



## Aveilut, Shabbat and Yom Tov

Towards the end of *Moed Katan* the focus shifts to *aveilut* (mourning) that coincides with *Yom Tov* and *Chol HaMoed*. The *Mishnah* (3:5) teaches that if one buries a close relative, three days prior to *Yom Tov*, then the *shiva* ends. Similarly if the burial was eight days prior to *Yom Tov* then the *Yom Tov* brings an end to the *shloshim*. The *Mishnah* however continues, that *Shabbat* is different. Firstly, the *shiva* will continue to be observed after *Shabbat*. Secondly, unlike with *Yom Tov*, *Shabbat* counts for one of the days of the *shiva*. By contrast, if one buries a relative during *Chol HaMoed*, the days of *Chol HaMoed* and *Yom Tov* do not count for the *shiva* and the *shiva* begins after *Yom Tov*. We shall try to understand the reason for the difference between *Shabbat* and *Yom Tov*.

The *Bartenura* explains that there is a *halachic* difference between *Shabbat* and *Yom Tov*. On *Shabbat*, one still observes some of the laws of mourning in private. One *Yom Tov* however, none of the laws of mourning are observed. This is the position of the *Rambam* (*Avel* 10:3). Based on this distinction, it is simple to understand the difference. With *Yom Tov*, since all signs of mourning cease, the *shiva* ends and the days of *Chol HaMoed* would not count for the *shiva*.

The *Tosfot* however disagrees. They maintain that private signs of mourning are observed on *Yom Tov*. What then is the basis for the distinction between *Shabbat* and *Yom Tov*? The *Tosfot* explain that *Yom Tov* does not count since there is no *aveilut* at all on *Yom Tov* since "*Simcha*" (happiness) is instructed as part of the *mitzvah* of *Yom Tov*. *Simcha* however is not written with respect to *Shabbat*. *Rav Soleveitchik* (*Shiurim LeZecher Avi Mari II, Aveilut*) however asks that the *Tosfot's* position appears to be contradictory. If there is no *Aveilut* on *Yom Tov*, then even private signs of mourning should not be observed.

The *Rav* explains that there are indeed different actions required for the *mitzvot* of *Simcha*. During the time of the *Beit HaMikdash* it was through eating *korbanot* and

nowadays through eating meat, purchasing nice clothes, distributing nuts to children, etc. However, the *kiyum*, the fulfillment of the *mitzvah* is the *Simcha* that one feels in their hearts. This fulfillment is simply expressed through the various actions above. He continues that the same is true by *aveilut* as well. While it is true that there are many restriction associated with *aveilut* the *kiyum* is the *aveilut* felt in the heart.

The *Rav* continues that it is not the various actions of *Simcha* on *Yom Tov* that conflict with *aveilut*. For nothing prevents and *avel* from buy clothing for his family. It is rather that the two *kiyumim* are contradictory experiences. This explains then what the *Gemara* means when it states that "the positive command of the *rabamim* (public) overrides the positive command of the individual". Since the *kiyumim* are in conflict, one must give.

The focus of *Shabbat* is different. With *Shabbat* the command is *kavod* (honour) and *oneg* (pleasure). This is not fulfilled in the heart, but through, e.g. outward shows of nice clothing for honouring *Shabbat* and pleasurable foods. This explains then why on *Shabbat*, it is public signs of mourning that are restrained as it is only those that conflict with showing *kavod* to *Shabbat*.

Returning to *Yom Tov* we can understand why the *Rambam* maintains why there is no mourning at all on *Yom Tov*. Since the *kiyumim* are in conflict, there is no point to the actions of *aveilut*, since these prohibitions simply give expression to the *kiyum*. The *Rav* however explains that the *Tosfot* also agree that they *kiyumim* are indeed in conflict. Nevertheless, they maintain that (private) prohibitions of *aveilut* can still exist independent of the *kiyum*. With this explanation, we can understand why, according to the *Tosfot*, that despite the fact that the (private) prohibition of *aveilut* apply on *Yom Tov*, since there is a *mitzvah* of *Simcha* that overrides the *kiyum* of *aveilut*, the days of *Chol HaMoed* cannot be counted towards the days of the *shiva*.<sup>1</sup>

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<sup>1</sup> Once again we have gleaned one detail for a length analysis. The reader is strongly encouraged to study the full *shiur* from the text.

**Revision Questions**

מועד קטן א' ח' – ג' ו'

All the following questions relate to *Chol Ha'moed*:

- In what manners is sewing permissible? (א' ח')
- Can one erect an oven, stove or millstone? (א' ט')
- Can one erect a rail on a balcony? (א' י')
- In what manner can one make repairs to his roof? (א' י')
- On what condition is one allowed to repair the lock on his house? (א' י')
- On what condition is one allowed to begin pickling food? (א' י')
  
- To what extent can a person that began preparing olives for pressing yet for reasons beyond his control, was unable to complete the pressing before *Yom Tov*, continue the process during *Chol Ha'moed*? (א' ב')
- Regarding the previous question, what were the three reasons brought that may have prevented him from completing the pressing before *Yom Tov*? (א' ב')
- What other case was brought in the *Mishnah* similar to the one mentioned in the previous questions? (א' ב')
- Can one bring his fruit in from the orchards during *Chol Ha'moed*? (א' ג')
- What is the law regarding a person that deliberately delayed an activity that is permitted during *Chol Ha'moed*, till *Chol Ha'moed*? (א' ג')
- What are the two situations under which one is allowed to purchase a house during *Chol Ha'moed*? (א' ד')
- Can one move house during *Chol Ha'moed*? (א' ד')
- In what manner is one allowed to sell fruit during *Chol Ha'moed*? (א' ה')
- According to *R' Yosi* which professionals were *machmir* not to work in any manner during *Chol Ha'moed*? (א' ה')
- Which seven people are allowed to shave during *Chol Ha'moed*? (א' ו')
- What else were these people, specifically, allowed during *Chol Ha'moed*? (א' ו')
- Which twelve contracts were allowed to be drawn during *Chol Ha'moed*? (א' ו')
- In what situations can one write a contract for a loan on *Chol Ha'moed*? (א' ז')
- Can one write *tefillin* during *Chol Ha'moed*? (א' ז')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shiva* period? (א' ח')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shloshim*? (א' ח')
- What is the law regarding a mourner on *Shabbat* during the *shiva* and *shloshim*? (א' ח')
- Regarding the previous three questions, which festival does *R' Eliezer* argue that nowadays is treated like *Shabbat*? (א' ט')
- Regarding the previous questions is *Rosh Hashanah* like a *Yom Tov* or *Shabbat*? (א' ט')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 January כ"ז טבת	15 January כ"ח טבת	16 January כ"ט טבת	17 January א' שבט	18 January ב' שבט	19 January ג' שבט	20 January ד' שבט
Moed Katan 3:7-8	Moed Katan 3:9 - Chagigah 1:1	Chagigah 1:2-3	Chagigah 1:4-5	Chagigah 1:6-7	Chagigah 1:8-2:1	Chagigah 2:2-3

