

מתני' ואלו מגלחין במועד: הבא ממדינת הים, ומבית השביה, והיוצא מבית האסורין, והמנודה שהתירו לו חכמים, וכן מי שנשאל לחכם והותר, והנזיר והמצורע מטומאתו לטהרתו.

**MISHNA** And these may shave and cut their hair<sup>n</sup> on the intermediate days of a Festival: One who comes from a country overseas;<sup>n</sup> and one who is released from a house of captivity; and one who comes out of prison on the intermediate days of a Festival; and one who had been ostracized and therefore prohibited from cutting his hair, and the Sages released him from his decree of ostracism on the intermediate days of the Festival; and similarly, one who had vowed not to cut his hair and then requested of a Sage to dissolve his vow and was released from it on the intermediate days of the Festival; and the nazirite whose term of naziriteship ended on the intermediate days of a Festival; and the leper<sup>n</sup> who needs to purify himself on the intermediate days and must shave his entire body in order to leave his state of ritual impurity<sup>n</sup> and regain his ritual purity. Since these people were not able to cut their hair on the eve of the Festival, they are permitted to do so on the intermediate days of the Festival.<sup>h</sup>

ואלו מכבסין במועד: הבא ממדינת הים ומבית השביה, והיוצא מבית האסורין,

And these may launder their clothes on the intermediate days of a Festival: One who comes from a country overseas; and one who is released from a house of captivity; and one who comes out of prison on the intermediate days of a Festival;

## NOTES

And these may shave and cut their hair – ואלו מגלחין: The Ritva and *Tosafot* ask why the mishna begins with the conjunctive: And, although there is no apparent connection to the previous chapters of mishna. *Tosafot* explain the connection: The previous two chapters listed exceptional cases, where certain activities are permitted during the intermediate days of a Festival. Similarly, this mishna continues with exceptions to the prohibitions against cutting hair and laundering during the intermediate days of a Festival. The Ritva explains that this mishna continues to discuss the subject matter of the previous chapters, which is activities that are permitted during the intermediate days of a Festival because they could not have been performed earlier.

One who comes from a country overseas – הבא ממדינת הים: Some explain that this is not necessarily referring to another country but to any distant place (*Talmid Rabbeinu Yehiel of Paris*). The Ritva holds that anyone coming from outside the city is included in this category with regard to the intermediate days of the Festival.

The nazirite and the leper, etc. – הנזיר והמצורע וכו': There is a dispute as to whether a priest may rule on a case of leprosy during the intermediate days of a Festival. The commentaries

point out that according to Rabbi Meir, who holds that the priest may rule on the status of a leper, the priest may instruct the leper to shave the hair around the site of the leprosy, and the leper may shave during the intermediate days of the Festival. This case is different than the case of the leper listed in the mishna. The mishna is referring to shaving once he has completed the purification process, whereas this case is referring to shaving that is part of the process of ascertaining whether or not one is impure. This case is not included in the mishna because it is not shaving for aesthetic purposes but for a halakhic purpose (Ran, citing Rashi; see Ritva and *Meleket HaShulhan*).

And the leper his impurity – והמצורע מטומאתו: The Rambam and other early authorities had a version of the text that did not specify the leper, but read: And the one ascending from his state of ritual impurity. The Rambam writes that all who purify themselves are permitted to shave on the Festival. In the *Mishne LeMelekh* it is explained that it is not appropriate for an impure person to beautify himself with a haircut. Therefore, when he purifies himself it is considered as if he did not have time to cut his hair on the eve of the Festival (see *Dikdukei Soferim*).

Those who are permitted to shave and cut their hair on the intermediate days of the Festival – המותרין בגלחת במועד – Both one who came out of captivity or was freed from jail during a Festival and one who had been ostracized and was released from his decree of ostracism during a Festival are permitted to shave on the Festival (*Shulhan Arukh Orach Hayyim* 531:4).

ומנודה שהתירו לו חכמים, וכן מי שנשאל לחכם והותר.

and one who had been ostracized and the Sages released him from his decree of ostracism; and similarly, one who had vowed not to launder his clothes and he requested from a Sage<sup>n</sup> to dissolve his vow and was released from it on the intermediate days of a Festival.

## NOTES

One who requested from a Sage – מי שנשאל לחכם: Some explain that this means that one was prohibited by his oath from washing clothes, and he changed his mind on the Festival (manuscript of Rashi; Rabbeinu Yehonatan of Lunel). Others explain that in such a case it is not permitted,

and the only cases in which it is permitted are when the oath was for a specific duration that expired during the Festival, or if one did not find a Sage to permit him to do so until the Festival (Rosh and *Tosafot*, citing the Jerusalem Talmud).

Washing hand towels, etc. – כבוס מטפחות הידים וכו' – On the intermediate days of a Festival it is permitted to wash hand towels, barbers' towels, and body towels, even in public, but this is not the accepted custom (Rema). Baby clothes, such as diapers, may be washed, even several at once, based on the ruling in the Jerusalem Talmud (*Shulhan Arukh, Orah Hayyim 534:1*).

*Zavim and zavot, etc.* – הזבין והזבות וכו' – *Zavim, zavot*, menstruating women, women who have given birth, and all who are purifying themselves from their ritual impurity during the Festival are permitted to wash their clothes on the intermediate days of the Festival (Rambam *Sefer Zemanim, Hilkhot Yom Tov 7:21*).

The members of the priestly watch and the members of the non-priestly watch – אנשי משמר ואנשי מעמד – The members of the priestly watch and the members of the non-priestly watch are prohibited from cutting their hair and laundering their clothes during the whole week of their watch. However, on Thursday they are permitted to do so in deference to Shabbat (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash 6:11 and Hilkhot Biat HaMikdash 1:12*).

BACKGROUND

**Priestly watch – משמר:** The priests who served in the Temple were divided into twenty-four groups, called watches. Each watch served for one week at a time. In this manner, each watch performed the Temple service for approximately two weeks every year. During the pilgrim Festivals, the members of all the watches went to the Temple and performed the Temple service together. Each watch received the priestly gifts that were contributed to the Temple during their week of Temple service. The watches were divided into extended patrilineal families. The priests were originally divided into watches in the time of King David. However, during the Second Temple period, many of the Jews who had been exiled to Babylonia after the destruction of the First Temple remained in Babylonia. Therefore, those priestly families who returned to Eretz Yisrael had to be divided again into twenty-four watches.

**Non-priestly watch – מעמד:** Each priestly watch was responsible for sacrificing the offerings for their week. Corresponding to each of these watches was a group of non-priests who constituted a non-priestly watch. The Jewish men of Eretz Yisrael were divided into twenty-four non-priestly watches, and each time a priestly watch went to Jerusalem to sacrifice offerings, part of the corresponding non-priestly watch went there as well. The remainder of the non-priestly watch stayed at home. During that week, those at home would fast each day, from Monday to Thursday, read certain portions from the Torah, and say special prayers.

מטפחות הידים, ומטפחות הספרים, ומטפחות הספג, הזבין והזבות והגדות והיולדות, וכל העולין מטומאה לטהרה – הרי אלו מותרין. ושאר כל אדם אסורין.

גמ' ושאר כל אדם מאי טעמא אסורין?

בדתנן: אנשי משמר ואנשי מעמד אסורין לספר ולכבס, ובחמישי מותרין, מפני כבוד השבת.

ואמר רבה בר בר חנה אמר רבי אלעזר: מאי טעמא? כדי שלא יבנסו למשמרתן בשעה מנוולין. הלא נמי: כדי שלא יבנסו לרגל בשעה מנוולין.

Hand towels;<sup>H</sup> and barbers' towels,<sup>N</sup> which are used to cover a person having a haircut; and body-drying towels, all of which get quickly soiled, may be laundered on the intermediate days of a Festival. *Zavim*, men suffering from an impure venereal emission; *zavot*,<sup>H</sup> women who experience a flow of menstrual-type blood on three consecutive days during a time of the month when they do not expect to experience menstrual bleeding; **menstruating women; women who have just given birth; and all others who leave a state of ritual impurity for a state of ritual purity on the intermediate days of the Festival, these people are all permitted to launder their clothes in order to purify themselves. But all other people are prohibited from laundering during the intermediate days of the Festival.**

**GEMARA** The Gemara asks: **What is the reason that all other people are prohibited from performing these actions during the intermediate days? Why are these actions not included in the category of actions that are permitted in deference to the Festival?**

The Gemara answers: **As we learned in a mishna (Taanit 15b): Both the members of the priestly watch<sup>B</sup> whose week it is to serve in the Temple and the members of the non-priestly watch<sup>HB</sup> who accompanied the members of the watch to Jerusalem are prohibited from cutting their hair<sup>N</sup> or laundering their clothes during that week. But on the Thursday of that week they are permitted<sup>N</sup> to do so in deference to Shabbat.**

And Rabba bar bar Hana said in the name of Rabbi Elazar: **What is the reason that the members of the priestly and non-priestly watch are prohibited from cutting their hair and laundering their clothes? It is in order that they not enter their watch when they are untidy.** If it were permitted for them to cut their hair and launder their clothes during the week of their watch, they would leave their haircuts and laundry until the middle of that week and begin their service in a disorderly state. **Here, too, ordinary people are prohibited from cutting their hair or laundering their clothes on the intermediate days of a Festival, in order that they complete all necessary preparations beforehand and not enter the Festival when they are untidy.**

NOTES

**Barbers' [sapparim] towels – מטפחות הספרים:** Some say that these were the towels used during the haircut for those who were permitted to have their hair cut during the Festival (Rabbi Ovadya MiBartenura). Some explain that these are the cloth covers of *sefarim*, holy books (Meiri). Others, based on a slightly different version of the text, explain that it means cloths of the *soferim*, scribes, which they place over their manuscripts to protect them from ink blots and dirt (see Meiri and Rabbeinu Yehonatan of Lunel).

**The prohibition against cutting hair on the intermediate days of a Festival – איסור תקפורת במועד:** According to most commentaries and halakhic authorities, cutting hair is a prohibited labor (see *Tosafot*). However, there are cases of leniency for the sake of beautifying oneself, since doing so is not an exertion (*Talmid Rabbeinu Yehiel of Paris*). Others hold that it is considered like other necessary activities that are permitted from the outset on the intermediate days of a Festival (Ritva).

**But on the Thursday they are permitted – בבחמישי מותרין:** The early and later authorities discuss the following question: Why are members of the non-priestly watch permitted to cut their hair on Thursday in deference to Shabbat, whereas cutting hair on the Thursday of the intermediate days of a Festival is prohibited? Some write that because cutting hair throughout the Festival is a prohibited labor, if others see a person cutting his

hair on a Thursday they will think it is permitted during all the intermediate days and will come to be lenient on those days as well (Rid).

Haircutting and shaving is prohibited during the intermediate days and during the watch, so that people will cut their hair and shave before the Festival or watch begins. Some explain that since the priestly watch always begins on Sunday, Thursday is always at the end of the shift, and permitting haircutting or shaving on that day does not discourage people from doing so before the watch begins. However, a Festival can begin on any day of the week. Sometimes Thursday is near the beginning of the Festival, so there is concern that people will not make themselves look nice before the Festival, but wait until the Thursday to do so.

Another reason is that for the members of the watch, the prohibition against shaving was a rabbinic decree, but on the intermediate days of the Festival there is a Torah prohibition against performing labor (Meiri). The later authorities reached the same conclusion (see *Tal Hayyim*).

With regard to the general mitzva to cut one's hair on a Thursday when it is not a Festival, to show deference to Shabbat, some write that it is also permitted to cut one's hair on Friday (Commentary on *Moed Katan*; Ritva). Others write that it is permitted only on Thursday, but not on Friday, so as not to add extra tasks on Friday (manuscript of Rashi; see Meiri).

**Baitos ben Zunen** – בַּיְתוֹס בֶּן זִנְנָן: Baitos was a wealthy man who lived in Lod during the time of Rabban Gamliel of Yavne. From many sources in the Talmud, it appears that he was a major importer and exporter, and he owned a great deal of land. He was apparently closely associated with the house of the *Nasi*, and he would insist that all of his actions be in accordance with the *halakha* and the opinion of Sages. Therefore, proofs for the proper *halakha* are derived from his actions. His father may have been the Zunen who was appointed by Rabban Gamliel. It is also possible that the Zunen mentioned as an important man during the days of Rabbi Yehuda HaNasi was the son of Baitos.

## LANGUAGE

**Baitos** – בַּיְתוֹס: From the Greek βοηθός, *Boethos*, meaning helper or assistant, like the name Ezra in Hebrew.

בְּעֵי רַבִּי זִירָא: אֲבִידָה לֹא אֲבִידָה עָרֵב הָרְגֵל – כִּיּוֹן דְּאַנְיָס – מוֹתֵר, אוּ דְלִמָּא: כִּיּוֹן דְּלָא מוֹכְחָא מִלְתָּא – לָא?

**Rabbi Zeira asks: If one lost an item on the eve of a Festival and he was busy searching for it and had no time to cut his hair or launder his clothes before the Festival commenced, can one say that since he was a victim of circumstances beyond his control, which prevented from taking care of these matters prior to the Festival, he is permitted to cut his hair and launder his clothes on the intermediate days of the Festival? Or perhaps since it is not clearly evident to others that he failed to cut his hair or launder his clothes due to unavoidable circumstances, he is not permitted to perform these actions during the Festival week.**

אָמַר אַבְיֵי, יֵאמְרוּ: כָּל הַסְּרִיקוֹן אֲסוּרִין סְרִיקֵי בַּיְתוֹס מוֹתְרִין!?

**Abaye said, in answer to this question, that there is a principle of the Sages that applies here. They prohibited the baking of decorated Syrian cakes for Passover, lest people tarry in their preparation of these elaborate cakes and the cakes become leavened. When Baitos ben Zunen,<sup>p</sup> wished to prepare the cakes in a way that would not lead to a violation of any prohibition, the Sages nevertheless prohibited it. They explained that were they to permit him to do so, others would say: All the decorated Syrian cakes are forbidden, but the Syrian cakes of Baitos<sup>l</sup> are permitted? This teaches that the Sages do not permit exceptions when the reason for leniency is not clearly evident, like in the case of one who was busy looking for a lost item.**

וּלְטַעֲמֵינָךְ, הָא דְאָמַר רַבִּי אָסִי אָמַר רַבִּי יוֹחָנָן: כָּל מִי שְׂאִין לוֹ אֶלְא חִלּוּק אֶחָד – מוֹתֵר לְכַבְּסוֹ בְּחוּלּוֹ שֶׁל מוֹעֵד, הֵתֵם נִמְיֵי יֵאמְרוּ כָּל הַסְּרִיקוֹן אֲסוּרִין סְרִיקֵי בַּיְתוֹס מוֹתְרִין!

**Rabbi Zeira retorted: And according to your reasoning,<sup>n</sup> that which Rabbi Asi said that Rabbi Yohanan said: Anyone who has only one shirt is permitted to launder it on the intermediate days of a Festival, there too, one should apply the principle that others will say: All the decorated Syrian cakes are forbidden but the Syrian cakes of Baitos are permitted. There, too, it is not clearly evident that the reason for leniency is that one has only one shirt.**

הָא אֲתַמַּר עֲלֵהּ, אָמַר מַר בֶּר רַב אֲשִׁי: אִיזוּרוֹ מוֹכִיחַ עָלָיו.

**The Gemara rejects this argument: Wasn't it already said about this that Mar, son of Rav Ashi, said: His belt is proof for him,<sup>n</sup> as when he launders his only shirt he will have to wear his outer garment tied with his belt so that his body is not exposed, and everyone will understand that he has no other shirt to wear.**

רַב אֲשִׁי מַתְנֵי: בְּעֵי רַבִּי זִירָא אוֹמְן שְׂאֲבָדָה לֹא אֲבִידָה עָרֵב הָרְגֵל מֵהוּ? כִּיּוֹן דְּאוֹמְן הוּא – מוֹכְחָא מִלְתָּא, אוּ דְלִמָּא: כִּיּוֹן דְּלָא מוֹכְחָא מִלְתָּא כִּי הֵגֵךְ – לָא? תִּיקוּ.

**Rav Ashi taught a different version of this passage, as follows: Rabbi Zeira asks: With regard to a craftsman who lost an item<sup>n</sup> on the eve of a Festival and was busy searching for it, what is the *halakha*? Is it permitted for him to launder his clothes and cut his hair on the intermediate days of the Festival because he had been unable to do so before the Festival? The Gemara explains the two sides of the question: Can one say that since he is a craftsman, it is clearly evident why he did not launder his clothes and cut his hair before the Festival, as many people would have come to his place of work and seen that he was busy looking for his lost article? Or perhaps since the special circumstances are not as clearly evident as in those cases in the mishna, it is not permitted for him to cut his hair or launder his clothes during the intermediate days of the Festival. The dilemma shall stand unresolved.**

## NOTES

**And according to your reasoning, etc.** – וּלְטַעֲמֵינָךְ: According to Rabbi Zeira's opinion, since the essence of the prohibition against cutting hair is a rabbinic decree, there is no need to add another stricture lest others misunderstand the reason behind the leniency. But according to Abaye's opinion, that even exceptional cases are included within the original decree against haircuts, why does the same principle not apply to laundering as well, such that it is prohibited even when one has only one piece of clothing (Ritva)?

**His belt is proof for him** – אִיזוּרוֹ מוֹכִיחַ עָלָיו: There are many explanations suggested for this expression. According to Rashi, one who has no clothing wraps himself in a coat and ties it with a belt (see Rabbeinu Gershom *Meor HaGola* and *Arukh*,

citing Rabbis of Mainz). Rabbeinu Hananel explains that when others see a person who is wearing only an outer garment, they understand that he has no clothing. Some explain that the custom was to transfer the belt from one piece of clothing to another, and consequently, clothing was laundered without a belt. If others would see a person washing a piece of clothing with a belt or sending it to the launderer, they would know that he has no other clothing (manuscript of Rashi; Rashi on *Hullin* 108a; *Tosefot HaRosh*). Some explain that one who has no clothing wraps his waist with a cloth in order to cover himself, and all know that he has no other item of clothing (Rabbeinu Shlomo ben HaYatom). Others explain that one who has no clothing and wears a shirt alone does not tie it with a belt, so that his outer coat, which is made of wool, not scratch him

(*Talmid Rabbeinu Yehiel of Paris*). Still others write the converse, that one who has no clothing ties his coat tightly in order to be warmed by the coat (Meiri).

**A craftsman who lost an item** – אוֹמְן שְׂאֲבָדָה לֹא אֲבִידָה: Some explain that this is referring to any craftsman whose services are needed on the eve of the Festival. People know that he is not at home because he is searching for his lost object or because he is concerned due to his loss (Rashi). Some say that this is referring specifically to a barber (Commentary on *Moed Katan*; Rabbeinu Shlomo ben HaYatom). Some add to this explanation that since a barber could cut his own hair and did not, it is clear that it was because he was concerned with something else and had no time to do so (Ran).

One who comes from a country overseas – מְדִינַת עֵיט – מְדִינַת עֵיט: Some explain that the difference between leaving for sustenance and leaving for travel applies specifically to one who leaves Eretz Yisrael, since leaving Eretz Yisrael was permitted only under duress. Since one left, despite the fact that his leaving was not entirely necessary, the Sages did not permit him to cut his hair on the intermediate days of the Festival (Ra'avad; Rabbi Yitzhak ibn Giat; *Sefer Hashlamah*; Ritva; Meiri). Others hold that it is referring to anyone leaving his home to travel.

*Talmid Rabbeinu Yehiel of Paris* explains that one who leaves for his sustenance is considered to be leaving under duress and is therefore like the others who are permitted to cut their hair during the intermediate days of the Festival. However, one who leaves for pleasure could have made sure to cut his hair on the eve of the Festival. The only disagreement pertains to the case of one who goes out to earn greater profit; the disagreement is with regard to whether this is comparable to the other cases in the mishna or not.

Some learn from the discussion in Jerusalem Talmud on this issue that Rabbi Yehuda's statement applies to leaving from any place, whereas leaving from Eretz Yisrael is always considered to be leaving without permission (Vilna Gaon).

## HALAKHA

One who comes from a country overseas – מְדִינַת עֵיט: If one comes to Eretz Yisrael from overseas on the intermediate days of the Festival or on the eve of the Festival and did not have time to cut his hair beforehand, it is permitted for him to shave and cut his hair during the intermediate days, provided that he is not simply returning from a leisure travel in the Diaspora. This ruling is in accordance with the opinion of the Rabbis, following the conclusion of the Gemara (*Shulhan Arukh, Orach Hayyim 531:4*).

”מְדִינַת הָעֵם” מְתַנִּיתִין דְּלֹא גְרָבִי יְהוּדָה, דְּתַנְיָא, רַבִּי יְהוּדָה אָמַר: הֵבָא מְדִינַת הָעֵם – לֹא יִגְלַח, מִפְּנֵי שְׂיָצָא שְׂלֵא בְּרִשׁוֹת.

אָמַר רַבָּא: לְשׁוֹט – דְּבְרֵי הַכֹּל אָסוּר; לְמוֹנּוֹת – דְּבְרֵי הַכֹּל מוּתָר; לֹא נַחֲלִיקוּ אֶלָּא לְהַרְוִיחָא. מִרְ מְדִינָה לֵיהּ כְּשִׁיטָא, וְאָמַר מְדִינָה לֵיהּ כְּלִמְוֹנּוֹת.

מִיִּתְבֵּי, אָמַר רַבִּי: נִרְאִין דְּבְרֵי רַבִּי יְהוּדָה כְּשִׂיָצָא שְׂלֵא בְּרִשׁוֹת, וְדְבְרֵי חֲכָמִים כְּשִׂיָצָא בְּרִשׁוֹת. מֵאִי שְׂלֵא בְּרִשׁוֹת? אִילִימָא לְשׁוֹט – וְהָאֲמַרְתָּ דְּבְרֵי הַכֹּל אָסוּר. וְאִילָא לְמוֹנּוֹת – וְהָאֲמַרְתָּ דְּבְרֵי הַכֹּל מוּתָר! אֶלָּא פְּשִׁיטָא – לְהַרְוִיחָא.

אִימָא סִיפָא: נִרְאִין דְּבְרֵי חֲכָמִים כְּשִׂיָצָא בְּרִשׁוֹת. מֵאִי בְּרִשׁוֹת? אִילִימָא לְמוֹנּוֹת – הָא אָמַרְתָּ דְּבְרֵי הַכֹּל מוּתָר. וְאִילָא לְהַרְוִיחָא – וְהָא אָמַרְתָּ נִרְאִין דְּבְרֵי רַבִּי יְהוּדָה בְּהָא!

הָכִי קָאָמַר: נִרְאִין דְּבְרֵי רַבִּי יְהוּדָה לְרַבְּנָן כְּשִׂיָצָא שְׂלֵא בְּרִשׁוֹת, וּמֵאִי נִיְהוּ – לְשׁוֹט, שְׂאִפִּילוּ חֲכָמִים לֹא נַחֲלִיקוּ עָלָיו אֶלָּא לְהַרְוִיחָא. אֲבָל לְשׁוֹט – מוֹדוּ לֵיהּ. וְנִרְאִין דְּבְרֵי רַבְּנָן לְרַבִּי יְהוּדָה כְּשִׂיָצָא בְּרִשׁוֹת, וּמֵאִי נִיְהוּ – לְמוֹנּוֹת, שְׂאִפִּילוּ רַבִּי יְהוּדָה לֹא נַחֲלִיק עֲלֵיהֶם אֶלָּא לְהַרְוִיחָא, אֲבָל לְמוֹנּוֹת – מוֹדָה לְהוּ.

אָמַר שְׁמוּאֵל: קִטְן הַנּוֹלָד בְּמוֹעֵד – מוּתָר לְגַלַּח בְּמוֹעֵד, שְׂאִין לֶבֶת הָאִסוּרִין גְּדוֹל מְזַה. בְּמוֹעֵד – אִין, מִעַקְרָא – לֹא.

§ The mishna taught: One who comes from a country overseas<sup>n</sup> on the intermediate days of a Festival is permitted to cut his hair.<sup>h</sup> The Gemara comments: **The mishna is not in accordance with the opinion of Rabbi Yehuda, as it is taught in a baraita that Rabbi Yehuda says: One who comes from a country overseas on the intermediate days of a Festival must not shave or cut his hair, due to the fact that he left his home without permission.**

The Gemara continues to explain the definition and parameters of leaving without permission. **Rava said:** If one left Eretz Yisrael to travel, all agree that it is prohibited for him to shave during the intermediate days of the Festival because he left on his own initiative, and this is not considered an unavoidable circumstance. If he left for basic sustenance, i.e., due to financial difficulty, all agree that it is permitted for him to shave upon his return because he is regarded as having left due to circumstances beyond his control. **They disagree only** with regard to the case where he left to earn greater profit, i.e., he had enough to live on in Eretz Yisrael, but he left in order to increase his income. **One Sage, Rabbi Yehuda, compares him** to one who left to travel, and the other Sage, the Rabbis of the mishna, compare him to one who left for basic sustenance.

The Gemara raises an objection from the following baraita: **Rabbi Yehuda HaNasi said:** The statement of Rabbi Yehuda seems more reasonable in a case when he left without permission, and the statement of the Rabbis seems more reasonable when one left with permission. The Gemara clarifies: **What is meant by without permission? If we say that it means that he left to travel, didn't you say that in this case all agree that it is prohibited for him to cut his hair upon his return? Rather, say that it means that he left for basic sustenance. But didn't you say that all agree that it is permitted for him to cut his hair in such a case? Rather, it is obvious that it means that he left in search of greater profit.**

**Say the latter clause of the baraita as follows:** The statement of the Rabbis seems more reasonable in a case when one left with permission. The Gemara clarifies: **What is meant by with permission? If we say that he left for basic sustenance, didn't you say that all agree that it is permitted for him to cut his hair upon his return? Rather, say that it means that he left for greater profit. But didn't you say in the first clause that the statement of Rabbi Yehuda seems more reasonable in this case? Therefore, according to Rava's distinctions, there is an internal contradiction within the baraita.**

The Gemara resolves the difficulty: **This is what Rabbi Yehuda HaNasi is saying:** The statement of Rabbi Yehuda seems more reasonable to the Rabbis in the case where one left without permission. And what is meant by without permission? It means a case where one left to travel, as even the Rabbis disagree with Rabbi Yehuda only when one left for greater profit, but when one left to travel they agree with Rabbi Yehuda that it is prohibited for one to shave and cut his hair. **And the statement of the Rabbis seems more convincing to Rabbi Yehuda in the case where one left with permission. And what is meant by with permission? It is a case where one left for basic sustenance, as even Rabbi Yehuda disagrees with the Rabbis only when one left for greater profit, but when he left for basic sustenance Rabbi Yehuda concedes to them that it is permitted for him to shave and cut his hair. Therefore, Rabbi Yehuda HaNasi's intent was not to decide between the opinions of the Rabbis and Rabbi Yehuda but to clarify their dispute.**

§ **Shmuel said:** If a baby was born on a Festival and he has long hair that is bothering him, it is permitted to cut his hair on the intermediate days of the Festival, as there is no greater prison than this, the womb of his mother, due to which his hair could not have been cut prior to the Festival. A precise reading of Shmuel's statement indicates that if the child was born on the Festival, yes, his hair may be cut. However, if he was born before the Festival, but for some reason his hair was not cut, no, it is not permitted to cut it on the intermediate days of the Festival because there was time to do so before the Festival.

מתיר רב פנחס: כל אלו שאמרו מותר לגלח במועד – מותר לגלח בימי אבלו. הא אסור לגלח במועד – אסור לגלח בימי אבלו.

Rav Pinehas raised an objection from that which is taught in a *baraita*: All of those about whom the Sages said: It is permitted to shave and cut his hair on the intermediate days of the Festival, it is also permitted to shave and cut his hair during the days of his mourning. But from this it follows that one who is prohibited from shaving and cutting his hair on the intermediate days of a Festival is also prohibited from shaving and cutting his hair during the days of his mourning.

Perek III

Daf 14 Amud b

ואי אמרת קטן אית ביה פלוגתא – נמצאת אבילות נהגת בקטן.

And if you say that with regard to a baby there is a distinction between being born before the Festival and being born on it, and in some cases it is prohibited to cut the hair of a baby, then you find that mourning is practiced even with a minor.

והתניא: מקרעין לקטן מפני עגמת נפש!

Isn't it taught in a *baraita*: One rends the clothes of a minor<sup>h</sup> whose relative has passed away, due to the desire to bring about feelings of grief among those who see him? However, there is no inherent requirement for the minor to observe any of the *halakhot* of mourning.

אמר רב אשי מי קתני: הא אסורין? דלמא: יש מהן אסור, ויש מהן מותר.

Rav Ashi said: Is it taught explicitly in the first *baraita* cited by Rav Pinehas that if it is prohibited for one to have a haircut during the Festival, it is likewise prohibited to have a haircut during the week of mourning? That was merely an inference. Perhaps there are those among them, i.e., those listed in the mishna, for whom it is prohibited, while there are others among them for whom it is permitted, and the *halakhot* of mourning do not apply to a baby.

אמימר, ואי תימא רב שישא בריה דרב אידי, מתני הכי: אמר שמואל: קטן מותר לגלחו במועד, לא שנא נולד במועד ולא שנא נולד מעיקרא.

Ameimar, and some say it was Rav Sheisha, son of Rav Idi, taught that statement in this manner. Shmuel said: With regard to a baby, it is permitted to cut his hair<sup>h</sup> during the Festival. It is no different whether he was born during the Festival, and it is no different whether he was born beforehand.

אמר רב פנחס, אף אנן נמי תנינא: כל אלו שאמרו מותר לגלח במועד – מותר לגלח בימי אבלו. הא אסורין לגלח במועד – אסורין לגלח בימי אבלו.

Rav Pinehas said: We, too, learn in the *baraita* a support for this statement: All of those about whom the Sages said: It is permitted to shave and cut his hair on the intermediate days of the Festival, it is also permitted to shave and cut his hair during the days of his mourning. But from this it follows that one who is prohibited from shaving and cutting his hair on the intermediate days of a Festival is also prohibited from shaving and cutting his hair during the days of his mourning.

אי אמרת קטן אסור – נמצאת אבילות נהגת בקטן. ותניא: מקרעין לקטן מפני עגמת נפש.

If you say that with regard to a baby it is prohibited to cut his hair, then you find that mourning is practiced even with a minor. And it was taught in a *baraita*: One rends the clothes of a minor whose relative has passed away due to the desire to bring about feelings of grief among those who see him. However, there is no inherent requirement for the minor to observe any of the *halakhot* of mourning.

אמר רב אשי, מי קתני: הא אסורין? דלמא: יש מהן אסור ויש מהן מותר.

Rav Ashi said: Is it taught explicitly in the first *baraita* cited by Rav Pinehas that if it is prohibited for one to shave during the Festival, it is likewise prohibited to shave during the week of mourning? That was merely an inference. Perhaps there are those among them for whom it is prohibited, while there are others among them for whom it is permitted. If so, there is no clear support from this *baraita* for Shmuel's statement.

אבל אינו נוהג אבילות ברגל, שנאמר: "ושמחת בחגך".

§ A mourner does not practice the *halakhot* of his mourning on a Festival, as it is stated: "And you shall rejoice in your Festival" (Deuteronomy 16:14).

HALAKHA

One rends the clothes of a minor – מקרעין לקטן: If a minor has a close relative who dies, he rends his garment in order to arouse feelings of grief in those around him (Shulhan Arukh, Yoreh De'a 340:27).

Cutting the hair of a baby – גלוח שערות קטן: During the intermediate days of the Festival, it is permitted for one to cut a baby's hair if it is bothering him, regardless of whether he was born before or during the Festival. This is permitted even in public (Rema; Shulhan Arukh, Orach Hayyim 531:6).



**A leper during the Festival – מצורע ברגל** – Some explain that the question is whether or not all the *halakhot* of the leper should be observed on the Festival (Rashi; Rabbeinu Gershom *Meor HaGola*). However, the Rid finds this explanation difficult and explains that the only question is with regard to the rabbinic prohibitions pertaining to the leper, such as washing clothes or greeting people. However, those activities that are prohibited by Torah law, such as cutting one's hair or entering the camp, certainly remain in effect (see *Talmid Rabbeinu Yehiel of Paris*).

**And the leper – הוצרוע** – Some explain that this derivation is based on the apparently superfluous letters *vav* and *heh* at the beginning of the word (Rabbeinu Shlomo ben HaYatom). Others suggest that the entire word seems to be extraneous (*Talmid Rabbeinu Yehiel of Paris*). Still others hold that it is not this word that is unnecessary, but the following phrase: "In whom the plague is" (see *Korban Aharon*).

#### HALAKHA

**A leper on Shabbat and during the Festival – מצרוע בשבת** – **מקריב אונן**: Even on Shabbat and Festivals, a leper observes all of his normal practices, including those that are similar to mourning (Rambam *Sefer Tahara, Hilkhoh Tumat Tzara'at* 10:6).

**The High Priest sacrifices as an acute mourner – כהן גדול מקריב אונן**: The High Priest may perform the service in the Temple, even when he is an acute mourner. However, he may not eat from consecrated meat (Rambam *Sefer Avoda, Hilkhoh Biat HaMikdash* 2:6, 8).

**A mourner with regard to receiving a haircut – אבל בתקופות**: It is prohibited for a mourner to have a haircut or to shave (*Shulhan Arukh, Yoreh De'a* 390:1).

אמר רבא: מי קתני שהתירוהו חכמים? שהתירו לו חכמים קתני. דאזל ופיסייה לבעל דיניה, ואתי קמי דרבנן, ושרו ליה.

מצורע מהו שניהיג צרעתו ברגל? אמר אבוי, תא שמע: והנזיר והמצורע מטומאתו לטהרתו. הא בימי טומאתו – נהיג.

לא מיבעיא קאמר; לא מיבעיא בימי טומאתו דלא נהיג, אבל לטהרתו – נזיזור שמא ישהה קרבנותיו. קמשמע ליה.

אמר רבא, תא שמע: "הצרוע" – לרבות כהן גדול. והא כהן גדול, דכל השנה ברגל לכולי עלמא דמי, דתנן: כהן גדול מקריב אונן ואינו אוכל. שמע מינה: נוהג צרעתו ברגל. שמע מינה.

אבל אסור בתקופות, מדקאמר להו רחמנא לבני אהרן "ראשיכם אל תפרעו" – מכלל דכולי עלמא אסור.

Rava said: Is it taught in the *baraita*: That they permitted it, which would indicate that the Sages permitted all those who were ostracized to cut their hair on the intermediate days of the Festival? Rather, it is taught: They permitted him. This indicates that it is referring to an individual case, where one went and appeased his opposing litigant and the Sages came and released him from his decree of ostracism.

§ The Gemara asks a similar question: With regard to a leper,<sup>B</sup> what is the *halakha*? Must he observe the practices of his leper status, or are they overridden by the mitzva to rejoice during the Festival?<sup>MH</sup> Abaye said: Come and hear a proof from a *baraita*: And both the nazirite and the leper who transfers from his state of ritual impurity to his new state of purity may shave on the intermediate days of the Festival. This implies that if during the days of his impurity he must observe all of the ordinary practices, even during the Festival.

The Gemara rejects this proof: The *baraita* is speaking employing the didactic style of: **Needless to say. Needless to say, during the days of his impurity on the Festival, he does not observe the practices of ostracism. However,** with regard to one who regains his state of purity during the intermediate days of the Festival, one might think that we should issue a decree that he not be permitted to shave, lest he delay sacrificing his offerings until the last day of the Festival, when it is prohibited to sacrifice offerings of an individual. Perhaps prohibiting him from shaving will prevent this possibility. Therefore, because one might have thought that shaving should be prohibited, the *baraita* teaches us that it is, in fact, permitted for him to shave during the intermediate days of the Festival.

Rava said: Come and hear another source. The verse states: "And the leper<sup>N</sup> in whom the plague is, his clothes shall be rent" (Leviticus 13:45). The extra emphasis of the phrase: "And the leper" comes to include the High Priest, teaching that all the *halakhot* of the leper apply to him. And the status of the High Priest during the entire year is like that of everyone on a Festival, as we learned in a mishna (*Horayot* 12b): The High Priest sacrifices animals when he has the status of an acute mourner,<sup>H</sup> i.e., before the burial of a close relative who died, but he may not eat of the offering. Learn from it that a leper practices the customs of his leprosy during the Festival. The Gemara concludes: Indeed, learn from it that this is so.

§ The source for the *halakha* that it is prohibited for a mourner to receive a haircut<sup>I</sup> is derived from the fact that the Merciful One states to the sons of Aaron: "Let not the hair of your heads go loose" (Leviticus 10:6). It was prohibited for them to let their hair grow long during their period of mourning over the death of their brothers, Nadav and Avihu. By inference, it is teaching that for everyone else, i.e., non-priests, it is prohibited to cut their hair during the period of mourning.

#### BACKGROUND

**Leprosy [tzara'at] – צרעת**: Traditionally rendered as leprosy, the term *tzara'at* used in the Torah is not necessarily identical with leprosy as defined by modern medicine. The Torah term refers to symptoms that cause severe ritual impurity. The *halakhot* governing these symptoms are detailed at length in Leviticus, chapters 13–15, and in the Mishna in tractate *Nega'im*. There can be leprosy of the skin, hair, articles of clothing, or houses.

When a symptom appears, it is examined by a priest. Only a priest is authorized to determine whether to quarantine the affected person for a certain period or to declare immediately that the symptom is, or is not, leprosy.

Leprosy is one of the primary sources of ritual impurity, and any item touched by a leper also becomes impure. While the Jews were in the desert, one afflicted with leprosy was sent out of the Israelite camp, and when the Jewish people lived in Eretz Yisrael, a leper was sent out of any walled city. The leper was obligated to live alone until his affliction was cured.

A garment affected by leprosy is burned, and a contaminated house is entirely destroyed and its rubble disposed of in a ritually impure place. A cured leper must undergo special purification rites outside the city and a purification ceremony in the Temple itself. He is obligated to bring special offerings as part of his purification.

## NOTES

Those who are ostracized and lepers – מְנוּדִין וּמְצוּרְעִין: The early authorities ask: Isn't it implicit in the mishna that one who is ostracized or a leper may not cut his hair? Why is it necessary to seek evidence from another source (see Rid; *Talmid Rabbeinu Yehiel of Paris*)? Similarly, the answers to some of the questions of the Gemara appear to be stated explicitly in the verse, e.g., the question concerning the wrapping of a leper's head.

Some suggest that perhaps the Gemara here holds in accordance with the opinion of Rabbi Akiva, that the verse there is referring to a different issue. The Ritva writes that perhaps these questions are asked because this is the style of the Gemara. In the manuscript of Rashi, this idea is taken further. It is suggested there that these questions are not actually necessary and are only mentioned to increase Torah learning. Therefore, when asking these questions, the Gemara uses a set formula to ask questions: A question is asked based on a *halakha* that applies to a mourner, and the Gemara asks if it applies to a person who was ostracized or to a leper. In order to maintain this formula, the Gemara also asks questions for which there are straightforward answers (see *Tal Hayyim*).

Like the heap of Achan – כְּגִלּוֹ שֶׁל עֵבֶן: Achan was notorious for having taken from the spoils of Jericho, which had been set aside for God. His theft led to casualties in the subsequent war against the city of Ai. Once his trespass was discovered, Achan was put to death and a pile of stones was heaped upon his grave (see Joshua 7:26).

Who place a large stone – וּמַנְחִיחִין אֶבֶן גְּדוֹלָה: Rashi explains that placing the stone is meant to serve only as a reminder of the decree of ostracism (manuscript of Rashi). It is intended to publicize the matter (*Talmid Rabbeinu Yehiel of Paris*). According to Rabbi Shlomo ben HaYatom, this also warns others about the severity of the deceased's sin. He further explains that it is sufficient to place only one stone on the grave because when a court rules that one is to be stoned, a single large stone is first placed on his chest, and if he dies he is not stoned further. Therefore, the placement of one stone is defined as stoning by *halakha*. Based on this, the halakhic authorities understand that all those mourning customs that show respect for the deceased are not practiced in the case of one who was ostracized, and only those customs that are meant to honor the living mourners apply in such a case (see Rif).

A person who is ostracized wrapping his head – מְנוּדֵה בְּעֵטִיפָה: Some say that an ostracized person is required to wrap his head. Abaye is merely rejecting the proof, but not the *halakha*, which is in accordance with the opinion of Rav Yosef (Rav Hai Gaon).

מְנוּדִין וּמְצוּרְעִין מֵהֵן בְּתַסְפּוּרָתָם? תָּא שְׁמַע: מְנוּדִין וּמְצוּרְעִין אִסּוּרִין לְסַפֵּר וּלְבַבֵּס.

מְנוּדֵה שְׂמֵת – בֵּית דִּין סוֹקְלִין אֶת אֲרוֹנוֹ. רַבִּי יְהוּדָה אָמַר: לֹא שִׁיעֲמִידוּ עָלָיו גִּל אֲבָנִים כְּגִלּוֹ שֶׁל עֵבֶן, אֲלָא: בֵּית דִּין שׁוֹלְחִין וּמַנְחִיחִין אֶבֶן גְּדוֹלָה עַל אֲרוֹנוֹ. לְלַמֶּדְךָ שְׂבֵל הַמִּתְנַדֵּה וּמֵת בְּנִדּוּיוֹ בֵּית דִּין סוֹקְלִין אֶת אֲרוֹנוֹ.

אֲבֵל חַיִּיב בְּעֵטִיפַת הָרֹאשׁ. מִדֶּקֶדָּא מְרַחֵם לְיַחֲזִיקָא לֵיהּ: "וְלֹא תַעֲטֶה עַל שִׁפְמֵי" – מִכְּלָל דְּכֹוֹלֵי עֲלָמָא מִיַּחֲזִיבֵי.

מְנוּדֵה מֵהוּ בְּעֵטִיפַת הָרֹאשׁ? אָמַר רַב יוֹסֵף, תָּא שְׁמַע: וְהוּן מִתְעַטְפִּין וְיוֹשְׁבֵין כְּמְנוּדִין וְכֹאבְלִים עַד שִׁירְחֲמוּ עֲלֵיהֶם מִן הַשָּׁמַיִם. אָמַר לֵיהּ אַבְיִי: דְּלִמָּא מְנוּדֵה לְשָׁמַיִם שְׂאֵמֵי דְחָמִיר.

מְצוּרְעֵי מֵהוּ בְּעֵטִיפַת הָרֹאשׁ? תָּא שְׁמַע: "וְעַל שִׁפְמֵי יַעֲטֶה" – מִכְּלָל שְׁחָיִב בְּעֵטִיפַת הָרֹאשׁ. שְׁמַע מִיָּנָה.

The Gemara asks: What is the *halakha* governing those who are ostracized and lepers,<sup>N</sup> with regard to a haircut? The Gemara answers: Come and hear that which was taught in a *baraita*: Those who are ostracized<sup>H</sup> and lepers<sup>H</sup> are prohibited from cutting their hair and laundering their clothes.

It was further taught there: If one who is ostracized dies, the court places stones on his coffin. Rabbi Yehuda says: This does not mean that they pile up a heap of stones over him like the heap of stones that was placed over the grave of Achan<sup>N</sup> (see Joshua 7:26). Rather, the court sends its agents, who place a large stone<sup>N</sup> on his coffin as a symbolic gesture. This comes to teach you that anyone who is ostracized and dies while in his period of ostracism, without seeking to be released from it, the court places stones on his coffin.<sup>H</sup>

§ The Gemara continues: A mourner is obligated to wrap his head as a sign of mourning, covering his head and face.<sup>H</sup> This is derived from the fact that the Merciful One says to Ezekiel, while he is in mourning: "And cover not your upper lip" (Ezekiel 24:17). God commands Ezekiel not to display outward signs of mourning, which proves by inference that everyone else is obligated to wrap their heads in this manner.

The Gemara asks: What is the *halakha* governing a person who is ostracized, with regard to wrapping of the head?<sup>NH</sup> Rav Yosef said: Come and hear that which was taught in a *baraita* about those who were fasting for rain and whose prayers were not answered: And they wrap themselves and sit as those who are ostracized and as mourners, until they are shown mercy from Heaven. This implies that those who are ostracized must wrap their heads like mourners. Abaye said to him: Perhaps one who is ostracized by Heaven is different, as that is more serious than being ostracized by an earthly court.

The Gemara continues and asks: What is the *halakha* in the case of a leper with regard to wrapping of the head?<sup>H</sup> Come and hear a proof based upon the verse: "And he shall cover his upper lip" (Leviticus 13:45), from which it may be learned by inference that he is obligated to wrap his head. The Gemara concludes: Indeed, learn from here that this is the case.

## HALAKHA

One who has been ostracized with regard to cutting hair and laundering clothes – מְנוּדֵה בְּתַסְפּוּרָתוֹ וּבִבְסוּתוֹ: One who has been ostracized may not cut his hair or launder his clothes (*Shulhan Arukh, Yoreh De'a* 334:2).

A leper with regard to cutting hair and laundering clothes – מְצוּרְעֵי מֵהוּ בְּעֵטִיפַת הָרֹאשׁ: A leper may not cut his hair or launder his clothes as long as he is quarantined (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'* at 10:6).

One who is ostracized and dies – הַמִּתְנַדֵּה וּמֵת: If one who was ostracized died without having his decree of ostracism removed, then the court appoints emissaries to place a stone on his coffin. The relatives of such a person do not rend their clothes, remove their shoes, or deliver eulogies for the deceased.

This applies to those who were ostracized for committing sins; however, one who was ostracized as a penalty for not meeting his financial obligations is treated with the honor due to any other person who passed away. The reason for this is

because one becomes exempt from such a penalty once he passes away (*Shulhan Arukh, Yoreh De'a* 334:3).

A mourner wrapping his head – אֲבֵל בְּעֵטִיפָה: A mourner is required to wrap his head in such a way that the end of a scarf or shawl covers his mouth and nose. According to the Rema, it is not customary to carry out this practice today because shawls are not ordinarily worn, and one should not be stringent (*Shulhan Arukh, Yoreh De'a* 386:1).

A person who is ostracized wrapping his head – מְנוּדֵה בְּעֵטִיפָה: One who has been ostracized is not required to wrap his head. This is because the issue is left unresolved by the Gemara, and the *halakha* generally follows the lenient opinion in unresolved issues concerning rabbinic mitzvot (*Shakh, Shulhan Arukh, Yoreh De'a* 334:1).

A leper wrapping his head – מְצוּרְעֵי מֵהוּ בְּעֵטִיפַת הָרֹאשׁ: A leper is required to wrap his head and cover his upper lip (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'* at 10:6).

אָבֵל אָסוּר לְהַנִּיחַ תְּפִילִין. מִדְּקָאֵמֶר לִיָּה רַחֲמֵנָא לִיְחֻזְקָאֵל: "פְּאַרְךָ חֲבוּשׁ עֲלֶיךָ" – מִכְּלָל דְּכֹוֹלֵי עֲלֵמָא אָסוּר.

§ The Gemara moves on to another *halakha*: **A mourner is prohibited from donning phylacteries.**<sup>h</sup> This is derived from the fact that the Merciful One says to Ezekiel, while he is in mourning: **"Bind your headwear [pe'er] upon yourself"** (Ezekiel 24:17).<sup>n</sup> The word *pe'er* alludes to phylacteries. Ezekiel was unique in that he was commanded to put on phylacteries while in mourning, which proves by inference that everyone else is prohibited from doing so.

מִנּוּדָה מֵהוּ בְתַמְלִיין? תִּיקוּ. מִצּוּרַע מֵהוּ בְתַמְלִיין? תָּא שְׁמַע: "וְהַצְרַע" – לְרִבּוֹת כְּהֵן גְּדוּל, "בְּגָדָיו יִהְיוּ פְרוּמִים" – שִׁיָּהוּ מְקוּרָעִים: "וְרֵאשׁוּ יִהְיֶה פְרוּעַ" – אֵין פְּרִיעָה אֲלָא גִידוּל שְׁעָר, דְּבָרֵי רַבִּי אֶלִיעֶזֶר.

The Gemara asks: **What is the *halakha* governing one who is ostracized, with regard to phylacteries?** The dilemma shall stand unresolved. The Gemara proceeds to its next question: **What is the *halakha* in the case of a leper with regard to phylacteries?** The Gemara suggests: **Come and hear a proof from the following *baraita*:** The verse states: **"And the leper"** (Leviticus 13:45); as explained earlier, this comes to include the High Priest in all the *halakhot* of the leper. The verse states there: **"His garments shall be *perunim*,"** meaning that they shall be rent. The verse continues: **"And his head shall be *parua*,"** and this *parua* means only growing the hair long; this is the statement of Rabbi Eliezer.

רַבִּי עֲקִיבָא אָמַר: נֶאֱמַרְהָ הַוְיָה בְרָאשׁ וְנֶאֱמַרְהָ הַוְיָה בְּבִגְדוֹ. מֵה הַוְיָה הָאֵמִוּרָה בְּבִגְדוֹ – דְּבָר שְׁחוּץ מְגוּפּוֹ, אָף הַוְיָה בְרָאשׁ – דְּבָר שְׁחוּץ מְגוּפּוֹ. מֵאֵי לָאוּ אֶתְתַּמְלִיין?

Rabbi Akiva says: The meaning of these terms is derived through a verbal analogy. The verse states a form of the verb **being, with regard to one's head** in the verse: "His head shall be," teaching that a leper must perform a certain action with his head. **And the verse states a form of the verb being with regard to a leper's garment, in the verse:** "His garment shall be." **Just as the term being stated with regard to his garment is referring to an object external to his body, so too, the term being used with regard to his head is referring to an object external to his body.** The Gemara derives from this: **What, is it not referring to phylacteries, and the verse teaches that it is prohibited for a leper to wear phylacteries?**

אָמַר רַב פָּפָא: לָא, אֲבוּמְתָא וְסוּדָרָא.

Rav Pappa said: **No, there is no proof from here, as the verse may be referring to a cap [kumta]<sup>l</sup> or a scarf [sudara],<sup>l</sup> which people wear on their heads.** It is possible to explain that according to Rabbi Akiva, it is prohibited for a leper to wear such headwear because it is excessive adornment.<sup>h</sup>

אָבֵל אָסוּר בְּשִׂאֵילַת שְׁלוֹם, דְּקָאֵמֶר לִיָּה רַחֲמֵנָא לִיְחֻזְקָאֵל: "הֵאֲנֵק דּוּם".

§ The Gemara continues: **A mourner is prohibited from greeting others or be greeted.**<sup>h</sup> This is derived from the fact that the Merciful One says to Ezekiel: **"Sigh in silence"** (Ezekiel 24:17),<sup>n</sup> implying that aside from what was absolutely essential, he was prohibited from speaking.

**A mourner and phylacteries – אָבֵל וְתַפִּילִין:** On the first day of mourning, a mourner is prohibited from donning phylacteries, even if the deceased was buried the night before. From the second day of mourning onward, one should don phylacteries. However, different customs exist with regard to whether or not this may be done only in private (*Mishna Berura; Shulhan Arukh, Orah Hayyim 38:5* and *Yoreh De'á 388:1*).

**A leper growing his hair and rending his garments – מִצּוּרַע בְּפִרְיעָה וּבְפְרוּמָה:** Every leper must let his hair grow long and rend his garments, even if he is the High Priest (*Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 10:6*).

**A mourner with regard to greeting others – אָבֵל בְּשִׂאֵילַת שְׁלוֹם:** A mourner may not greet others or be greeted (*Shulhan Arukh, Yoreh De'á 385:1*).

LANGUAGE

**Cap [kumta] – כּוּמְתָא:** The *ge'onim* explain that this word refers to a soft hat or a beret. It is related to the Arabic *كُمَّة, kumma*, which has the same meaning.

**Scarf [sudara] – סוּדָרָא:** From the Latin *sudarium*, meaning scarf or towel. Here and in other cases, this word refers to a scarf wrapped around the head, which was worn by married rabbis. Similarly, it is customary in several communities for the rabbi to wrap a special scarf around his turban.

NOTES

**פְּאַרְךָ חֲבוּשׁ עֲלֶיךָ – Bind your headwear [pe'er] upon yourself:** In tractate *Berakhot* this conclusion is reached in a different manner. It is stated there that phylacteries are referred to as *pe'er*, literally meaning splendor, and it is not appropriate for a mourner to be crowned with such splendor. Additionally, when a mourner wears phylacteries it is disrespectful toward the mitzva of phylacteries, as the mourner is in a lowly state, and it is inappropriate that words describing God's glory rest upon him. In *Tosefot HaRosh* it is noted that these two explanations complement each other. While the *halakha* is derived from the Gemara here, the reasoning behind it is explained in tractate *Berakhot*.

**Sigh in silence – הֵאֲנֵק דּוּם:** *Tosefot* allude to the difficulty with this proof. The Gemara has already shown that Ezekiel's mourning was an exceptional case, and ordinary mourners should do the opposite of everything he was instructed to do. If so, how is it possible to prove that a mitzva of silence stated with regard to Ezekiel also applies to other mourners?

The early authorities who address this issue answer it in several different ways. Some say that the instruction: "Sigh in silence,"

applies to Ezekiel and other mourners as well. Immediately afterward he was instructed: "Make no mourning for the dead" (Ezekiel 24:17), with regard to the further instructions, which were unique to him (*Ra'avad; Talmid Rabbeinu Yehiel of Paris*). The reason for this is because mourning is not immediately evident through a mourner's silence (*Talmid Rabbeinu Yehiel of Paris*).

Others suggest that God instructed Ezekiel to deviate from the common practice in this case as well. Therefore, the verse should be understood as: Sighing in silence and mourning for the dead, do not do. If this is the case, then this proof is similar to those cited for the other practices mentioned here (Rabbi Shlomo ben HaYatom; *Nimmukei Yosef*, citing Rabbi Meir HaLevi).

*Tosefot HaRosh* gives a simple explanation: Certainly the Merciful One was not stricter with Ezekiel than with other mourners, and therefore any stringency that applied to him certainly also applies to other mourners as well. A similar explanation appears in several places in *Tosefot*. Others explain that all these proofs are meant only as support or allusions and should not be read too carefully. Instead, the Sages relied upon traditions or made decrees on their own (*Sefer HaMe'orot*).

**אבלות – Mourning practices during a time of drought** – בפעילות גשמים: If there is a drought and the thirteen fasts have been carried out without rain falling, then people should begin to greet each other with less emotion, and Torah scholars should not greet each other at all (*Shulhan Arukh, Orach Hayyim 575:7*).

**אבל בדברי תורה – A mourner with regard to Torah study** – A mourner is prohibited from studying Torah for all seven days of mourning. This includes the Bible, Talmud, and *halakha*. He may read the prophecies that speak about catastrophes in the books of Jeremiah and Job. Similarly, he may study this third chapter of *Moed Katan* and the *halakhot* of mourning (*Pithei Teshuva; Arukh HaShulhan; Shulhan Arukh, Yoreh De'a 384:1*).

**One who has been ostracized with regard to earning a livelihood and studying Torah** – מנוודה בפנייה ותורה: One who has been ostracized may study, teach, or be taught Torah. In addition, he may earn a livelihood by hiring other people to work for him or by hiring himself out to others (*Shulhan Arukh, Yoreh De'a 334:2*).

**One who has been excommunicated – מוחרם** – One who has been excommunicated may not teach or be taught Torah. However, he may study Torah on his own, so that he will not forget what he has learned. He may not be hired for work, and he may not hire other people to work for him. However, he may establish a small store in order to earn a minimal income (*Shulhan Arukh, Yoreh De'a 334:2*).

**A leper with regard to Torah study** – מעורע בדברי תורה: Like others who are impure, a leper may study Torah (*Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 10:6*).

NOTES

**Ostracized and excommunicated – מנוודה ומוחרם** – Most authorities explain that these terms refer to two different levels within the same concept. One is ostracized as a warning, and if he fails to listen and have his decree of ostracism reversed then he will be excommunicated afterward. According to the Ra'avad, between excommunication and ostracism there is an intermediate level of banishment: *Shamta*.

**וביני מיא בפקתא – Selling water in the valley of Aravot** – דעברות: Some say that this is meant to serve merely as a suggestion. Since one who is excommunicated cannot hire other people or be hired, and he may earn a livelihood only by selling his property, he is permitted to earn this small amount of income (*Rabbeinu Yehonatan of Lunel*). Some say that this statement teaches something novel: He is permitted to sell water in a place where it is needed. Similarly, he may earn his livelihood by providing any goods or services that are necessities (*Ritva*). Others suggest that he may be involved only in businesses that involve minimal interaction with other people (see *Beit Yosef*). Others say that he is permitted to work only in a place where few people are present (*Rabbi Shlomo ben HaYatom*).

BACKGROUND

**Valley [pakta] of Aravot** – פקתא דעברות: The word *pakta* is another form of the word *bakta*, meaning valley or plain. From other sources, it is known that people worked and lived in such places, although they did not have sources of water. One could earn money by selling water in such places; however, one was able to earn only a small profit by doing so.

מנוודה מהו בשאילת שלום? אמר רב יוסף: תא שמע: ובשאילת שלום שבין אדם לחבירו, כבני אדם הנופין למקום. אמר ליה אביו: דלמא מנוודה לשמים שאני דתמידי.

מצורע מהו בשאילת שלום? תא שמע: 'ועל שפם יעטה' – שיהו שפתותיו מודובקות זו בזו, שיהא כמנוודה וכאבל, ואסור בשאילת שלום. שמע מינה.

וניפשוט מינה למנוודה! אמר רב אהא בר פנחס משמייה דרב יוסף: מי קתני שאסור? שיהא כמנוודה וכאבל [קתני] – במילי אחרנייתא. ואסור נמי בשאילת שלום.

אבל אסור בדברי תורה, מדקאמר רחמנא ליתוקאל 'דם'.

מנוודה מהו בדברי תורה? אמר רב יוסף, תא שמע: מנוודה – שונה ושונים לו, נשכר ונשכרין לו.

מוחרם – לא שונה ולא שונים לו, לא נשכר ולא נשכרין לו. אבל שונה הוא לעצמו שלא יפסיק את למודו. ועושה לו חנות קטנה בשביל פרנסתו.

ואמר רב: וביני מיא בפקתא דעברות. שמע מינה.

מצורע מהו בדברי תורה? תא שמע: 'והודעתם לבניך ולבני בניך יום אשר עמדת לפני ה' אלהיך בחורב', מה להלן באימה וביראה וברתת וביעוה.

The Gemara asks: **What is the halakha governing one who is ostracized with regard to greeting others?** Rav Yosef said: **Come and hear a proof from a baraita dealing with those who were fasting for rain and whose prayers were not answered.** These people were prohibited from greeting one another, as **people who are reprimanded by the Omnipresent.**<sup>H</sup> This indicates that those who are ostracized must not greet each other, just as mourners may not greet each other. **Abaye said to him: Perhaps one who is ostracized by Heaven is different, as that is more serious than being ostracized by an earthly court.**

The Gemara continues and asks: **What is the halakha concerning a leper with regard to greeting others?** The Gemara suggests: **Come and hear a proof from the following baraita:** The verse states: **“And he shall cover his upper lip”** (Leviticus 13:45). This means that **his lips should be stuck together, that he should be like one who is ostracized and like a mourner, and he is prohibited from greeting others or being greeted.** The Gemara concludes: **Indeed, learn from this that this is so.**

The Gemara asks: If this is the case, then we should also resolve the question asked above **with regard to one who is ostracized** and say that such a person is prohibited from offering greetings. **Rav Aha bar Pinehas said in the name of Rav Yosef: Does it explicitly teach that a leper is prohibited from greeting others, like one who is ostracized? It teaches only that he should be treated like one who is ostracized and like a mourner, i.e., he should be like them with regard to other things, and that he is also prohibited from greeting others.** This being the case, no proof can be derived from here with regard to whether or not one who is ostracized may offer greetings.

§ The Gemara moves on to a new topic: **A mourner is prohibited from studying words of Torah.**<sup>H</sup> This prohibition is derived from the fact that the Merciful One says to Ezekiel: **“Sigh in silence”** (Ezekiel 24:17). Ezekiel was commanded to be silent and not discuss even Torah matters.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to speaking words of Torah?** Rav Yosef said: **Come and hear that which was taught in the following baraita: One who is ostracized may teach Torah to others, and others may teach him Torah. Similarly, he may be hired for work by others, and others may be hired by him.**<sup>H</sup>

**One who has been excommunicated,**<sup>NH</sup> which is a more severe form of ostracism, **may not teach Torah to others and others may not teach him. He may not be hired by others, and others may not be hired by him. However, he may study by himself, so that he will not interrupt his study entirely and forget everything he knows. And he may build a small store for his livelihood, so that he can earn enough money to cover his most basic needs, but not more.**

**And Rav said:** What is the small store referred to here? This is referring to **selling water in the valley of Aravot,**<sup>NB</sup> where no water was to be found. One selling water there could earn a small income. The Gemara concludes: **Indeed, learn from this baraita that one who is ostracized is permitted to study Torah.**

The Gemara asks: **What is the halakha with regard to a leper speaking words of Torah?**<sup>H</sup> The Gemara answers: **Come and hear that which is taught in a baraita:** It is written: **“And you shall impart them to your children and your children’s children; the day that you stood before the Lord your God in Horeb”** (Deuteronomy 4:9–10). **Just as there, the revelation at Sinai was in reverence, fear, and trembling, so too, here, in every generation, Torah must be studied in a similar fashion.**

But those who experienced a seminal emission are prohibited – **בבעלי קריין אסורין** – *Talmid Rabbeinu Yehiel of Paris* explains that when the Torah was given the men were instructed to separate themselves from the women. Therefore, one suffering from this type of impurity is prohibited from learning Torah. However, there was no mention of other types of impurity at the time that the Torah was given.

A mourner is prohibited from laundering his clothes – **אבל אסור בתכבוסות**: Most commentaries explain that the proof from this verse is that the woman was instructed to wear mourner's clothes, meaning clothes that were dirty and black (Rashi; *Talmid Rabbeinu Yehiel of Paris*; Rabbi Shlomo ben HaYatom).

מקאן אמרו: הזבין והמזורעין ובעלי נדות מותרין לקרות בתורה ובנביאים ובכתובים, ולשנות במדרש ובתלמוד, בהלכות ובאגדות, ובעלי קריין אסורין. שמע מניה.

From here the Sages stated: *Zavim*, lepers, and those who had intercourse with menstruating women despite their severe ritual impurity are permitted to read the Torah, Prophets, and Writings, and to study midrash, Talmud, *halakhot*, and *aggada*. But those who experienced a seminal emission are prohibited<sup>N</sup> from doing so.<sup>H</sup> The reason for this distinction is that the cases of severe impurity are caused by ailment or other circumstances beyond one's control; as a result, they do not necessarily preclude a sense of reverence and awe as one studies Torah. However, a seminal emission usually occurs due to frivolity and a lack of reverence and awe, and it is therefore inappropriate for one who experiences a seminal emission to engage in matters of Torah. The Gemara concludes: Indeed, learn from this that a leper is permitted to study words of Torah.

אבל אסור בתכבוסות, דכתיב: "וישלח יואב תקועה ויקח משם אשה חכמה ויאמר אליה התאבלי נא ולבשי נא בגדי אבל ואל תסוכי שמן והיית כאשה זה ימים רבים מתאבלת על מת".

§ The Gemara proceeds to discuss another issue: A mourner is prohibited from laundering his clothes,<sup>NH</sup> as it is written: "And Joab sent to Tekoa, and fetched from there a wise woman, and said to her, I pray you, feign yourself to be a mourner, and put on now mourning apparel, and do not anoint yourself with oil, but be as a woman that had a long time mourned for the dead" (11 Samuel 14:2).

מנודין ומזורעין מה הן בתכבוסות? תא שמע: מנודין ומזורעין אסורין לספר ולכבס. שמע מניה.

The Gemara asks: What is the *halakha* concerning laundering with regard to those who are ostracized or lepers? Come and hear that which is taught in a *baraita*: Those who are ostracized or lepers are prohibited from cutting their hair or laundering their clothes. The Gemara concludes: Indeed, learn from here that they are prohibited from laundering their clothes.

אבל חייב בקריעה. דקאמר להו רחמנא לבני אהרן: "לא תפרומו" – מכלל דבולי עלמא מיחייבי.

The Gemara continues: A mourner is obligated to rend his clothes.<sup>H</sup> This is derived from the fact that the Merciful One says to the sons of Aaron: "Neither rend your clothes" (Leviticus 10:6), which proves by inference that everyone else, all other mourners, are obligated to rend their clothes.

מנודה מהו בקריעה? תיקו.

The Gemara asks: What is the *halakha* of rending clothes with regard to one who is ostracized?<sup>H</sup> No answer is found, and the question shall stand unresolved.

מזורע מהו בקריעה? תא שמע: בגדי יהיו פרומים – שיהו מקורעין. שמע מניה.

The Gemara continues: What is the *halakha* concerning a leper with regard to rending? Come and hear that which is taught in the following *baraita*: The verse states: "His garments shall be rent" (Leviticus 13:45), meaning that they shall be torn. The Gemara concludes: Indeed, learn from here that this is the case.

אבל חייב בכפיית המטה, דתני בר קפרא:

§ The Gemara moves to a different issue: A mourner is obligated to overturn his bed,<sup>H</sup> so that he sleeps on the underside of it, as bar Kappara taught a *baraita* that states:

#### HALAKHA

One who experienced a seminal emission with regard to Torah study – **בעל קרי בדברי תורה** – Ezra the Scribe decreed that one who experiences a seminal emission is prohibited from studying Torah until he has immersed. In the era of the *amora'im*, this decree was nullified, and today it is permitted for such a person to study Torah without immersing. However, it is still the custom of the pious to be strict and immerse before studying Torah (*Shulhan Arukh, Orach Hayyim* 88:1).

A mourner with regard to laundering clothes – **אבל בתכבוסות**: A mourner may not launder his clothes for all seven days of mourning (*Shulhan Arukh, Yoreh De'a* 389:1).

A mourner with regard to rending clothes – **אבל בקריעה**: Upon hearing that one of his close family members has passed away, one is required to rend his clothes (*Shulhan Arukh, Yoreh De'a* 340:1).

One who is ostracized with regard to rending clothes – **מנודה** – **בקריעה**: One who has been ostracized is not required to rend his clothes because the issue is left unresolved by the Gemara, and the ruling is generally lenient in cases of doubtful issues of *halakha* concerning rabbinic decrees (*Shakh; Shulhan Arukh, Yoreh De'a* 334:1).

Overturning the bed – **כפיית המטה**: A mourner is required to overturn his bed. However, for many generations this has no longer been the custom. The reason is either because the gentiles will view this as a practice of witchcraft or because this act is not noticeable with contemporary beds (*Tur*, citing Rosh). Some say that a mourner is required to sleep on the ground (*Shakh*), but others disagree (*Panim Meiros*). The custom today is not to be stringent with regard to this *halakha* (*Arukh HaShulhan; Shulhan Arukh, Yoreh De'a* 387:1–2).

## LANGUAGE

**Image [deyokan]** – דיוקן: This word has a Greek root, and some claim that it is related to the Greek δεικάνον, *deikanon*, meaning a drawn or woven image. However, the *ge'onim* understand it to mean *dio-iconin*, from the Greek εἰκών, *eikon*, meaning image or form. Together with the prefix this word is said to mean double image or copy.

## NOTES

**One who was ostracized or a leper with regard to overturning the bed** – מנוּדָה וּמְצוּרֵעַ...בְּכַפֵּיית הַמֶּטָה: The Ritva asks: The explanation offered for this custom in the case of a mourner does not apply to these other two groups. Therefore, why would they be required to overturn their beds? He explains that since their world has turned upside down, and they are distanced from other people, it is appropriate for them to overturn their beds.

**Bathing is included in anointing** – רְחִיצָה בְּכֻלָּל סִיכָה: This verse does not mention bathing, which makes the proof somewhat problematic. The Ritva explains that there is never a case in which anointing is prohibited and bathing is permitted. Furthermore, it is clear that the verse compares the two of them. The Rambam explains, as does the Meiri in greater detail, that the common practice was to bathe and afterward to anoint oneself with oil. Since the verse states that the woman from Tekoa was instructed not to anoint herself, she must have been prohibited from bathing as well.

## HALAKHA

**A leper with regard to overturning the bed** – מְצוּרֵעַ בְּכַפֵּיית הַמֶּטָה: A leper is not required to overturn his bed. The ruling is lenient with regard to this *halakha* because the question is one of rabbinic law that is left unresolved (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 10:6).

**Working while mourning** – מְלָאכָה בְּאַבְיָלוּת: A mourner is prohibited from working for all seven days of the mourning period (*Shulḥan Arukh*, *Yoreh De'a* 380:1).

**The final fast days for lack of rain** – מְנַהֵג בְּתַעֲנוּיֵת אֲחֵרוֹנוֹת: During the final stage of fast days for a drought, it is prohibited to perform work during the day, but working at night is permitted. In addition, one may not wash his entire body with hot water; however, he may wash his hands, face, and feet. It is likewise prohibited to walk with shoes in the city (*Shulḥan Arukh*, *Orah Hayyim* 575:3).

דְּמוּת דְּיוֹקְנֵי נִתְתִּי בְּהֶן, וּבְעוֹנוֹתֵיהֶם הִפְכַּתִּיהָ – כְּפֹ מְשׁוֹתֵיהֶן עָלֶיהָ. מְנוּדָה וּמְצוּרֵעַ מַה הֵן בְּכַפֵּיית הַמֶּטָה? תִּיקוּ.

אֲבָל אֲסוּר בְּעִשְׂיֵית מְלָאכָה, דְּכַתִּיב: 'וְהִפְכַּתִּי תְּגִימָם לְאֲבָל'. מַה חֵג אֲסוּר בְּמְלָאכָה – אִף אֲבָל אֲסוּר בְּמְלָאכָה.

מְנוּדָה מַהוּ בְּעִשְׂיֵית מְלָאכָה? אָמַר רַב יוֹסֵף, תָּא שְׁמַע: כְּשֶׁאָמְרוּ אֲסוּר בְּעִשְׂיֵית מְלָאכָה – לֹא אָמְרוּ אֶלָּא בַּיּוֹם, אֲבָל בְּלַיְלָה מוֹתֵר. וְכֵן אֲתָה מוֹצֵא בְּמְנוּדָה וּבְאֲבָל. מַאי לָאוּ – אֲכֹלְהוּ? לֹא, אֲשַׁאֲרָא.

תָּא שְׁמַע: מְנוּדָה שׁוֹנֵה וְשׁוֹמֵן לוֹ, נִשְׁכַּר וְנִשְׁכְּרִין לוֹ. שְׁמַע מִינֵה. מְצוּרֵעַ מַהוּ בְּעִשְׂיֵית מְלָאכָה? תִּיקוּ.

אֲבָל אֲסוּר בְּרְחִיצָה, דְּכַתִּיב: 'וְאֵל תְּסוּכִי שִׁמֹן', וְרְחִיצָה בְּכֻלָּל סִיכָה.

מְנוּדָה מַהוּ בְּרְחִיצָה? אָמַר רַב יוֹסֵף, תָּא שְׁמַע: כְּשֶׁאָמְרוּ אֲסוּר בְּרְחִיצָה – לֹא אָמְרוּ אֶלָּא כָּל גּוּפּוֹ, אֲבָל פָּנָיו יָדָיו וְרַגְלָיו – מוֹתֵר. וְכֵן אֲתָה מוֹצֵא בְּמְנוּדָה וּבְאֲבָל. מַאי לָאוּ אֲכֹלְהוּ? לֹא, אֲשַׁאֲרָא. מְצוּרֵעַ מַהוּ בְּרְחִיצָה? תִּיקוּ.

God stated: **I have placed the likeness of My image [deyokan]<sup>1</sup> within humans, as they were created in My image, and owing to their sins I have overturned it**, as when this person died the Divine image in him was removed. Therefore, you must also **overturn your beds on account of this**. The Gemara asks: **What is the halakha governing one who was ostracized or a leper, with regard to overturning the bed?**<sup>NH</sup> The Gemara has no answer, and the question shall stand unresolved.

§ The Gemara proceeds to the next topic: **A mourner is prohibited from performing work, as it is written: “And I will turn your Festivals into mourning”** (Amos 8:10). The Gemara infers: **Just as a Festival is a time when it is prohibited to work, so too, a mourner is prohibited from performing work.**<sup>H</sup>

The Gemara asks: **What is the halakha concerning one who was ostracized with regard to the performance of work?** Rav Yosef said: **Come and hear that which is taught in the following baraita: When the Sages said that the performance of work is prohibited on a communal fast due to lack of rain, they meant only that work is prohibited during the day of the fast, but during the night of the fast it is permitted.**<sup>H</sup> **And you find a similar halakha with regard to a person who was ostracized and with regard to a mourner. What, is it not with regard to all of the prohibitions stated that the baraita says that they apply to one who was ostracized as well, including the prohibition to engage in work?** The Gemara rejects this argument: **No, this is referring to the rest of the prohibitions, but not to work.**

The Gemara offers a different proof: **Come and hear that which was taught in the following baraita: One who is ostracized may teach Torah to others, and others may teach him Torah. Similarly, he may be hired for work by others, and others may be hired by him.** The Gemara concludes: **Learn from here that it is permitted for one who is ostracized to engage in work.** The Gemara asks: **What is the halakha concerning a leper, with regard to the performance of work?** An answer is not found, and the question shall stand unresolved.

§ The Gemara discusses a different prohibition: **A mourner is prohibited from bathing, as it is written: “And do not anoint yourself with oil, but be as a woman that had for a long time mourned for the dead”** (11 Samuel 14:2). **And bathing is included in the category of anointing,**<sup>N</sup> as both activities have a similar goal, i.e., cleanliness.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to bathing?** Rav Yosef said: **Come and hear that which was taught in the following baraita: When the Sages said that bathing is prohibited on a communal fast, they meant only that a person may not wash his entire body, but washing his face, his hands, and his feet is permitted.** **And you find a similar halakha with regard to a person who was ostracized and with regard to a mourner. What, is it not with regard to all of the prohibitions stated in the baraita, including the prohibition against bathing, that they apply also to one who is ostracized?** The Gemara rejects this argument: **No, this is referring to the rest of the prohibitions, but not to bathing.** The Gemara asks: **What is the halakha concerning a leper with regard to bathing?** An answer is not found, and the question shall stand unresolved.

אבל אסור בנעילת הסנדל, מדקאמר ליה רחמנא ליתחוקאל: "ונעליך תשים בגליך" – מכלל דכולי עלמא אסור.

§ The Gemara moves to the next topic: **A mourner is prohibited from wearing shoes.**<sup>H</sup> Since the Merciful One says to Ezekiel with regard to how his mourning rites should differ from the accepted custom: **"And put your shoes upon your feet"** (Ezekiel 24:17), which shows by inference that everyone else, i.e., all other mourners, is prohibited from wearing shoes.

מנודה מהו בנעילת הסנדל? אמר רב יוסף, תא שמע: בשאמרו אסור בנעילת הסנדל – לא אמרו אלא בעיר, אבל בדרך – מותר. הא כיצד? יצא לדרך – נועל, נכנס לעיר – חולץ. וכן אתה מוצא במנודה ובאבל. מאי לאו אבולהו? לא, אשארא.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to wearing shoes?**<sup>H</sup> Rav Yosef said: **Come and hear that which is taught in the following baraita: When the Sages said that wearing shoes is prohibited on a communal fast, they meant only that one may not wear shoes when he is walking about in the city, but if he set out to travel on the road, wearing shoes is permitted. How so? When he sets out on the road, he may put on his shoes. But as soon as he enters the city once again, he must take off his shoes and continue barefoot. And you find a similar halakha with regard to a person who was ostracized and with regard to a mourner. What, is it not with regard to all of the prohibitions stated in the baraita, including the prohibition against wearing shoes, that they apply also to one who was ostracized?** The Gemara rejects this argument: **No, this is referring to the rest of the prohibitions, but not to wearing shoes.**

מזורע מהו בנעילת הסנדל? תיקו.

The Gemara asks: **What is the halakha concerning a leper with regard to wearing shoes?**<sup>H</sup> No answer is found, and the question shall stand unresolved.

אבל אסור בתשמיש המטה, דכתיב: "וינחם דוד את בת שבע אשתו ויבא אליה" – מכלל דמעיקרא אסור.

§ The Gemara considers another issue: **A mourner is prohibited from engaging in sexual relations,**<sup>H</sup> as it is written: **"And David comforted Bath-Sheba his wife, and went into her, and lay with her"** (II Samuel 12:24), after their son had died. This proves by inference that initially, during the period of mourning, sexual relations were forbidden.

מנודה מהו בתשמיש המטה? אמר רב יוסף, תא שמע: כל אותן שנים שהיו ישראל במדבר מנודין היו, ושימשו מטותיהן. אמר ליה אביי: ודלמא מנודה לשמים שאני, דקיל.

The Gemara asks: **What is the halakha concerning one who is ostracized with regard to sexual relations?** Rav Yosef said: **Come and hear that which is taught in a baraita: All those years that the Jewish people were in the wilderness they were ostracized,<sup>N</sup> and yet they engaged in sexual relations, as there were children born to them during that period. It follows that it is permitted for one who is ostracized to engage in sexual relations. Abaye said to him: Perhaps one who is ostracized by Heaven is different, as that is less serious<sup>N</sup> than being ostracized by an earthly court.**

קיל? והא אמרת חמיר! ספוקי מספקא ליה, וזיל הבא – קמדתו ליה, וזיל הבא – קמדתו ליה.

The Gemara asks in astonishment: **Is it less serious? But didn't you, Abaye, say elsewhere that a decree of ostracism imposed by Heaven is more serious than one issued by an earthly court?** For this reason, Abaye rejected several proofs of Rav Yosef from the previously cited baraita. The Gemara answers: **Abaye is uncertain** whether a decree of ostracism imposed by Heaven is more or less serious than one imposed by an earthly court. Therefore, when he goes in this direction he rejects the argument, and when he goes in that direction he rejects the argument. Abaye asserts that since the issue is in doubt, no proof can be derived from ostracism issued by Heaven.

אבל בנעילת – הסנדל: A mourner may not wear shoes for all seven days of the mourning period (Shulhan Arukh, Yoreh De'a 380:1).

One who is ostracized with regard to wearing shoes – מנודה בנעילת הסנדל: One who has been ostracized may not wear shoes, like a mourner, because many sources imply that one who has been ostracized is required to remove his shoes. The Beit Yosef explains the opinion of the Rivash, who cites the Rashba, and maintains that it is permitted for such a person to wear shoes. The common practice follows this opinion (Shakh; Shulhan Arukh, Yoreh De'a 334:2).

מזורע – אבול בתשמיש – אבול: A leper is permitted to bathe and to wear shoes. The ruling is lenient with regard to these halakhot and other similar cases because the issue is left unresolved, and the law itself is rabbinic (Rambam Sefer Tahara, Hilkhot Tumat Tzara'at 10:6).

A mourner with regard to sexual relations – אבול בתשמיש: A mourner may not engage in sexual relations for all seven days of the mourning period (Shulhan Arukh, Yoreh De'a 380:1).

NOTES

In the wilderness they were ostracized – במדבר מנודין היו: The early authorities find evidence of this ostracism in that which is stated after the sin of the spies: "For every day a year, you shall bear your sins... and you shall know My displeasure" (Numbers 14:34; manuscript of Rashi). Others derive evidence of ostracism from the fact that God did not speak to Moses throughout the years following the sin of the spies until that generation had died out (Rabbi Shlomo ben HaYatom).

מנודה לשמים... דקיל: A simple explanation for this opinion is that people are generally less afraid of God than they are of other people (Commentary on Moed Katan). The Ra'avad explains that being ostracized by Heaven is dependent upon God, Who does not want to prevent one from observing mitzvot such as sacrificing offerings or having children. Instead He only prohibited one from activities that relate to other people. However, a court that has imposed ostracism does not make this distinction and prohibits such a person from both types of activities (Tosefot HaRosh).

One who is ostracized by Heaven...that is less serious –