

# HALOCHOSCOPE

**This week's question:**

Someone is observing the twelve month period of mourning for a parent. Friends from high school have come to town to visit. They wish to gather in a restaurant for a get-together. Does this constitute a social party, which is forbidden during this period?

**The issues:**

- A) *Availus* practices
- B) Socializing and *Simchas Meraius*
- C) Defining a *Seuda*

**A) *Availus* Practices**

There are three basic components to the practices of *availus*. One must show grief, to recognize and acknowledge that Hashem has judged the mourner. One must do certain things as signs and expressions of repentance. This is in response to the judgment. And one must honor the soul of the deceased, especially a parent, by showing that he is missed and mourned for, rather than forgotten. In addition, there are other practices that the *aveil* does that are not mourning *per se*. They are regular things that the *aveil* tries harder to do than others, that bring merit to the soul of the departed, through the relationship between the living survivor and the departed soul. These would include certain *tefi-lah*, Torah study and *tzedakah* or other *chesed* activities.

Expressing sorrow and grief on the death of a relative is mentioned numerous times in the *Tanach*. [Avraham grieved over Sarah etc.] As a *mitzvah*, it is mentioned in connection with priestly service and eating *korbanos* and certain other sanctified foods. It is from the restrictions on the *kohain's* contamination with a corpse, that is relaxed for relatives, that we derive the general *mitzvah* of *availus*. Here we learn which relatives must be mourned. The Scriptural *mitzvah* does not extend past the first day of bereavement. Rabbinically, it is extended in phases.

The first phase, Scriptural *aninus*, bereavement, applies for the first day. Rabbinical *aninus* applies the following night as well, as long as the body has not been buried. (Actually, Scriptural *aninus* should apply the entire first day, even after burial. However, Rabbinical *aninus* ceases after burial, and *availus* begins.) An *onen* is also exempt from fulfilling positive *mitzvos* until the burial. The poskim debate whether this is an element of Scriptural *aninus* or a Rabbinical addition. The poskim also debate the nature of this exemption. Some say the *onen* is excused, while others say he is forbidden to perform *mitzvos*. The difference between them is whether he may practice stringency.

Two reasons are given for the exemption. Both are part of the same reason, but vary in emphasis. The poskim thus apply both. First the relatives are the ones on whom the 'load of burying falls'. This causes *tirda*, preoccupation, taking up their attention and time. While preoccupied with one *mitzvah*, one is exempt from any other *mitzvah* that

comes into conflict with it. Stringency could be practiced to fulfill other *mitzvos*, according to this reason. The second reason is respect for the deceased. The *onen* should be focusing on the mitzvah of burial, rather than other matters. When done properly, a *mitzvah* requires undivided attention and is time-consuming. Stringency would be forbidden according to this reason. The *onen* has no right to practice personal stringency at the expense of the *niftar*. The *aninus* exemption ceases when the burial needs are fully accomplished or otherwise taken care of. However, the mourning aspect of Scriptural *aninus* continues for the rest of the first day of bereavement. [Torah law assumes that the burial takes place on the day of the passing, except on a *Shabbos* or the like.]

The next phase is *shiva*, the one week period of mourning, introduced Rabbinically by Moshe Rabeinu. This gives the mourner time off work to respect his departed relative (pay respects!), and to contemplate the eventual death of each human. Immediate return to life as usual would leave no time to think about repentance. In the Torah, Yosef mourns for Yaakov, and it is Rabbinically linked to other sources as well.

*Shloshim*, the remainder of the month, and for parents, twelve months (usually, the rest of the Jewish year), are learned from the honor accorded to a sage. Moshe Rabeinu was mourned for thirty days. On the first anniversary of the death of Rabi Yehuda Hanasi a eulogy was delivered. After *shloshim* some leniencies apply, but a child is still in mourning for the parent. For most relatives the main principle is showing grief. For a parent it is extended to show added respect.

Various practices show the connection to the departed soul, and how the survivor has also lost some of his 'life' in the death of his relative. As such, things that show one's 'life' and general grooming are restricted. One lets his hair grow, does not wear new clothes, and for the *shiva* itself practices additional restrictions. He tears his clothing on hearing the news, he sits on the ground, refrains from Torah study, does not leave his home, does not change his clothing, and follows some other practices.

In terms of *teshuva*, the Talmud says that the family of the departed is judged. 'The sword is brandished for thirty days, and though not lowered, it is not returned to its scabbard for twelve months.' Merrymaking also shows a carefree attitude to the judgment that has been visited on him. Therefore a number of restrictions are instituted to show mourning. These include reducing one's social activity. For example, we learn from the Navi Yechezkel that one should not engage an *aveil* in greeting. As the phases pass, this changes gradually. Pleasure trips in the company of friends, and festive celebrations are somewhat restricted. [See Moed Katan 19a 21b, Kesubos 103b Yerushalmi I, Kidushin 31b, Poskim. Tur Sh. Ar. YD 380-398, commentaries.]

### **B) Socializing and Simchas Meraius**

Our question touches on two issues. A social event raises the question of greeting. Extending greetings to an *aveil*, or the *aveil* extending the greeting, are restricted. This is based on the verse cited earlier from Navi Yechezkel. Thus, socializing could involve this issue. It involves more than simple regular greetings. The type of joyful small talk certainly touches on these restrictions. In addition, an *aveil* may not attend festive meals, such as weddings. Exceptions are sometimes made if the meal is a *seudas mitzvah*, or if the *aveil* is considered indispensable.

The poskim debate whether one may greet in the usual manner on a *Shabbos*. In

general, one may not show signs of mourning in public on *Shabbos*. Some poskim extend this to a debate on whether one may do the same on other more minor holidays, such as Purim. This could also depend on the practice in different communities. An interesting outcome of this debate is whether one may send *mishloach manos* to an *aveil* on Purim. One may not send a gift to an *aveil*. This would be included in socializing and greeting. Assuming one relaxes the restriction on greeting on *Shabbos* and on Purim, may one then send *mishloach manos*? Some maintain that the type of greeting we engage in on *Shabbos* is not true greeting. Therefore, though we restrict it on weekdays, relaxing it on Purim does not mean that we consider Purim an exception to the restriction of true greeting. Accordingly, one would not be allowed to send *mishloach manos*, which is closer to true greeting, even in these communities.

What constitutes greeting? True greeting involves mentioning the Name of Hashem, and, according to some, a bow. Asking about one's well-being or wishing a good day is not included. The practice is often to reduce this type of pleasantries as well.

The poskim add a restriction on inviting others to the home of the *aveil*, or accepting an invitation to another home. This refers to invitations that do not involve a meal. Eating a meal at the home of a friend on *Shabbos* touches on the other issue we will discuss shortly. Here the reference is to a social invitation. As these gatherings some snacks are offered, but there is no *seuda*. Nonetheless, the nature of the invitation is that it is a social meeting, and is intended to be a light-hearted, small-talking, joyful, type of gathering.

Another application of socializing restrictions is taking a trip in company. A social trip is problematic, but even business trips with company raise these issues. All *availim* may not partake in this type of trip during the *shloshim*. For a parent, the period is extended until *ge'ara*, the time when the friends who want him to accompany them shout at him to join. The term used by the *Yerushalmi* is caravan travel. By definition, this included a large group. Along the way there were parties and other rejoicing, similar to the modern day cruise. The basic problem of the trip is the same as that of a party.

*Simchas meraius* is an exchange of friendly meals. This involves two friends who invite and reciprocate socializing meals. The reciprocal meal is considered somewhat of an obligation. If the mourner was obliged to reciprocate right as he was bereaved, he may reciprocate after the *shiva*. However, if the timing is not that important, he must wait until after the *availus* period. For a parent, even if obligated, he must wait twelve months. [See Moed Katan 15a 21b 22b Yerushalmi 3:8, Poskim. Tur, Sh. Ar. YD 380:25 (Ar. Hash.), 385:1 3, 391:2, commentaries. Availus Bahalacha 36:n15.]

### **C) Defining a Seuda**

Our question involves a gathering that is not totally social. The mourner is being visited by a group of friends who were unable to comfort this veil during the *shiva*. The purpose of the visit is certainly in part to comfort. They need a place to gather and eat, and do not wish to overly tax the mourner to provide a meal. Therefore, to take care of both needs they suggest meeting at a restaurant and eating while there. The issues are whether this qualifies as a festive meal, and whether it qualifies as social gathering. In terms of a socializing event, this is not a merrymaking light-hearted, small-talking type of event. It does not detract from the *availus*, but actually enhances it. In terms of the *seuda*, we need to know whether this is considered festive or possibly somewhat social.


Only the type of *seudos* that have been singled out for the restriction are indeed restricted. This includes a socializing meal and a festive celebration, such as a wedding. Even if the meal is termed a *seudas mitzvah*, the *aveil* is usually not permitted to participate. Certain *seudos* that the *aveil* is directly involved in, are excluded from the restriction. For example, the *aveil* may participate in the wedding of his child. A meal that does not involve specific joy, such as an everyday meal, is not restricted. Accordingly, the *aveil* may eat his regular meals with the regular company he keeps. If he usually eats together with workmates, or with casual friends, he may continue. He may also invite his regular *Shabbos* guests, or accept invitations to homes he regularly attends, according to many poskim. However, it is a common custom for *avaylim* to restrict their attendance at meals outside the home unless absolutely necessary.

To qualify as a meal, bread must be served. In former times, a convened *seuda* was called a *mesiba*. The parties would recline, rather than sit. In modern times they sit together, at least in one room, and likely at the same table. They are all served by the same people. To qualify as festive, there must be a reason for the party. Usually this is a celebration. This need not be a simcha in the traditional sense, but any cause for rejoicing, including graduations liberation, salvations, accomplishing milestones and reunions. Unless one is isolated, he usually will invite friends and guests to share his joy. Any meal that is convened by invitation, thus fits the definition. It is either a celebration or a social party. Usually, it is a meal where alcoholic beverages could be served if desired.

A *simcha* with a religious cause need not include bread or wine. For example, a *kidush* for the birth of a girl, or a *shalom zachor* are considered *simchos*. *Avaylim* refrain from attending these functions, for they are, by definition, joyous occasions.

In our case, the meal is not convened for these reasons. It is being held this way for pure convenience, and not to inconvenience either party involved. Therefore, it does not qualify as a meal by invitation for one of the above reasons. However, the *aveil* must be careful not to let the gathering devolve into a socializing event. [See Brochos 42a-43a, Moed Katan 22b, Poskim. Tur Sh. Ar. YD 385, commentaries. Av. Bahal. 25 36.]

**On the Parsha ...** *The firstborn son that she will bear shall be established on the name of the dead brother, and his name will not be erased ... [25:6] This does not mean to call the child by the actual name of the deceased brother, but a promise that this child will serve to keep the name of the deceased going. Ramban.* He is not the son of the deceased brother, but of his wife and his surviving brother! How does this keep his own name from being erased? Perhaps erased means in the Next World. Some explain that the wife of the deceased was meant to produce offspring together with him. This would have been the completion of that union - the way the two of them would have reached their own purpose in the world. The brother steps in and takes over in this job. The child then serves to fulfill that goal. A deceased needs the merits of his descendants. This brother died with no offspring. The Torah tells us that if his wife will produce offspring by his surviving brother, the child's merits will keep his name eternally.

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yahrzeit is Shabbos, 11<sup>th</sup> Elul. 

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