

What's the Truth about... Sitting *Shivah* on *Erev Shabbat*?

By Ari Z. Zivotofsky

Misconception: *Aveilim* (mourners) stop sitting *shivah* on *erev Shabbat* at noon.

Fact: Private displays of mourning continue on Shabbat, while the public aspects of *shivah* cease shortly before Shabbat.¹

Background: For the first seven days following the burial of a first-degree relative (father, mother, brother, sister, son, daughter or spouse), one observes a period of intense mourning ("*shivah*"). During *shivah*, certain restrictions apply. One is forbidden to wash one's body, anoint with perfumes or lotions, get a haircut or shave, wear leather shoes, wear freshly laundered clothing, study Torah, work, greet people, have conjugal relations, leave the house and sit on regular chairs. These seven days are followed by a less-intense period that concludes thirty days from the time of burial ("*shloshim*") and involves restrictions on wearing freshly laundered clothing, haircutting and shaving and participat-

ing in public celebrations.² For most first-degree relatives, official mourning ends with *shloshim*. For a parent, however, official mourning continues for twelve months ("*yud-beit chodesh*"), with restrictions on purchasing or wearing new clothing and participating in public celebrations. Additionally, a mourner must change his seat in shul. It is important to keep in mind that the majority of the practices observed during mourning are not Biblical³ but are based on rabbinic rulings or local custom. In cases of uncertainty the principle is that "the law follows the lenient opinion with regard to *aveilut*" (*halachah kedivrei hamakil beavel*).⁴

Every *shivah* includes a Shabbat, and it is counted as a day of mourning—albeit one on which only some, but not all, aspects of mourning apply.⁵ The prevalent custom is that *public* displays of mourning are suspended on Shabbat while *private* mourning restrictions are still in effect; thus, mourners are allowed to leave the house and go to synagogue and are encouraged to dress in a manner that honors Shabbat.⁶ However, the restrictions on Torah study and marital relations still apply. (According to some

authorities, however, all restrictions that apply to *shloshim* also apply to the Shabbat of *shivah*, even if they are public. This, for example, would preclude the mourner from wearing freshly laundered Shabbat clothing.)⁷

Not only does mourning not cease on Shabbat, but, according to strict halachah, visitors may even perform the mitzvah of *nichum aveilim*, "comforting the mourners," on Shabbat (*SA, OC 287:1*); nowadays, however, it is preferable to visit mourners on a weekday whenever possible (*MB 287:1; Aruch Hashulchan, OC 287:1*). The *Gesher Hachaim* (vol. 1, 20:5:2, pp. 208-9) notes that Sephardim still perform the mitzvah of *nichum aveilim* on Shabbat, and the Tur (*YD 393*) cites the Rosh as saying that Ashkenazim used to escort the *aveil* home from shul on Shabbat and console him there.

Because there is a difference between the public weekday mourning and the less intense, private Shabbat mourning, the question arises, At what point does the transition occur?⁸ The erroneous notion that it occurs on Friday at noon is old and widespread. Many halachic authorities reject this practice outright. For example, *Elya*

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Rabbah (1660-1712, Prague; *OC* 132:4) writes that some are lenient and end the Friday *shivah* immediately after halachic noon, but that this practice is incorrect. *Pitchei Teshuvah* (YD 400:1) quotes the *Teshuvot Givat Shaul* (72; printed in 1834) as saying that some Torah-knowledgeable people have the practice of ending *shivah* on Friday at noon, but they are wrong. All learned people, he writes, should “rebuke and scowl at those who are lenient and abolish this practice.” He suggests that the root of this error stems from a misunderstanding of the halachah that eulogies are not delivered after noon on *erev Shabbat* (Rema, YD 401:6). *Haelef Lecha Shlomo* (318; Rabbi Shlomo Kluger; d. 1869 in Brody, Galicia) also asserts that the practice of ending at noon is wrong, and that the *aveilut* continues until candle-lighting time. A contemporary scholar, Rabbi Hayim Halevy Donin, writes⁹ that “the widespread notion that *shivah* concludes at noon on a Friday or a festival eve has no basis in Jewish law.”

If not at noon, when does the transition occur? It seems that in the classical literature there is no clearly defined time for the transition. Rambam (*Hilchot Aveil* 10:2, quoting a *beraita* from *Moed Kattan* 27a and echoing Meiri, *Moed Kattan* 27a) states that on *erev Shabbat* overturned beds, which was a traditional sign of mourning in Talmudic times, are put upright after Minchah,¹⁰ but may not be sat upon until dark. Rambam does not comment any further on the topic. Rabbi Avigdor Halevi Nebenzahl¹¹ reports that when Rabbi Shlomo Zalman Auerbach paid a *shivah* call to Rabbi Chaim Kanievsky, who was sitting *shivah* for his father, the latter asked Rabbi Auerbach how to act on *erev Shabbat*. Rabbi Auerbach responded that the issue was not clear.

There are thus a variety of opinions found in the halachic literature.¹² The most stringent opinion is that weekday-type mourning continues right until the “start of Shabbat.”¹³ *Elya Rabbah* (132:4) states that public mourning extends on Friday until it is “dark,” as written in the *Shulchan Aruch*

(*OC* 548:10). Similarly, regarding sitting *shivah* on *erev yom tov*, the *Magen Avraham* (548:14) rules that all practices of mourning apply until “dark.” *Shulchan Aruch Harav* (606:14) says that all the laws of mourning apply until actual “night.” Rabbi Ovadiah Yosef maintains that all laws of mourning apply until “sunset”;¹⁴ those who get up from *shivah* earlier, he asserts, are in error and the practice should be stopped.¹⁵ Rabbi Sroya Deblitzki (cited in *Tzitz Eliezer* 7:49:11:1) opines similarly and states that this is the practice of the Yemenites (cited in *Be'er Lechai Roi* 157, p. 432).¹⁶ Rabbi Moshe Sternbuch writes that ideally one should wait until the “start of Shabbat” to cease public mourning, but if need be, one can get up from *shivah* a little bit before (i.e., half an hour).¹⁷ Although mourning continues until Shabbat, Rabbi Nebenzahl (*Yerushalayim Bemoadehah*, pp. 278-280, based on *MB* 548:40, and *Pitchei Teshuvah* [YD 400:1]) rules that an *aveil* can *daven* with a minyan that is making an early Shabbat and thereby end public mourning earlier in the day.¹⁸

Others are more lenient, permitting an *aveil* to terminate his public mourning at *plag haMinchah* (one hour and a quarter before sunset),¹⁹ which is when the sanctity of Shabbat commences (i.e., when one can, in theory, start Shabbat). This was the practice of Rabbi Auerbach (*Halichot Shlomo*, vol. 3, p. 185, n. 27).²⁰

Some are even more lenient, and transition to Shabbat mourning at *Minchah ketanah* (two-and-a-half hours before sunset).²¹ Concerning mourning on *erev yom tov*, the *Mishnah Berurah* (548:39, citing *MA* 548:14) distinguishes between various restrictions; washing one’s body,²² he states, is permitted after Minchah, but other activities, such as wearing shoes and sitting on chairs, remain prohibited until sunset. The *Mishnah Berurah* (548:40, citing *MA* 548:14) opines that it is not the *time* of Minchah that ushers in the *yom tov* but rather the *act of davening* that does. In other words, public *aveilut* is not lifted for the *aveil* until he *davens* Minchah.

There is a minority opinion that recognizes the noon option. In truth, this practice must have been prevalent at one time—why else would the *posekim* have felt the need to censure it? The *Ikrei Dinim* (also known as the *Ikrei Hadat*; Rabbi Daniel Terni, d. 1815; Florence, Italy; YD 36:34) tries to justify the practice. So too, the *Pnei Aharon* (*Teshuvot* 29, 30; printed 1801) defends the practice of getting up from mourning at noon. He maintains that it is an old, established custom practiced in the presence of Sages and that because of the rule, “with regard to *aveilut*, the law follows the lenient opinion,” the custom may be continued. Even though Talmudic rules tend to trump kabbalistic concepts in halachah, the *Pnei Aharon* draws support for getting up from *shivah* at noon from kabbalah. He states that because the “extra soul” one has on Shabbat (*nesamah yetairah*) starts to arrive at noon, marking the early signs of Shabbat, mourning therefore should be curtailed then. The *Pnei Aharon* also links curtailing *shivah* at noon on *erev Shabbat* to the Talmudic aversion (*Pesachim*, chap. 4) to working after *Minchah gedolah* (six-and-a-half hours into the day) on *erev yom yov* and *erev Shabbat*.

The *Tzitz Eliezer* (Rabbi Eliezer Waldenberg; 7:49:11:1-6) takes issue with those who attempt to enforce the “until dark” rule. In an impassioned *teshuvah*, he marshals a bevy of authorities, spanning generations, who permitted one or another of the lenient opinions. He concludes that although there is a basis to be stringent in this area, those who are lenient should be left to follow their customs. Therefore, the *Tzitz Eliezer* rules that an *aveil* who needs to travel home on *erev Shabbat* may get up from *shivah* and return home after *chatzot* (halachic noon), and certainly can do so after *plag haMinchah*.

Because of the lack of consensus, some authorities combine various views in formulating their own opinions. The *Aruch Hashulchan* writes (YD 387:3) that an *aveil* can begin sitting on a chair

a few hours before sunset, and can put on regular shoes close to candle-lighting time.²³ In another place, however, it states (YD 400:5) that from the time of *Minchah ketanah* all signs of mourning are stopped, but nonetheless “one should not put on shoes until shortly before Shabbat, i.e., *plag haMinchah*.”²⁴ Thus, the *Aruch Hashulchan* mentions all three possibilities: *Minchah ketanah*, *plag HaMinchah* and close to candle-lighting time.

Rabbi Joseph Ber Soloveitchik²⁵ and Rabbi Ahron Soloveichik²⁶ both avoided identifying a specific time for the transition, but rather ruled that a person may end the weekday mourning so as to allow sufficient time to prepare for Shabbat. In essence, they held that the actual mourning continued until the start of Shabbat, but that one could *prepare* for Shabbat. A student of Rabbi Joseph Ber Soloveitchik relates that the Rav maintained that a mourner may not change his clothing until Shabbat, but he may uncover the mirrors after *Minchah*.²⁷

It appears that on *erev Shabbat* and *erev yom tov*, various mourning practices apply at different times. For example, on *erev yom tov* an *aveil* may wash his clothing beginning at *chatzot*,²⁸ but may not put them on until nightfall. The washing cannot take place before noon²⁹ so that it will be obvious that the washing is for *yom tov* (*SA, OC* 548:10 and *YD* 399:5).³⁰

Concerned about showing the proper “respect” to the *shivah* of *erev Shabbat*, the Kol Bo (Rabbi Yekutiel Yehuda Greenwald, 1973, vol. 2, p. 112) ruled that an *aveil* may not get up from *shivah* early to travel to his grandson’s Bar Mitzvah. He ruled thus despite the fact that on other days of the week, a mourner may travel in order to finish sitting *shivah* at another location. It appears that Rabbi Moshe Feinstein may have disagreed with the *pesak* of the Kol Bo and is cited³¹ as ruling that a mourner may return home for Shabbat even if the traveling requires him to leave early Friday morning.

In summation, most modern *posekim* rule that on *erev Shabbat*, pub-

lic mourning continues until dark. There is support for the more lenient positions that allow for a transition to Shabbat mode at *Minchah ketanah* or *plag haMinchah*, and some authorities rely on these rulings. The idea of ending *shivah* on *erev Shabbat* at noon is not new, but it has been strongly condemned by many halachic authorities, and is, at most, defended—but never advocated—by others. Rabbi Maurice Lamm³² summarizes this topic in a lucid manner: “The bereaved should not arise from *shivah* [on Friday] until as close to the Sabbath as possible, allowing themselves the time necessary for Sabbath preparations, such as cooking or dressing. This should not take more than approximately one hour and a quarter. In an emergency, approximately two and a half hours is allowed for such preparations. Contrary to popular opinion, *aveilut* does *not* cease at noon on Friday. The bereaved should return to their mourning on Saturday night, immediately after the evening services.”³³ **IA**

Notes

1. This is the generally accepted halachah. However, due to the sensitive nature of this topic, one should consult with one’s local Orthodox rabbi for guidance.

2. The lists of restrictions are not meant to be comprehensive.

3. In summary, Rabbeinu Tam and the Rosh maintain that *shivah* is *derabbanan* (of rabbinic origin), while Rambam and the Geonim (*Hilchot Aveil* 1:1; *Kesef Mishnah*) hold that only the first day of *shivah* (if the burial also took place that day) is *deOraita* (of Biblical origin). The Rif in *Berachot* (10a in Rif pages) quotes the view that all of *shivah* is *deOraita* (see *Beit Yosef, YD* 398). Ramban (*Torat Ha’adam*, pp. 207-213 in Chavel ed.) suggests that all the prohibitions that involve affliction are rabbinic, whereas those that concern the avoidance of pleasure are Biblical. It is not clear whether he is referring to only the first day of *shivah* or to all seven days. The Netziv (*Ha’emek She’eilah*, p. 22, quoted in *Gesher Hachaim* 19:1, p.

181) believes that even on the Biblical first day, private mourning practices are *deOraita* and public mourning practices are *derabbanan*. Regarding the *shloshim*, Rambam (*Aveil* 6:1) states that it is “*midivrei soferim*” while the Ra’avad (on *Aveil* 6:1) views it as *deOraita*. See also *Shiurei Harav* on *aveilut* (edited by Rabbi Elyakim Koenigsburg, 5760, chap. 8, pp. 24-29). I thank Rabbi Aaron Segal for assistance with some of this material.

4. See e.g., *Moed Kattan* 18a.

5. See *Moed Kattan* 19a; Tur, *YD* 400; *Shulchan Aruch, YD* 400:1.

6. Radvaz 2:693. *Shemirat Shabbat Kehilchatah* 65:7, p. 310, based on the Gra. See *Gilyon Maharsha* on *YD* 389 (commenting on Rema 389:1, quoting *Shu”t Maharshah* 27) that a person who does not wear a freshly laundered “*kutonet*” on the Shabbat of *shivah* is acting with foolish piety (“*chasidut shel shtut*”).

7. See *Moed Kattan* 24a; *Darkei Moshe YD* 400:1; Rema *YD* 389:3 and Shach, *YD* 393:7 and 400:2. The Kol Bo on *aveilut* ([1973] vol. 2, p. 112) cites *Moed Kattan* 22 as a source for this position.

8. This discussion presupposes that Friday is not the last day of *shivah*. Because of the rule “*miktzat hayom kekulo*” (“part of a day counts as the full day”), mourning ends on the morning of the final day. If the seventh day of *shivah* falls on a Friday, then the *shivah* terminates that morning.

However, it is very unusual for the seventh day of *shivah* to fall on a Friday because that would mean that the first day was the previous Shabbat. There are a limited number of ways in which this can happen. In two different places, *Gesher Hachaim* lists three possible ways. In his first list (vol. 1, 21:12:4; p. 238), he writes: 1. If the burial was forcibly done on Shabbat, 2. If the burial occurred on Friday afternoon immediately before sunset and there was no opportunity to observe any *shivah* on Friday, or 3. If Shabbat is *isru chag* (i.e., the day after Pesach, Shavuot or Shemini Atzeret). In his second list (vol.1, 23:2:1; p. 254) he suggests:

1. Normally, if a person hears about the death of a first-degree relative after the burial but within thirty days of the death (*"shmuah krovah"*), they are required to sit a full *shivah* starting from the moment they hear the news. If one hears the news on Shabbat, the *shivah* commences then (see *SA, YD 402:7*; for a full discussion of this case, see *Be'er Lechai Roi* 158, pp. 439-441), 2. If the burial was forcibly done on Shabbat, or 3. If hope (of finding the body) was abandoned on Shabbat. An additional scenario is if the death of a first-degree relative occurs on Shabbat in such a way that the body is consumed and there cannot be a burial. Four of these reasons are also listed and discussed in *Be'er Lechai Roi* 156, p. 430, n. 1. See Tosafot, *Moed Kattan* 17b, s.v. *"keshechal,"* in the name of the Yerushalmi; *SA, YD 375:5-7* and *400:2* and Shach, *YD 400:5*.

9. *To Be a Jew* (New York, 1972, 1991), 300.

10. Tosafot is uncertain whether the Gemara meant *Minchah gedolah* or *Minchah ketanah*.

11. *Yerushalayim Bemoadahab*, "Kuntres Chayei Nefesh" (Jerusalem, 2007), p. 278, n. 82, citing *Halichot Shlomo*, vol. 3, p. 185, n. 27.

12. A summary with sources can be found in *Pnei Baruch* (Rabbi Chaim Binyamin Goldberg, 1986), 23:3, pp. 240-242; *Shemirat Shabbat Kehilchatah* 65:7, pp. 309-310, especially n. 22-24 and *Be'er Lechai Roi* 156, pp. 430-433.

13. Note that although the laws of *erev yom tov* are similar to those of *erev Shabbat* (*SA, OC 548:10*; cf. *MB 606:25* about *erev Yom Kippur*), *erev Pesach* is a holiday in its own right and is different in that there is no public mourning after noon (Rema, *YD 399:3*; *Chachmat Adam* 169:3). Might this be the source of this misconception? In addition, although *erev yom tov* laws are similar to *erev Shabbat* laws, they may not be identical because on Shabbat there is still mourning, while *yom tov* terminates the *shivah*.

14. *Yalkut Yosef* on *aveilut*, 5764 ed., 34:1, p. 542, based on *Yabia Omer*

9, *YD: 39:1*.

15. *Ibid.*, 34:2, p. 544.

16. The Yemenite practice is to get up from *shivah* shortly before Shabbat, when the first person shows up at the *shivah* house for Shabbat *davening*. The community thus tries to have someone come early and start reciting Shir Hashirim, at which point the *aveil* may get up.

17. *Teshuvot Vehanhagot*, vol. 4 (Jerusalem, 2002), p. 299, n. 5 and p. 307, n. 8. He also notes that when sitting *shivah* for parents, if consolers come late on Friday the *aveilut* extends until the last consoler leaves. This is similar to the last day of *shivah*.

18. The *Pitchei Teshuvah*, quoting *Shivat Zion* 60, rules that an *aveil* can make a very early Shabbat (earlier than *Minchah ketanah*) and thus terminate his public mourning. He can only do so with a minyan and not as an individual. This statement is difficult to understand because in general one cannot start Shabbat that early (see *Shemirat Shabbat Kehilchatah*, vol. 2, 43:12 and 46:4).

19. Rabbi Yechiel Michel Tukachinsky, *Gesher Hachaim*, vol. 1 (Brooklyn, 1960), p. 238. He says that in case of need one may rely on the lenient opinion (cited next in text) that one may get up at *Minchah ketanah*.

20. Although Rabbi Gavriel Goldman, (*Meolam ad Olam* [2006], p. 173, n. 6), quotes Rabbi Nebenzahl as saying that Rabbi Auerbach held the most stringent position—that mourning continues until candle-lighting time.

21. This position is implied in the second opinion in *SA, OC 548:10* quoting the *Hagahot Maimoni*, which cites the *Ra'avya* regarding *erev yom tov*. This is also the opinion of the Nimukei Yosef (*Moed Kattan*, 16b in Rif pages), who says that one can transition to Shabbat mourning at *Minchah ketanah*. *Sha'ar Hatzyun* 548:29 quotes the *Ehya Rabbah* as quoting the Ravan, who is lenient regarding all aspects after Minchah. This is the opinion advocated by Rabbi Chaim David Halevi (*Mekor Chaim Hashalem*, vol. 5, p. 409). See *Sdei Chemed*, *Ma'arechet Aveilut* (5722 ed.,

vol. 5, sec. 61, p. 45), where he cites this as the opinion of the Chaim B'yad (Rabbi Chaim ben Yaakov Palagi; d. 1868; 125:70, 73, 98).

22. See *Yalkut Yosef* on *aveilut* (42:2, 5764 ed., p. 660).

23. The rule about wearing leather shoes is more stringent than that regarding sitting on the ground.

24. The Kol Bo (1973, vol. 1, p. 335, no. 1 and vol. 2, p. 112), who was based in Columbus, Ohio, limits the application of the *Aruch Hashulchan's* hour and a quarter to Europe. He determined that in Columbus a mourner may put on his shoes only thirty minutes before Shabbat.

25. Rabbi Avishai David, student of Rabbi Joseph Ber Soloveitchik, personal communication, fall 2007.

26. Rabbi Chaim Soloveichik, son of Rabbi Ahron Soloveichik, telephone conversation, fall 2007.

27. Rabbi Menachem Genack, e-mail message to author, 3 December 2007.

28. Although not his body. For that he has to wait until dark, or some say until after Minchah.

29. The *MB* 548:37 points out that according to the Rema even the washing must be pushed off until later.

30. A common misconception that relates to Friday at noon is that a person visiting the Kotel or seeing Har HaBayit for the first time in thirty days and who would otherwise be obligated to tear *keriyah* is exempt if it is *erev Shabbat* after noon. Rabbi Moshe Feinstein (*Iggerot Moshe, YD 3:52:4*) knew of no source for this exemption and was very hesitant to sanction it. See "Letters," *The Journal of Halacha and Contemporary Society* 45 (Pesach 5763): 122-125.

31. Rabbi Aaron Felder, *Yesodei Smochos* (New York, 1976), 7:5:13, p. 83.

32. *The Jewish Way in Death and Mourning* (New York, 1969), 94.

33. See *Shemirat Shabbat Kehilchatah* 65:33, and *Gesher Hachaim*, vol. 1, chap. 20, pp. 206-7, n. 6.