

## Nihum Avelim (Consolation of Mourners) on Shabbat

A Shiur (Class) in Commemoration of the Sheloshim of My Father, Melvin Gradofsky Z”L<sup>1</sup>

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Notes:

- Electronic texts from Bar Ilan CD version 24.
- Biographical information based on Bar Ilan CD version 24 unless otherwise indicated.
- **Bold letters in translation represent literal translation.**
- A class related to these texts will be broadcast via Facebook live from [www.facebook.com/unionfortraditionaljudaism](http://www.facebook.com/unionfortraditionaljudaism) on Monday, January 14 at 7:30 PM Eastern Time and will be available after that from <https://utj.org/viewpoints/videos/nihum-avelim-shabbat/>.

|  |    |
|--|----|
| Introduction.....  | 1  |
| Section I: Nihum Avelim On Shabbat .....   | 2  |
| a. Nihum Avelim Is Permitted on Shabbat, But Prevalent Contemporary Ashkenazi Custom Is Not to Make a Shiva Visit..... | 2  |
| b. Why Was There Any Concern About Nihum Avelim On Shabbat and Why Was It Permitted? .....                             | 7  |
| c. Conclusions .....   | 10 |
| Section 2: Should Public Announcements/Nihum Avelim be Avoided on Shabbat? .....                                       | 11 |
| Section 3: Should the Standard Greetings to Mourners be Extended on Shabbat? .....                                     | 15 |

### Introduction

This paper reviews some halakhic issues related to offering condolences to the bereaved on Shabbat. I have found that many people are under the misconception that such condolences are not permitted on Shabbat, and my interest in dispelling this rumor was the genesis of this study, which I started a few years ago but never completed.

It goes without saying that extreme sensitivity is called for when analyzing and implementing the laws and practices regarding comforting the bereaved. The particular needs of an individual must always be considered and may well override the general rules that I discuss below. In addition, my analysis here comes with the important caveat that I am not a mental health professional and therefore my insights in that regard should be considered that of a lay person. I hope that I will receive feedback both from mental health professionals, experienced clergy, and those who have suffered losses in the past with their insights regarding what I write below.

I pray that the learning and the acts of kindness toward the bereaved that this study may inspire be a merit for my father.

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<sup>1</sup> To view and/or read the eulogies for my father at his funeral, please access [www.e-ark.net/dadsfuneral.html](http://www.e-ark.net/dadsfuneral.html).

## Section I: Nihum Avelim On Shabbat

### a. Nihum Avelim Is Permitted on Shabbat, But Prevalent Contemporary Ashkenazi Custom Is Not to Make a Shiva Visit

The Babylonian Talmud is clear that consolation of mourners is permitted on Shabbat:

**א** **ב-תלמוד בבלי מסכת שבת דף יב עמוד א** (Trans. Soncino) **Babylonian Talmud Shabbat 12a-b**

**And Rabbi Shimon ben Elazar said thusly in the name of Rabbi Shimon ben Gamliel ... and we do not console mourners nor visit the sick on the Sabbath according to the academy of Shamai, but the academy of Hillel permits doing so.**

וכן היה רבי שמעון בן אלעזר אומר משום רבן שמעון בן גמליאל: ... ואין מנחמין אבלים, ואין מבקרין חולים בשבת. דברי בית שמאי, ובית הלל מתירין.

**The Rabbis taught: One who enters to visit the sick person says: “The Sabbath is what prevents us from crying out, and healing will (alt: “and may healing”<sup>2</sup>) soon come.” Rabbi Meir says, “She, i.e. the Sabbath, can be compassionate.” Rabbi Judah says, “May the Omnipresent (alt: “The Omnipresent will”) be compassionate toward you and toward all the sick of Israel.” Rabbi Yose says, “May the Omnipresent (alt: “The Omnipresent will”) be compassionate toward you among the sick of Israel.” Shevna, a man of Jerusalem says upon his entering, “Peace,” and upon his exiting, “The Sabbath is what prevents us from crying out, and healing will (alt: “and may healing”) soon come, God’s (lit. “His”) compassion is great, and have peaceful Sabbath rest.” ... Rabbi Hanina said: With difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath.**

תנו רבנן: הנכנס לבקר את החולה אומר: שבת היא מלזעוק, ורפואה קרובה לבא, ורבי מאיר אומר: יכולה היא שתרחהם. (עמוד ב) רבי יהודה אומר: המקום ירחם עליך ועל חולי ישראל. רבי יוסי אומר: המקום ירחם עליך בתוך חולי ישראל. שבנא איש ירושלים, בכניסתו אומר: שלום. וביציאתו אומר: שבת היא מלזעוק, ורפואה קרובה לבא, ורחמיו מרובין, ושבתו בשלום. ... ואמר רבי חנינא: בקושי התירו לנחם אבלים ולבקר חולים בשבת.

The Jerusalem Talmud, on the other hand, may indicate a different approach to nihum avelim on Shabbat:

**ה** **תלמוד ירושלמי (ונציה) מועד קטן פרק ג דף פב טור ב/ה"ה** **Jerusalem Talmud Moed Kattan 82b**

**Rabbi Ya’akov bar Idi said in the name of Rabbi Hanina: Did they not say “there is no mourning on Shabbat,” why did they say to pay respects (lit. “to show him face”), out of respect.**

ר' יעקב בר אידי בשם ר' חנינה והלא אמרו אין אבל בשבת מפני מה אמרו להראות לו פנים לא מפני הכבוד

Most commentators I have seen on this text of the Jerusalem Talmud understand this text to imply that while one may/should visit a bereaved person on Shabbat, one stops short of delivering formal words of comfort on Shabbat.

<sup>2</sup> See the text of R. Yoseph Kappach’s comment on Rambam below at page 17 relating to whether such statements should be understood as prayer or as statements of reassurance.

**פני משה מסכת מועד קטן פרק ג הלכה ה<sup>3</sup>**

**P'nei Moshe on JT Mo'ed Kattan**

**Did they not say “there is no mourning on Shabbat,” – to offer condolences – and why did they say to pay respects – on Shabbat - out of respect.**

והלא אמרו אין אבל בשבת. לנחמו ומפני מה אמרו להראות לו פנים בשבת לא מפני הכבוד

**עלי תמר מועד קטן פרק ג הלכה ה ד"ה מה להרות לו פנים<sup>4</sup>**

**Alay Tamar on JT Mo'ed Kattan**

**It is clear that the opinion of the Jerusalem Talmud that there is no consolation of mourners on Shabbat, but rather out of respect for the mourner the rabbis instructed that one may/should visit him and pay him respect of joining in his sorrow out of respect. However, we do not console on Shabbat because there is no mourning on Shabbat. ... but this is not the opinion of the Babylonian Talmud on Shabbat 12.**

מבואר שדעת הירושלמי שאין ניחום אבלים בשבת הרי שאין אבל בשבת, אלא מפני כבודו של האבל אמרו שיש לבקרו ולהראות לו פנים של השתתפות בצערו מפני הכבוד. אבל אין מנחמים בשבת כי אין אבל בשבת, ... אולם אין כן דעת הבבלי בשבת י"ב ...

**And I saw in the responsa Yahin u'Boaz part 1<sup>5</sup>, one who asked Rabbi Tzemach, of blessed memory, regarding the ancient practice in Constantinople, which is our widespread custom, that we do not console mourners on Shabbat or holidays, but they did have a custom to sit with him (i.e. the mourner) in his house in order to ease his sorrow from upon him particularly through sitting with him but without words of consolation ... and the Sage Rabbi Tzemach, of blessed memory, disagreed with the practice based on the Babylonian Talmud ... however it is well-known that in Constantinople and the entire Byzantine empire, the eastern Roman empire, their practices were in accordance with the Jerusalem Talmud....**

וראיתי בשו"ת יכין ובוועז<sup>5</sup> ח"א כותב השואל להגאון רבי צמח ז"ל, שמנהג קדמונינו בקוסטנטינא וכן מנהגינו פשוט, שאין לנחם לא בשבת ולא ברגל אבל נהגו לישב עימו בבית להקל מעליו בישיבה דווקא ולא בנחמה. ... והגאון רבי צמח ז"ל חולק עליו מהבבלי ... אולם ידוע שבקונסטנטינופול ובכל מלכות ביצאנץ מלכות רומי במזרח מנהגיהם היה ע"פ הירושלמי ...

**And in Pirkei d'Rabbi Eliezer at the end of chapter 17 we learn that Solomon saw<sup>6</sup> ... which makes it explicit that we console mourners on Shabbat, so how did Beth Shammai and the Jerusalem Talmud sustain (explain?) this tradition of Pirkei d'Rabbi Eliezer? However, in Tractat Soferim at the end of Chapter 19<sup>7</sup>, published by Haygar, this is its text, “in**

והנה בפרדר"א סוף פי"ז שנינו ראה שלמה<sup>6</sup> ... הרי מפורש שמנחמים אבלים בשבת, ואיך יפרנסו ב"ש והירושלמי המסורה זו של הפרדר"א. אולם המסכת סופרים סוף פי"ט<sup>7</sup> הוצאת היגר זה

<sup>3</sup> R. Moshe b. R. Shimon Margalit born c. 1710 in Keiden, Lithuania, D. Brody, 178. The Bar Ilan CD notes that this commentary “is singular in its attempt to explain the Jerusalem Talmud so that it should not disagree with the Babylonian Talmud.

<sup>4</sup> Rabbi Yissachar b. Zvi Tamar, b. Poland 1896, studied in Germany and England, moved to Israel in 1933, d. 1982.

<sup>5</sup> This responsum is found at סימן קיז א סימן קיז א סימן קיז א. The responsum is by Rabbi Tzemach Duran, Algiers, 15<sup>th</sup> century.

<sup>6</sup> The full text of Pirkei d'Rabbi Eliezer appears below at page 12.

<sup>7</sup> Tractate Soferim is one of the so-called “minor tractates,” which are generally not considered authoritative when they contradicting other early rabbinic material. The full text of Soferim reads:

מסכתות קטנות מסכת סופרים פרק יט הלכה ט ונהגו רבותינו לומר בבקר ברכת חתנים על הכוס בעשרה, ובפנים חדשות כל שבעה, וכן בערב קודם סעודה; וברכת אבלים, בערב לאחר התפילה בפני המתפללים על הכוס בשבת, שאין אבלות נוהגת בפרהסיא, כר' אליעזר בן הורקנוס דאמר, ראה שלמה כח של גומלי חסדים, ובנה להם לישראל שני שערים, אחד לחתנים ואחד לאבילים ולמנודים, בשבתות היו מתקבצין יושבי ירושלים, ועולין להר הבית, ויושבין בין שני שערים הללו, כדי לגמול חסדים לזה ולזה, משחרב בית המקדש התקינו שיהיו החתנים והאבלים באים לבית הכנסת, כדי לגמול חסדים לזה ולזה, חתנים

**accordance with Rabbi Eliezer ben Horkenus, who said Solomon saw ... and built for Israel two gates, one for grooms and one for mourners and people who were excommunicated and on Shabbats people would gather ... to bestow kindness to each, i.e. to newlyweds and mourners, and when the Holy Temple was destroyed, the sages instituted that grooms and mourners come to synagogues in order to bestow kindness to each ... bestowing kindness on mourners after the cantor finishes the Musaf prayer, he walks to the door of the synagogue and finds the mourners and all of their families and says the following blessing ...” and here no mention is made in Tractate Soferim that they would console or say to him, i.e. to the mourner, “he who causes his name to dwell in this house will console you,” as indicated in Pirkei d’Rabbi Eliezer, which would be an essential point that could not be left out if, indeed, such things were said. Therefore, it seems that even at the time of the Temple there were different opinions in this regard ... And in Babylonia, Rabbi Hanina said that even according to the opinion of Beth Hillel the permission to console mourners was granted with difficulty.**

...

**And what I wrote above, that the nature of “pay respects,” on Shabbat out of respect for the bereaved, means visiting and sitting with the mourner without words of consolation is also implied ... since there is no mourning on Shabbat how can it be permitted to say words of consolation, would we commit the transgression of mourning on Shabbat “out of respect,” rather, indeed, the matter is as I have written ... And another proof to my explanation is that in all the places in the Jerusalem Talmud and midrashim when they speak of consoling mourners they use the words *nehama* and *tanhumim*, i.e. words of consolation, and not *mar’eh loh panim*, i.e. to show one’s face.**

לשונו, כר"א בן הורקנוס דאמר ראה שלמה ... ובנה להם לישראל שני שערים אחד לחתנים ואחד לאבלים ומנוודים בשבתות היו מתקבצים ... לגמול חסדים לזה ולזה. משחרב בהמ"ק התקינו שיהיו החתנים והאבלים באים לבהכ"נ כדי לגמול חסדים לזה ולזה ... אבלים לאחר שיגמור החזן תפלה של מוסף, הולך לו אחרי דלת של בהכ"נ ומוצא שם האבלים וכל הקרובים ואומר עליהם ברכה זו וכו'. ... והנה לא נזכר כלל במסכת סופרים שהיו מנחמים ואומרים לו השוכן שמו בבית הזה ינחמך, אף שזהו דבר עיקר שאין להשמיטו. ולפיכך נראה שאף בזמן בהמ"ק היו חלוקים הדעות בזה ... גם בבבל אומר ר"ח שאף לדעת ב"ה בקושי התירו לנחם אבלים בשבת ...

והנה מ"ש לעיל שענין של מראה לו פנים בשבת מפני הכבוד היינו ביקור וישיבה בלי דברי תנחומים משמע נמי כן ... שאין אבל בשבת איך מותר לומר דברי תנחומים וכי מפני כבוד נעשה עבירה של אבל בשבת, א"ו כמ"ש. ... ועוד ראה לפירושי שכן בכל המקומות בירושלמי ובמדרשים כשהם מדברים מנחמת אבלים משתמשים בלשון של נחמה ותנחומים ולא בלשון של מראה לו פנים ...

Alay Tamar argues that the Jerusalem Talmud allows visitation of mourners but not formal words of consolation, as opposed to the Babylonian Talmud which allows (however begrudgingly) words of consolation.<sup>8</sup> He argues that the similar practice known in Constantinople in the 15<sup>th</sup> century was influenced by the Jerusalem Talmud. He further argues, based on a sensitive but perhaps speculative read of the differences between Prikei D’Rabbi Eliezer and Avot d’Rabbi Natan that

לקלסן ולהלוותן לבתייהם, אבלים, לאחר שיגמור החזן תפילה של מוסף, הולך לו אחורי דלת של בית הכנסת, או בפנינת הכנסת, ומוצא שם האבלים וכל קרובים, ואומר עליהן ברכה, ואחר כך אומר קדיש. ואין אומרים בעלמא דעתיד לחדתא, אלא על התלמיד ועל הדרשן.

<sup>8</sup> Interestingly, the Babylonian Talmud does not speak about what should be said when visiting a mourner on Shabbat, whereas it does supply suggested texts for visiting the sick. One could interpret this as a suggestion that the Babylonian Talmud does not expect words of consolation to be spoken. However, it seems to me unlikely that the Talmud would tell us that consolation of mourners is permitted without mentioning that such a significant change in procedure (i.e. not saying actual words of consolation) is required.

the varying traditions regarding whether consolation of mourners on Shabbat is permissible stretches back to the days of King Solomon.

Alay Tamar's read of the Jerusalem Talmud, though fairly strong, is not absolutely certain. I would argue that the author musters all available evidence to prove that the phrase להראות לו פנים (here translated as "to pay respects") is used to distinguish between that act and the act of formal consolation but is aware that his evidence is less than iron clad. In this regard, I found the following comment of Ritba interesting. In this comment, Ritba is dealing with the final day of the shiva period, which generally ends early in the day when morning visitors leave the shiva home.<sup>9</sup>

**ד"ה כיון שעמדו<sup>10</sup> חידושי הרישב"א מסכת מועד קטן דף יט עמוד ב** **Ritba on Mo'ed Kattan 19b**

**From this we learn that one who buries one's dead on Sunday may not terminate it, i.e. shiva, on the eve of Shabbat as some practice in a few places, it is Friday and Shabbat does not cut off shiva.<sup>11</sup> And on the day of Shabbat there are no consolers, and moreover it is forbidden to do so, i.e. to console, publicly, and with difficulty they permitted an individual לראות פנים on Shabbat (see Babylonian Talmud Shabbat 12b), but rather the mourner holds on his own and practices the private elements of mourning during the entire Shabbat and at night he is permitted on his own to end shiva since by that point it is the eighth day.<sup>12</sup>**

מעשה הקובר את מתו באחד בשבת אי אפשר להפסיקו בערב שבת כמו שנוהגין בקצת מקומות, דהא יום ששי הוא ושבת אינה מפסקת,<sup>11</sup> וביום השבת ליכא מנחמין, ואיסורא נמי הוא לעשות כן בפרהסיא ובקושי התירו ליחיד לראות פנים בשבת (ע"י שבת י"ב ב'), אלא עומד אבל מעצמו ונוהג בדברים שבצינעא ולערב הוא מותר מאליו.<sup>12</sup>

Ritba's statement that permission was begrudgingly granted לראות פנים בשבת seems to echo the words of Rabbi Hanina in the Babylonian Talmud who indicates that the permission to console mourners on Shabbat was begrudgingly given. His statement also demonstrates that in practice people were not receiving visitors on Shabbat. Ritba uses the phrase לראות פנים that we found in the Jerusalem Talmud, perhaps indicating that that phrase can be used to indicate actual acts of consolation (and perhaps Ritba understood the Jerusalem Talmud to be of the same opinion as the Babylonian Talmud, presuming his use of the phrase לראות פנים was meant to echo the Jerusalem Talmud).

<sup>9</sup>

רמב"ם הלכות אבל פרק ו הלכה יב  
יום שביעי מקצתו ככולו והוא עולה לכאן ולכאן, ולפיכך מותר לכבס ה ולרחוץ ולעשות שאר הדברים ביום שביעי, וכן יום שלשים מקצתו ככולו ומותר לספר ולגהץ ביום שלשים.

שולחן ערוך יורה דעה הלכות אבילות סימן שצה סעיף א  
כיון שעמדו מנחמים מאצל האבל ביום שביעי, מותר בכל דברים שאסור בהם תוך שבעה, דמקצת היום ככולו, לא שנה מקצת יום שביעי לא שנה מקצת יום שלשים, כיון שהנץ החמה ביום שלשים, בטלו ממנו גזרת שלשים (רא"ש ורבינו ירוחם). הגה: ובמדינות אלו שאין המנחמין רגילין לבא ביום ז', צריך להמתין עד שעה שרגילין המנחמים לבא בשאר ימים, דהיינו לאחר יציאה מבית הכנסת שרגילין לבא מנחמין, כן נראה לי, ודלא כמו שרגילין להמתין שעה על היום, דאין הדבר תלוי רק בעמידת המנחמין. (וכן משמע באשירי.)

<sup>10</sup> R. Yom Tov ben Avraham Ashvili b. circa 1250 in Saragossa, Spain, and d. there circa (1320 CE).

<sup>11</sup> If Shabbat "cut off" shiva, as opposed to merely suspending some of the rules of mourning, then the rule that only part of the last day of shiva is observed might allow shiva to end on Friday morning.

<sup>12</sup> Note that there are many more lenient opinions as to when shiva ends if the 7<sup>th</sup> day is on Shabbat. See e.g. R. Yoseph Kappach's comment on Mishneh Torah Laws of Mourning 6:10, footnote 11 where he argues, for instance, that one should wash with hot water on Friday night in this situation.

It is also worth noting that Ritba indicates that general practice in his community was not to visit mourners on Shabbat, though his statement that “public” acts of consoling mourners are forbidden implies that he agrees that technically private acts of consoling mourners is permitted.<sup>13</sup> In any event, halakhah clearly permits consoling mourners on Shabbat:

**רמב"ם הלכות שבת פרק כד הלכה ה**

**Rambam Laws of Shabbat 24:5**

**And we visit the sick and console mourners on Shabbat.**

ומבקרין חוליין ומנחמים אבליים

**שולחן ערוך אורח חיים סימן רפז סעיף א**

**Shulhan Arukh Orach Hayyim 287:1**

**We may console mourners on Shabbat, and so too we may visit the sick.** יכולים לנחם אבליים בשבת, וכן יכולים לבקר את החולה.

Note that the commentaries on Shulhan Arukh continue to discuss exactly what should be said to a mourner on Shabbat, a topic which we will address in section 3 below, beginning at page 15.

Later sources note some concern about visiting people on Shabbat as well as certain Ashkenazi practices not to visit mourners on Shabbat. Magen Avraham notes the unfortunate practice in his time and place (17<sup>th</sup> Century Poland) whereby people tended not to visit during the week, instead visiting on Shabbat.

**מגן אברהם סימן רפז<sup>14</sup>**

**Magen Avraham 287**

**We read in the Gemara, “With difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath,” ... which is contrary to those who on all days of the week don’t go to visit other than on Shabbat. And also regarding a mourner one should say to the mourner ...** אמרי' בגמ' בקושי התירו לנחם אבליים ולבקר חוליים בשבת ... ודלא כאותן שכל ימות השבוע אין הולכין רק בשבת ...<sup>15</sup>

It is not clear whether he is referring here to people who are visiting the sick, the bereaved or both. In regard to Magen Avraham’s comment, it is worthwhile to note the comment of Rabbi Israel Meir HaKohen in Beur Halakhah that Magen Avraham’s comment should not prevent one who has already visited someone during the week from making another visit on Shabbat.<sup>16</sup> The criticism of Magen Avraham is repeated in Arukh haShulhan 287:1 and Mishna Berurah 287:1.

Arukh haShulhan 287:3, discussing whether the standard greeting of mourners may be used on Shabbat ends his comments with the statement that “ואצלינו לא נהגו בניחום אבליים בשבת” in our area

<sup>13</sup> As we will discuss in section 2 below, beginning on page 11, the basis of Ritba’s opinion that public acts of consolation are forbidden is far less than clear.

<sup>14</sup>R. Avraham Ha - Levi Gombiner born ca. 1637 in Gombin, Poland, and died in Kalisch in 1683.

<sup>15</sup> We will address the issue of what one says to a mourner on Shabbat in Section 3, below page 15. I left a few words of the lead into this conversation here merely to demonstrate that Magen Avraham’s comment regarding people visiting only on Shabbat seems to may refer to people visiting mourners as well as those who are sick.

<sup>16</sup> וכן יכולים לבקר את החולה וכו' - עיין במ"ב סק"א דלא יפה וכו' אם לא שבימות החול היה טרוד ובשבת שיש לו פנאי הולך לחולה אוהבו שיודע בו שיש לו נחת מזה שהוא בא אליו לבקר מצוה קעביד ואין לו למנוע מללכת בשבת ויו"ט [שע"ת] ונראה דה"ה אם הלך לבקר בחול ג"כ אין איסור לבקר בשבת דהלא אמרו חז"ל דאין לבק"ח שעור ולא מעטו הפוסקים רק אם בחול אין הולך כלל ומכוין שילך בשבת ובפרט אם הוא יודע שבהליכתו להחולה הוא לתועלת ליעצו איך להתנהג בענין מחלתו וגם לחזק אותו שלא יפול לבו עליו בודאי מצוה רבה הוא עושה בזה

(19<sup>th</sup> Century Russia) the practice is not to console mourners on Shabbat.”<sup>17</sup> The exact meaning of Arukh HaShulhan’s comment is unclear. In context, he seems to be implying that people would not say any words of consolation to mourners on Shabbat, though in addition, or in the alternative, he could be saying that shiva visits were not made or that no gesture of consolation at all were made. Similarly, Gesher Hahayim, explaining the practice of welcoming mourners during Kabbalath Shabbat before reciting Psalm 92 says, “שבקבלת שבת פסקה אבלות דפרהסיא והנחום” that with receiving Shabbat, public mourning ceases as well as consolation,” which may imply either that all acts of consolation cease on Shabbat or only that public acts of consolation cease on Shabbat.<sup>18</sup> Gesher Hahayim also states that, “כיום אין נוגים האשכנזים ... כיום אין נוגים האשכנזים”<sup>18</sup> Sephardim are accustomed to go to the house of mourning even on Shabbat ... Today Ashkenazim are not accustomed to visit the house of a mourner either on Shabbat or Yom Tov.”<sup>19</sup> The author of Shmirat Shabbat K’Hilkhatah apparently reads Gesher Hahayim and Arukh Hashulhan to be referring to a practice against visitation and not of words of consolation, writing “nonetheless we do not practice today to go on Shabbat to the mourner in order to console him.” (emphasis my own) and citing both Arukh Hashulhan and Gesher Hahayim in support of that practice.<sup>20</sup> Mishnah Berurah is more clear that one may approach a mourner on Shabbat, writing in 287:3, “ומ”מ לילך בעצמו לו”<sup>20</sup> nonetheless for one to go on one’s own to him, i.e. the mourner, to say ‘the Sabbath prevents us from consoling’ is permitted.”<sup>21</sup>

*b. Why Was There Any Concern About Nihum Avelim On Shabbat and Why Was It Permitted?*

**שאלות דרב אחאי פרשת אחרי מות שאילתא צג**

**Sheiltot of Rav Achai Aharei Mot 93**

**Nonetheless, it is necessary to explore on Shabbat what is the law regarding inquiring of the afflicted? Do we say that since he will go and see that he, i.e. the afflicted person has troubles he, i.e. the visitor, will become upset and uproot his enjoyment of Shabbat, whereas the Merciful said “you shall call your Shabbat a pleasure,”<sup>23</sup> or perhaps since the master said, “anyone who goes and inquires of the afflicted is considered to have given him, i.e. the person in distress, life,”<sup>24</sup> therefore it is considered appropriate to visit the person.**

ברם צריך בשבת מהו לשוילי בקצירא מי אמרינן כיון דאזיל וחזיה ליה דאית ליה צערא חלש דעתיה וקא עקר עינוגא דשבתא ורחמנא אמר וקראת לשבת עונג<sup>23</sup> או דלמא כיון דאמר מר כל מאן דאזיל ומשאיל בקצירא דמי כמאן דיהב ליה חי<sup>24</sup> והלכך שפיר דמי.

<sup>17</sup> Arukh haShulhan 287:3 is quoted at greater length below, page 17 in the discussion of whether the standard greetings to mourners ought to be extended on Shabbat.

<sup>18</sup> Gesher Hahayim Part 1 Section 20:5. Text from <http://www.hebrewbooks.org/31174> p. 179. This text is quoted at greater length below, page 14 in the discussion of public acts of consoling mourners on Shabbat.

<sup>19</sup> Part 1 Section 20:5. Text from <http://www.hebrewbooks.org/31174> p. 178.

<sup>20</sup> “ערוה”ש שם סיסע’ג, גשר החיים פ”כ ס”ה ס”ק ב”ב, עא, text accompanying note שבת כהלכתה סה:יט.

<sup>21</sup> Other parts of this comment of Mishnah Berurah are found below at pages 14 and 17.

<sup>22</sup> Rav Achai (Acha) of Shabcha born ca. 680 CE, d. Israel 756. “Rav Acha’s Sheiltot is the first known halachic work composed in post - Talmudic times for public use.” (Bar Ilan).

<sup>23</sup> Isaiah 58:13.

<sup>24</sup> Thank you to my teacher Hakham Isaac Sassoon who corrected my translation here. Where Sheiltot quotes “the master” as saying that one who inquires of an afflicted person gives that afflicted person life, this is a reference to Sheiltot’s earlier use of that saying as a paraphrase of the story of Rabbi Akiva on the top of BT Nedarim 40a where Rabbi Akiva attends to his deathly ill student’s needs and the student says that Rabbi Akiva “החייתני – you have revived me,” and Rabbi Akiva goes on to say that failure to visit an ill person is tantamount to spilling blood.

**25 רבינו חננאל מסכת שבת דף יב עמוד ב** **Rabbenu Hananel on BT Shabbat 12b**

**Rabbi Hanina said: With difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath because we fear lest the visitor pray for mercy for the sick/bereaved with distress and screaming.** א"ר חננאל בקושי התירו לנחם אבלים ולבקר חולים בשבת משום דחיישינן שמא יבקש עליו רחמים בצרה ובצעקה.

**26 רי"ף מסכת שבת דף ה עמוד ב** **Rif Shabbat 5b (in Rif's pagination)**

**Rabbi Hanina said: With difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath, explanation: lest the visitor come to cry out on Shabbat.** א"ר יוחנן בקושי התירו לנחם אבלים ולבקר חולים בשבת פירוש שמא יבא לזעוק בשבת

**27 רש"י מסכת שבת דף יב עמוד א – עמוד ב** **Rashi on BT Shabbat 12a-b**

**According to the academy of Shammai we do not console – because he, i.e. the person offering condolences becomes troubled among those who are troubled.** ואין מנחמין - משום דמצטער עם המצטערין.  
**With difficulty they, i.e. the Rabbis, permitted – because he, i.e. the person offering condolences becomes troubled.** בקושי התירו - מפני שמצטער.

**28 רא"ש מסכת שבת פרק א סימן ל** **Rosh Shabbat 1:30**

**Rabbi Hanina said: With difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath, explanation: lest the visitor come to cry out on Shabbat.** אמר רבי חננאל בקושי התירו לנחם אבלים ולבקר חולים בשבת פי' שמא יבא לזעוק בשבת

There is general consensus that the concern regarding consoling mourners on Shabbat is that it might detract from the person's enjoyment on Shabbat.<sup>29</sup> Some of the explanations focus on the fact that a person might "cry out" in passionate prayer on Shabbat, which seems to be a verbal manifestation of the same emotional response. It is interesting to note that those explanations that mention "crying out" as a concern don't seem to distinguish between visiting the sick, where crying out in prayer for healing might be expected, and comforting mourners, where, perhaps some form of plaintiff prayer might have been expected in earlier custom (I haven't researched this point at all).

The fact that the rabbis considered the emotional response of the consoler when deciding whether consoling mourners would be permitted on Shabbat by no means implies that this was the tantamount concern. To the contrary, the concern about the response of the consoler was overridden by the expected benefit to the bereaved, as eloquently expressed in the following two texts:

<sup>25</sup> Rabbeinu Chananel b. R. Chushiel c. 990-c. 1055 Kairouan, North Africa (in present day Tunisia).

<sup>26</sup> Rabbi Isaac Alfasi (RiF) born 1013 ?Algeria?, d. Lucena, Spain, in 1103.

<sup>27</sup> Rabbi Shlomo Yitzchaki (Rabbi Solomon ben Isaac, Isaacides) b. Troyes, northern France 1040; d. Worms in 1105.

<sup>28</sup> Rabbi Asher ben Jechiel born c. 1250 Germany, died 327 Toledo, Spain.

<sup>29</sup> A few slightly later writers indicate that the concern regarding condolences on Shabbat was that giving/receiving condolences on Shabbat might be considered a form of public mourning on Shabbat, which is prohibited. See discussion in Section II below beginning at page 11, in particular the text of Raaviah at page 13. The same rationale is offered by הלכות שמחות סימן ס and ראב"ן מועד קטן, מרדכי מסכת מועד קטן הלכות תשעה באב רמז תתצו.



סעיף א' 30 ערוך השולחן אורח חיים סימן רפז

**Arukh Hashulhan Orah Hayyim 287:1**

**But the academy of Hillel permitted visiting the sick and comforting mourners on Shabbat because it is in the category of bestowing kindness, and moreover eases their, i.e. the mourners', pain. And with difficulty they, i.e. the Rabbis, permitted consoling mourners and visiting the sick on the Sabbath for the reasons that we have explained, but the sages permitted it, as we have said.**

וב"ה מתירין משום דזהו בכלל גמ"ח ועוד שמקיל הצער מהם ובקושי התירו לנחם אבלים ולבקר חולים בשבת מטעמים שנתבאר אלא שהתירו חכמים כמ"ש

שו"ת ציץ אליעזר חלק יג סימן לו 31

**Responsa of Tzitz Eliezer 13:36**

**And the Sha'arie Teshuvah on his own, i.e. without quoting a source, writes that one who is of faint heart and troubled by the suffering of the sick should not go on Shabbat to visit, because the Sabbath was given for enjoyment and not for trouble, see there.**<sup>32</sup>

However, I have already written to respond to the words of the Sha'arei Teshuvah in my book Ramat Rahel based on what I found in the Sheiltot, in which is written in the following language:<sup>33</sup> ... thus we have learned from the words of the Sheiltot who explained that this precisely was the question of the sages in this regard, if there is reason to permit visiting the sick on Shabbat when it will be that based on the visiting it will uproot the visitor from the mitzvah of enjoyment on Shabbat, and that this was what the academy of Shammai and the academy of Hillel disagreed on, and the academy of Hillel permitted visiting because they believed that anyone who visits the sick and inquires into his wellbeing is akin to one who has given him, i.e. the sick person, life and therefore this overrides any concern for the detriment to the enjoyment of his Shabbat. And if this is the case, behold we should learn from this that it is appropriate to visit the sick on Shabbat even for one who is faint of heart and is troubled by the suffering of the sick, and we do not say in his regard that Shabbat was given for enjoyment and not for trouble, because the commandment of enjoying Shabbat is overridden because of the great mitzvah of visiting the sick, contrary to the opinion of the Sha'arei Teshuvah.

And recently I saw the Levush<sup>34</sup> in section 287 who writes in the following language: "And if there is a mourner in the town, one may go to comfort him, or a sick person to visit him, and we do not worry (lit: say) lest he be troubled on Shabbat

והשערי תשובה מדידה כותב לומר דמי שהוא רך הלבב ומיצר על יסורי החולה אין לו לילך בשבת לבקר דלעונג ניתן ולא לצער ע"ש.<sup>32</sup>

והנה כבר כתבתי להשיב על דברי השערי תשובה בספרי רמת רחל (הנספח גם לספרי צ"א ח"ה) סי' י"ד ממה שמצאתי בשאילתות ויקרא (שאלתא צ"ג) שכתוב בזה בזה"ל:<sup>33</sup> ... הרי למדנו מדברי השאילתות שפירש דזהו גופיה היא האיבעיא של רז"ל בזה אם יש להתיר ביקור חולים בשבת בהיות וע"י הביקור עוקר המבקר ממנו מצות עונג שבת, ושבוזה הוא שנחלקו ב"ש וב"ה, ובית הלל מתירים כי ס"ל דהיות שכל המבקר את החולה ושואל בשלמו הר"ז כמאן דיהיב ליה חיי לכן דוחה זה העינגא דשבתא שלו, וא"כ הרי נלמד מזה דשפיר דמי לבקר החולה בשבת גם למי שהוא רך הלבב ומיצר על יסורי החולה ולא אמרינן גביה דלעונג ניתן ולא לצער, כי מצות עונג שבת נדחית מפני המצוה הגדולה של ביקור חולים, ודלא כהשערי תשובה.

וכעת ראיתי גם בלבוש בס"ל רפ"ז שכותב בזה נמי בלשון: ואם יש אבל בעיר יכול לילך לנחמו ולחולה לבקרו ולא אמרינן שמא

<sup>30</sup> Rabbi Yechiel Michel ben Rabbi Aaron HaLevi Epstein b. 1829 Bobroisk, Russia. D. 1908.

<sup>31</sup> Rabbi Eliezer Yehuda Waldenberg 1916-2006, Jerusalem.

<sup>32</sup> See Sha'arei Teshuva on Orah Hayyim 287.

<sup>33</sup> See text above p. 17.

<sup>34</sup> Rabbi Mordecai Yoffe 1530-1612, student of Rabbi Moses Isserlis, the Ashkenazin glossator of the Shulhan Arukh.

**because the importance of bestowing kindness is great,” end of quote, which demonstrates that the Levush also explained with simplicity that the halakhah was thus established that we don’t worry in this regard for the anguish of the visitor, because bestowing kindness is of great importance and overrides the concern for this anguish, and this is in accordance with the Sheiltot referenced above.**

**In any event, we can also learn from the words of the Sheiltot and the Levush that the halakhah is decided not in accordance with Rabbi Hanina that with difficulty they, i.e. the Rabbis, permitted visiting, but rather that it is permitted with ease in accordance with the plain implication of the words of the academy of Hillel who permit it, and not only that, but that there is in this a fulfillment of the commandment of bestowing kindness, which invigorates the sick person.**

יצטער בשבת גדולה ג"ח עכ"ל, הרי שגם הלבוש ביאר בפשיטות דכך נקבעה ההלכה דלא חיישינן בזה לצערו של המבקר, כי גדולה גמילות חסדים שדוחה הצער הזה, וזהו כבעקבות השאלות הנ"ל.

וממילא נלמד גם זאת מתוך דבריהם של השאלות והלבוש דלהלכה פסקינן דלא כר' חנינא דבקושי התירו לבקר, אלא דמותר בשופי וכפשטות משמעות דבריהם של בית הלל שמתירים, ולא עוד אלא דאיכא בזה עוד משום קיומא מצוה דגמילות חסדים ויהיבת חיי לחולה.

The Tzitz Eliezer goes as far as to say that Rabbi Hanina’s observation at the end of the Babylonian Talmud, that permitting visiting the sick and consoling mourners was a difficult decision is not an accepted opinion and is contrary to the opinion of the academy of Hillel expressed toward the beginning of the Talmudic piece. I am on the fence as to whether I agree with the Tzitz Eliezer on this point, but have little doubt about the beauty of his writing on this point. I would also add that it is probably of little consequence, philosophically or practically whether Rabbi Hanina’s statement is accepted. If it is, it is merely a demonstration of how important bestowing kindness on others is in that it led the rabbis to make the difficult call they made.

### *c. Conclusions*

It is clear that halakhah permits consoling mourners, and even shiva visits on Shabbat. Clearly, a person should feel free to offer condolences to the bereaved on Shabbat. In this regard, it is worth noting that the rabbis presume that a person in mourning will benefit from consolation. Sometimes we may be tempted not to bring up a person’s loss for fear of calling the person’s attention to that loss. However, in all likelihood, particularly in the early stages of mourning, the person is thinking about the loss or is likely to do so anyway in the near future. On the other hand, *not* mentioning a person’s loss may seem like leaving the elephant in the room unaddressed, which may be particularly insensitive toward the bereaved. By offering condolences, we are far more likely to facilitate a person’s expressing and processing her or his emotions than we are to bring up negative emotions that aren’t already there in the first place. Of course, like all general rules, there certainly will be exceptions to this idea that offering condolences on Shabbat will be helpful. If there is a particular reason to believe that offering condolences to someone will be hurtful, of course one should refrain from doing so (though in most cases such situations would not be different on Shabbat than on other days).

The issue of making a shiva visit on Shabbat is a bit more complicated for a variety of related reasons. Today, people do not expect shiva visits on Shabbat. In addition, the lack of visitors on Shabbat may be a welcome respite for the family from the frenetic pace that often exists in a shiva home. The mourners may prefer to spend Shabbat in relative quiet and among family. This said, there is probably good reason to move away from a hard-and-fast rule that people do not visit on Shabbat. For instance, it may depend on whether the mourner will be relatively alone on Shabbat or has family there. There may also be particularly close friends from whom a visit on Shabbat might be appreciated or a friend who for whatever reason simply cannot make a visit other than on Shabbat (we should be careful that any permission in this regard not be taken too far, as to not end up in the troubling situation raised by Maken Avraham, above p. 6). I would note that no one should “show up” at a shiva home on Shabbat without advance warning and permission from the family (requested only if the requestor is confident that the family will be comfortable saying “no” if they want to). In addition, mourners should probably be afforded some latitude to invite visitors on Shabbat (either a public invitation or asking some select friends to come by) if they feel that will be helpful to them.<sup>35</sup>

## Section 2: Should Public Announcements/Nihum Avelim be Avoided on Shabbat?

Presuming that, as argued above, consolation of mourners is generally permitted on Shabbat, we must next consider whether there is any difference between an individual expressing condolences and a community doing so, in the form of, for example, public announcements or group visits. While it is clear that halakhah restricts public acts of mourning on Shabbat<sup>36</sup>, there is, to my knowledge, no text from the Talmudic era that directly addresses whether this restriction applies only to the bereaved, prohibiting public acts of mourning, or also to the everyone else as well so as to prohibit the public from acts of consolation.<sup>37</sup> In addition, even if *in theory* the rule that public mourning does not apply on Shabbat would include public acts of consolation, a strong argument could be made that the same logic that permitted private acts of consolation despite the possibility that it might detract from Shabbat might also apply to permit public acts of consolation as well.

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<sup>35</sup> This may be the case, for instance for mourners who are leaving a certain location after Shabbat and therefore will have limited time to receive visitors in that location. Thank you to Rabbi Gerald Sussman for raising this example as food for thought in a recent conversation.

<sup>36</sup> **Rambam Laws of Mourning 10:1**

**And there is no mourning on Shabbat other than in private, for instance the covering of the head<sup>36</sup>, marital relations (lit. “using the bed”), and washing in hot water, but matters that are public, he does not practice mourning in that regard, but rather he wears shoes, uprights the couches,<sup>36</sup> greets everyone, and if he has other clothing he changes his clothing, and he should not wear a torn garment on Shabbat, even for the loss of his father or mother, and if he doesn’t have other clothing with which to change clothing, he turns the tear to behind him.**

See further Shulhan Arukh Yoreh Deah 400:1.

<sup>37</sup> Thank you to my friend Dov Berger for framing this issue in this manner during our conversation on this subject.

**רמב"ם הלכות אבל פרק י הלכה א**

ואין אבילות בשבת אלא בדברים שבצנעה, כגון עטיפת הראש ותשמיש המטה ורחיצה בחמין, אבל דברים שבגלוי אינו נוהג בהן אבילות, אלא לובש מנעליו וזוקף את המטה, ונותן שלום לכל אדם, ואם יש לו בגד מחליף, ולא ילבש בגד קרוע בשבת, אפילו על אביו ועל אמו, ואם אין לו להחליף מחזיר את הקרע לאחוריו.

We have already seen that Ritba presumed that public acts of consolation are prohibited.<sup>38</sup> This is the earliest source I have found thus far to explicitly state such a distinction. Commenting on this text in the Mosad Harav Kook printing of Ritba, Rabbi Eliyahu Lichtenstein writes at footnote 527, “בין פרהסיא לציניעא, בין יחוד לרבים וצע"ג, we have not found in any place (i.e. text) these distinctions, between public and private, between the individual and the public, and this needs great investigation.”

The closest thing we have to a Talmud-era text discussing public consolation of mourners is the following text from Pirkei d'Rabbi Eliezer and its parallel source in Avot d'Rabbi Natan.<sup>39</sup>

**פרקי דרבי אליעזר פרק יז<sup>40</sup>**

**Pirkei d'Rabbi Eliezer Chapter 17**

**Solomon saw that the quality of bestowing kindness was great before God, so when he built the Holy Temple he built two gates, one for grooms and one for mourners and people who were excommunicated and Israel, i.e. Jewish people, would go on the Sabbaths and sit between these two gates, and one who would enter the grooms' gate they would know he was a groom and would say to him, “may the one who dwells in this Temple bring you joy through sons and daughters,” and one who entered the gate of mourners and his mustache was covered, they would know he was a mourner and say to him, “may the one who dwells in this house console you.” ... When the Holy Temple was destroyed, the sages instituted that grooms and mourners go to the synagogues and houses of study, and the people of the place would see the groom and celebrate with him and see the mourner and sit with him on the ground, so that they would sit and Israel would fulfill their obligation of bestowing kindness. And regarding them he, i.e. the mourner, would say, “Blessed is He who bestows a good reward on those who bestow kindness.**

רָאָה שְׁלֹמֹה שְׁמַדַּת גְּמִילוּת חֲסָדִים  
גְּדוּלָה לְפָנֵי הַמָּקוֹם, וּכְשֶׁבָּנָה בֵּית  
הַמִּקְדָּשׁ בָּנָה שְׁנֵי שַׁעֲרִים, אֶחָד לַחֲתָנִים  
וְאֶחָד לְאַבְלִים וְלַמְגֻדִים. וְהָיוּ יִשְׂרָאֵל  
הוֹלְכִין בַּשַּׁבָּתוֹת וְיוֹשְׁבֵין בֵּין שְׁנֵי  
שַׁעֲרֵים הַלָּלוּ, וְהִנְכַּנְסוּ בְּשַׁעַר חֲתָנִים הָיוּ  
יּוֹדְעִין שֶׁהוּא חֲתָן, וְהָיוּ אוֹמְרִים לוֹ,  
הַשׁוֹכֵן בְּבֵית הַזֶּה יְשַׂמְחֶךָ בְּבָנִים  
וּבְבָנוֹת. וְהִנְכַּנְסוּ בְּשַׁעַר אַבְלִים וְהָיָה  
שֹׁפְמוֹ מְכַסֶּה אֵז הָיוּ יּוֹדְעִין שֶׁהוּא אַבֵּל,  
וְהָיוּ אוֹמְרִים לוֹ, הַשׁוֹכֵן בְּבֵית הַזֶּה  
יְנַחֶמְךָ. ... מִשְׁחַרְבַּב בֵּית הַמִּקְדָּשׁ הִתְקִינוּ  
שְׁנֵיהֶם חֲתָנִים וְאַבְלִים הוֹלְכִין לְבֵתֵי  
כְּנִסוֹת וּלְבֵתֵי מִדְרָשׁוֹת, וְאֲנָשֵׁי הַמָּקוֹם  
רוֹאִין אֶת הַחֲתָן וּשְׂמֵחִים עִמּוֹ, וְרוֹאִין  
אֶת הָאֵבֶל וְיוֹשְׁבִים עִמּוֹ עַל הָאָרֶץ, כְּדִי  
שְׂיִשְׁבוּ וְיִצְאוּ יִשְׂרָאֵל יְדֵי חוֹבָתָן  
בְּגִמְלוֹת חֲסָדִים. וְעַלֵּיהֶם הוּא אוֹמֵר  
בְּרוּךְ אַתָּה ה' גּוֹמֵל שְׂכָר טוֹב לְגוֹמְלֵי  
חֲסָדִים.

This text seems to approve of a public display of consoling mourners on Shabbat. Then again, as was noted in the Alay Tamar commentary on the Jerusalem Talmud, it is possible that there were varying traditions regarding consolation of mourners on Shabbat, and to the extent Pirkei d'Rabbi Eliezer suggests a practice that might be violative of the rule against public mourning, the text of Pirkei d'Rabbi Eliezer should not be considered authoritative. However, a number of authorities provide an explanation for the behavior referenced in Pirkei d'Rabbi Eliezer by arguing, as we suggested above, that the interest in consoling mourners overrides any potential restriction based on the rule against public mourning.

<sup>38</sup> See text of Ritba, above p. 5.

<sup>39</sup> Some of the distinctions between the two texts are addressed in the Alay Tamar commentary on the Jerusalem Talmud found above at page 3.

<sup>40</sup> Pirkei d'Rabbi Eliezer is one of the so-called “minor tractates,” which are generally not considered authoritative when they contradicting other early rabbinic material

**ראבי"ה חלק ג - הלכות אבל סימן תתמא<sup>41</sup>**

**Raaviah Part 3 Mourning Chapter 841**

**Even though** this, i.e. the story in Pirkei d'Rabbi Eliezer, **is public** mourning on Shabbat, **for the sake of a mitzvah**, i.e. the kindness bestowed on the mourner **it is distinguished** from other manner of public mourning that is prohibited. **And it is because of its public nature that we say "with difficulty they**, i.e. the Rabbis, **permitted consoling mourners on the Sabbath."**

ואף על גב דפרהסיא הוא משום מצוה שאני. ומשום פרהסיא אמרינן בקושי התירו לנחם אבלים בשבת.

Note that Raaviah argues that the sages' original concern regarding consoling mourners on Shabbat was the public nature of the act,<sup>42</sup> presumably meaning that even where it is just a single mourner accepting condolences from a single friend, that is already a public act, and nonetheless the sages permitted the act. If Raaviah is correct about this analysis, it would make it more clear that public acts of consolation are permitted on Shabbat. However, as we saw in section Ib, above p. 7, the earlier explanations for the rabbis' concerns for consolation of mourners on Shabbat revolve around the detrimental effect such acts have on a person's enjoyment of Shabbat.

Public participation in consoling mourners is spoken of by the Rosh, who relies on Pirkei d'Rabbi Eliezer as a permissive precedent:

**רא"ש מסכת מועד קטן פרק ג סימן מו**

**Rosh Moed Kattan 3:46**

**And thus we practice in Ashkenaz that the mourner goes to the synagogue on Shabbat and after prayers the mourner leaves first and sits in front of the synagogue and all the congregation goes and sits with him, and the mourner gets up and walks to his home and the entire congregation goes with him and sits there with him for an hour. And in doing this they rely on the words of the homiletical story in Pirkei d'Rabbi Eliezer.**

וכן נוהגין באשכנז האבל הולך לביהכ"נ בשבת ואחר התפלה האבל יוצא תחלה ויושב לפני ביהכ"נ וכל הקהל יוצאין ויושבין אצלו ועומד האבל והולך לביתו וכל הקהל הולכין עמו ויושבין שם שעה אחת וסומכים על דברי הגדה פירקי דרבי אליעזר

The Rosh's teaching is quoted in Tur Yoreh Deah 393. However, Shulhan Arukh does not mention this precedent or whether it is permitted or forbidden to engage in public consolation of mourners on Shabbat. Some later authorities presume that public announcements of condolences are not permitted on Shabbat in reference to a practice of welcoming mourners into the synagogue during Kabbalath Shabbat.

<sup>41</sup> R. Eliezer ben R. Yoel Halevi, born c. 1140 Mainz, Germany, d. Cologne, c. 1220.

<sup>42</sup> See foot note 29 on page 8 for a reference to some others who make the same argument. One of those opinions is that of Mordechai, a descendant of Raaviah, who in turn is cited on the point by Beth Yoseph in Yoreh Deah 393 sv ומה שכתב רבינו בשם הרא"ש

## Gesher Hahayim 20:5

גשר החיים פרק כ סימן ה<sup>43</sup>

(ב) ומשום שאמר ר"ח (שנת י"ב): „בקושי התירו לנחם אבלים בשבת”  
... לכן הנהיגו האשכנזים לנחם קודם קבלת השבת ולהושיבו

בביהכ"נ בין העם עם קבלת השבת, היינו שהאבל נכנס לביהכ"נ אחר „לכה דודי” קודם „מזמור שיר ליוה"ש”, והשמש מכריז או „צאו לקראת האב"ל” והקהל מקבל פניו בברכת המקום ינחם אותך (או אתכם) כו', ולוקח לו המקום בביהכ"נ. וע"י נחמה זו קודם קבלת שבת גם מביעים שבקבלת שבת פסקה אבלות דפרהסיא והנחום.

Because Rabbi Hanina says “With difficulty they, i.e. the Rabbis, permitted consoling mourners on the Sabbath.” ... therefore the Ashkenazim became accustomed to console mourners before receiving Shabbat and to have him take his place (lit. “to cause him to sit”) in the synagogue with the people with the receiving of Shabbat, i.e. that the mourner enters the synagogue after “Lecha Dodi” before “let us sing a song for the day of Shabbat,” i.e. Psalm 92, and the sexton announces “go to welcome the mourner” and the congregation receives the mourner with the blessing “may the omnipresent console you,” etc., and he, i.e. the mourner, takes his place in the synagogue. And through this consolation before the receiving of Shabbat we also express that receiving Shabbat suspends public mourning and consolation.

Note that it is unclear whether Gesher Hahayim means that only public consolation of mourners is suspended on Shabbat or all forms of consolation, depending on whether the adjective “public” is meant to refer only to mourning or also to consolation.

## סעיף קטן ג<sup>44</sup> משנה ברורה סימן רפז

## Mishnah Berurah 287:3

The P'ri Megadim<sup>45</sup> wrote, “if the mourner comes to the synagogue after the reciting of ‘let us sing a song for the day of Shabbat’ the sexton should no longer call out ‘go to the mourner’” the Mishnah Berura explains: because one may not publicly mention mourning on Shabbat. Nonetheless for one to go on one’s own on Shabbat to say ‘the Sabbath prevents us from consoling’ is permitted.”<sup>46</sup>

<sup>43</sup> Rabbi Yechiel Michel Tucazinsky b. 1871 in Lyakhavichy, Belarus, d. Jerusalem 1955. Source: [https://en.wikipedia.org/wiki/Yechiel\\_Michel\\_Tucazinsky](https://en.wikipedia.org/wiki/Yechiel_Michel_Tucazinsky) accessed 1/8/19. Text from <http://www.hebrewbooks.org/31174> p. 178-179.

<sup>44</sup> Rabbi Israel Meir HaKohen 1839-1933 Radin, Poland (now Byelorussia). The immediately preceding text of Mishnah Berurah appears below at page 17, text accompanying footnote 52.

<sup>45</sup> R. Joseph son of R. Meir Teomim b. 1727 Steritz, Poland (modern day Ukraine), d. 1792. The text of P'ri Megadim is as follows:

פרי מגדים אורה חיים אשל אברהם סימן רפז  
אמרינן. עיין מ"א. ועיין ט"ז מזה. ומה שקורין צאו נגד האבל, הוא קודם מזמור שיר ליום השבת, שעדיין חול הוא, אומרים המקום ינחמך כו'.  
ועיין סימן רס"א [סעיף ד], ועיין ט"ז [ריש סימן] תקכ"ו וסימן תרצ"ו [ס"ק] ב' ואליה רבה שם [ס"ק ד]:

<sup>46</sup> Other parts of this comment of Mishnah Berurah are found below at pages 14 and 17.

The Aruh haShulhan also references this practice although he does not explicitly associate this practice with any prohibition of consoling mourners:

**ערוך השולחן יורה דעה סימן ת סעיף ה**

**And amongst us the practice in many places is that the mourner waits on Shabbat eve before the receiving of Shabbat in the hall of the synagogue or study hall, and before receiving Shabbat the sexton announces “go to the mourner,” and the people get up from their places and go out to him and he enters the synagogue or study hall.**

ואצלינו המנהג בהרבה מקומות שהאבל ממתין בע"ש קודם קבלת שבת בהפרוזדור של בהכ"נ או של בהמ"ד וקודם קבלת שבת מכריז השמשש לכו נגד האבל וקמים העם ממקומם ויוצאים נגדו והוא נכנס לבהכ"נ או לבהמ"ד

Whether public forms of consolation of mourners, such as in synagogue announcements should be avoided is a very close call. There is no particularly strong source from the Talmudic era on this point and logical analysis can point in opposite directions. On the one hand, our sages bent over backwards to permit consolation of mourners in deference of the therapeutic effect of such acts and therefore perhaps we should err on the side of permitting public acts of consolation. On the other hand, since the sages bent over backwards to permit such acts, perhaps we should construe that permission narrowly and therefore eschew public acts of consolation. Friday night also presents an additional interesting question. The practice of welcoming mourners before Psalm 92 has the advantage of allowing the congregation to offer condolences in plenum before formally welcoming the Shabbat. On the other hand, this practice may reinforce mistaken beliefs as to the permissibility of consoling mourners on Shabbat in general. For Gesher Hahayim, communicating that Shabbat suspends public mourning and (public?) consolation of mourners is a feature, but perhaps it is a bug. My personal opinion is that I would allow and encourage announcements of condolences on Shabbat morning, but I might allow the greeting of mourners before Psalm 92 to suffice on Friday night. As to other communal acts of consolation on Shabbat, I would permit such acts if they are welcomed/requested by the mourner.

### **Section 3: Should the Standard Greetings to Mourners be Extended on Shabbat?**

The Babylonian Talmud<sup>47</sup> offers a number of suggestions as to what should be said by a person visiting a sick person on Shabbat. No such suggestions are made regarding visiting a mourner. The same is true of Rambam and Shulhan Arukh:

**רמב"ם הלכות שבת פרק כד הלכה ה**

**Rambam Laws of Shabbat 24:5**

**And one who enters to visit a sick person says, “Shabbat is what prevents us from crying out, and healing will come soon.”<sup>48</sup>**

והנכנס לבקר את החולה אומר שבת היא מלזעוק ורפואה קרובה לבוא

<sup>47</sup> Text above p. 2.

<sup>48</sup> Translated per the comment of Rabbi Yoseph Kappach below p. 17.

**שולחן ערוך אורח חיים סימן רפז סעיף א**

**Shulhan Arukh Orah Hayyim 287:1**

**But one should not speak to the person in the manner that he speak during the week, but rather should say to him, "Shabbat is what prevents us from crying out, and healing will come soon (alt: "may healing come soon"), God's (lit. "His") compassion is great, and have peaceful Sabbath rest. Gloss (by Rabbi Moses Isserless) and some say that one need not say, "God's compassion," etc., and thus is our practice.**

ולא יאמר לו כדרך שאומר לו בחול, אלא אומר לו: שבת היא מלועוק ורפואה קרובה לבא ורחמיו מרובים ושבתו בשלום. הגה: וי"א דאין צריך לומר ורחמיו מרובים וכו', וכן נהגו (רמב"ם פרק כ"ד).

Arguably, this may indicate that the standard greetings that are offered to a mourner during the week may also be offered on Shabbat.<sup>49</sup> However, a number of later authorities suggest that rather than extending the normal greetings, a substitute greeting similar to the greeting used for a sick person should be used.

**ב"ה אורח חיים סימן רפז<sup>50</sup>**

**Bach Orah Hayyim 257**

**And if there is a mourner, etc. ... It seems that that which is written that "one should not speak to the person in the manner that he speaks during the week" only refers to what immediately follows, "and to visit the sick," ... Rashi explained that special words are prescribed for the sick people because it is necessary to distract their thoughts so that they not be troubled, which suggests that for the mourner one may console him in the manner that he consoles him during the week, but particularly for the sick person since during the week the visitor must cry out and pray for him, i.e. the visitor must pray for the sick person, we say that on Shabbat it is forbidden to cry out, rather he says "The Sabbath prevents us from crying out," etc. However, I saw the Maharshal (in glosses on Tur) who wrote that when one consoles mourners one says on his exiting "Shabbat prevents us from consoling, but consolation will come soon (alt: "May consolation come soon"), God's (lit. "His") compassion is great, and have peaceful Sabbath rest," end of quote. Apparently he, i.e. Maharshal, believes that just as the Tanaim, i.e. the rabbis quoted in BT Shabbat 12 as to what to say to a sick person on Shabbat, disagreed regarding what to say in visiting the sick, so, too, they disagree regarding consoling mourners and since the halakhah is established in accordance with Shevna's recommended words to the sick person, one must say "Shabbat**

ואם יש אבל וכו'. ... לכאורה נראה דהא דלא יאמר לו כדרך שהוא אומר בחול לא קאי אלא למאי דסמך ליה<sup>51</sup> ולחולה לבקרו, ... פירש רש"י דצריך להכריע דעתם שלא יצטערו, אלמא משמע דלאבל יכול לנחמו כמו שהוא מנחם בחול אלא דבחולה דוקא כיון דבחול צריך המבקר לזעוק ולהתפלל עליו קאמרינן דשבת אסור לצעוק אלא אומר שבת היא מלועוק וכו', אבל ראיתי למהרש"ל (בהגהותיו לטור) שכתב דכשמנחם אבלים אומר(ים) ביציאתו שבת היא מלנחם ונחמה קרובה לבוא ורחמיו מרובין ושבתו בשלום עכ"ל נראה דסבירא ליה דכי היכי דפליגי תנאי בביקור חולים הכי נמי פליגי בתנחומי אבלים וכיון דקיימא לן כשבנא צריך שיאמר שבת היא מלנחם וכו' כלשון

<sup>49</sup> Ashkenazim generally say "המקום ינחם אתכם בתוך ציון וירושלים" may the Omnipresent console you among the mourners of Zion and Jerusalem" while Sephardim generally say "תנוחמו מן השמים" may you be comforted from the heavens." As noted above page 4 footnote 8, one could also suggest that the Babylonian Talmud does not supply text for consoling mourners on Shabbat because no words of consolation ought to be spoken. However, I think that interpretation is unlikely.

<sup>50</sup> Rabbi Joel Sirkes, Poland 1561-1640.

<sup>51</sup> Bach is commenting on the text of Tur which mentions using different words immediately after mentioning visiting a sick person.



prevents us from consoling,” as Shevna said for visiting the sick, **and this is sensible.** שאמר שבנא בביקור חולים והכי מסתברא:

**ערוך השולחן אורח חיים סימן רפז סעיף ג**

**Arukh haShulhan 287:3**

The Talmud did not mention what to say for consoling mourners on Shabbat, and it seems to me that he can say as he says during the week, “May the omnipresent console you among,” etc. But some say that he can/should say as he says with the sick “Shabbat prevents us from consoling, but consolation will come soon (alt: “May consolation come soon”), God’s (lit. “His”) compassion is great, and have peaceful Sabbath rest,” and see Yoreh Deah 393. But in our area the practice is not to console mourners on Shabbat.

ולא הזכיר הש"ס איזה לשון לומר בניהום אבלים ונראה דיכול לומר כמו בחול המקום ינחמך בתוך וכו' אבל י"א ש"ל כמו בחולה שבת היא מלנחם ונחמה קרובה לבא ורחמיו מרובין ושבתו בשלום [רש"ל וב"ה] וע' ביו"ד סי' שצ"ג ואצלינו לא נהגו בניהום אבלים בשבת:

**סעיף קטן ג<sup>52</sup> משנה ברורה סימן רפז**

**Mishnah Berurah 287:3**

But rather should say to him, etc. – This refers to visiting the sick. But for consoling mourners one should say to him, Shabbat prevents us from consoling, but consolation will come soon (alt: “May consolation come soon”).” But some are lenient and hold that it is permissible to say “May the omnipresent console you.”

אומר לו וכו' - אבקר חולים קאי ובניהום אבלים יאמר לו שבת היא מלנחם ונחמה קרובה לבוא ויש מקילים דרשאי לומר המקום ינחמך.

**R. Yoseph Kappach on Rambam Shabbat 24:5 פרוש יוסף קאפח על משנה תורה שבת כד:ה הערה טו**

And in a responsum, our teacher, i.e. Rambam was asked if one should say on Shabbats and holidays the liturgical poems and supplications that were written by the Geonim, and Rambam responded that it is forbidden. And within his words on that subject he wrote, “and all these supplications, requests, and prayers that were written by the Geonim and liturgists it is not permitted in any circumstance to say any of them, not on the Sabbath nor on a holiday, neither for an individual

ובשו"ת (סי' רח) נשאל רבנו אם לומר בשבתות וימים טובים פיוטים ובקשות שחברו הגאונים, והשיב שאסור ובתוך דבריו כתב, וכל אלו התחנות והבקשות והתפלות מחבורי הגאונים והפיטנים אין מותר בשום פנים לומר שום דבר מהם לא ליחיד ולא לצבור, לא בשבת ולא במועד, כי חז"ל הקפידו אפלו על דבר קל מן הסוג הזה שלא לאמרו בשבת ואמרו “שבת היא מלזעוק ורפואה קרובה לבוא ורחמיו מרובין” וזה על דרך ההודעה, לא על דרך הבקשה. ...

to recite them nor for the congregation to recite them, even any of the lighter words of this group. Because they, i.e. the Sages said, The Sabbath is what prevents us from crying out, and healing will soon come, God’s (lit. “His”) compassion is great, which is by way of announcement and not by way of supplication. ...

<sup>52</sup> This text presents the first half of this comment of Mishnah Berurah. The balance of the text appears at page 14, text accompanying footnote 44.

... And in any event, it is clear that the language of consolation of mourners during the week is not like the language of Shabbat, and our custom is that one who enters to console mourners during the week says upon his entering “may you be comforted from the heavens,” in accordance with the language of our teacher in chapter 13 of the Laws of Mourning

. . . . ובכל אופן ברור שאין נוסח תנחומי אבלים בחול כנוסח של שבת, ומנהגנו שהנכנס לנחם אבלים בחול אומר בכניסתו “תנחמו מן השמים” וכלשון רבנו בפ”ג אבל הל’ ב. וכך אומר ביציאתו. ובשבת אין אומרים כן משום שהיא בקשת רחמים אלא אומרים “שבת שלום” בין בכניסה בין ביציאה. וראה ירושלמי מועד קטן פ”ג דף יג ב.

halakhah 2 and thus he says on exiting as well. But on Shabbat one may not say thus since it is a prayer (lit. “A request for mercy”), but rather we say “Peaceful Sabbath” bot on entering and exiting. And see Jerusalem Talmud Moed Kattah page 13b.<sup>53</sup>

Rabbi Kappach suggests that the common Sephardi greeting to a mourner, “may you be comforted from the heavens,” takes on a prayerful note that is not permitted on Shabbat. He would presumably similarly object to the Ashkenazi greeting, “may the Omnipresent console you among the mourners of Zion and Jerusalem.” As my colleague Rabbi Yaakov Siegel noted in a conversation I had with him on this topic, Rambam takes the strictest approach toward avoiding supplication on Shabbat, and much of our liturgy, especially around Torah reading on Shabbat, would have to be gutted were we to follow Rambam’s guidance on this.<sup>54</sup> The more accepted approach seems to permit lightly prayerful sentiments provided they not have a tendency to make us sad, and perhaps the standard greetings offered to mourners are reasonably appropriate on Shabbat. In addition, using the regular phrases might help reinforce the idea that consoling mourners is permitted on Shabbat.

As to the suggested replacement phrase, “שבת היא מלנחם ונחמה קרובה לבא” I have several concerns.

First, the statement “Shabbat prevents us from consoling” is inaccurate. Though *arguably* there may be some limitations on consolation on Shabbat, such as whether particular common words of consolation are permitted or whether public acts of consolation are permitted, “Shabbat prevents us from consoling” is at best an exaggeration and at worst a misrepresentation of the halakhah with the potential for perpetuating the misunderstanding that consolation of mourners is not permitted on Shabbat. Further, it strikes me that saying to a bereaved person, “I’d like to give you support in your time of need but Shabbat tells me not to” is hardly a sensitive thing to say. If one wishes to avoid the standard Shabbat greeting to a mourner then perhaps the better phrase would be “שבת” prevents us from crying out” which is at least factually accurate, though in truth “crying out” is not exactly something we do in comforting mourners.

<sup>53</sup> Text above page 2.

<sup>54</sup> See, for example Arukh haShulhan Orah Hayyim 287:2 commenting on the phrase “and send him a full recovery” to which the Arukh haShulhan says, “וכן נדפס בסידורים ולא ידעתי מי התיר להם זה אם לא בחולה מסוכן” and “ש” is printed in our prayer books and I do not know who permitted them to say this other than for a gravely dangerous illness where this is danger (of death) on that day as we have written.”

As to the phrase “ונהמה קרובה לבא,” to the extent it means “may comfort come soon,” the phrase would be objectionable to Rambam but likely would be acceptable to most authorities. On the other hand, if we were to understand this phrase as Rambam understands the phrase ורפואה קרובה לבא, i.e. “comfort will come soon,” so as to render it acceptable to Rambam, I would think the phrase highly insensitive in most cases. While it is true that a person who is bereaved will likely find comfort at some point in the future, suggesting that this will happen “soon” might be seen as minimizing the person’s loss.

In the end, I would suggest that the standard greetings to mourners are better than the suggested replacement on a number of levels and therefore I would prefer to use them or to say something more simple such as, “my condolences” or “I am sorry for your loss.”