilim* has precedence over the mitzvah of *bikur cholim*.²⁸

23. Opinion of Harav Elyashiv *zt"l* quoted in *Halichos Bein Adam L'chaveiro* 27:footnote 47, *Tziyanei Halachah* pages 313-314. The *Gesher Hachaim* 20:5:8 says one should say "*oscha*" when going to be *menachem avel* one person. Some are unsure about this (*Chai Pinchas* page 116, see *Nishmas Yisrael* 1:24:page 489, *Nitei Gavriel Aveilus* 90:1).

24. *Pnei Baruch* 11:footnote 9, *Teshuvos V'hanhagos* 1:691, 3:377, 4:274:9:9, 5:309:19, *Nitei Gavriel (Aveilus)* 90:2, *Chuko Mantakim* 1:page 24 quoting the opinion of Harav Shlomo Zalman Auerbach *zt"l*, *V'zos Habrachah* page 188, see *Halichos Chaim* 2:page 150:312 and *Ashrei Ha'ish Y.D.* 2:page 305:27 who argue. See *Tziyanei Halachah* pages 301-302.

25. As explained by Harav Yaakov Kamenetsky *zt"l* in *B'mechitzas Rabbeinu* page 185. Refer to *Teshuvos V'hanhagos* 3:378 for an explanation of these words.

26. *Ahavas Chessed* 3:6:page 283. See *Igros Moshe O.C.* 5:20:21, *Nishmas Yisrael* 1:24:pages 496-499.

27. *Rambam Hilchos Avel* 14:7, *Rama Y.D.* 335:10, *Shach* 11, *Kitzur Shulchan Aruch* 207:1, *Asei Lecha Rav* 2:page 52.

28. *Rambam* *ibid*. Refer to *Nechamas Sara* 8:page 252 if one should leave his learning to be *menachem avel*. Refer to *Tzitz Eliezer* 5 *Ramas Rochel* 19 when *bikur cholim* is before *nichum aveilim*. Refer to *Teshuvos V'hanhagos* 5:309:11 which discusses if it is correct to publicize in the newspapers where a person is sitting *shivah* in order for more people to come.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עני)

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Where to Sit – Where to Visit the *Aveilim*

Some say that the *aveilim* should sit where the *niftar* died,²⁹ while others argue that this is only important when there is no *avel*, and a group *davens* in the *niftar's* home out of honor for the *niftar*. However, if *aveilim* are sitting *shivah*, that itself is an honor for the *niftar*. Therefore, the custom is that the *aveilim* sit wherever they find it convenient. They may even sit in different homes.³⁰ However, most maintain that the *aveilim* should sit where the *niftar* lived.

Sitting or Standing

According to the letter of the law, the ones who come to console the mourners should sit on the floor (if the mourners are sitting on the floor).³¹ One must feel the pain of the mourners,³² and this cannot be accomplished while standing.³³ However, mourners do not sit on the floor today,³⁴ so they are *mochel* and allow the visitors to sit on a chair.³⁵

Some say that one should sit when being *menachem avel*.³⁶ Others are lenient and allow standing,³⁷ particularly if there

29. *Aruch Hashulchan* 376:7, *Darchoi Hachaim* 4:8. Refer to *Rama Y.D.* 376:3, 384:3.

30. *Avnei Yushpei* 2:82, 6:142:6.

31. *Rosh Maseches Moed Kattan* 3:98, *Rambam Hilchos Avel* 13:3, *Shulchan Aruch Y.D.* 387:1, *Taz* 1, *Leket Yosher* page 91, *Levush* 1, *Aruch Hashulchan Y.D.* 376:2, *Moadim U'zmanim* 5:341.

32. *Levush Y.D.* 387:1.

33. *Nechamas Sara* 8:page 252.

34. *Moadim U'zmanim* 5:341.

35. *Shach Y.D.* 387:2, *Leket Yosher* page 91, *Darchoi Hachaim* 4:3, *Moadim U'zmanim* 5:341, *Nechamas Sara* 8:page 252, *Chai Pinchas* page 114:24. See *Divrei Malkiel* 2:92, *Teshuvos V'hanhagos* 5:309, *Nishmas Yisrael* 1:24:pages 483-484.

36. *Derech Sichah* 1:page 125, *B'mechitzas Rabbeinu* page 189.

37. *Orchos Rabbeinu* 4:page 117:5.

is no room to sit.³⁸ Some say that the phrase of *haMakom* need not be said while sitting.³⁹

Whom to Be *Menachem*

One should not be *menachem* if he is not on good terms with the mourner, since it will cause additional pain.⁴⁰

A man may comfort a woman and vice versa.⁴¹ When visiting a woman, one should be careful to avoid any questions of *yichud*.⁴² Some say he should stand outside of the room and say the *nusach*⁴³ to the woman.⁴⁴

It is preferable that men and women who are mourning the loss of a relative should not sit in the same room since there will be a lack of *tznius* when people come to be *menachem avel*.⁴⁵

Some say that there is a mitzvah for the *aveilim* to be *menachem* each other as well.⁴⁶

One should console a non-Jew who lost a relative if avoiding it would result in friction.⁴⁷

38. *Nechamas Sara* 8:page 252.

39. *Igros Moshe* O.C. 5:20:21, *Divrei Chachamim* page 227:133:footnote 133 quoting this from many *gedolim*. See *She'eilas Rav* 2:1:24:20. Refer to *Nishmas Yisrael* 1:24:page 483.

40. *Rama Y.D.* 335:2, *Shach* 2, *Chai Pinchas* page 120.

41. *Chelkas Yaakov Y.D.* 223, *Gesher Hachaim* 20:5:1, *Badei Hashulchan* 376:1, *Nishmas Yisrael* 1:24:pages 491-492, *She'arim Metzuyanim B'halachah* 207:1, *Be'er Moshe* 2:107. Some refrained from doing so (*Orchos Rabbeinu* 1:page 313:31).

42. *She'arim Metzuyanim B'halachah* 207:1.

43. Without any other talking [if it is not a relative] (*Teshuvos V'hanhagos* 2:590).

44. *Orchos Rabbeinu* 4:page 117:6, see *ibid.* 7, *Masei Ish* 5:page 22, *Teshuvos V'hanhagos* 4:274:9:5, *Yalkut Yosef Bikur Cholim V'aveilus* page 432:7.

45. *Be'er Moshe* 2:107, *Chai Pinchas* page 116, *Nitei Gavriel (Aveilus)* 85:7. Refer to *Nishmas Yisrael* 1:24:page 492.

46. *Darchei Hachaim hashmatos* to 4:1, *Teshuvos V'hanhagos* 1:691, *Sha'arei Halachah U'minrag* Y.D. pages 367. Refer to *Chai Pinchas* page 119 which argues.

47. *Rashba Maseches Gittin* 61a "hu," *Meishiv K'halachah* Y.D. 9.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

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On the Telephone / Letter

A phone call can console the mourner, but will not create a pleasant experience for the deceased.⁴⁸ Therefore, it is best to visit in person. If it is not possible, one may communicate by telephone⁴⁹ letter,⁵⁰ or fax.⁵¹

Talking to the Mourner

When going to be *menachem avel*, the mourner has to start the conversation before one talks to him.⁵² Some explain that one is supposed to say that Hashem's judgment was fair, and the *avel* is supposed to say it first.⁵³ Others say that it is the mourner's way of showing that he is ready to be consoled.⁵⁴ One can say, "Hashem should console you," before the mourners begin to talk.⁵⁵ Some permit the visitors to initiate the conversation if the mourner signals that he is ready to talk.⁵⁶

48. *Igros Moshe O.C.* 4:40:11, *Orchos Rabbeinu* 4:pages 118-119:13, *V'ein Lamo Michshol* 6:pages 306-307. Refer to *Chai Pinchas* page 116, *Aleinu L'shabei'ach* 5:page 692, *Ashrei Ha'ish Y.D.* 2:page 305:26, *Nishmas Yisrael* 1:24:pages 487-489.

49. *Igros Moshe O.C.* 4:40:11, *Be'er Moshe* 2:104, *Electric* 7:33, *Rivevos Ephraim* 3:610, *Teshuvos V'hanhagos* 2:587, *Yechaveh Da'as* 3:83, *Yabia Omer Y.D.* 10:48, *Minchas Yitzchak* 2:84, *Derech Sichah* pages 125-126 quoting the opinion of Harav Elyashiv *zt"l*, *Badei Hashulchan* 376:6, *Yalkut Yosef Bikur Cholim V'aveilus* pages 434-435, *Tziyanei Halachah* page 313. There is no problem with an *avel* talking on the telephone (*Rivevos Ephraim* 3:377, *Igros Moshe* *ibid.*). Refer to *She'arim Metzuyanim B'halachah kuntres acharon* 207:4:page 413.

50. *Sha'arei Halachah U'minhag* 3:page 367, *Nishmas Yisrael* 1:24:page 488, *Orchos Rabbeinu* 1:page 317, 4:pages 119-120:16, *Teshuvos V'hanhagos* 2:587.

51. *Nitei Gavriel (Aveilus)* 85:11.

52. *Maseches Moed Kattan* 28b, *Rambam Hilchos Avel* 13:3, *Beis Yosef Y.D.* 376, *Shulchan Aruch Y.D.* 376:1, *Leket Yosher Y.D.* page 91, *Kitzur Shulchan Aruch* 207:1, *Aruch Hashulchan* 1. There is no need for the mourners to start talking about the deceased first (*Chai Pinchas* page 118). See *Tziyanei Halachah* page 297.

53. *Aruch Hashulchan Y.D.* 376:1.

54. *Levush* 376:1, *Nechamas Sara* page 250.

55. *Igros Moshe O.C.* 5:20:21.

56. *Chuko Mamtakim* 1:page 23.

כל השומה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

In addition, asking about the deceased's life and manners is permitted even before the mourners begin talking.⁵⁷ An *avel* who took the phone to speak with someone is considered as if the *avel* began talking.⁵⁸

Many people ignore this rule. Some explain that in times past, some mourners did not talk at all,⁵⁹ so it was necessary to wait for him to initiate the conversation. Today the mourners talk, so one may begin talking even if the mourner is quiet.⁶⁰ Others say that as long as the mourner began to talk to someone in the beginning of the day, anyone who comes afterwards can begin talking before the mourner starts talking to him.⁶¹

If the mourner does not begin talking one is allowed to open his remarks before the mourner does.⁶² Furthermore, it can happen that the mourner does not know he is supposed to start, in which case the visitors may initiate the conversation.⁶³ Finally, some say that if one merely says, "*haMakom* etc." it is not considered talking.⁶⁴

What to Discuss with the Mourners

As mentioned above, many people who come to be *menachem avel* simply say "*haMakom* etc." It is questionable

57. *Chai Pinchas* page 118.

58. *Chai Pinchas* page 119.

59. Refer to *Rambam Hilchos Avel* 5:20, see *Brachos* 6b, *Maharsha Maseches Brachos* ibid.

60. *Teshuvos V'hanhagos* 3:376, see *Divrei Chachamim* page 230:140.

61. Opinion of the author of the *Tzitz Eliezer* quoted in *Pnei Baruch* page 472. This was printed later on in *Tzitz Eliezer* 17:45:4. See *Masei Ish* 5:page 108, *Ve'aleihu Lo Yeibol* Y.D. 2:page 147:169, *Ziyanei Halachah* page 297, *Badei Hashulchan* 376:5.

62. *Chuko Mamtakim* 1:page 24, *Teshuvos V'hanhagos* 3:376, 4:274:6. Refer to *Orchos Rabbeinu* 4:page 117:4 quoting the opinion of the *Chazon Ish* *zt"l*.

63. *Chai Pinchas* page 118.

64. *Nechamas Sara* ibid., *Chai Pinchas* page 118, *Chuko Mamtakim* 1:page 24, *Nishmas Yisrael* 1:24:page 501. Refer to *Prisha* Y.D. 393:3.

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whether this satisfies the purpose of *nichum aveilim*; however, many feel this is sufficient.⁶⁵ There are many proofs from the Gemara⁶⁶ and other *sefarim*⁶⁷ that the main goal is to say words of *nechamah* (words which console the mourner).⁶⁸ For example, one should talk about the kindness and goodness of the deceased.⁶⁹ Some say that one should mention that the *niftar* merited being near the *tzaddikim*.⁷⁰

One may not tell the mourners, “What can we do,” or, “You can deal with it.”⁷¹ Use your intelligence when talking to mourners.⁷² It is worthwhile to prepare your words before you go to be *menachem avel*.

Sometimes, the very fact that someone came to the mourner’s home is a *nechamah* for the mourner, since it shows honor for the mourner.⁷³ In such situations, one has fulfilled the mitzvah of *nichum aveilim* without saying a word.⁷⁴ Nonetheless, the main point of *nichum aveilim* is that one should strive to say words of *nechamah* to the *avel*, and a small part of the mitzvah is fulfilled by just saying “*haMakom*.”⁷⁵ Some maintain that irrelevant topics such as politics should be avoided, since they do not help console

65. Refer to *Ahavas Chessed* 3:5, *Igros Moshe* O.C. 5:20:21.

66. Refer to *Maseches Moed Kattan* 27b, 28b, *Kesubos* 8b, *Rashi* in *Sanhedrin* 113a “*bi tama*.” Refer to *Nechamas Sara* 7:pages 246-248.

67. Refer to *Ohr Hachaim* on *Bereishis* 37:35.

68. Refer to *Pele Yoetz* “*nechamah*” pages 410-411, see *Chai Pinchas* page 117.

69. *Teshuvos V’hanhagos* 4:274:9:1

70. *Kli Yakar Bereishis* 37:35. Refer to *Chuko Mamtakim* 1:page 28.

71. Refer to *Rama Y.D.* 376:2.

72. *V’ein Lamo Michshol* 5:page 166:1.

73. *Nechamas Sara* 7:page 248, see *Levush* 376:1.

74. *Darchoi Moshe* 375:4, *Nechamas Sara* *ibid*.

75. *Nechamas Sara* *ibid*:page 250.

אין לל להקדיף ה בעולמו אלא י אמות של הלה בלבד (ברכות ט)

the mourner.⁷⁶ If these discussions relieve the pain of the mourner, they are permitted.⁷⁷

Those who come to *daven* at the *beis avel*, then say “*haMakom*,” and leave right away, have lost the main focus of *nichum aveilim*.⁷⁸

Saying *Shalom* to an *Avel*

An *avel* should not be greeted with *shalom* or *shalom aleichem*,⁷⁹ and he should not greet others in this fashion.⁸⁰ The reason is that the *avel* is not at peace with himself.⁸¹ The people who are *menachem avel* should not greet each other with *shalom* either.⁸²

Saying Hello / Good Morning / Good Evening / Mazel Tov

There are some who permit saying hello, good morning⁸³ or good evening to an *avel*. According to them, this is not like saying *shalom*, while others disagree.⁸⁴ One may say mazel tov to a mourner.⁸⁵

76. *Teshuvos V'hanhagos* 1:691, 3:376 4:274:9:1. Refer to *Rivevos Ephraim* 3:377, *Nishmas Yisrael* 1:24:pages 506-507.

77. Refer to *Chai Pinchas* page 119.

78. *V'ein Lamo Michshol* 6:pages 305-306.

79. *Leket Yosher O.C.* page 110, *Be'er Moshe* 4:106, *Yaskil Avdi Y.D.* 6:25. Refer to *Maseches Moed Kattan* 15a, *Rambam Hilchos Avel* 5:20, *Shulchan Aruch Y.D.* 385:1.

80. *Aruch Hashulchan Y.D.* 385:4.

81. *Aruch Hashulchan Y.D.* 385:1. Refer to *Levush Y.D.* 385:1.

82. *Aruch Hashulchan Y.D.* 385:4.

83. Refer to *Salmas Chaim* 621 which is stringent. In addition, the *B'tzel Hachachmah* 5:72 is stringent. Refer to *B'tzel Hachachmah* 5:70.

84. *Leket Yosher O.C.* page 110, *Be'er Moshe* 4:106, *Yaskil Avdi Y.D.* 6:25.

85. *Salmas Chaim* 622 (old), *Sridei Eish* 2:111. See *Teshuvos V'hanhagos* 5:309:31 about saying good Shabbos to an *avel*.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

Being *Menachem* Many Mourners

One can be *menachem* many mourners who are sitting in one house, and there is no need to be *menachem* each one separately.⁸⁶ In addition, the accepted *nusach* of “*haMakom*” can be said to many *aveilim* at one time.⁸⁷

Coming More Than Once

Some say that there is no need to visit the *avel* more than once,⁸⁸ while others say that one should go all seven days of the *shivah* to be *menachem avel*.⁸⁹ The accepted custom is to go once, but if one has other words of *nechamah* which would console mourners then there is a mitzvah to visit again.⁹⁰

Chassan / *Kallah*

Some say that a *chassan* and *kallah* should not be *menachem avel* during the days of *sheva brachos*, even if the mourner is a relative.⁹¹ Others permit this from the second day of *sheva brachos* and on.⁹²

Many at One Time

Some say that it is better for a large group of people to come at one time than one at a time, since it brings more *nechamah* to the mourners.⁹³

86. *Chai Pinchas* page 118.

87. *Teshuvos V'hanhagos* 5:309:26, *Nitei Gavriel (Aveilus)* 90:3:footnote 6.

88. *Rivevos Ephraim* 8:105:3.

89. *Darchei Hachaim* 4:2:footnote 2.

90. *Nechamas Sara* 8:pages 252-253. See *Ashrei Ha'ish Y.D.* 2:page 304:21, *Nishmas Yisrael* 1:24:page 485, *Yalkut Yosef Bikur Cholim V'aveilus* page 435:10.

91. *Gesher Hachaim* 20:5:6, *Chai Pinchas* page 116.

92. *B'tzel Hachachmah* 2:44 in great depth.

93. *V'ein Lamo Michshol* 6:page 305. Refer to *Maseches Moed Kattan* 21b.

איך ללמוד להקדיש את ה"שבעה ברכות" בעולמו אלא י
אמרת של הלכה בלבד... (ברכות ח')

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כל השונה הלכות בכל יום מובטח לו שהוא בן עולם הנא... (תדה עב)

When to Leave

In the days of the Gemara,⁹⁴ the *avel* would nod his head to indicate that he wanted the visitors to leave.⁹⁵ This is not practiced today. Instead, one should be sensitive to the *avel's* nonverbal cues, and understand when it is time to leave.⁹⁶ This is also comforting to the mourners, since they can be alone when they want privacy.⁹⁷

When to Be *Menachem Avel*

First Three Days

The first three days⁹⁸ of mourning⁹⁹ are set aside for crying.¹⁰⁰ Therefore, some say that one should not be *menachem avel* during that time, since the face of the *niftar* is still fresh in the mourner's mind and he will not be consoled.¹⁰¹ Others explain that a visit might cause the *avel* to feel an obligation to talk, even if he is not up to it.¹⁰² However, if one is going just to say "*haMakom*" it is permitted.¹⁰³ Those who *daven* at the *beis avel* may certainly

94. *Maseches Moed Kattan* 27b.

95. *Rambam Hilchos Avel* 13:3, *Tur Y.D.* 376, *Beis Yosef, Shulchan Aruch* 376:1, *Levush* 1. Refer to *Kitzur Shulchan Aruch* 207:1.

96. *Aruch Hashulchan Y.D.* 376:3, *Gesher Hachaim* 20:5:7.

97. *Levush Y.D.* 376:1.

98. Refer to *Rama Y.D.* 393:1. See *Tziyanei Halachah* page 303.

99. Some say this starts from the day of death as opposed to the day of *shivah* (refer to *She'arim Metzuyanim B'halachah* 207:1).

100. *Pele Yoetz* "*bechiya*" pages 38-39.

101. *Darchei Hachaim hashmatos* to 4:1, *Da'as Torah Y.D.* 376:1, *Gesher Hachaim* 20:5:5, *Teshuvos V'hanhagos* 3:377. Refer to *Midrash Rabbah Vayikra* 18:1, *Ginzei Yosef* 74:2:page 177, *Sha'arei Halachah U'minhag Y.D.* pages 365-366, *Magen Shaul* 69, *Cheshev Ha'efod* 3:98.

102. *Gesher Hachaim* 20:footnote 8.

103. *Teshuvos V'hanhagos* 4:274:9:2:footnote 2. See *Yalkut Yosef Bikur Cholim V'aveilus* page 431:5.

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do so during the first three days.¹⁰⁴ If one will not be able to visit later in the week, then he may go during the first three days.¹⁰⁵

Some prove this rule from the fact that the *shevatim* came to be *menachem avel* Yaakov after many days.¹⁰⁶ Since “days” means two, “many days” means three. However, others dispute this proof.¹⁰⁷

Others say that one should certainly visit during the first three days since the mourners are often sitting alone and it is a great mitzvah to console them at this time.¹⁰⁸ Harav Yaakov Kamenetsky *zt”l* said that custom in Lita was to be *menachem avel* during the first three days.¹⁰⁹ This is the custom of many other *gedolim* as well.¹¹⁰

At Night

There is no reason to refrain from going to be *menachem*

104. *Nitei Gavriel (Aveilus)* 86:2:footnote 7.

105. *Gesher Hachaim* 20:5:5, *Chai Pinchas* page 119. Refer to *ibid.* which is unsure if the three days start from the day of death or from the days of *shivah*.

106. *Bereishis* 37:35.

107. *Emes L'Yaakov Y.D.* 376:footnote 223.

108. *Habayis Hayehudi* 3:page 264, *Chuko Mamtakim* 1:page 22. Refer to *Be'er Sarim* 3:75, *Nishmas Yisrael* 1:24:pages 504-505.

109. *Ibid.*

110. Refer to *Yalkut Avraham hashmatos* to *Y.D.* 376, *Orchos Rabbeinu* 1:page 313:30, 4:page 116:1 quoting this as the custom of the Steipler *zt”l*, and page 117:4 quoting the custom of the Chazon Ish *zt”l*, *Chuko Mamtakim* 1:pages 21-22 quoting the opinion of Harav Shlomo Zalman Auerbach *zt”l*, see *ibid*:footnote 21 quoting the opinion of Harav Zilber *zt”l*, *Nitei Gavriel (Aveilus)* 86:footnote 2, *Dinim V'hanhagos* of the Chazon Ish 4:24. Refer to *Rambam Hilchos Avel* 13:2.

איזן לל להקצי"ה בעולמו אלז יז אמות של הלכה בלביד... (ברכות ח)



avel at night.¹¹¹ However, it goes beyond saying that one should not visit too late at night.¹¹²

Shabbos / Yom Tov

According to the letter of the law, *nichum aveilim* is permitted on Shabbos.¹¹³ Nevertheless, the custom among Ashkenazim is to refrain from visiting.¹¹⁴ The custom is not to be *menachem avel* on Yom Tov.¹¹⁵ Nonetheless, if one knows that his visit will give comfort to the mourner, then it is a mitzvah to be *menachem avel* on Shabbos and Yom Tov.¹¹⁶

Chol Hamoed

Some have the custom to be *menachem avel* on Chol Hamoed.¹¹⁷

Tishah B'Av

One should not be *menachem avel* until after *chatzos* on

111. *Kol Bo (Aveilus)* page 297, *Ginzei Yosef* 74:page 177:2, *Badei Hashulchan* 376:1, *Gesher Hachaim* 20:5:4, *Yabia Omer Y.D.* 10:48, *Chai Pinchas* page 119. Refer to *V'yalkut Yosef* year 12:181 which brings a reason not to go be *menachem avel* at night. See *Afrakisisa D'anya* 4:372:3.

112. *Nitei Gavriel (Aveilus)* 86:8, *Chuko Mantakim* 1:page 27, *Halichos Bein Adam Lchaveiro* 27:7, *Nishmas Yisrael* 1:24:page 505.

113. *Maseches Shabbos* 12a, *Shulchan Aruch O.C.* 287:1, *Tur Y.D.* 393, *Kaf Hachaim O.C.* 287:4, *Orchos Rabbeinu* 4:page 118:12, *Nishmas Shabbos* 2:376. Refer to *B'tzel Hachachmah* 2:44:6. See *Kovetz Bais Aharon V'Yisrael* 84:pages 146-147.

114. *Mishnah Berurah O.C.* 287:1, *Nemukei Orach Chaim O.C.* 287:1, *Gesher Hachaim* 20:2, *Aruch Hashulchan O.C.* 287: 3, *Y.D.* 393:10, *Nishmas Yisrael* 1:24:pages 490-491, *Chai Pinchas* page 116, *B'tzel Hachachmah* 2:44:7, *Tziyanei Halachah* page 304.

115. *Darchoi Hachaim* 4:14.

116. *Sha'arei Teshuvah O.C.* 287, *Biur Halachah O.C.* 287 "v'chein." In regard to which *nusach* to say, see *Mishnah Berurah* *ibid*:3. See *Aruch Hashulchan O.C.* 287:3.

117. Refer to *Maseches Sukkah* 41b, *Orchos Rabbeinu* 4:page 118:11. Refer to *Rivevos Ephraim* 4:153:7, 6:274. Others say the custom is not to be *menachem avel* on Chol Hamoed (*Tziyanei Halachah* page 306, see *Igros Moshe Y.D.* 2:172).

כל השנה הלכות בכל יום מובטח להשתדל לו עולם הבא... (גדה עב)

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Tishah B'Av. It is permitted to say “*haMakom*” even before *chatzos*.¹¹⁸

Some Customs at a *Beis Avel*

Covering Mirrors

The custom is to cover the mirrors in a *beis avel*¹¹⁹ even if the *niftar* did not die there.¹²⁰ There are a number of details regarding this custom, as discussed below.

Many reasons are given for this custom.¹²¹ Some say that looking in a mirror causes joy, and this is not a time for joy.¹²² During the mourning period, one should be concentrating on the end of life and not on his appearance. Therefore, the mirrors are covered.¹²³

Others offer a different reason: It is prohibited to *daven* opposite a mirror,¹²⁴ as it is difficult to concentrate, and it looks like one is bowing to his reflection.¹²⁵ Since *davening* takes place in the mourner's home, the custom is to cover the mirrors.¹²⁶

118. *Igros Moshe* O.C. 5:20:22.

119. *Shemiras Shabbos K'hilchusah* 65:8. Refer to *Shemiras Haguf V'hanefesh* 202:2. Some say it is because of *ruach ra'ah* which is present in a *beis avel* (*Ginzei Yosef* page 330).

120. *Darchei Hachaim* 32:5.

121. Refer to *Kol Bo (Aveilus)* page 262:11. Some say to turn over the mirrors (*V'yalkut Yosef* 14:110:page 42).

122. *Ibid.*, see *Yabia Omer* Y.D. 4:35:3.

123. *Teshuvos V'hanhagos* 2:585, see *Asifos Gershon* page 7-8 because of *davening* there. Refer to *Ta'amei Haminhagim* page 435 in the footnote.

124. *Radvaz* 106, *Be'er Heitiv* 90:30, *Mishnah Berurah* 70. The *Yabia Omer* Y.D. 4:35:3 says since *davening* takes place in a *beis avel* the mirrors are covered. If no *davening* takes place then one would not have to cover the mirrors (*ibid.*). See *Miyum Hahalachah* 2:31.

125. *Mishnah Berurah* 71, *Aruch Hashulchan* 28.

126. *Kol Bo* *ibid.*, *Chelek Levi* Y.D. 132:page 123, *Yabia Omer* 4:Y.D. 35:3, *Shevet Hakehasi* 6:401.

איז ער להקטף'ה בעולמו אלץ יי אמות של הלכה בלילי... (ברכות ח')

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

The rule used to be that the beds should be turned over. This indicated that the man must separate from his wife while he is an *avel*. Today, we cover the mirrors instead. Logically, it should be necessary to turn over the mirrors, and covering them would not suffice. Nonetheless, the custom is to cover them.¹²⁷

There is no need to cover the mirrors on Shabbos.¹²⁸

The mirrors in a breakfront do not have to be covered.¹²⁹ There is no need to cover the mirrors in a room that the *avel* will not be using.¹³⁰

It is questionable whether a mourner has to cover the mirrors in his own home if he is not sitting *shivah* there.¹³¹

Taking from a *Beis Avel*

Many have the custom not to remove anything from a *beis avel* until after the *shivah*, because of the *ruach ra'ah* that is present.¹³² Even items borrowed by the *avel*, like *sefarim*, remain until after *shivah*.¹³³ Some say that there is no *issur* involved in removing food,¹³⁴ while others say that the whole concern is taking from the room where the *niftar* died.¹³⁵ Others only prohibit actually taking the food from

127. *Yabia Omer Y.D.* 4:35:3.

128. *Shevet Hakehasi* 6:401.

129. *Chai Pinchas* page 56.

130. *Pnei Baruch* page 501, *Ashrei Ha'ish Y.D.* 2:page 303:18.

131. *Ibid.*

132. *Rav Akiva Eiger Y.D.* 376, *Beis Lechem Yehuda Y.D.* 376, *Elyah Rabbah* 224:7, *Darhei Hachaim* 32:4, *Aruch Hashulchan* 11, *Kaf Hachaim O.C.* 224:46, *Yabia Omer Y.D.* 4:35:4, *Geshar Hachaim* 20:12, *Mishneh Halachos* 7:206.

133. *B'mechitzas Rabbeinu* page 189.

134. *Yabia Omer Y.D.* 4:35:4, *Halichos Chaim* 2:page 149:310.

135. *Misgeres Hashulchan Y.D.* 376:page 177b, *Darhei Hachaim* 32:4, *Chai Pinchas* page 57.

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the hands of the mourners,¹³⁶ but anything that is not taken from their hands is permitted.¹³⁷ Furthermore, some say if it is something which is not meant for the *avel* to use one should not take it, but if it is money or something else which is meant to take out it is permitted.¹³⁸ For example, food which is made for others to have enjoyment from is not a problem of removing from a *beis avel*.¹³⁹ Even according to the stringent view, one who lives in the home may remove food.¹⁴⁰ Some say that this custom has no basis whatsoever, and there are no restrictions at all.¹⁴¹

The Steipler *zt"l* refused to use a chair which was taken out of a *beis avel*, even though it was brought out for him to rest on the landing.¹⁴²

There is a custom to give cake and *shnapps* after Shacharis in a *beis avel*. One may partake of these refreshments even if he holds of the strict opinion.¹⁴³

If there is so much food that people brought to the home and it will be thrown out one may partake in the food.¹⁴⁴

If one's father is sitting *shivah* and one's mother has food in the freezer for Shabbos and wishes to give it to her son or daughter and their family for Shabbos the food may be taken out of the home.

136. Refer to *Chai Pinchas* page 57.

137. *Chuko Mamtakim* 1:page 20:footnote 15.

138. Ibid.

139. *Chai Pinchas* page 57.

140. *Rivevos Ephraim* 8:406:3.

141. *Yosef Ometz* page 330, *Chaim B'yad Y.D.* 125:15.

142. *Orchos Rabbeinu* 4:page 118:8. For this reason the Steipler *zt"l* did not want to bring his cane when he went to be *menachem avel* (*Orchos Rabbeinu* 4:page 118:9).

143. Refer to *Chai Pinchas* page 57.

144. *Halichos Chaim* 2:page 149:footnote 270.

איזן ער להקב"ה בעולמו אלא די אמות של הלכה בלביד... (ברכות ח')

L'ma'aseh, one need not be *makpid* on this, but he may if he wishes to.¹⁴⁵

Covering Pictures

Some have the custom to cover pictures in the *shivah* home.¹⁴⁶

Offering a Hand to an *Avel*

Some say that one should not offer his hand to an *avel* or to someone else at a *beis avel* because of *loeg l'rosh* (making the *avel* jealous that he cannot be so friendly since he cannot say *shalom*).¹⁴⁷ Others only restrict this to the *avel*, but permit a handshake with other visitors. Still others permit even shaking the hand of an *avel* and saying *shalom*.¹⁴⁸ However, the custom in any case is to be stringent.¹⁴⁹

Giving *Tzedakah*

It is customary to give *tzedakah* at a *beis avel* in memory of the *niftar*.¹⁵⁰ This is true even if the house where the *aveilim* are sitting is not the house where the *niftar* died.¹⁵¹

Bringing Food to a *Beis Avel*

During the *shivah* many people bring food to the *beis avel*. Is this practice permitted?

145. *Yabia Omer Y.D.* 4:35:4.

146. *Pnei Baruch* 10:4, *Chai Pinchas* page 56.

147. *Rivevos Ephraim* 3:375, 5:557:1, 7:401, *Be'er Moshe* 4:107.

148. *Har Tzvi Y.D.* 290, *Yaskil Avdi Y.D.* 6:25:5, *Sridei Eish* 2:111, *Yabia Omer Y.D.* 4:35:10.

149. *Chai Pinchas* page 60. Refer to *Yaskil Avdi Y.D.* 6:25:5, *Sridei Eish* 2:111 which are lenient.

150. *Torah Lishmah* 516.

151. *Chai Pinchas* page 58.

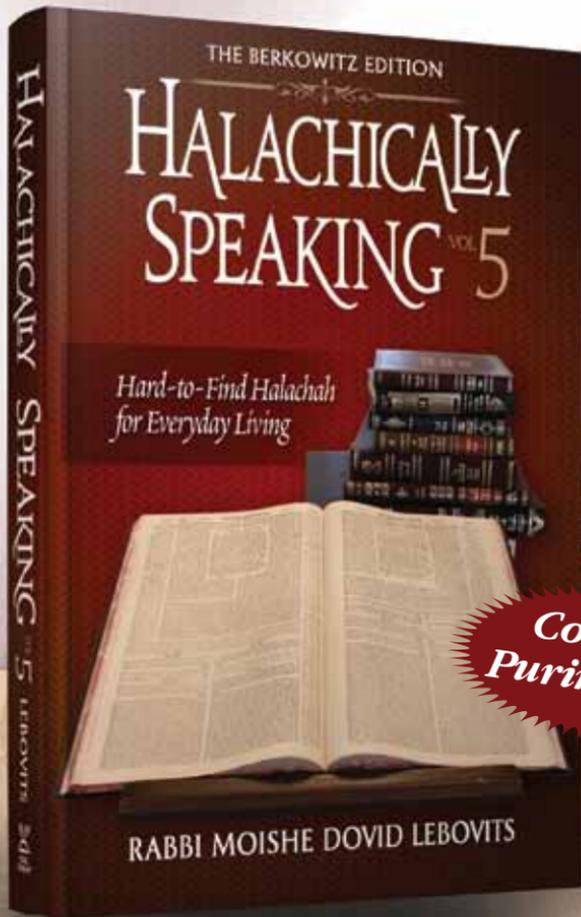
Harav Moshe Feinstein *zt"l*¹⁵² permits this since it is a way of showing comfort to the *aveilim*.

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

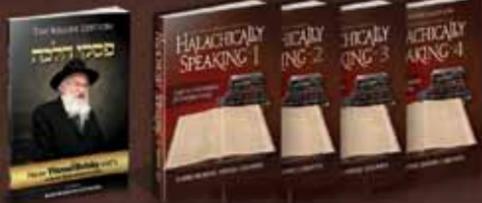
152. *Igros Moshe Y.D.* 2:168. See Introduction to *Beis Hayehudi* 3 in the letter of Harav D'bliski *shlit"l*, as well as *Beis Hayehudi* 35:8.



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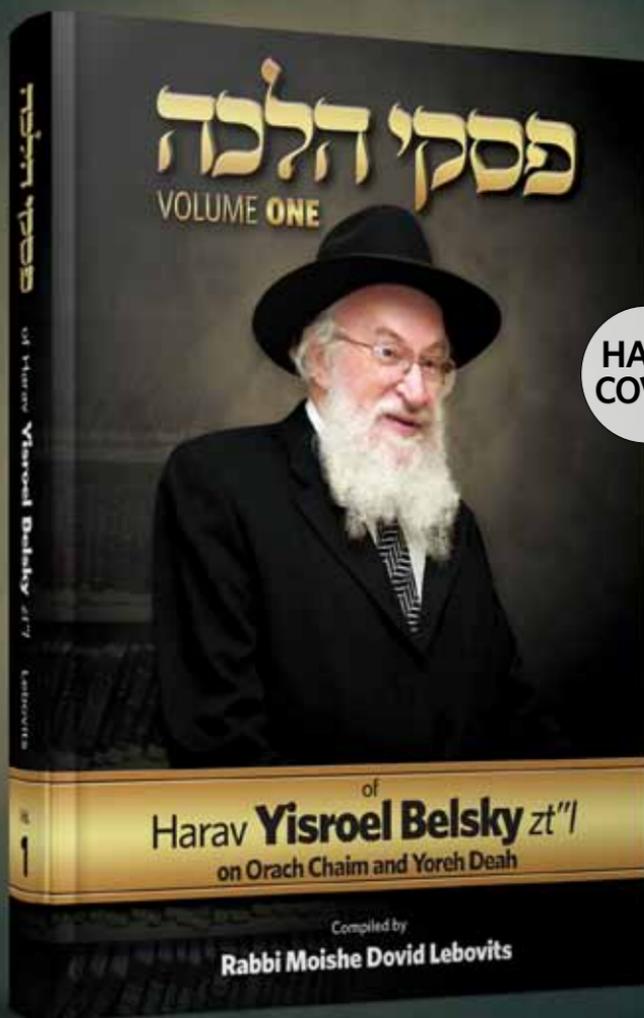


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