

WHICH OCCASIONS MAY A MOURNER ATTEND? PART 1

by Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

When a close relative passes away, the family is required to sit shivah, followed by a three-week period of less "severe" mourning called shloshim. One who loses a parent observes a full year of mourning, starting with the day of burial⁽¹⁾ and ending 12 months later.⁽²⁾ This extended period of mourning, known as "12 months", was instituted by the Sages in order to pay proper respect to parents. Since a child is obligated to honor parents even after their death, this mourning period for parents is longer than for any other relative.⁽³⁾ [A child should not mourn for "12 months" if a parent explicitly requested that he not do so.⁽⁴⁾]

One of the main features of this extended mourning period is the restriction on attending festive meals which take place outside of the mourner's home.⁽⁵⁾ In the view of the Rabbis, partaking of festive meals outside of one's home is inappropriate for one who is in mourning. But what exactly constitutes a festive meal and what does not is a subject of much debate among the Rishonim and is further complicated by the various customs which have evolved over the years. What follows is an attempt to clarify the sources so that the reader can present his specific case to his rabbi for a ruling.⁽⁶⁾

Note: Our discussion covers the mourning period known as "12 months" only. The laws for shivah [or shloshim for a parent⁽⁷⁾] are stricter and are not the subject of this discussion.

The views of the Rishonim

There are different views among the Rishonim⁽⁸⁾ as to the type of meal which is restricted [Note that only the meal is restricted. It is clearly permitted for a mourner to attend a bris, a pidyon ha-ben or any other mitzvah ceremony [other than a wedding] before the meal begins⁽⁹⁾]: The restriction applies only to meals which are strictly of a social nature and have no religious significance (seudas ha-reshus). Any mitzvah celebration, e.g., a wedding, bris, bar mitzvah, etc. may be attended.⁽¹⁰⁾ The restriction applies [mainly⁽¹¹⁾] to meals of mitzvah celebration like weddings, bar-mitzvahs, brissim, etc. This is because the mitzvah itself lends a festive atmosphere to the occasion. There are two exceptions: 1) Weddings - if the absence of the mourner will cause great distress to the groom or

bride and mar their simchah⁽¹²⁾; 2) A meal which the mourner is obligated to eat, such as korban pesach or ma'aser sheini during the time of the Beis ha-Mikdash.⁽¹³⁾

The restriction applies only to weddings [or sheva berachos] and remains in effect even if the absence of the mourner will cause distress to the groom or bride.⁽¹⁴⁾ Other mitzvah celebrations, such as a pidyon ha-ben, bar mitzvah or siyum, are permitted.⁽¹⁵⁾

The view of the Shulchan Aruch

Shulchan Aruch deals with this issue from two different angles. First, the Rama rules that the basic halachah is a compromise between the second and the third views listed above. Thus he rules that all mitzvah celebrations - other than weddings - may be attended [like the third view], and even a wedding may be attended if the simchah will be marred by the mourner's absence [like the second view].

But after positing all of the above, the Rama goes on to say that the custom has become that a mourner does not attend any meal outside of his home, neither meals of a social nature [like the first view] nor any type of seudas mitzvah, including a bris or a pidyon ha-ben. While the Rama's custom is recorded in all of the later poskim and has become the accepted minhag yisrael, there are conflicting opinions whether the custom covers all meals outside the home or whether there are some exceptions. Some poskim mention a siyum⁽¹⁶⁾ or a seudas bar mitzvah⁽¹⁷⁾ as exceptions,⁽¹⁸⁾ while others specifically include them in the Rama's ban and prohibit attending them.⁽¹⁹⁾

The Rama's custom notwithstanding, it is clear that a mourner is not forbidden to eat a meal outside of his home if otherwise he would not have a place to eat. Thus it is permitted, for example, to invite an out-of town mourner who needs a place to eat,⁽²⁰⁾ or to invite a mourner's family for supper when circumstances have made it difficult for them to prepare their own food.

[Continued next week]

FOOTNOTES:

1. Mishnah Berurah 568:44.
2. During a leap year, the thirteenth month does not count; the restrictions end after 12 months.
3. Igros Moshe Y.D. 1:255. See Nekudos ha-Kesef Y.D. 402 to Taz 9.
4. Shach Y.D. 344:9.
5. It is permitted to take part in any meal - except a wedding - which takes place at the mourner's home; Rama Y.D. 391:2. When possible, sheva berachos should be avoided as well; see Pnei Baruch, pg. 214, note 30, and pg. 460, and Nishmas Yisrael, pg. 294.
6. Each case must be evaluated on its own merit, as sometimes there are extenuating circumstances, such as family obligations or sholom bayis situations, which may affect the final

decision.

7. Shloshim observed for other relatives generally follows the same guidelines as "12 months" for a parent.

8. There are also various interpretations among the latter authorities in explanation of the views of the Rishonim. Here, we have followed mainly the interpretation of the Aruch ha-Shulchan.

9. Gesher ha-Chayim 21:8-5.

10. S'mag, quoted in Beis Yosef Y.D. 391, but not directly quoted in Shulchan Aruch.

11. Apparently, this view also holds that festive meals of a social nature are prohibited [since this is stated explicitly in the Gemara Moed Katan 22b], but it still maintains that mitzvah celebrations are stricter.

12. Ra'avad, quoted by Rama, as explained by Aruch ha-Shulchan Y.D. 391:5. [The actual situation described in the source deals with the wedding of an orphan.] See, however, Noda beYehuda Y.D. 1:100 who maintains that this exception applies only if the wedding will otherwise be canceled.

13. Accordingly, this exception does not apply nowadays; *ibid.* [See Radvaz on Rambam Hilchos Aveil 6:6 for an explanation.]

14. Ramban, as explained by Aruch ha-Shulchan Y.D. 391:6. If the mourner's absence will cause the wedding to be canceled, it would be permitted to attend; *ibid.*

15. Nimukei Yosef, quoted by Rama. According to this opinion, attending a bris is questionable, since it is debatable whether or not a bris is considered a festive occasion; Rama, *ibid.*

16. See Shach Y.D. 246:27, as apparently understood by Rabbi Akiva Eiger, Dagul Mirevavah and Pischei Teshuvah in Y.D. 391. See also Gesher ha-Chayim 21:8-6; 22:2-6. According to this view, it is permitted to attend a Melava Malkah whose purpose is to raise funds for charity if no music is played; She'arim Metzuyanim B'halachah 212:1; Nishmas Yisrael, pg. 274.

17. *Ibid.* This applies only to the meal that takes place on the day of the bar mitzvah or if the bar mitzvah boy recites a drashah. [Contemporary poskim note that nowadays the custom is to be stringent concerning bar mitzvos; Pnei Baruch, pg. 224, note 63.]

18. Provided that no music is played; Shearim Metzuyanim B'halachah 212:1.

19. Chochmas Adam 161:2; Derech ha-Chayim; Kitzur Shulchan Aruch 212:1; Tuv Ta'am v'Daas 3:86. But even according to this view it is permitted to attend a siyum if the mourner himself is the mesayem (Beis Lechem Yehudah Y.D. 391:2; see Mishnah Berurah 669:8) or if the siyum is being held in memory of the deceased (Nishmas Yisrael, pgs. 261-262).

20. See Da'as Kedoshim Y.D. 391 who permits eating in a hotel.

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