

Rosh HaShana and Yom Kippur with regard to mourning – ראש השנה ויום כיפור באבילות: The *halakha* is in accordance with the opinion of Rabban Gamliel that Rosh HaShana and Yom Kippur have the same status as other Festivals with regard to mourning (Shulhan Arukh, Yoreh De'a 399:6).

NOTES

The opinions of the *tanna'im* in the mishna – שיטות התנאים – במישנה: The Ramban explains that, according to Rabbi Eliezer, because Passover and Sukkot last for seven days, it interrupts the mourning and ends all of the mourning obligations. However, this does not apply to a Festival that lasts for only one day, and after the Temple was destroyed *Shavuot* was celebrated for only one day. It is therefore treated like Shabbat.

Alternatively, Rabban Gamliel says that the difference between Shabbat and Festivals with regard to mourning is related to the nature of the days and not to their length. Festivals, which are days of joy, cancel mourning entirely, and therefore all Festivals are included in this group, even *Shavuot*. The Rabbis essentially agree with Rabbi Eliezer; however, they say that since the additional six days were added to make up the offerings of *Shavuot*, it therefore falls into the same category as other Festivals, especially since it is listed together with them in the Bible. However, this is not the case with regard to Rosh HaShana and Yom Kippur.

The days were not nullified – ימים לא בטלו: Some explain that, according to Rav, the harsh decrees of mourning are nullified. However, the days of mourning themselves are not nullified. Therefore, after the Festival one is required to make up the days on which he did not mourn by refraining from cutting his hair during that time (Rabbi Shlomo ben HaYatom).

רבן גמליאל אומר: ראש השנה ויום הכיפורים כרגלים. וחכמים אומרים: לא כדברי זה ולא כדברי זה, אלא: עצרת – כרגלים, ראש השנה ויום הכיפורים – כשבת.

Rabban Gamliel says: Even Rosh HaShana and Yom Kippur are considered like the pilgrimage Festivals, in that they interrupt the mourning period but are not counted toward the days of mourning.<sup>H</sup> And the Rabbis say: The *halakha* is neither in accordance with the statement of Rabban Gamliel nor in accordance with the statement of the Rabbis. Rather, with regard to mourning, *Shavuot* is treated like the other pilgrimage Festivals, whereas Rosh HaShana and Yom Kippur are treated like Shabbat.<sup>N</sup>

גמ' אומר רב: גורת – בטלו ימים – לא בטלו. וכן אמר רבי הונא: גורת – בטלו ימים – לא בטלו. ורב ששת אמר: אפילו ימים נמי בטלו.

**GEMARA** With regard to the mishna's statement that the seven- and thirty-day periods of mourning are nullified, Rav said: The decree, meaning the main prohibitions of the period, was nullified, but the days of mourning themselves were not entirely nullified.<sup>N</sup> Instead, these periods of mourning remain to some degree. And so said Rav Huna: The decree was nullified, but the days of mourning themselves were not nullified. And Rav Sheshet said: Even the days of mourning were also nullified.

מאי טעמא ימים לא בטלו? שאם לא גילח ערב הרגל – אסור לגלח אחר הרגל.

The Gemara asks: What is the reason that the days themselves were not nullified? The Gemara explains: It is so that if one observed eight days of mourning before the Festival, so that the prohibition against hair cutting was nullified before the Festival, but for whatever reason he did not cut his hair on the eve of the Festival, he is prohibited from cutting his hair after the Festival until the end of the thirty-day period of mourning. In other words, the mourning period was not entirely nullified, and since he did not take advantage of the allowance to cut his hair before the Festival, he must observe the prohibitions applying during the thirty-day period of mourning after the Festival as well.

Perek III  
Daf 19 Amud b

והתנאי: הקובר את מתו שלשה ימים קודם לרגל – בטלה הימנו גורת שבעה. שמונה ימים קודם לרגל – בטלה הימנו גורת שלשים. ומגלח ערב הרגל. אם לא גילח ערב הרגל – אסור לגלח אחר הרגל.

But isn't it taught<sup>N</sup> in a *baraita*: In the case of one who buries his dead relative three days before a pilgrimage Festival, the decree of the seven-day period of mourning is nullified for him. If one buries his dead relative eight days before a Festival, the decree of thirty days is nullified for him, and therefore he may cut his hair on the eve of the Festival. If, however, he did not cut his hair on the eve of the Festival, he is prohibited from cutting his hair after the Festival<sup>N</sup> until the end of the thirty-day period of mourning.

אבא שאול אומר: מותר לגלח אחר הרגל. שבשם שמצות שלשה מבטלת גורת שבעה – כך מצות שבעה מבטלת גורת שלשים.

Abba Shaul says: Even if he failed to cut his hair on the eve of the Festival, he is permitted to cut his hair after the Festival, for just as his observance of the mitzva of three days of mourning prior to the Festival cancels the decree of the seven-day period of mourning, and so if the deceased was buried three days before the Festival, the mourner is no longer required to continue this period of mourning after the Festival, so too, his observance of the mitzva of seven days of mourning before the Festival cancels the decree of the thirty-day period of mourning.

NOTES

But isn't it taught – והתנאי: Most of the commentaries explain that the expression: But isn't it taught, which normally introduces a challenge, introduces a support in this case. However, there is a dispute about the details of this support. Some say that it serves as proof for Rav Huna's opinion, based on the first *tanna*, who makes an explicit statement in accordance with his opinion (*Tosafot*, see *Yad David*). Some say the expression: But isn't it taught, means here: Like the dispute between *tanna'im*, and note that the dispute between Rav Huna and Rav Sheshet parallels an explicit tannaitic dispute (Rid; *Talmid*

*Rabbeinu Yehiel of Paris*; Ritva). However, others claim that it is not possible to say that this dispute is like the dispute between *tanna'im* because the dispute between *amora'im* is about how to explain the mishna. It is not a dispute concerning the *halakha* itself (*Tal Hayyim*).

There is another opinion, according to which the expression: But isn't it taught, is meant to introduce a challenge by Rav to Rav Huna's opinion, based on Abba Shaul's statement, which is the accepted *halakha*. According to this explanation, it was not Abaye who said that the *halakha* is in accordance with the

opinion of Abba Shaul with regard to the seventh day of mourning, but Rav. This also explains Rav's answer that the *halakha* is not in accordance with Abba Shaul with regard to every issue (Rabbeinu Hananel).

He is prohibited from cutting his hair after the Festival – אסור לגלח אחר הרגל: Some say that this serves as a sort of punishment. Because this mourner did not mind entering into the Festival while he was disheveled, the Festival no longer cancels the restrictions that apply during his thirty-day period of mourning (*Talmid Rabbeinu Yehiel of Paris*).

The *halakha* is in accordance with the opinion of Abba Shaul – הלכה כאבא שאול: The *halakha* is in accordance with the opinion of Abba Shaul with regard to the seven- and thirty-day mourning periods, and it is in accordance with the Sages of Neharde'a, based on the principle that the *halakha* follows the lenient opinion with regard to mourning. Therefore, once those who have come to console the mourner stand to leave on the seventh day, the prohibitions of the seven-day mourning period cease to apply. Similarly, the legal status of part of the day is like that of an entire day with regard to the thirty-day period of mourning, and the restrictions of mourning cease at sunrise of the thirtieth day. The Rema writes, based on the Rosh, that in places where the consolers do not come on the seventh day, the restrictions of the seven-day period end one hour after the time of prayer (*Shulhan Arukh, Yoreh De'a* 395:1).

Unspecified naziriteship – קתם נזירות: If one took an oath to become a nazirite without specifying for how long it would be in effect, he is required to act as a nazirite for thirty days (*Rambam Sefer Hafla'a, Hilkhoh Nezirut* 3:1).

NOTES

The Rabbis concede...with regard to the thirtieth day – מודים חכמים...ביום שלשים: The reason for this is because the thirty-day period of mourning is considered to be a less serious type of mourning, and therefore the Rabbis are not stringent with regard to this issue. Instead, they agree that one may rely upon the principle that a portion of the day is considered to be like the entire day (*Rabbeinu Yehonatan of Lunel; Talmid Rabbeinu Yehiel of Paris*).

From where do we derive the thirty-day period of mourning – שלשים יום מנלן: As is explained in a later passage (20a), the seven-day period of mourning is derived from the Bible (*Rashi* manuscript). In addition, this derivation from a nazirite serves as the basis for the dispute between the Rabbis and Abba Shaul. In the case of a nazirite, the unique restrictions apply to him for thirty days, and he is permitted to cut his hair on the thirtieth day itself. However, the *tanna'im* disagree as to why the *halakhot* of a nazirite should be compared to the *halakhot* of a mourner (*Tosefot HaRosh; see Tosafot*).

שבועה? והאנן שמונה תנן? קסבר אבא שאול: מקצת היום ככולו, ויום שביעי עולה לו לכאן ולכאן. אמר רב הסדא אמר רבינא בר שילא: הלכה כאבא שאול.

ומודים חכמים לאבא שאול בשחל שמיני שלו להיות בשבת ערב הרגל, שמונת לגלח בערב שבת.

כמאן אולא הא דאמר רב עמרם אמר רב: אבל, כיון שעמדו מנחמין מאצלו – מותר בהיציאה. כמאן? כאבא שאול.

אמר אביי: הלכה כאבא שאול ביום שבועה, ומודים חכמים לאבא שאול ביום שלשים. דאמרינן: מקצת היום ככולו.

רבא אמר: הלכה כאבא שאול ביום שלשים, ואין הלכה כאבא שאול ביום שבועה. ונהרדעי אמרי: הלכה כאבא שאול בזה ובזה. דאמר שמואל: הלכה כדברי המיקל באבא.

שלשים יום מנלן? ילוי פרע פרע מנזיר. כתיב הכא: ראשיכם אל תפרעו, וכתיב התם: גדל פרע שער ראשו, מה להלן שלשים – אף כאן שלשים.

והתם מנלן? אמר רב מתנה: סתם נזירות שלשים יום. מאי טעמא? אמר קרא: קדוש יהיה. יהיה בגימטריא תלתין הו.

The Gemara asks: Why does Abba Shaul speak of the observance of seven days of mourning? But didn't we learn in the mishna that it requires eight days? The Gemara explains: Abba Shaul maintains that the legal status of part of the day is like that of an entire day, and therefore the seventh day counts as both the final day of the seven-day period of mourning and the first day of the thirty-day period of mourning. Rav Hisda said that Ravina bar Sheila said: The *halakha* is in accordance with the opinion of Abba Shaul.<sup>1</sup>

And furthermore, even the Rabbis concede to Abba Shaul that when one's eighth day of mourning occurs on a Shabbat, which is also the eve of a Festival, he is permitted to cut his hair on Friday, which is the seventh day. Since he is unavoidably prevented from cutting his hair on the eighth day, as it is prohibited for him to cut his hair on Shabbat, he may do so already on Friday, although it is only his seventh day of mourning.

The Gemara asks: In accordance with whose opinion is that which Rav Amram said that Rav said: With regard to a mourner, once the comforters have stood up to leave his house on the seventh day of his mourning, he is immediately permitted to bathe? In accordance with whose opinion? In accordance with the opinion of Abba Shaul. He maintains that a part of the seventh day is treated as an entire day with regard to this issue.

Abaye said: The *halakha* is in accordance with the opinion of Abba Shaul with regard to the seventh day of mourning, and the Rabbis concede to Abba Shaul with regard to the thirtieth day,<sup>N</sup> for with regard to the thirtieth day we certainly say that the legal status of part of the day is like that of an entire day, and so a mourner may already cut his hair on the morning of the thirtieth day.

Rava said: The *halakha* is in accordance with the opinion of Abba Shaul with regard to the thirtieth day of mourning, but the *halakha* is not in accordance with Abba Shaul with regard to the seventh day. And the Sages of Neharde'a say: The *halakha* is in accordance with the opinion of Abba Shaul with regard to both the seventh day and the thirtieth day, for Shmuel said: The *halakha* follows the statement of the more lenient authority in matters relating to mourning.

§ The Gemara asks now about the thirty-day mourning period: From where do we derive the thirty-day period of mourning?<sup>N</sup> The Gemara answers: It is learned by way of a verbal analogy between one instance of the word *pera* and a different instance of the word *pera* stated with regard to a nazirite. Here, in the instructions given to Aaron not to mourn the deaths of his sons, it is written: "Let the hair of your heads not grow loose [*tifra'u*]" (*Leviticus* 10:6), which indicates that ordinary mourners are required to grow their hair long. And there, with regard to a nazirite, it is written: "He shall let the hair of his head grow long [*pera*]" (*Numbers* 6:5). Just as there, in the case of the nazirite, he must grow his hair for thirty days, so too, here a mourner must grow his hair for thirty days.

The Gemara asks: And there, with regard to a nazirite, from where do we derive that he must grow his hair for thirty days? Nowhere is this explicitly stated with regard to a nazirite. The Gemara answers: Rav Mattana said: An unspecified naziriteship,<sup>1</sup> when one takes a vow of naziriteship without specifying for how long, extends for thirty days. What is the reason for this? The verse states: "He shall be sacred, and he shall let the hair of his head grow" (*Numbers* 6:5), and "He shall be [*yihye*]," which is written *yod, heh, yod, heh*, has a numerical value [*gimatriyya*] of thirty, as *yod* has a numerical value of ten and *heh* has a numerical value of five. This implies that an unspecified naziriteship extends for thirty days, and by way of the verbal analogy, this is applied to mourning as well.

אָמַר רַב הוּנָא בְרִיָּה דְרַב יְהוֹשֻׁעַ: הַכֹּל מוֹדִין בְּשַׁחַל שְׁלִישֵׁי שְׁלוֹ לְהֵיוֹת עֶרֶב הַרְגַל שְׁאִסוּר בְּרַחֲיָצָה עַד הָעֶרֶב.

אָמַר רַב נְחֵמְיָה בְרִיָּה דְרַב יְהוֹשֻׁעַ: אֲשַׁכְּחֵינְהוּ לְרַב פַּפִּי וְלְרַב פַּפָּא דִּיתְבִי וְקָאָמְרִי: הַלְכָה כְּרַב הוּנָא וְלִרְבֵּי דְרַב יְהוֹשֻׁעַ. אִיכָא דְאָמְרִי, אָמַר רַב נְחֵמְיָה בְרִיָּה דְרַב יוֹסֵף: אֲשַׁכְּחֵינְהוּ לְרַב פַּפִּי וְלְרַב פַּפָּא וְלְרַב הוּנָא בְרִיָּה דְרַב יְהוֹשֻׁעַ דִּיתְבִי וְקָאָמְרִי: הַכֹּל מוֹדִים שְׂאִם חַל שְׁלִישֵׁי שְׁלוֹ לְהֵיוֹת עֶרֶב הַרְגַל – שְׁאִסוּר בְּרַחֲיָצָה עַד הָעֶרֶב.

בַּעַל מִינְיָה אָבִי מְרַבָּא: קְבֹרוּ בְּרַגְלֵי רַגְלֵי עוֹלָה לֹא לְמַנְן שְׁלִישִׁים, אוֹ אִין רַגְלֵי עוֹלָה לֹא לְמַנְן שְׁלִישִׁים? לְמַנְן שְׁבַעֲהָ לֹא קְמִיבְעִינָא לִי – דְלָא נְהָגָא מְצוֹת שְׁבַעֲהָ בְּרַגְלֵי. כִּי קָא מִיבְעִינָא לִי – לְמַנְן שְׁלִישִׁים, דְקָא נְהָגָא מְצוֹת שְׁלִישִׁים בְּרַגְלֵי. מָאִי?

אָמַר לֵיהּ: אִינּוּ עוֹלָה. אִיתְנִיבִיהּ: הַקּוֹבֵר אֶת מֵתוֹ שְׁנַיִם יָמִים קוֹדֵם הַרְגַל – מוֹנֵה חֲמִשָּׁה יָמִים אַחֵר הַרְגַל, וּמְלַאכְתּוֹ נַעֲשִׂית עַל יְדֵי אַחֵרִים, וְעִבְדֵי וְשִׁפְחוֹתָיו עוֹשִׂים בְּצִינְעָא בְּתוֹךְ בֵּיתוֹ, וְאִין רַבִּים מְתַעֲסָקִין עִמּוֹ.

Rav Huna, son of Rav Yehoshua, said: Everyone, including Abba Shaul, who says that part of a day is treated like a full day, agrees that when his third day of mourning occurs<sup>n</sup> on the eve of the Festival,<sup>h</sup> the mourner is prohibited from bathing his body until the evening. In this case, the principle that the legal status of part of the day is like that of an entire day does not apply. Rather, one must observe three full days of mourning. He must therefore wait until the evening and wash himself with cold water, or wait until the intermediate days of the Festival and bathe in hot water.

Rav Neḥemya, son of Rav Yehoshua, said: I once found Rav Pappi<sup>p</sup> and Rav Pappa sitting together and saying: The halakha is in accordance with the opinion of Rav Huna, son of Rav Yehoshua. There are those who say a different version of this tradition: Rav Neḥemya, son of Rav Yosef, said: I once found Rav Pappi, Rav Pappa, and Rav Huna, son of Yehoshua, sitting together and saying: Everyone concedes that when the third day of mourning occurs on the eve of a Festival, the mourner is prohibited from bathing his body until the evening.<sup>n</sup>

Abaye inquired of Rava: If one buried his dead relative on the Festival itself, does the Festival count toward his thirty-day period of mourning, or does the Festival not count toward his thirty-day period of mourning? Abaye elaborated on his question: I do not ask whether or not the Festival counts toward his seven-day period of mourning because the obligation to observe seven days of mourning does not apply at all during the Festival, and therefore he must certainly observe the seven-day mourning period, beginning from after the Festival. What I am asking is with regard to the thirty-day period of mourning, because certain aspects of the mitzva of the thirty-day mourning period do in fact apply during the Festival,<sup>n</sup> e.g., the prohibitions to launder clothes and cut hair. What, then, is the halakha: Do the days of the Festival count toward the thirty days or not?

Rava said to him: The Festival does not count toward the thirty days. Abaye raised an objection to Rava's opinion from the following baraita: If one buries his dead relative two days before a Festival, he must count five days of mourning after the Festival, and during this period his work is performed for him by others.<sup>n</sup> And his menservants and maidservants do this work in private inside his house, and the public need not occupy themselves with him by coming to console him,

## NOTES

בְּשַׁחַל יוֹם שְׁלִישֵׁי שְׁלוֹ – When his third day of mourning occurs – There are those who explain that this statement specifically refers to the third day (see *Or Zarua* and *Ra'avaya*). However, most of the commentaries explain that the prohibition against bathing on the eve of the Festival before nightfall does not specifically apply to the third day. Rather, this halakha applies to any day during the seven-day period of mourning, with the exception of the seventh day. This day is mentioned only because the wording of the mishna is preserved (*Ba'al Halakhot Gedolot*).

אִסוּר בְּרַחֲיָצָה – He is prohibited from bathing until the evening – The halakhic authorities explain that bathing is specifically prohibited until the evening. However, this is not the case with regard to laundering and cutting hair, which are permitted on account of the principle that the legal status of part of the day is like that of an entire day. The reason for this distinction is because the latter group of activities may not be performed during the Festival itself, whereas bathing may be performed in a certain way during the Festival (*Ra'avad*; *Rosh*).

Certain aspects of the mitzva of the thirty-day mourning

דְקָא נְהָגָא מְצוֹת שְׁלִישִׁים – period do apply during the Festival – בְּרַגְלֵי: Some explain that this does not mean that the thirty-day period of mourning actually applies during the Festival. However, since it is prohibited to launder clothes and cut one's hair during the intermediate days of the Festival, it is as though the restrictions of the thirty-day period of mourning extended into the Festival itself (*Rashi*; *Rabbeinu Hananel*; *Rid*).

However, there are others who hold that the thirty-day period of mourning actually applies during the Festival, and therefore a mourner may not wear ironed clothes during the Festival. Similarly, he must avoid joyous social gatherings. According to this opinion, because laundering and hair cutting are similarly prohibited during the Festival, observing these restrictions does not appear to be a public display of mourning (*Ramban*; *Ran*).

מְלַאכְתּוֹ נַעֲשִׂית עַל יְדֵי אַחֵרִים – His work is performed by others – *Tosafot* question the reasoning behind this leniency. The *Ramban* explains that because one is not permitted to perform work during the Festival, the Sages were not stringent and did not prohibit him from having his work performed by others after the Festival.

The third day occurs on the eve of the Festival – חַל שְׁלִישֵׁי בְעֶרֶב הַרְגַל: If a Festival interrupts one's seven-day mourning period, he may launder his clothes on the day preceding the Festival, though he may not wear laundered clothes until the Festival begins at night. However, he is prohibited from bathing until nightfall. Some permit him to bathe after the afternoon prayer, immediately before it becomes dark. The *Rema* writes that this is prohibited because the custom not to bathe during the thirty-day period applies, as the Festival does not cancel the thirty-day period of mourning. The same is true with regard to laundering in places where it is customary for a mourner to refrain from laundering his clothes for thirty days. However, it is the common practice to be lenient (*Magen Avraham*; *Rema*; *Shakh*; *Taz* on *Shulhan Arukh*, *Yoreh De'ot* 399:5; *Shulhan Arukh*, *Orah Hayyim* 548:10).

## PERSONALITIES

Rav Pappi – רַב פַּפִּי: Rav Pappi was one of the fourth generation of *amora'im* in Babylonia and a primary student of Rava. There are cases of Rav Pappi discussing halakhic issues with his colleagues, mainly with other students of Rava, such as Rav Huna, son of Rabbi Yehoshua, and Rav Pappa. It appears that Rav Pappi was connected to the house of the Exilarch, that there were warm relations between them, and that eventually he joined the Exilarch's court.

Several members of the next generation of Sages and even his younger colleagues transmitted statements in his name, and the *amora* Rav Ashi is listed as one of his students.

## NOTES

It...is interrupted by the Festival – רגל מפסקו: Some note that the expression: Is interrupted by the Festival, does not mean the same thing here as it does in most other places. Usually the phrase means that the Festival nullifies the rest of the mourning period. However, in this case the term means that the mourning is put on hold and is continued after the conclusion of the Festival (Rashi manuscript).

Public's occupation with the mourner – עסקי רבים: According to all opinions, this expression refers to people coming to console the mourner. With regard to the meal eaten after the burial, some say that it is eaten even during the intermediate days (Ritva; see *Tosafot*). However, according to the Jerusalem Talmud, this meal may not be eaten during the intermediate days of the Festival, or on Hanukah or Purim.

What, is it not referring to the latter clause – מאי לאו אסיפא: In other words, does it not refer to all of the *halakhot* stated in this *baraita*, including those mentioned in the latter clause? (Ritva).

He buried his relative at the beginning of a pilgrimage Festival – קברו בתחילת הרגל: The Gemara is referring only to the beginning of the Festival in order to present the most extreme case. Although an entire seven-day Festival passed since one relative died, he is still required to observe seven days of mourning (*Talmid Rabbeinu Yehiel of Paris*).

He fulfilled the overturning of the bed – קיים כפיית המטה: From the wording of this *baraita*, the Ra'avad learns that the matter is not connected to one's status as a mourner, but rather to his observance of even some of the *halakhot* of mourning, for the Gemara mentions only overturning the bed but not the relative's burial. This is also the opinion of most authorities. However, the Meiri states that the wording used is not conclusive. In his opinion, the Festival nullifies the mourning of one who has buried his relative, even if he had not yet observed the mourning customs.

## HALAKHA

Someone whose relative died during the Festival – מי שמות לו מת ברגל: One whose close relative dies during the intermediate days of a Festival observes the *halakhot* of acute mourning before the burial, and afterward he privately observes the customs of mourning. In such a case, the Festival counts toward the thirty-day mourning period. The public comes to console him during the Festival, and he may perform any work if refraining from it would cause him to incur a loss, as is the case for anyone else during the intermediate days. Any work that does not fall into this category may be performed by his servants and maidservants in private (Rema). Once seven days have passed from the time of the burial, even though he has not completed his seven-day mourning period, his work may be performed by others in their houses. Consolation by others is only for the remainder of the seven days minus the days that he was mourning during the Festival. He practices the seven-day mourning period in an ordinary manner after the Festival. In the Diaspora, he includes the last day of the Festival as one of his seven days, although in practice he does not mourn on it, and therefore he observes only six days of mourning (*Shulhan Arukh, Yoreh De'a 399:2*).

שכבר נתעסקו בו ברגל. כללן של דברי: כל שהיוא משום אבל – רגל מפסקו; וכל שהיוא משום עסקי רבים – אין רגל מפסקו.

קברו שלשה ימים בסוף הרגל – מונה שבועה אחר הרגל. ארבעה ימים הראשונים – רבים מתעסקין בו. שלשה ימים האחרונים – אין רבים מתעסקין בו, שכבר נתעסקו ברגל, ורגל עולה לו.

מאי לאו אסיפא? לא, ארישא.

אייתיביה: רגל עולה לו למנין שלשים. כיצד? קברו בתחילת הרגל – מונה שבועה אחר הרגל, ומלאכתו נעשית על ידי אחרים, ועבדיו ושפחתו עושים בצנעא בתוך ביתו, ואין רבים מתעסקין בו, שכבר נתעסקו בו ברגל, ורגל עולה לו! תיובתא.

כי אתא רבין אמר רבי יוחנן: אפילו קברו ברגל. וכן אורי ליה רבי אלעזר לרבי פדת בריה: אפילו קברו ברגל.

תנו רבנן, קיים כפיית המטה שלשה ימים קודם הרגל – אינו צריך לכפותה אחר הרגל, דברי רבי אליעזר. וחכמים אומרים: אפילו יום אחד, אפילו שעה אחת.

for they already occupied themselves with him when they came to console him during the Festival. The general principle with regard to the matter is as follows: Any activity that is prohibited to the mourner because it is an expression of mourning is interrupted by the Festival<sup>n</sup> and remains prohibited afterward. And anything that involves the public's occupation with the mourner,<sup>n</sup> e.g., coming to the mourner to offer him comfort and condolence, is not interrupted by the Festival, for people console the mourner during the Festival as well.

If he buries his relative three days before the end of the Festival, the mourner must count seven days of mourning after the Festival because his mourning never began. On the first four days of his mourning, the public must occupy themselves with him and come to console him. On the three last days, however, the public need not occupy themselves with him, as they already occupied themselves with him during the Festival. That is to say, they certainly came to console him during the Festival, although the period of mourning did not actually begin until afterward. And the Festival counts for him toward the thirty-day mourning period.

With regard to the statement of the *baraita* that the Festival counts toward the thirty-day period of mourning: What, is it not referring to the latter clause<sup>n</sup> of that *baraita*, which speaks about a case where the burial was performed during the Festival itself? If this is the case, then a refutation of Rava's opinion is stated explicitly, that the Festival counts toward the thirty-day mourning period, even if the deceased was buried on the Festival itself. Rava rejects this argument: No, it is referring to the first clause, which discusses a case where the burial was performed before the Festival, and since rites of mourning were observed already before the Festival, the Festival is counted toward the thirty-day period of mourning. Therefore, it is not a refutation of Rava's *halakha*.

Abaye raised an objection to Rava's opinion from another *baraita*, in which it was taught: A pilgrimage Festival counts toward the thirty-day period of mourning. How so? If one buried his dead relative at the beginning of a pilgrimage Festival,<sup>n</sup> he must count seven days of mourning after the Festival, and during this period his work is performed by others. And his menservants and maidservants perform this work in private inside his house, and the public need not occupy themselves with him and come to console him, for they already occupied themselves with him during the Festival. And the Festival counts for him. Here it is explicitly stated that the Festival counts toward the thirty-day period of mourning, even when the deceased was buried during the Festival itself. The Gemara concludes: This is indeed a conclusive refutation of Rava's opinion.

When Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yohanan said: Even if one buried his dead relative during the Festival, the Festival counts toward his thirty-day period of mourning. And, similarly, Rabbi Elazar ruled for Rabbi Pedat, his son: Even if one buried his dead relative during the Festival it counts towards his thirty days.<sup>h</sup>

§ The Sages taught the following *baraita*: If one fulfilled the obligation of overturning the bed<sup>n</sup> for three days before the pilgrimage Festival, he is no longer required to overturn it after the Festival; this is the statement of Rabbi Eliezer. But the Rabbis say: Even if one overturned his bed for only one day, or even for only one hour, he is not required to overturn it after the Festival.

אמר רבי אלעזר ברבי שמעון: הן הן דברי בית שמאי, הן הן דברי בית הלל. שבת שמאי אומרים: שלשה ימים, ובית הלל אומרים: אפילו יום אחד.

אמר רב הונא אמר רבי חייא בר אבא אמר רבי יוחנן, ואמרי לה אמר ליה רבי יוחנן לרבי חייא בר אבא ולרב הונא: אפילו יום אחד, ואפילו שעה אחת. רבא אמר: הלכה בתנא דידן, דאמר שלשה.

רביןא איקלע לסורא דפרת. אמר ליה רב חביבא לרבנא: הלכתא מאי? אמר ליה אפילו יום אחד, ואפילו שעה אחת.

יתבי רבי חייא בר אבא ורבי אמי ורבי יצחק נפחא אקילעא דרבי יצחק בן אלעזר. נפק מילתא מבינייהו: מנין לאבילות שבועה? דכתיב: "והפכתי חגיגם לאבל" מה חג שבועה - אף אבילות שבועה.

ואימא עצרת, דחד יומא! ההוא מיבעי ליה לבריש לקיש, דאמר ריש לקיש משום רבי יהודה נשיאה: מנין לטמועה רחוקה שאינה נוהגת אלא יום אחד? דכתיב: "והפכתי חגיגם לאבל", ואשבחן עצרת דאיכרי חד יומא חג.

תנו רבנן: טמועה קרובה נוהגת שבועה ושלשים; טמועה רחוקה אינה נוהגת אלא יום אחד. איזו היא קרובה ואיזו היא רחוקה? קרובה - בתוך שלשים; רחוקה - לאחר שלשים, דברי רבי עקיבא. וחכמים אומרים: אחת טמועה קרובה ואחת טמועה רחוקה - נוהגת שבועה ושלשים.

Rabbi Elazar, son of Rabbi Shimon, said: This is the statement of Beit Shammai, and that is the statement of Beit Hillel. In other words, Rabbi Eliezer and the Rabbis disagreed about a matter that was the subject of an earlier dispute between Beit Shammai and Beit Hillel, for Beit Shammai say: Three days, and Beit Hillel say: Even one day.

Rav Huna said that Rabbi Hiyya bar Abba said that Rabbi Yohanan said, and some say a different version of this line of transmission: Rabbi Yohanan said to Rabbi Hiyya bar Abba and to Rav Huna: Even one day, even one hour. The Gemara cites Rava, who said: The halakha is in accordance with the opinion of the tanna of our mishna, who said three days. Based on this, we rule that the mourning rites are not canceled after the Festival unless they were observed for at least three days before the Festival.<sup>4</sup>

Ravina happened to come to the city of Sura on the banks of the Euphrates River. Rav Havaiva said to Ravina: What is the halakha with regard to this issue? He said to him: Even one day, and even one hour.

§ It was related that Rabbi Hiyya bar Abba, Rabbi Ami, and Rabbi Yitzhak Nappaḥa were once sitting in the pavilion of Rabbi Yitzhak ben Elazar and were conversing. A matter emerged from among them: From where is it derived that the rites of mourning are observed for seven days?<sup>N</sup> As it is written: "And I will turn your Festivals into mourning" (Amos 8:10).<sup>N</sup> Just as a Festival lasts for seven days, so too mourning lasts for seven days.

The Gemara asks: And say that perhaps mourning is like *Shavuot*, which is only one day. The Gemara rejects this argument: That derivation, from the one day of *Shavuot*, is required for what was stated by Reish Lakish, as Reish Lakish said in the name of Rabbi Yehuda Nesia: From where is it derived that mourning in the case of distant tidings, i.e., when one hears that one of his relatives died a long time ago, applies for only one day? As it is written: "And I will turn your Festivals into mourning," and we find with regard to *Shavuot* that one day is also called a Festival.

The Sages taught the following *baraita*: In the case of recent tidings of a relative's death, mourning applies for seven- and thirty-day periods. In the case of distant tidings, it applies only for one day. What are considered recent tidings and what are considered distant tidings? Recent tidings are news that arrives within thirty days of the person's death. Distant tidings are news that arrives after thirty days; this is the statement of Rabbi Akiva. And the Rabbis say: Both in the case of recent tidings and in the case of distant tidings, mourning applies for seven- and thirty-day periods.<sup>4</sup>

NOTES

From where is it derived that the rites of mourning are observed for seven days – מנין לאבילות שבועה: The Jerusalem Talmud offers different sources for the seven-day mourning period, and the clearest of them is based on the verse that states that Joseph "made seven days of mourning for his father" (Genesis 50:10). However, this proof is rejected by the Jerusalem Talmud because *halakha* cannot be derived from events that occurred before the giving of the Torah. Furthermore, *Tosafot* point out that Joseph's mourning occurred before the burial, and therefore is not a valid source for current practice. Another source is from that which is stated before the flood: "And it came to pass after the seven days, that the waters of the flood were upon the earth" (Genesis 7:10). This is understood as a reference to either God's or Methuselah's time of mourning for the world that would be destroyed. Similarly a proof is derived from a verse describing Miriam, who was afflicted with leprosy and confined

for seven days. The verse says there: "Let her not, I pray, be as one dead" (Numbers 12:12), and therefore her case is compared to that of the dead. The Jerusalem Talmud there mentions the details of each of these proof texts and the difficulties with learning from each one.

והפכתי חגיגם – לאביל: The Ritva writes that Reish Lakish bases his exposition on the word "Festivals," in plural. He maintains that this word must be referring to two Festivals: A seven-day Festival in the case of recent tidings and a one-day Festival in the case of distant tidings. In the Jerusalem Talmud, it is asked: Why can't this verse be used to conclude that there is an eight-day mourning period from the festival of *Sukkot*, which is eight days long? The answer given there is that the Eighth Day of Assembly is a separate Festival, and therefore none of the Festivals are longer than seven days.

הקובר מתו – הלכות קבורה: When one buries a close relative before a Festival and begins observing mourning practices, even in private, and even for a short period of time, the remainder of his seven days of mourning are nullified by the Festival. In such a case, the days of the Festival also count toward the thirty-day period of mourning.

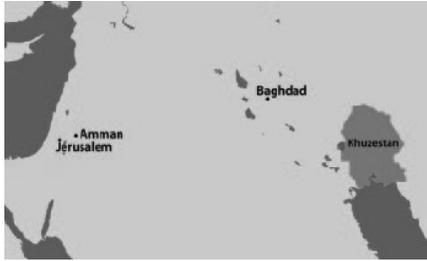
However, if one did not observe any mourning practices beforehand, whether intentionally or accidentally, the Festival does not nullify the mourning. Therefore, one must observe the mourning customs in private during the Festival, and comforters come to visit and console him in his home. Then he observes the seven-day period of mourning after the Festival. During those days, his work is performed by others, since he refrained from working during the Festival and was consoled. However, the Festival counts toward the thirty-day mourning period, because he observed the customs of this thirty-day period during the intermediate days of the Festival (*Shulhan Arukh, Yoreh De'a 399:1*).

שמועה קרובה ושמועה רחוקה – Recent and distant tidings: If one receives news that his relative has passed away within thirty days of the death, then he acts as if the day he heard this news were the day of the burial, even if this news arrives on the thirtieth day. Therefore, the mourner rends his clothes and observes the seven- and thirty-day periods of mourning.

If one heard about the death after the thirtieth day, then he is required to observe mourning only for one hour, whether he heard this news during the day or at night, because of the principle that the legal status of part of a day is like that of a whole day.

For one's father or mother, mourning practices are observed even after the thirtieth day, and one may not cut his hair until others rebuke him for looking disheveled. If one receives news about his father's or mother's death more than twelve months after it occurred, then he practices only one day of mourning (*Shulhan Arukh, Yoreh De'a 402:1*).

Bei Hozai – בֵּי חוּזַי: This is the Aramaic name for the portion of the Persian kingdom near Shatt al Arab, the river formed by the confluence of the Euphrates and the Tigris. Bei Hozai is known today as Khuzestan, which is derived from the original name Hozai. This area was distant from the centers of Jewish life in Babylonia, and it took several months to make the trip. However, due to the strong business relations between Bei Hozai, Babylonia, and Eretz Yisrael, there was constant contact between these places.



Khuzestan

Ginzak – גִּינָק: The Sages identify Ginzak as the biblical Gozan (see I Chronicles 5:26). However, the location of the city is unknown. Some explain that this is the ancient city Ganzak, which stood somewhere south of Lake Urmia. Others hold that it is south of the Caspian Sea, while still others maintain that it is in the vicinity of Nahrawan. It seems that this Jewish center was separate from the primary centers of Jewish life in Babylonia, though it was important enough that several Jewish leaders visited there.

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: כָּל מְקוּמָא שְׂאֵתָתָּהּ מוֹצֵא יְחִיד מְקִיל וְרַבִּים מְחַמְרִין – הֵלֵכָה כְּרַבִּים, חוּץ מִזוֹ, שְׂאֵף עַל פִּי שְׂרָבִי עֲקִיבָא מְקִיל וְחַכְמִים מְחַמְרִין – הֵלֵכָה כְּרַבִּי עֲקִיבָא. דְּאָמַר שְׂמוּאֵל: הֵלֵכָה כְּדַבְרֵי הַמְּקִיל בְּאַבְל.

Rabba bar bar Hana said that Rabbi Yohanan said: **Whenever you find an individual being lenient and the majority being stringent, the halakha is in accordance with the majority, except for this case, for even though Rabbi Akiva is lenient and the Rabbis are stringent, the halakha is in accordance with the opinion of Rabbi Akiva.** This is in keeping with the principle stated by Shmuel: **The halakha follows the statement of the more lenient authority in matters relating to mourning.**

רַב חֲנִינָא אֲתֵי לִיה שְׂמוּעָה דְאַבוּהּ מִבֵּי חוּזַי אֲתָא לְקַמֵּיהּ דְרַב חֲסִידָא. אָמַר לִיה: שְׂמוּעָה רְחוּקָה אֵינָה נוֹהֶגֶת אֲלֵא יוֹם אֶחָד. רַב נַתָּן בַּר אַמִּי אֲתָא לִיה שְׂמוּעָה דְאִמֵּיהּ מִבֵּי חוּזַי. אֲתָא לְקַמֵּיהּ דְרַבָּא. אָמַר לִיה: הֲרֵי אָמְרוּ: שְׂמוּעָה רְחוּקָה אֵינָה נוֹהֶגֶת אֲלֵא יוֹם אֶחָד בְּלִבְדָּ.

It was related that Rav Hanina received distant tidings of his father's death from Bei Hozai.<sup>8</sup> He came before Rav Hisda to ask what he should do. Rav Hisda said to him: In the case of distant tidings, mourning applies for only one day. It was similarly related that Rav Natan bar Ami received a report about his mother's death from Bei Hozai. He came before Rava, and Rava said to him: They said that in the case of distant tidings, mourning applies for only one day.

אִיתְיָבִיחָהּ: בְּמַה דְּבָרִים אֲמֹרִים – בְּחַמְשָׁה מֵתֵי מִצְוָה, אֲבָל עַל אָבִיו וְעַל אִמּוֹ – שִׁבְעָה וּשְׁלֹשִׁים!

Rav Natan raised an objection to Rava's opinion based on what was taught in a *baraita*: **In what case is this statement that mourning applies for only one day said?** In the case of the other five close relatives, over whose death it is a mitzva to mourn, i.e., son, daughter, brother, sister, and spouse. **But for one's father or mother, one is required to mourn for seven and thirty days, even when the report of the parent's death is received some time after the event.**

אָמַר לִיה: יְחִידָאָהּ הִיא, וְלֹא סְבִירָא לָן בְּוִיתֵיהּ. דְּתַנָּא: מַעֲשֶׂה וַיָּמָת אָבִיו שֶׁל רַבִּי צְדוֹק בְּגִינָק, וְהוֹדִיעוּהוּ לְאַחַר שְׁלֹשׁ שָׁנִים, וּבָא וְשָׂאֵל אֶת אֶלִישָׁע בֶּן אָבִיָּה וְזָקֵנִים שְׂעֻמּוֹ, וְאָמְרוּ: נִהוּג שִׁבְעָה וּשְׁלֹשִׁים. וְכִשְׁמַת בְּנוֹ שֶׁל רַבִּי אֲחִיָּהּ בְּגוּלָה יֹשֵׁב עָלָיו שִׁבְעָה וּשְׁלֹשִׁים.

Rava said to him: **This is an individual opinion,<sup>9</sup> and we do not hold in accordance with his opinion, as it is taught in a baraita:** There was an incident and the father of Rabbi Tzadok died in the city of Ginzak,<sup>8</sup> and they informed him of his father's passing only after three years. He came and asked Elisha ben Avuya and the Elders with him what he should do. **And Elisha ben Avuya said to him: Observe the rites of mourning for seven and thirty days. And when the son of Rabbi Ahiyya died in the Diaspora, and Rabbi Ahiyya was informed about his passing a long time afterward, he sat in mourning for seven and thirty days.** Therefore, it is clear that this opinion was held only by a few individual Sages, but it was not generally accepted.

אֵינִי וְהָא רַב, בַּר אַחוּהּ דְרַבִּי חֲטִיָּא, דְּהוּא בַּר אַחֲתֵיהּ דְרַבִּי חֲטִיָּא. כִּי סְלִיק לְהֶתֶם, אָמַר לִיה: אֲבָא קַיִם?

The Gemara asks: **Is that so, that this is Rabbi Ahiyya's opinion? But Rav was the son of Rabbi Hiyya's brother and also the son of Rabbi Hiyya's sister, for Rav's father, Aivu, was Rabbi Hiyya's paternal half brother, and Rav's mother was Rabbi Hiyya's maternal half sister. When Rav went there, Eretz Yisrael, his uncle Rabbi Hiyya said to him: Is your father, Aivu, still alive?**

NOTES

This is an individual opinion – יְחִידָאָהּ הִיא: In other words, this is the opinion only of Elisha ben Avuya, as will be explained shortly. However, as noted by *Tosafot*, it seems that there are other Sages who also hold that one is required to observe seven- and thirty-day periods of mourning in the case of distant tidings. Therefore, this statement is referring only to the opinion in the *baraita* that accepts the distinction between recent and distant tidings. Elisha ben Avuya essentially agrees with Rabbi Akiva's opinion. However, he also presents a third opinion, according to which Rabbi Akiva's opinion distinguishes between mourning a parent and mourning another relative,

and in this respect his is an individual opinion (see Ritva; see *Sefat Emet*, and *Tal Hayyim*).

One can ask why this opinion is called individual when it was held by other Sages as well as Elisha ben Avuya. The answer is that, notwithstanding their numbers, they are referred to as an individual in opposition to the majority, which does not accept their opinion (*Tosefot HaRosh*; see *Ya'avetz*). This supports the Rambam's opinion, according to which even when an individual opinion is mentioned in the Mishna, it does not mean that it was held by only one Sage. Rather, the individual Sage represented the most important member from among the group of minority Sages who agree with him.

אָמַר לִיהָ: אֵימָא קַיִמַת? אָמַר לִיהָ:  
אֵימָא קַיִמַת? אָמַר לִיהָ: אָבָא קַיִם?  
אָמַר לִיהָ לְשִׁמְעוּנָהּ: חֲלוּץ לִי מִנְעִלַי  
וְהוֹלֵךְ אַחֲרַי בְּלֵי לְבַיַת הַמְּרִחָץ.

שָׁמַע מִינָהּ תִּלְתָּ: שָׁמַע מִינָהּ: אָבֵל אֶסוּר  
בְּנִעְוֵלוֹת הַסְּנַדָּל; וְשָׁמַע מִינָהּ: שְׁמוּעָה  
רְחוּקָה אֵינָה נוֹהֶגֶת אֲלֵא יוֹם אַחָד;  
וְשָׁמַע מִינָהּ: מִקְצַת הַיּוֹם כְּבֹדוֹ.

רַבִּי חִיָּיא – לְחוּד, רַבִּי אַחֲיָיא – לְחוּד.

אָמַר רַבִּי יוֹסֵי בַר אַבִּין: שָׁמַע שְׁמוּעָה  
קְרוּבָה בְּרִגְלָי, וְלִמּוֹצָאֵי הַרְגֵּל נִעְשִׂית  
רְחוּקָה – עוֹלָה לוֹ, וְאֵינוֹ נוֹהֵג אֲלֵא יוֹם  
אַחָד. תֵּנִי רַבִּי אֲדָא דְמֵן קַסְרֵי קַמֵּיהּ  
דְּרַבִּי יוֹחָנָן: שָׁמַע שְׁמוּעָה קְרוּבָה בְּשַׁבַּת,  
וְלִמּוֹצָאֵי שַׁבַּת נִעְשִׂית רְחוּקָה – אֵינוֹ  
נוֹהֵג אֲלֵא יוֹם אַחָד.

Not wishing to deliver unfortunate news, Rav said to him: **Is my mother still alive?**<sup>N</sup> In other words, why do you not ask me about my mother, who is your sister, whether she is still among the living? Rabbi Ḥiyya said to him: **Is your mother still alive?** Rav said to him: **Is my father still alive?** Rabbi Ḥiyya understood from Rav's failure to provide him with straight answers that both his brother and his sister had passed away.<sup>P</sup> Rabbi Ḥiyya immediately said to his servant: **Remove my shoes** as a sign of mourning, and afterward **carry my clothes behind me**, as I am going to the bathhouse.

The Gemara comments: **Learn three halakhot from this**<sup>N</sup> incident with Rabbi Ḥiyya. **Learn from this that a mourner is prohibited from wearing shoes**,<sup>N</sup> and therefore Rabbi Ḥiyya removed his shoes upon hearing of the deaths of his brother and sister. **And learn from this that in the case of distant tidings of a relative's death, the mourning rites apply for only one day and no more. And learn from this that the legal status of part of the day is like that of an entire day**, as immediately following the removal of his shoes, Rabbi Ḥiyya went to the bathhouse.

In any case, Rabbi Ḥiyya observed only one day of mourning after receiving a belated report of his siblings' passing, in contrast to Rabbi Aḥiyya, who observed seven and thirty days. The Gemara's question assumes that Rabbi Ḥiyya and Rabbi Aḥiyya are the same person. The Gemara answers: This is not difficult, for **Rabbi Ḥiyya is a discrete person and Rabbi Aḥiyya is a discrete person**; despite the similarity between their names, these are two different people.<sup>L</sup>

§ Rabbi Yosei bar Avin said: **If one received recent tidings of a relative's death during a Festival, when it is prohibited to mourn, and after the Festival they became distant tidings**, as after the Festival thirty days had already elapsed since the relative's passing, the Festival counts for him toward the number of days that make it a belated report. **And**, consequently, after the Festival **he observes only one day of mourning**.<sup>H</sup> Similarly, **Rabbi Adda of Caesarea taught a baraita before Rabbi Yoḥanan: If one received recent tidings of a relative's passing on Shabbat, and at the conclusion of Shabbat it became distant tidings, he observes only one day of mourning.**

NOTES

**He said to him, Is mother alive – אימא קיימת:** There are many different versions of this story, and there are different explanations of each version. Rabbeinu Ḥananel and other early authorities had a version that read: Is Father alive? He said to him: Abba is alive. He said to him: Is Mother alive? He said to him: Imma is alive.

According to this version of the story, Rabbi Ḥiyya asked about the well-being of his own father and mother, i.e., Rabbi Abba bar Aḥa and his wife, who were Rav's grandfather and grandmother. Rav responded that Rav's father, Aivu, and his mother, who were the brother and sister of Rabbi Ḥiyya, were alive, and based on this Rabbi Ḥiyya understood that his own father and mother had died. Rabbeinu Ḥananel derives from here the *halakha* in a case of distant tidings with regard to one's parents.

However, there is another version of the story that is more similar to the one in the Gemara, and most commentaries base their explanations on it. According to this version, Rabbi Ḥiyya asked about Rav's father, Aivu, and his mother. Rav answered with two other questions: Is mother alive, and is father alive? Based on this, Rabbi Ḥiyya understood that his brother and sister had died (Rashi; Rabbeinu Yehonatan of Lunel; Ran).

Some explain, based on this version, that Rav's words constituted a statement rather than a question: My mother is alive,

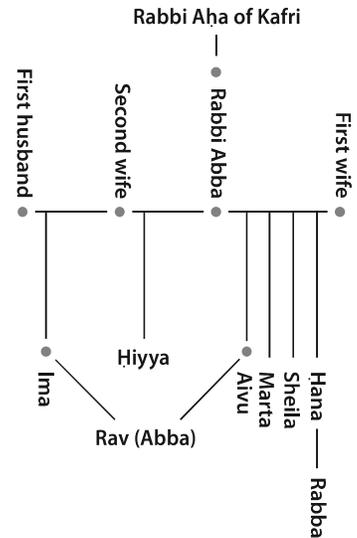
and: My father is alive, and Rabbi Ḥiyya understood, based on the fact that Rav did not answer him directly, that they were no longer alive. Rashi, who offers this explanation, questions it, as it is inconceivable that Rav would tell a lie. Rabbi Shlomo ben HaYatom explains that Rav was speaking through euphemism, as it is stated elsewhere that the righteous are considered alive even after their death. For this reason, he stated that they were alive.

**Learn three halakhot from this – שמע מינה תלת:** There are two other *halakhot* that can be learned from this story: One can fulfill his obligation to mourn over several deceased relatives at one time (Rabbi Yitzḥak ibn Giat), and one may rely on the testimony of an individual relative with regard to mourning (Ramban). The Ritva writes that these *halakhot* are not mentioned in the Talmud because they were considered to be obvious.

**אבל אסור בניעולת – This halakha,** as it applies to a mourner, is certainly not novel, and therefore some explain that this statement indicates that one who is mourning over distant tidings is prohibited from wearing shoes. According to the Ramban, it means that one can fulfill his obligation to mourn with even a small act, e.g., removing his shoes.

PERSONALITIES

Rabbi Ḥiyya and Rav – רַבִּי חִיָּיא וְרַב: This diagram shows the relationship between Rabbi Ḥiyya and Rav. Rabbi Abba married his first wife and had a son named Ḥana, the father of Rabba bar Ḥana. He also had three other sons, Sheila, Marta, and Aivu. Aivu was Rav's father. Afterward, Rabbi Abba married his second wife, who brought with her a daughter called Ima, from a previous marriage. Rabbi Abba and the second wife had a son named Ḥiyya. Later, Aivu, Rabbi Ḥiyya's half brother, married his step-sister, the daughter of Rabbi Ḥiyya's mother, and their son was named Rav. Therefore, Rav was the son of Rabbi Ḥiyya's brother as well as the son of his sister.



Family tree of Rabbi Ḥiyya and Rav

HALAKHA

**Distant tidings on Shabbat and Festivals – שמועה רחוקה:** If one hears on Shabbat or a Festival that a close relative has passed away, and by the end of that day the news will become a distant tiding, then news of the passing is already considered to be a distant tiding when it is received. Consequently, the mourner observes mourning practices in private on Shabbat or the Festival itself. On the following day, he observes only a single day of public mourning (*Shulḥan Arukh, Yoreh De'ea 402:5*).

LANGUAGE

**Ḥiyya, Aḥiyya – אחייה – אחייה:** The name Ḥiyya, like the names of many other *tanna'im* and *amora'im*, is Aramaic. However, there were many common Hebrew names that had an Aramaic version or a shortened form, while the person's actual Hebrew name was rarely used. The name Yosei, which is referred to in the Jerusalem Talmud as Yosa either with an *alef* or a *heh* at the end, is a shortened form of the Hebrew name Yosef. In addition, some say that the name Ezra is actually an Aramaic nickname for the Hebrew name Azariya. The same applies for many different names. Consequently, the Gemara thought that the name Ḥiyya was an Aramaic version of the name Aḥiyya, which is both phonetically similar and has a similar meaning to the name Ḥiyya.

**קרועה על שמועה – רנדנג גארמנטס אוו דסטאנט טידנגס** – One is not required to rend his clothes upon hearing distant tidings for other relatives. However, one is always required to rend his clothes upon hearing about the death of a parent or a great person with whom he discussed *halakha* (*Shakh*). This ruling is in accordance with the opinions of Rabbi Mani and Rabbi Zeira (*Shulhan Arukh, Yoreh De'a* 402:4).

**One did not have his own garment – מי שאין לו חלוק** – One who does not have a garment when he hears that his close relative has died may rend his clothes later if he happens to acquire a garment during the seven-day period of mourning. However, after hearing about the death of one of his parents, he is required to rend his garment at any time afterward, in accordance with the opinion of Rabbi Zeira (*Shulhan Arukh, Yoreh De'a* 340:18).

קורע או אינו קורע? רבי מני אמר: אינו קורע. רבי חנינא אמר: קורע. אמר ליה רבי מני לרבי חנינא: בשלמא לדידי, דאמינא אינו קורע, היינו דלא איכא אבילות שבועה. אלא לדידך דאמרת קורע, קריעה בלא שבועה מי איכא?

ולא? והתנא איסי אבוי דרבי זורא, ואמרי לה אחוה דרבי זורא קמיה דרבי זורא: מי שאין לו חלוק לקורע, ונדדמן לו בתוך שבועה – קורע; לאחר שבועה – אינו קורע.

עני רבי זורא בתרייה: במה דברים אמורים – בחמשה מתי מצוה, אבל על אביו ועל אמו – קורע והולך!

כי תנניא ההיא – לכבוד אביו ואמו.

§ The Gemara asks: Upon receiving a belated report of a close relative's passing, **does one rend his garment or does he not rend it?**<sup>N</sup> **Rabbi Mani said: He does not rend it, whereas Rabbi Hanina said: He does rend it.**<sup>H</sup> **Rabbi Mani said to Rabbi Hanina: Granted, it makes sense that according to my position this is consistent, as I say that he does not rend his garment, and this is because there is no seven-day period of mourning. But according to you, who says that he does rend his garment, is there rending without a seven-day period of mourning afterward?**<sup>N</sup>

The Gemara asks: Is there **not**? **But isn't it taught** in a *baraita* reported by **Isi, father of Rabbi Zeira, and some say it was taught by the brother of Rabbi Zeira before Rabbi Zeira:**<sup>P</sup> **If at first one did not have his own garment<sup>N</sup> to rend,<sup>H</sup> and he acquired one during the seven-day period of mourning, he should rend it then. But if he acquired it only after the seven-day period of mourning, he does not rend it.**

**Rabbi Zeira explained the baraita after him, filling in a missing element: In what case is this statement that one does not rend his garment after the seven-day period of mourning said?** In the case of **the other five close relatives** over whose death it is a *mitzva* to mourn, i.e., son, daughter, brother, sister, and spouse. **But for one's father or mother, one continues** to be obligated to rend his garment if he receives the garment after the seven-day mourning period as well. This apparently contradicts Rabbi Mani's statement that there is no rending without seven days of mourning.

The Gemara answers: **When that baraita is taught, it is referring to a symbolic act meant to honor his father or mother.**<sup>N</sup> It is for one's father or mother that he must rend his garment, even if it becomes available only after the seven-day period of mourning. Essentially, however, the obligation to rend one's garments applies only when it is followed by a seven-day period of mourning.

NOTES

**קורע או אינו קורע – Does one rend it or does he not rend it** – Most authorities explain that the question applies to any type of distant tidings (Rif; Ramban; Rosh; Ritva). However, others explain that this applies only to one who received these tidings on a day when he is prohibited from mourning, and they became distant tidings afterward (*Tosafot; Talmid Rabbeinu Yehiel of Paris; see Tosefot HaRosh*).

**קרועה – Rending without a seven-day period of mourning** – **בלא שבועה**: There is a *halakha* that one is required to rend his clothes at the death of his teacher or the *Nasi* of the Sanhedrin, despite the fact that this is not followed by seven days of mourning. Still, the question here is referring specifically to mourning over family members (*Tosefot HaRosh; Ritva*).

**מי שאין לו חלוק – One did not have his own garment** – *Tosafot*

explain that this person was wearing a borrowed garment, which he cannot rend (see *Talmid Rabbeinu Yehiel of Paris*). Some explain that this refers to a case where one was wearing an outer garment, which is not torn (Rabbeinu Yehonatan of Lunel). The Ramban explain that this refers either to one who was half naked or to one who was wearing a garment that was already torn.

**לכבוד אביו ואמו – To honor his father or mother** – Some say that this means that since the mourning over one's father and mother is more serious, one is required to rend his garments even after the seven-day mourning period, as long as it is still within thirty days of the burial (*Ra'avad*). Others explain that after seven days, rending is no longer obligatory but only a mark of respect. Therefore, it does not apply to the case of distant tidings (*Commentary on Moed Katan; Ramban; Sefer HaMeorot*).

PERSONALITIES

**Rabbi Zeira – רבי זורא**: Born in Babylonia, Rabbi Zeira, known in the Jerusalem Talmud as Rabbi Ze'aira, became one of the great third-generation *amora'im* in Eretz Yisrael. His father was a tax collector for the Persian government and was praised as one of the few who filled that position properly.

When Rabbi Zeira emigrated to Eretz Yisrael, he wanted to immerse himself completely in the Torah of Eretz Yisrael. The Gemara relates that he observed one hundred fasts in order to forget the Torah that he had studied in Babylonia.

Rabbi Zeira was famous for his sharp intellect and was the author of incisive *halakhot*. He was also known as an extremely God-fearing man and the Gemara records several stories related to his distinction in that area. He did not even want to be ordained with the title Rabbi, due to his modesty. He relented only after he was told that with ordination comes atonement for his sins.

The Gemara relates that he observed one hundred additional

fasts so that the fire of Gehenna would not harm him, and he would periodically check whether the fasts worked by entering a fiery furnace. On one occasion, his legs were scorched, and from then on he was called: The little man with the scorched legs.

He was a contemporary of Rav Hisda, Rav Sheshet, and Rabba in Babylonia and one of the disciples of Rabbi Yohanan in Eretz Yisrael, and he engaged in extensive halakhic discourse with them. Apparently, he was a flax merchant in Eretz Yisrael, and it is conceivable that he had occasion in the course of his business to return to Babylonia several times.

The text of the beginning of the eulogy for Rabbi Zeira is preserved in the Talmud: The land of Shinar, Babylonia, conceived and gave birth; the land of splendor, Eretz Yisrael, raised her plaything. Woe unto her, said Reket, Tiberias, for she has lost her beloved vessel.

He had a son, Rabbi Ahava, who was also an *amora*.

תָּנוּ רַבָּנַן: כָּל הָאָמוּר בְּפִרְשַׁת  
בְּהֵימָה, שֶׁזֶהוּ מִטְמֵא לָהֶן – אָבִל  
מִתְאַבֵּל עֲלֵיהֶן. וְאִלוּ הֵן: אִשְׁתּוֹ,  
אָבִיו, וְאִמּוֹ, אָחִיו, וְאָחוֹתוֹ, בְּנוֹ,  
וּבִתּוֹ. הוֹסִיפוּ עֲלֵיהֶן אָחִיו וְאָחוֹתוֹ  
הַבְּתוּלָה מֵאִמּוֹ, וְאָחוֹתוֹ נְשׂוּאָה בֵּין  
מֵאָבִיו בֵּין מֵאִמּוֹ.

וְכֵשֶׁם שֶׁמִּתְאַבֵּל עֲלֵיהֶם – כִּן  
מִתְאַבֵּל עַל שְׁנַיִם שְׁלֹהֶם. דְּבָרֵי  
רַבִּי עֲקִיבָא. רַבִּי שְׁמַעוֹן בֶּן אֶלְעָזָר  
אָמַר: אֵינּוּ מִתְאַבֵּל אֶלָּא עַל בֶּן בְּנוֹ  
וְעַל אָבִי אָבִיו. וְהַכֹּהֲמִים אוֹמְרִים: כָּל  
שֶׁמִּתְאַבֵּל עָלָיו – מִתְאַבֵּל עִמּוֹ.

הַכֹּהֲמִים הֵינּוּ תַנָּא קַמָּא! אִיכָּא  
בִּינֵיהוּ עִמּוֹ בְּבֵיתָ. כִּי הָא דְאָמַר  
לֵיה רַב לְחֵינָא בְּרִיָּה, וְכֵן אָמַר לֵיה  
רַב הוֹנָא לְרַבָּה בְּרִיָּה: בְּאֶפֶס – נְהוּג  
אֲבִילוֹתָ: בְּלֵא אֶפֶס – לָא תִנְהוּג  
אֲבִילוֹתָ.

מִדְּעוֹקְבָא שְׂכִיב לֵיה בַר חֲמוּהָ.  
סָבַר לְמִיתֵב עָלֶיהָ שְׁבַעַה וּשְׁלֹשִׁים.  
עַל רַב הוֹנָא לְגַבִּיָּה, אִשְׁכַּחֲתִיהָ. אָמַר  
לֵיה: צוּדְנִיָּתָא בְּעִית לְמִכְבֵּל? לֹא  
אָמְרוּ לְכַבּוּד אִשְׁתּוֹ אֶלָּא חֲמִיו  
וְחֲמוֹתוֹ.

§ **The Sages taught:** With regard to all of the relatives mentioned in the Torah in the passage referring to priests,<sup>N</sup> for which a priest becomes impure, a mourner must mourn for them. And they are: His wife, his father, and his mother, his brother and his unmarried sister from the same father, his son, and his daughter.<sup>H</sup> The Sages added other relatives to this list: His maternal brother and his unmarried sister from the same mother, and his married sister, whether from the same father or from the same mother. One mourns for these relatives, although a priest would not become impure for them.

Just as one mourns for them, so too he mourns for their relatives' relatives, who are his second-degree relatives.<sup>N</sup> That is to say, just as one is required to mourn over his close relatives, so too he is required to mourn over his relatives' close relatives, which are known as second-degree relatives. For example, if his father's father, his son's son, his brother's son, or the like passed away, he must join his relatives in their mourning; this is the statement of Rabbi Akiva. Rabbi Shimon ben Elazar says: He mourns only over his son's son and his father's father, but not over the other relatives of his relatives. And the Rabbis say: Any relative over whom one would mourn if that person died, one mourns with him when he is in mourning.<sup>NH</sup>

The Gemara asks: The statement of the Rabbis is identical to the statement of the first *tanna*, Rabbi Akiva. What does their statement add? The Gemara answers: The practical difference between them is with regard to whether one mourn with him only in the same house. According to the Rabbis, one is required to mourn with his relative only while he is with him in the same house, whereas according to Rabbi Akiva, he is required to observe mourning even when he is not with him. This is like what Rav said to his son, *Hiyya*, and it is similarly like what Rav Huna said to his son *Rabba*, when the latter's wife was in mourning: In her presence practice<sup>N</sup> mourning, but out of her presence do not practice mourning.

It is related that the son of Mar Ukva's father-in-law, i.e., Mar Ukva's brother-in-law, died, and Mar Ukva thought to sit in mourning over him for the seven- and thirty-day periods of mourning. Rav Huna went into his house, found him observing the rites of mourning, and said to him: Do you desire to eat mourners' food [*tzudaniyyata*]?<sup>L</sup> The Sages said that one should observe mourning in honor of his wife only when she is in mourning over the death of his father-in-law or his mother-in-law.

#### HALAKHA

**Over whom does one mourn – על מי מתאבלים:** One is required to mourn over all relatives for which a priest becomes ritually impure, including one's father, mother, son, daughter, paternal brother, unmarried paternal sister, and wife. The Sages added that one should also mourn over his maternal brother and his sister, whether she is married or unmarried and whether they share the same father or mother. Just as a man mourns for his wife, so a woman is required to mourn for her husband (*Shulhan Arukh, Yoreh De'a 374:4*).

**Any relative over whom one would mourn, one mourns with him – כָּל שֶׁמִּתְאַבֵּל עָלָיו, מִתְאַבֵּל עִמּוֹ:** One is required to mourn with any family member over whom he would mourn if they were to die. This applies when they are in his presence. However, outside of their presence one is not required to observe mourning practices, in accordance with the opinion of the Rabbis.

Although a man is required to mourn for his wife, he mourns with her only over the death of her father or mother. Similarly,

she is required to mourn with him only when one of his parents dies, but not when he loses another close family member.

The Rema writes that nowadays the custom is to be lenient with regard to this type of mourning, and one does not observe mourning practices for second-degree relatives (see *Tur*, citing Ramban and Rosh). This has become the common practice, and one who is stringent with regard to this issue is considered to be acting in a peculiar manner.

It is generally accepted that one practices certain customs of mourning during the first week after the death of a relative who is not one of those for whom one is required to mourn formally. This includes all those whose family relationship would prohibit giving joint testimony. In such circumstances, one does not bathe or change clothes, and in some places other customs of mourning are observed as well. This applies specifically to recent tidings.

One who wishes may act stringently and mourn formally for a person for whom he is not required to mourn or wear black clothes for him (*Shulhan Arukh, Yoreh De'a 374:6*).

All those mentioned in the passage of priests – כָּל הָאָמוּר – בְּפִרְשַׁת כֹּהֲנִים: It is stated in the passage: "Except for his close relatives, for his mother, and for his father, and for his son, and for his daughter, and for his brother; and for his virgin sister, that is near unto him, that has had no husband, for her he may make himself impure" (Leviticus 21:2–3). The Sages understand that the brother mentioned in the verse is referring to the priest's paternal brother, who inherits from him, and not to a maternal brother. With regard to his wife, the Sages derive the requirement to become impure for her from the expression: "Except for his close relatives."

However, many of the early authorities had a version of the Gemara text that did not include his wife in the list of permitted relatives. Some explain that the reason for this is because certain distinctions are made depending on the status of his wife, e.g., whether he was betrothed to her or married and whether she was permitted to marry a priest or not. Similarly, with regard to mourning over her relatives, she is not listed with the others (see *Ritva*). According to the Rambam, one's wife is considered one of his close family members by rabbinic decree.

**Their second-degree relatives – שְׁנַיִם שְׁלֹהֶם:** Some say that the second-degree relatives mentioned are the generations above and below, such as a father's father or a son's son (*Tosefot HaRosh*). Others hold that this category applies only to relatives with whom one has a blood relationship, but not to those to whom he is related through marriage, whether his marriage or his relatives' marriage. Alternatively, this *halakha* applies only to relatives on his father's side, to whom the *halakhot* of inheritance apply (see Ramban).

**One mourns with him – מִתְאַבֵּל עִמּוֹ:** The reason for this is due to their relationship and the desire to maintain peace within the home (Rabbeinu Yehonatan of Lunel). Based on this, the early authorities write that if a one's relatives are not concerned whether he mourns with them or not, they may forgo this honor. The common practice nowadays is to assume that everyone forgoes this honor, and no one observes these customs.

**In her presence practice – בְּאֶפֶס נְהוּג:** This does not mean that he is required to observe customs of mourning only when she is looking, for acting in this manner would make the issue seem trivial. Instead, this means that he is required to observe the mourning customs only when he is actually with her (Ramban; Ritva).

#### LANGUAGE

**Mourners' food [*tzudaniyyata*] – צוּדְנִיָּתָא:** Many different versions of this word exist, and many different sources are used in order to offer an explanation for it. The version of the word in the Gemara appears to be related to the word *tzeida*, meaning provisions. In this context, the word means food prepared for a specific purpose, such as *tzeida laderekh*, provisions for a journey.

BACKGROUND

To paint [kohl] her eyelids – להית בוחלת: The Hebrew term refers to kohl, a dark blue or black color that is extracted from the sulfide mineral stibnite, Sb2S3, sometimes referred to as antimonite. In antiquity, the crystals of the mineral were ground up and used by women for painting their eyelashes, eyebrows, and eyelids, thereby accenting their eyes and giving the impression that their eyes were larger than they actually were. Kohl was also used for healing the eyes.



Stibnite crystal



Ancient Egyptian kohl tube



Ancient kohl applicator

LANGUAGE

Rouge [pokeset] – פוקסט: From the Greek φῦκος, fukos, meaning the color red. See also LANGUAGE, p. 53.

דתנא: מי שמת חמו או חמותו – אינו רשאי לכוף את אשתו להיות בוחלת ולהיות פוקסת. אלא כופה מטתו, ונוהג עמה אבילות. וכן היא שמת חמיה או חמותה – אינה רשאיה להיות בוחלת ולהיות פוקסת, אלא כופה מטתה ונוהגת עמה אבילות.

ותנא אידך: אף על פי שאמרו אינו רשאי לכוף את אשתו להיות בוחלת ולהיות פוקסת, באמת אמרו: מווגת לו את הכוס, ומצעת לו מטה, ומרחצת לו פניו ידיו ורגליו. קשיין אהרדי!

אלא לאו שמע מינה: כאן – בתמיו וחמותו, כאן – בשאר קרובים? שמע מינה. תנא נמי דכי: לא אמרו לכבוד אשתו – אלא חמו וחמותו בלבד.

אמימר שכיב ליה בר בריה, קרע עילויה. אתא בריה – קרע באפיה. אידכר דמיושב קרע – קם קרע מעומד.

אמר ליה רב אשי לאמימר: קריעה דמעומד מנלן? דכתיב: "ויקם איוב ויקרע את מעילו".

As it is taught in a *baraita*: One whose father-in-law or mother-in-law died may not force his wife to paint [kohl] her eyelids<sup>8</sup> or put rouge [pokeset]<sup>1</sup> on her face while she is in mourning. Rather, he should overturn his bed, and observe the rites of mourning with her. And similarly, when her father-in-law or mother-in-law dies, she may not paint her eyelids or put rouge on her face. Rather, she should overturn her bed and practice the rites of mourning with him.

And it was taught in another *baraita*: Even though the Sages said that a husband may not force his wife to paint her eyelids or put rouge on her face when she is in mourning, i.e., that she may not treat her mourning lightly, actually, they said that she may pour his cup<sup>9</sup> of wine, make his bed, and wash his face, hands, and feet,<sup>10</sup> as these activities are expressions of affection between husband and wife rather than unnecessary adornment or a belittlement of the mourning. These two *baraitot* contradict each other: The first *baraita* indicates that the husband must practice the rites of mourning together with his wife, whereas the second one bars him only from forcing her to treat her own mourning lightly.

Rather, must one not conclude from this as follows: Here, where one is required to observe the *halakhot* of mourning together with his wife, the *baraita* is referring to the death of his father-in-law or mother-in-law. There, where one is not required to mourn, the *baraita* is referring to the death of his wife's other relatives for whom she is required to mourn. The Gemara summarizes: Conclude from this that this is the case. This is also taught in a *baraita*: The Sages said that one is required to observe the rites of mourning in honor of his wife only when she is in mourning over his father-in-law or his mother-in-law.

It was further related that the son of Ameimar's son died, and Ameimar rent his garment over him. His son came before him, and he rent his garments again in the presence of his son,<sup>11</sup> as an expression of empathy with his son's pain and grief. Later, he remembered that when he rent his garments in his son's presence he rent them while sitting, and therefore he stood up and rent his garment again while standing.

With regard to this issue, the Gemara reports that Rav Ashi said to Ameimar: From where do we derive that rending must be done while standing? He responded: As it is written about the deaths of Job's sons: "Then Job arose, and rent his coat" (Job 1:20).

NOTES

8. She may pour his cup, etc. – מווגת לו את הכוס וכו' – This list includes tasks that were customarily performed by a wife for her husband. Although all of these actions increase affection between the couple, and therefore a woman may not perform them when she is impure due to menstruation, the Sages did not prohibit them when she is in mourning (Talmid Rabbeinu Yehiel of Paris, based on tractate Ketubot).

9. There are several explanations as to how the act of the wife pouring wine for her husband shows that he does not observe mourning practices with his wife. Some say that based on the statement that she may make his bed, it is implied that he is not required to overturn it (Rashi). Alternatively, this is derived by

the fact that such a requirement is not stated explicitly (Ra'avad). Others suggest that since she may wash his face, with hot water according to some, he is clearly not observing the practices of mourning (see Commentary on Moed Katan and Sefat Emet).

11. His son came and he rent his garments in the presence of his son – אתא בריה, קרע באפיה – Some explain that Ameimar forgot and rent his garments while sitting, and his son did not wish to tell him that he had acted incorrectly, out of respect for his father. Instead, he rent his garment while standing, and then Ameimar realized that he had rent his garment incorrectly (Talmid Rabbeinu Yehiel of Paris; see Tosetof HaRosh and Tosafot).

HALAKHA

One's wife in mourning – אשת איש בזמן אבלה – When the close relative of a married woman dies, she is not permitted to wear makeup, and her husband cannot force her to do so. However, she may make his bed and pour him a cup of wine,

or any other similar act. A married woman is permitted to wear makeup after the seven-day mourning period, so that she will not appear ugly to her husband (Shulhan Arukh, Yoreh De'a 381:6).

## HALAKHA

אֵלָא מַעֲתָה – וְעֵמֵד וְאָמַר לֹא חִפְצָתִי  
לְקַחְתָּהּ הֲכָא נִמְיָ? וְהָא תִנְיָא: בֵּין  
וְיֹשֵׁב בֵּין עוֹמֵד בֵּין מוֹשֵׁה!

Rav Ashi challenged him: **However, if that is so**, one should be required to stand while performing the ritual through which the brother-in-law frees the *yevama* of her levirate bonds [*halitza*], as the verse states: **“And if he stands and he says: I do not wish to take her”** (Deuteronomy 25:8). **Here must he also stand for the ceremony? But isn’t it taught in a baraita that *halitza* may be performed whether the man is sitting,<sup>h</sup> or standing,<sup>n</sup> or reclining?**

אָמַר לֵיהּ: הֲתָם לֹא כְּתִיב וְעֵמֵד  
וְיֹאמַר: הֲכָא כְּתִיב וְיִקְרַע.

**He said to him: There, in the case of *halitza*, it is not written: And he will stand<sup>n</sup> and he will say**, which would imply an obligation to stand; whereas **here, in the case of rending, it is written: “Then Job arose, and rent his coat”** (Job 1:20).

אָמַר רַמִּי בַר חֲמָא: מִנֵּין לְקַרְעֵהָ שְׂהִיא  
מְעוֹמֵד? שְׁנַיָּא: וְיִקְרַע אִיּוֹב וְיִקְרַע.  
דְּלִמָּא מִיִּלְתָּא יִתְרִיתָא הוּא דְעֵבֵד?  
דְּאִי לֹא תִמְאָא הָכִי – וְיִגְזַן אֶת רֹאשׁוֹ  
הָכִי נִמְיָ?

Rami bar Ḥama said: **From where is it derived that rending must be performed while standing?<sup>h</sup> As it is stated: “Then Job arose, and tore his coat”** (Job 1:20). The Gemara asks: **Perhaps he did something extra** beyond what is required, and actually there is no obligation to stand; **as, if you do not say that he did more than what was required of him, then how do you explain the continuation of the verse: “And he shaved his head”** (Job 1:20)? Is every mourner required to act in **this manner also** and shave his head?

אֵלָא מִהֲכָא: וְיִקְרַע הַמֶּלֶךְ וְיִקְרַע אֶת  
בְּגָדָיו. וְדְלִמָּא מִיִּלְתָּא יִתְרִיתָא עֲבִיד?  
דְּאִי לֹא תִמְאָא הָכִי – וְיִשְׁכַּב אֶרְצָה  
הָכִי נִמְיָ?

The Gemara concludes: **Rather, this source must be rejected, and instead the *halakha* is derived from here**, the verse that describes David’s mourning over his son: **“Then the king arose, and rent his garments”** (II Samuel 13:31). The Gemara asks: **But perhaps he too did something extra** beyond what is required, and he was not actually obligated to stand; **as, if you do not say that he did more than what was required of him, then how do you explain the continuation of the verse: “And he lay on the earth”** (II Samuel 13:31)? Is every mourner required to act in **this manner also**?

וְהַתְנָא: יֹשֵׁב עַל גְּבִי מִשָּׁה, עַל גְּבִי כְּסָא,  
עַל גְּבִי אוּדְיָיִן גְּדוּלָה, עַל גְּבִי קַרְקַע –  
מְכוּלָן לֹא יִצָּא יָדֵי חוּבְתָן. וְאָמַר רַבִּי  
יִחְזֶקֶן: שְׂלֵא קָיִים כְּפִיית הַמִּשָּׁה.

**But isn’t it taught in a baraita: If a mourner sat on a bed, on a chair, on a large mortar [udyanai],<sup>nl</sup> or on the ground, he does not fulfill his obligation through any of them.<sup>h</sup> And Rabbi Yohanan said: This is because he did not fulfill his obligation to overturn his bed, even if he lay on the ground.** This indicates that there is no requirement whatsoever to lie on the ground.

אָמַר לֵיהּ: כְּעֵין אֶרְצָה.

Ameimar said to Rav Ashi: The verse does not mean that David actually lay on the ground. Rather, it was **as if he were on the ground**, since he overturned his bed and brought it closer to the ground. If this is the case, then Ameimar acted correctly, and a mourner should rend his garments while standing.

## NOTES

**Whether sitting or standing – בֵּין יוֹשֵׁב בֵּין עוֹמֵד:** The question is not with regard to the obligation to rend garments *ab initio*, as it is also clear that it is preferable to perform both rending and *halitza* while standing. Rather, the question concerns Ameimar’s decision to rend his garment again, which implies that, even after the fact, if one was not standing the rending is invalid. Consequently, the Gemara asks what the difference is between rending and *halitza*, since the word standing is used in reference to both (Ramban).

**It is not written: And he will stand – לֹא כְּתִיב וְעֵמֵד:** This derivation is based not on the difference in tense but on the structure of the verses. If the word “stand” had been stressed, this would have indicated that there is a specific requirement to stand.

However, in the verses of *halitza* all the actions are written in the same form, thereby conveying some degree of continuity, and the word “stand” is not stressed (Ritva).

Alternatively, some explain that the phrase: “And if he stands,” does not mean that one is actually required to stand. Instead, it means: Come forward, or: Prepare yourself to perform a certain act (*Tosafot*; *Talmid Rabbeinu Yehiel of Paris*).

**Large mortar – אוּדְיָיִן גְּדוּלָה:** Some explain that this refers to a large mortar (Rashi; Rabbeinu Ḥananel), which people could sit on by placing it upside down. However, others say that this refers to a covering for a pit (Rashi, from manuscript; Rashbam). There are also those who claim that this means an overturned kneading bowl or a bathtub (see Ran).

**Halitza while sitting – חִלְצָה בִישִׁיבָה:** During all parts of the *halitza* ceremony, the judges sit, while the man and woman performing the ceremony stand. If the man is old or weak he may lean on a cane (*Be’er Heitev*). If he is incapable of standing at all, he may sit (*Shulḥan Arukh, Even HaEzer* 169:12, and in the comment of Rema).

**Rending while standing – קְרִיעָה שְׂהִיא מְעוֹמֵד:** Rending garments as a sign of mourning must be done while standing. If one performed this while sitting, he is required to rend the garments a second time (*Shulḥan Arukh, Yoreh De’a* 340:1).

**The mitzva of overturning the bed – מִצְוַת כְּפִיית הַמִּשָּׁה:** It is not enough for one simply to overturn his bed; he must sleep on the overturned bed in order to fulfill his obligation. Therefore, if one slept on a chair, wardrobe, or the ground, then has not fulfilled this obligation (Rambam *Sefer Sho’fetim, Hilkhot Evel* 5:18). However, nowadays the custom is not to overturn beds at all (*Shulḥan Arukh, Yoreh De’a* 387:2).

## LANGUAGE

**Mortar [udyanai] – אוּדְיָיִן:** Several different versions of this word exist, and therefore there are also many different interpretations of its meaning. Some say that it is related to the Aramaic *udna*, meaning handle or ear, and in this context it refers to a vessel with a handle.



Large mortar

NOTES

These are the activities that a mourner is prohibited from engaging in – וְאֵלּוּ דְבָרִים שְׂאֵבֵל אֶסוּר בְּהֵן – Tosafot note that not all of the activities that are prohibited to a mourner are mentioned here, and they explain why only some of these prohibitions are mentioned (see Ran). All the activities that are prohibited to a mourner are detailed in tractate Semahot.

He is prohibited from reading in the Torah, etc. – אֶסוּר לְקֹרֵא – בתורה וכו': The Ramban discusses whether the fact that learning Torah is a mitzva is sufficient to permit a mourner to study Torah in certain situations; or perhaps it is permitted after the first day, similar to donning phylacteries; or perhaps since it gives pleasure it is not permitted for the entire week. In the Jerusalem Talmud, it is explained that one is permitted to study a Torah text that he is unfamiliar with, because this is not as enjoyable as other study. Similarly, it is stated there that one who is intensely passionate about Torah study may learn Torah, since refraining from Torah study would be a form of affliction, and one is not required to afflict himself when in mourning.

תָּנוּ רַבָּנָן, וְאֵלּוּ דְבָרִים שְׂאֵבֵל אֶסוּר בְּהֵן: אֶסוּר בְּמִלְאָכָה, וּבְרַחֲצָה, וּבְסִיכָה, וּבְתַשְׁמִישׁ הַמָּטָה, וּבְנִעְוִילַת הַסַּנְדֵּל, וְאֶסוּר לְקֹרֵא בַתּוֹרָה וּבַנְּבִיאִים וּבַבְּתוּבִים, וְלִשְׁנוֹת בְּמִשְׁנָה, בְּמִדְרָשׁ וּבַהֲלָכוֹת וּבַתְּלֻמוֹד וּבַאֲגָדוֹת. וְאִם הָיָה רַבִּים צְרִיכִין לוֹ – אֵינּוּ נִמְנָע. וּמַעֲשֵׂה וּמַת בְּנֵי שָׁל רַבִּי יוֹסֵי בְּצִיפּוֹרִי, וּנְכַנֵּס לְבֵית הַמְדְרָשׁ וְדֹרֵשׁ כָּל הַיּוֹם כּוּלּוֹ.

רַבָּה בַר בַּר חֲנָה אֵיתְרָעָא בֵּיהּ מִלְתָּא. כְּסַב דְּלֹא לְמִיפֵק לְפִיָּקָא. אָמַר לֵיהּ רַבִּי חֲנִינְיָא: אִם הָיָה רַבִּים צְרִיכִין לוֹ – אֵינּוּ נִמְנָע. כְּסַב לְאֹקְמֵי אֲמוּרָא עֲלֵיהּ – אָמַר לֵיהּ רַב, תִּנְיָא: וּבְלֵבָד שְׁלֵא יַעֲמִיד תּוֹרָנְמָן.

§ The Sages taught: These are the activities that a mourner is prohibited from engaging in:<sup>N</sup> He is prohibited from working, and from bathing, and from anointing himself with oil, and from engaging in sexual relations, and from wearing shoes. And he is prohibited from reading in the Torah,<sup>NH</sup> and in the Prophets, and in the Writings, and from studying in the Mishna, in the midrash, and in the halakhot, and in the Talmud, and in the aggadot. But if the public needs him to teach them these things, he need not refrain from doing so. There was an incident that the son of Rabbi Yosei<sup>P</sup> died in Tzippori, and Rabbi Yosei entered the study hall and expounded there for the entire day.

It was related that a calamity, i.e., a death in the family, once befell Rabba bar bar Ḥana, and he thought not to go out to deliver his exposition. Rabbi Ḥanina said to him: Is it not taught that if the public needs him to teach them these things, one need not refrain from doing so? He then thought to place an interpreter<sup>P</sup> alongside him, who would sound his words to the public, as was normally done for such an exposition. Rav said to him: It is taught in a baraita similarly: Provided that he does not place the disseminator alongside him.

HALAKHA

Torah study while in mourning – לְיַמֵּי תוֹרָה בְּאֵבֵל – A mourner is prohibited from studying Torah for all seven days of the mourning period, but he may read the book of Lamentations, prophecies about catastrophic events, and the halakhot of mourning. If the community requires it, a mourner is permitted to expound in public. However, if he expounds through an interpreter then there must be an intermediary between him

and the interpreter, in order to deviate from his ordinary way of speaking. A scholar who is in mourning may give a halakhic ruling to an individual who asks him a question. However, he may not teach a halakha to his students. This is the common practice; however, some are lenient with regard to this (Shulḥan Arukh, Yoreh De'at 384:1, and in the comment of Rema).

PERSONALITIES

Rabbi Yosei – רַבִּי יוֹסֵי: This is Rabbi Yosei ben Ḥalafta, one of the greatest of the tanna'im. He lived in the generation prior to the redaction of the Mishna, and the influence of his teachings is evident throughout tannaitic literature. His father, known as Abba Ḥalafta, was also considered one of the great Sages of his generation. According to one tradition, his family was descended from Jehonadab, son of Rechab (see II Kings 10:15).

In addition to studying with his father, Rabbi Yosei was also an outstanding student of Rabbi Akiva. Rabbi Yosei and his contemporaries, Rabbi Meir, Rabbi Yehuda, Rabbi Shimon bar Yoḥai, and other students of Rabbi Akiva, formed the center of talmudic creativity of that entire generation. In his halakhic approach, as in his way of life, Rabbi Yosei was moderate, and he refrained from taking extreme opinions on halakhic issues. A well-known principle in the halakha is that Rabbi Yosei's opinions are based on sound reasoning, and therefore the

halakha is always in accordance with his opinion.

In addition to being a great master of halakha, Rabbi Yosei was also famous for his piety. The Talmud relates many stories about his modesty, humility, and holiness. It is related that Elijah the Prophet would appear to him every day, and several conversations between Elijah and Rabbi Yosei are recorded in the Talmud. Rabbi Yosei was the primary redactor of a series of baraitot on the history of the Jewish people known as Seder Olam. For many years, he lived in Tzippori in the Galilee and earned his living as a tanner.

Many of the prominent Sages of the following generation, including Rabbi Yehuda HaNasi, the redactor of the Mishna, were his students. But his main students were his five sons, all of whom were Sages in their generation. The most famous of them were Rabbi Eliezer, son of Rabbi Yosei, one of the great masters of aggada, and Rabbi Yishmael, son of Rabbi Yosei.

BACKGROUND

Interpreter [amora] – אֲמוּרָא: In this context, the word amora, literally speaker, has the same meaning as the word meturgeman, disseminator, used in the Mishna. This disseminator of the Sages' expositions was often a scholar himself, sometimes even an important Sage, whose job it was to translate the exposition from Hebrew to Aramaic and to project it so that it could be heard by everyone. Sometimes, there was more than one disseminator if the speech needed to be projected

to a large group. Often, the disseminator would not only translate but also explain the exposition, as the Sage would say the most basic ideas, and the disseminator would expand and develop them. For this reason, the Sages of the talmudic period describe themselves as amora'im, as they saw their job as being similar to that of these interpreters for the Sages of the Mishna.

A mourner is prohibited from donning phylacteries – אָבֵל... אָסוּר לְהַנִּיחַ תְּפִלִּין: A mourner is prohibited from wearing phylacteries on his first day of mourning, but he is required to wear them from the second day and onward. This ruling is in accordance with the opinion of Rabbi Yehoshua, as the *halakha* is in accordance with his opinion in disputes with Rabbi Eliezer. It is also in accordance with the opinion of Rava (*Shulhan Arukh, Yoreh De'a* 388:1).

NOTES

**New faces – פְּנִים חֲדָשׁוֹת:** Most commentaries explain here, similar to the case with the seven-day period following marriage, that the phrase new faces refers to people who have not yet come to visit. Others explain that the term refers to other mourners who are joining this mourning (Rabbeinu Yehonatan of Lunel). There are also those who understand that the term refers to additional relatives who die while the mourner is still in mourning (Rabbi Shlomo ben HaYatom).

Some explain that the reason for removing the phylacteries is lest new people come, see him wearing phylacteries, and think that he is doing so on the first day of mourning and thereby acting disrespectfully toward the laws of mourning (*Talmid Rabbeinu Yehiel of Paris; Ran; Meiri*).

Others say that when new people come and begin speaking about the mourner's deceased relative, the mourner's pain will be renewed, and therefore the sadness becomes like that on the first day (Ritva). This is similar to the explanation of the *ge'onim*, mentioned by the Ramban, according to which a mourner may not wear phylacteries because one wearing phylacteries is prohibited from taking his mind off them. When the new guests weep and eulogize the deceased, the mourner may forget that he is wearing phylacteries.

**The reasons of Rabbi Eliezer and Rabbi Yehoshua – טַעֲמֵם שֶׁל רַבִּי אֱלִיעֶזֶר וְרַבִּי יְהוֹשֻׁעַ:** It is mentioned in the name of the Ra'avad that Rabbi Eliezer's opinion can be explained as follows: "The days... ended" indicates that they were completed, and if this is the case then there were two full days of mourning. A part of the third day was added according to rabbinic law (see *Talmid Rabbeinu Yehiel of Paris*). Although the verse is describing events that happened thirty days after Moses' death, the derivation is based on the expression: "Days of weeping," i.e., the first two days of weeping before the rest of the days of mourning (see Ritva). With regard to the verse: "Its end as a bitter day," the expression "as... a day" also means a little more than a complete day, and therefore includes part of the second day.

וְאֵלֶּא הִיכִי עֲבִיד? בִּי הָא דְתַנְיָא: מַעֲשֵׂה וּמַת בְּנֵו שֶׁל רַבִּי יְהוּדָה בַּר אֵילְעָאִי, וְנִכְנַס לְבֵית הַמְּדֻרָּשׁ. וְנִכְנַס רַבִּי חֲנַנְיָה בֶּן עֲקִיבָא וַיֵּשֶׁב בְּצַדּוֹ, וְלַחֲשׁ הוּא לְרַבִּי חֲנַנְיָה בֶּן עֲקִיבָא, וְרַבִּי חֲנַנְיָה בֶּן עֲקִיבָא לְתוֹרַגְמָן, וְתוֹרַגְמָן הַשְּׂמִיעַ לְרַבִּים.

The Gemara asks: **But how**, then, should he act so that he can be heard? The Gemara answers: It is like that which is taught in a *baraita*: There was an incident and the son of Rabbi Yehuda bar Ilai died, and Rabbi Yehuda entered the study hall. And Rabbi Hananya ben Akavya entered after him and sat by his side. Rabbi Yehuda bar Ilai then whispered his lecture to Rabbi Hananya ben Akavya, and Rabbi Hananya ben Akavya whispered it to the disseminator, and the disseminator sounded to the public what had been told to him. In this way, it became known that Rabbi Yehuda bar Ilai was in mourning.

תְּנִי רַבְנָן: אָבֵל, שְׁלֹשָׁה יָמִים הָרֵאשׁוֹנִים אָסוּר לְהַנִּיחַ תְּפִלִּין. מִשְׁלִישִׁי וְאִילָךְ, וְשְׁלִישִׁי בְּכֹלל – מוֹתֵר לְהַנִּיחַ תְּפִלִּין. וְאִם בָּאוּ פְּנִים חֲדָשׁוֹת – אֵינוֹ חוֹלֵץ, דְּבַרִּי רַבִּי אֱלִיעֶזֶר. רַבִּי יְהוֹשֻׁעַ אָמַר: אָבֵל, שְׁנֵי יָמִים הָרֵאשׁוֹנִים – אָסוּר לְהַנִּיחַ תְּפִלִּין. שְׁנֵי וְשְׁנֵי בְּכֹלל – מוֹתֵר לְהַנִּיחַ תְּפִלִּין. וְאִם בָּאוּ פְּנִים חֲדָשׁוֹת – חוֹלֵץ.

§ The Sages taught the following *baraita*: For the first three days, a mourner is prohibited from donning phylacteries.<sup>4</sup> From the third day and on, and including the third day, he is permitted to don phylacteries. And if new faces,<sup>5</sup> i.e., people who had not yet come to console him, come, he need not remove them, although these people may falsely conclude that he had also donned phylacteries during the first two days of his mourning; this is the statement of Rabbi Eliezer. Rabbi Yehoshua says: For the first two days, a mourner is prohibited from donning phylacteries. From the second day, and including the second day, he is permitted to wear phylacteries. But if new faces come in to console him, he must remove his phylacteries.

אָמַר רַב מַתְּנָה: מֵאֵי טַעֲמָא דְרַבִּי אֱלִיעֶזֶר? דְּכַתְּבִיב: "וַיִּתְּמוּ יָמֵי בְּכִי אָבֵל מִשָּׁה". אָמַר רַב עֵינָא: מֵאֵי טַעֲמָא דְרַבִּי יְהוֹשֻׁעַ? דְּכַתְּבִיב: "וְאַחֲרֵיתָהּ כְּיוֹם מָר".

Rav Mattana said: What is the reason of Rabbi Eliezer?<sup>4</sup> As it is written: "And the days of weeping and mourning for Moses ended" (Deuteronomy 34:8). The plural term "days" implies a minimum of two, and it indicates that the main portion of the mourning period is the first two full days. Rav Eina said: What is the reason of Rabbi Yehoshua? As it is written: "And I will make it as the mourning for an only son, and its end as a bitter day" (Amos 8:10), i.e., a single "day."

וְרַבִּי יְהוֹשֻׁעַ נִמְי, הָא כְּתִיב: "וַיִּתְּמוּ יָמֵי וְגו'! אָמַר לָךְ: שְׂאֵנִי מִשָּׁה, דְּתַקִּיף אָבְלִיָּה. וְרַבִּי אֱלִיעֶזֶר נִמְי, הָא כְּתִיב: "וְאַחֲרֵיתָהּ כְּיוֹם מָר"! עֵיקַר מְרִירָא חַד יוֹמָא הוּא.

The Gemara asks: **But also for Rabbi Yehoshua, isn't it written in the Torah:** "And the days of weeping and mourning for Moses ended," thereby implying that this period lasts for two days? The Gemara answers: He could have said to you that **Moses was different, because the mourning for him was more intense**, and the people mourned for him longer than usual. The Gemara asks: **But also for Rabbi Eliezer, isn't it written in the Torah:** "And its end as a bitter day"? The Gemara answers: He could have said to you that **the main bitterness is only one day**, but the severity of the mourning lasts for two days.

אָמַר עוּלָא: הֲלָכָה כְּרַבִּי אֱלִיעֶזֶר בְּחֻלְצָה, וְהֲלָכָה כְּרַבִּי יְהוֹשֻׁעַ בְּהַנְחָה.

Ulla said: The *halakha* is in accordance with the opinion of Rabbi Eliezer with regard to the removal of phylacteries. A mourner need not remove them when new people come in to console him. And the *halakha* is in accordance with the opinion of Rabbi Yehoshua with regard to the donning of phylacteries, and so a mourner may already don phylacteries on the second day.

אֵיבַעֲיָא לְהוּ: בְּשֵׁנִי לְעוּלָא, חוֹלֵץ אוֹ אֵינוֹ חוֹלֵץ?

A dilemma was raised before the scholars: According to Ulla, who rules in accordance with Rabbi Yehoshua that a mourner may don phylacteries on his second day of mourning, is the mourner required to remove them if new people arrive on that day, or is he not required to remove them?

תָּא שְׁמַע, אָמַר עוּלָא: חוֹלֵץ וּמְנִיחַ אֲפִילוּ מֵאָה פְּעָמִים. תְּנָא נִמְי כְּכִי, יְהוּדָה בֶּן תֵּימָא אָמַר: חוֹלֵץ וּמְנִיחַ אֲפִילוּ מֵאָה פְּעָמִים.

The Gemara answers: **Come and hear what Ulla said explicitly: One removes his phylacteries when new people come to console him, and he dons them again when they leave, even if he must don and remove them a hundred times. This is also taught in a baraita: Yehuda ben Teima says: He removes his phylacteries and dons them again, even if he must do so a hundred times.**

רַבָּא אָמַר: כִּיּוֹן שְׁהֲנִיחַ – שׁוֹב אֵינוֹ חוֹלֵץ. וְהָא רַבָּא הוּא דְאָמַר: הֲלָכָה כְּתַנָּא דִּידָן, דְאָמַר: שְׁלֹשָׁה!

Rava said: **Once he dons his phylacteries, he does not remove them again.** The Gemara asks: **But wasn't it Rava himself who said: The halakha is in accordance with the opinion of the tanna of our mishna, who said that the most serious period of mourning is three days?** How then does he rule in accordance with the *baraita* that a mourner may don phylacteries during these days?

NOTES

A mitzva is different – **מצוה שאיני** – Some have a version of the text that reads: The mitzva of phylacteries is different. This means that since the mitzva to wear phylacteries is from the Torah, it takes precedence over mourning, which is rabbinic (Rabbi Shlomo ben HaYatom; see Ritva).

The first three days a mourner is prohibited from working – **אבל, שלשה ימים הראשונים אסור במלאכה** – Some write that the prohibition against working, and similarly the permission to work in private after the first three days, applies to everyone, although in practice, one who does not require the money is unlikely to perform work. Still, there is an opinion that one who needs the money is permitted to do so and others are similarly permitted (Rid). This opinion is not accepted by most commentaries and halakhic authorities, who say that only poor people with nothing to eat may work during the seven-day mourning period (see Riaz).

A woman may spin on a spindle – **האשה טוהה בפלך** – Most commentaries explain that this specifically refers to a poor woman, and the Sages permitted her to perform this type of work in her house because she needs to earn a livelihood. If she is unable to support herself with this work, then she may perform other types of work (see Ramban). There are those who write that any woman may do this work and not just a poor woman (Radbaz).

Go to another mourner's house – **הולך לבית האבל** – Some say this means that he may go to a mourner's house only when he is related to the deceased, and this is why he sits with the other mourners, but he may not go to visit other mourners (Rabbeinu Yehonatan of Lunel; see Ran). However, most halakhic authorities hold that there is no distinction.

He sits in the place of those being consoled – **ישב במקום המתנחמים** – Based on this, some halakhic authorities rule that a mourner is permitted to go to the synagogue on the Ninth of Av, as at that time the synagogue is a place of mourners, and everyone is considered to be like the consoled (see *Tosafot*). The *halakha* follows this opinion (*Shulhan Arukh, Orah Hayyim 568:6*).

He may respond but he may not extend greetings – **משיב ואינו שואל** – The reason for this is explained in tractate *Berakhot*, where it is noted that people must be very careful to respond when a person extends greetings toward them, so as not to insult the greeter. The great people of every generation would respond to every person when greeted, regardless of his status. Therefore, the Sages permitted a mourner to respond when greeted, even when it would not be permitted for him to extend greetings to someone else. Even when it is not permitted for him to respond, he is still required to explain that he is not responding because he is mourning.

**מצוה שאיני.**

The Gemara answers: **A mitzva is different,<sup>N</sup>** and since it is a mitzva to put on phylacteries, the mourner is required to do so, even during the first three days.

**תנו רבנן: אבל, שלשה ימים הראשונים – אסור במלאכה, ואפילו עני המתפרנס מן העדקה. מכאן ואילך – עושה בצניעא בתוך ביתו. והאשה טוהה בפלך בתוך ביתה.**

§ The Sages taught the following *baraita*: **During the first three days after his bereavement, a mourner is prohibited from working,<sup>NH</sup> even if he is a poor person who is supported by charity. From this point forward, he may do work privately in his own home if he needs to do so. And similarly a woman may spin thread on a spindle<sup>N</sup> in her own home when she is mourning.**

**תנו רבנן: אבל, שלשה ימים הראשונים – אינו הולך לבית האבל. מכאן ואילך – הולך, ואינו יושב במקום המתנחמין אלא במקום המתנחמין.**

The Sages taught in another *baraita*: **A mourner during the first three days after his bereavement may not go to another mourner's house<sup>H</sup> to console him.<sup>H</sup> From this point forward, he may go, but he may not sit among the consolers, but rather in the place of those being consoled,<sup>N</sup> i.e., with the mourners in that house.**

**תנו רבנן: אבל, שלשה ימים הראשונים – אסור בשאילת שלום, משלשה ועד שבעה – משיב ואינו שואל, מכאן ואילך – שואל ומשיב כדרכו.**

§ The Sages taught in yet another *baraita*: **A mourner, during the first three days after his bereavement, is prohibited from extending greetings to others. From the third day to the seventh day, he may respond when other people address him, but he may not extend greetings<sup>N</sup> to them. From this point forward, he may extend greetings and respond in his usual manner.<sup>TH</sup>**

**שלשה ימים הראשונים אסור בשאילת שלום? והתניא: מעשה ומתו בניו של רבי עקיבא, נכנסו כל ישראל והספידו הספיד גדול.**

The Gemara asks: **Is he really prohibited from extending greetings during the first three days of mourning? But isn't it taught in a *baraita*: There was an incident and the sons of Rabbi Akiva<sup>P</sup> died, and all the Jews entered to eulogize them with a great eulogy.**

HALAKHA

**A mourner is prohibited from working – אבל... אסור במלאכה** – A mourner is prohibited from working during the first three days of mourning, even if he is poor and must take his livelihood from charity. From then onward, if he has nothing to eat he may perform work in the privacy of his own home (*Shulhan Arukh, Yoreh De'a 380:2*).

**שאילת שלום באבל** – Greeting during mourning – For the first three days, a mourner may not extend greetings to anyone. If people do not know that he is mourning and extend greetings to him, he should not respond to them. Instead, he should inform them that he is mourning.

**הלכה לבית האבל** – **הלכה לבית האבל** – A mourner during the first three days of mourning may not attend a funeral unless there is no one else who can appropriately accompany the deceased or bury him. After the first three days of mourning, one may go to the funeral of someone from his neighborhood who has passed away, and may also visit a house of mourning. However, instead of sitting among the consolers he should sit with the mourners.

From the third to the seventh day, he should not initiate extending greetings. However, if someone extends greetings to him then he may respond. From the seventh to the thirtieth days, he may extend greetings to others and respond. However, one should not extend greetings toward him.

The Rema writes that today it is customary for the mourner not to leave his house for all seven days, even if he wishes to go to another house of mourning (*Shulhan Arukh, Yoreh De'a 393:1*).

After thirty days he is treated as any other person, if he is mourning for relatives other than his parents. One who is mourning for his father or mother may extend greetings to others after seven days, but others should not extend greetings to him until twelve months have passed. In order to show respect to a group he may say: Go in peace. Some permit extending greetings nowadays. However, this does not appear to be an appropriate custom unless he uses different wording and does not use the word: *Shalom* (*Shulhan Arukh, Yoreh De'a 385:1; Rema; Shakh*).

PERSONALITIES

**Rabbi Akiva – רבי עקיבא** – Akiva ben Yosef was one of the greatest of the *tanna'im*. He lived from just after the destruction of the Second Temple until the bar Kokheva revolt. He was one of the leading Sages at the time of Rabban Gamliel II in Yavne.

Rabbi Meir and Rabbi Shimon bar Yoḥai, among others, became his students.

According to legend, Rabbi Akiva began his studies at the age of forty, when Rachel, the daughter of the wealthy Kalba Savua, agreed to marry him on condition that he went to study Torah. Rabbi Akiva became the student of Rabbi Eleizer ben Hyrcanus and Rabbi Yehoshua ben Hananya. Ultimately, he became a great scholar with twenty-four thousand students.

He was a staunch supporter of bar Kokheva's revolt against Rome, and even declared him the Messiah. During the period of the Roman Emperor Hadrian's decrees, Torah study was prohibited, but Rabbi Akiva continued convening assemblies and teaching Torah. Ultimately, he was apprehended and executed, and he is one of the ten martyrs whose execution is described in liturgy.

Among Rabbi Akiva's first students were Shimon ben Azzai and Shimon ben Zoma, with whom he entered the orchard (see *Hagiga* 14b), studying esoteric elements of the Torah. Subsequently,

Rabbi Akiva collected early rabbinic teachings and worked to organize the Oral Torah. The work done by Rabbi Akiva and his students served as the basis for the Mishna that was edited by Rabbi Yehuda HaNasi and his disciples.

בשעת פטירתן עמד רבי עקיבא על ספסל גדול ואמר: אחינו בית ישראל שמעו! אפילו שני בנים חתנים – מנוחם הוא בשביל כבוד שגשיתם. ואם בשביל עקיבא באתם – הרי כמה עקיבא בשוק. אלא כך אמרתם: "תורת אלהיו בלבנו" וכל שכן ששכרם כפול. לכו לבתיכם לשלום.

כבוד רבים שאני.

משלשה ועד שבועה – משיב ואינו שואל; מכאן ואילך – שואל ומשיב כדרכו.

ורמינהו: המוצא את חבירו אבל בתוך שלשים יום – מדבר עמו תנחומין ואינו שואל בשלמו; לאחר שלשים יום – שואל בשלמו ואינו מדבר עמו תנחומין.

מתה אשתו ונשא אשה אחרת – אינו רשאי ליבנס לבייתו לדבר עמו תנחומין. מצאו בשוק – אומר לו בשפה רפה ובכבוד ראש!

אמר רב אידי בר אבין: הוא שואל בשלום אחרים – שאחרים שרוין בשלום; אחרים אין שואלין בשלום – שהוא אינו שרוי בשלום.

והא מדקתני משיב – מכלל דשילין ליה! דלא ידעי.

אי הכי, התם נמי! התם מודע להו, ולא מהדר להו; הכא – לא צריך לאודועינהו.

ורמינהו: המוצא את חברו אבל בתוך שנים עשר חדש – מדבר עמו תנחומין ואינו שואל בשלמו; לאחר שנים עשר חדש – שואל בשלמו ואינו מדבר עמו תנחומין. אבל מדבר עמו מן הצד.

When they were about to take leave, Rabbi Akiva stood on a large bench<sup>1</sup> and said: Our brothers, the house of Israel, listen! Even had my two sons been bridegrooms, I would have been consoled on account of the honor you have shown them. If you came to console for the sake of Akiva, there are many Akivas in the marketplace whom the Jews do all not come to console. Rather, certainly this is what you said to yourselves: "The Torah of his God is in his heart" (Psalms 37:31), and you wished to show your respect for the Torah. All the more so is your reward doubled, for you have consoled mourners and shown respect for the Torah. Return now to your homes in peace. This indicates that a mourner may greet other people even on the first day of his mourning.

The Gemara answers: Showing respect for the public is different. Rabbi Akiva was permitted to greet them to demonstrate courtesy and respect.

§ It was taught in the aforementioned *baraita*: From the third day to the seventh day, he may respond when other people address him, but he may not extend greetings to them. From this point forward, he may extend greetings and respond in his usual manner.

And the Gemara raises a contradiction from another *baraita* that states: One who finds another in mourning during the first thirty days of that person's bereavement may still speak words of consolation to him, but he should not extend greetings toward him. If he finds him after thirty days, he may extend greetings toward him, but he should not speak words of consolation to him, so as not to remind him of his pain.

If it was the mourner's wife who died and he married another woman<sup>n</sup> within thirty days of his first wife's death, one may not enter his house to speak words of consolation with him, so as not to offend his new wife. If, however, he finds him alone in the marketplace, he may speak to him with gentle words and in a serious manner. This indicates that the prohibition against extending greetings lasts for thirty days and not just seven.

Rav Idi bar Avin said: The two *baraitot* refer to different situations: The first *baraita* is referring to the mourner himself, who may extend greetings [*shalom*] to others after the completion of his seven days of mourning, as the others are at peace [*shalom*]. The second *baraita*, which speaks of a prohibition that lasts thirty days, is referring to other people, who may not extend greetings to him, as he, the mourner, is not at peace.

The Gemara challenges: But from the fact that it teaches in a *baraita* that after the third day of his bereavement, the mourner may respond when other people address him, by inference others may extend greetings to him. The Gemara answers: This is referring to a case where people did not know that he was in mourning and unknowingly extended greetings to him.

The Gemara asks: If so, if the *baraita* speaks of a case where the people who greeted him were unaware that he was in mourning, then there also, during the first three days of his bereavement, he should be permitted to respond when other people address him. The Gemara answers: There, during the first three days, he must inform them that he is in mourning and not respond to their greetings. Here, after the first three days, he need not inform them about his bereavement, but rather he may respond to their greetings.

And the Gemara raises a contradiction from another *baraita* that states: One who finds another in mourning during his twelve months of bereavement may still speak words of consolation to him, but he should not extend greetings toward him. If he finds him after twelve months, he may extend greetings toward him, and he should not speak words of consolation to him. He may, however, speak to him indirectly, i.e., he may say to him: May you be consoled, without mentioning the name of the deceased.

Bench [*safsal*] – ספסל: The origin of this word is the Latin *subsellium*, meaning low seat or bench. Often this word was used to refer to the seats of judges or other leaders. Some say that the origin of the word is from the Hebrew word *sefel*, meaning mug, or at least influenced to some degree by the Hebrew, as it was common for people to sit on large overturned mugs.



Ancient figurine of a person sitting on a large overturned mug

## NOTES

The mourner's wife died and he married another woman – מתה אשתו ונשא אשה אחרת: The commentaries explain that one may marry another woman this soon after the death of his first wife only if he has not yet fulfilled the mitzva of procreation or if he has small children who need a mother to take care of them. It is in these situations that one must be careful not to offend his second wife by mentioning the previous one.

