



## Daf In Review – Weekly Chazarah

### Maseches Moed Katan, Daf ט׳ – Daf כ׳

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ט׳---17-----

- It was said in the name of **R' Simlai** or in the name of **R' Huna**, if a talmid put someone in cheirem because he himself was disrespected, the cheirem takes effect, as we learned in a Braisa that when a talmid puts one in cheirem, the person is considered to be in cheirem for the talmid, but not for his rebbi. This suggests that he is considered to be in cheirem for other people besides the rebbi. This must be discussing where he put the person in cheirem due to he himself was disrespected, because if he was put in cheirem for disrespecting the Torah, the rebbi would have to treat the person as being in cheirem as well.
  - **R' Yosef** said, a talmid chachom may take the law into his own hands when he is clear as to the proper law.
  - There was a talmid chachom who had a bad reputation (that he had done aveiros). **R' Yehuda** said, "I don't want to put him in cheirem, because the **Rabanan** need him to teach them Torah. I don't want to just ignore the situation and not put him in cheirem, because that would bring about a chillul Hashem". **Rabbah bar bar Chana** said, **R' Yochanan** said that the pasuk of "ki sifsei Kohen yishmiru daas v'torah yivakshu mipihu ki malach Hashem Tzevakos hu" teaches that one is only fit to be a rebbi if he is like a Malach. Therefore, this person does not deserve to teach Torah. Based on this, **R' Yehuda** put him in cheirem. **R' Yehuda** later became sick. This talmid chachom came to visit him. When **R' Yehuda** saw him, he laughed. The person said, "Is it not enough that you put me in cheirem, but now you will also laugh at me!?" **R' Yehuda** responded, "I am laughing because I will be able to tell the Heavenly Court that I did not show flattery even to someone of your stature". When **R' Yehuda** died, this person went to Beis Medrash and asked that the cheirem be lifted. They told him, we have no one as great as **R' Yehuda** and therefore cannot remove the cheirem. You can go to the Nasi and he can remove it for you. He asked the Nasi, who then asked **R' Ami** to look into it and see if he should be released. **R' Ami** was going to recommend releasing him, but **R' Shmuel bar Nachmeini** said, "If the **Rabanan** did not release the cheirem put in place by **Rebbi's** maid for 3 years, surely **R' Yehuda's** cheirem should not be removed for 3 years!" Based on that, they did not release the cheirem. This person left and cried. As he was walking, a bee stung him on his "eiver" and he died. They wanted to bury him in the cemetery for the chassidim, but a snake did not allow them in. They then buried him in the cemetery of the dayanim. He merited burial in that cemetery, because when he did his aveirah, he did it in a concealed manner (as suggested by **R' Illai**) so as to lessen any risk of chillul Hashem.
    - The story of the maid of **Rebbi** was that she once saw someone hitting his older son and said that person should be in cheirem, because he is being oiver "lifnei iver lo sitein michshol", by enticing his son to hit him back or curse him.
    - **Reish Lakish** was once the watchman for an orchard and saw someone taking fruit. He yelled at him to stop. When he didn't listen, he told him he is putting him in cheirem. The person responded that he is putting **Reish Lakish** in cheirem, because he had no right to issue a cheirem for a monetary manner without first trying in to get paid in Beis Din. The **Rabanan** told **Reish Lakish** that his own cheirem was ineffective, and that the other person's was, meaning that **Reish Laskish** was therefore in cheirem. He said that he didn't know who the person was, and therefore could not ask to be released. They told him to go to the Nasi, because a Braisa says that the Nasi can release anyone's cheirem.
  - **R' Huna** said, they instituted in Usha that an Av Beis Din is not put in cheirem if he sins. However, if he repeats the sin, he is put into cheirem, so as to prevent a chilul Hashem. This argues on **Reish Laskish** who says that a talmid chachom in never publicly put into cheirem.

## Daf In Review – Weekly Chazarah

- When **Mar Zutra Chasida** wanted to put a talmid chachom in cheirem, he would first put himself in cheirem, and then the talmid chachom. When he would reach his house, he would first release his own cheirem and then the cheirem of the other person.
  - **R' Gidal in the name of Rav** said, a talmid chachom may place himself into, and release himself from, cheirem.
  - **R' Pappa** said, he deserves reward because he never put a talmid chachom into cheirem. Instead of doing so, he would give malkus.
- **Q:** What does the word “shamta” mean? **A:** **Rav** said it refers to death, and **Shmuel** said it refers to desolation, and has an everlasting effect on the person. This argues on **Reish Lakish**, who says that cheirem enters all the limbs of a person and also fully exits when the person is released.
  - **R' Yosef** said it once happened that a dog was bothering the **Rabanan**, but they did not know which dog it was. They put the dog in cheirem, and the dog caught fire and was burned.
  - There was a bully who was bothering one of the **Rabanan**. **R' Yosef** told the victim to put the bully in cheirem. The victim said he was afraid. **R' Yosef** suggested that he give a written cheirem. He was afraid to do that as well. He told him to take a written cheirem and put it into an earthenware keili, put the keili into a cemetery and blow 1,000 shofars there for 40 days. He did that and the keili burst open, and at the same time the bully died.

### V'HANAZIR V'HAMETZORA MITUMASO L'TAHARASO

- **Q:** **R' Yirmiya** asked **R' Zeira**, is this only if they did not have enough time before Yom Tov, or even if they had already become tahor before Yom Tov? **A:** A Braisa clearly says that they may cut their hair even if they could have done so before Yom Tov, so that they not delay in bringing their korbanos.
- A Braisa says, a Kohen and an avel who could not take a haircut before Yom Tov, may take one on Chol Hamoed.
  - **Q:** What is the situation with the avel? If his 8<sup>th</sup> day was Erev Yom Tov, he should have taken a haircut then!? If his 8<sup>th</sup> day fell on Shabbos which was Erev Yom Tov, he could have taken a haircut on Friday, because **R' Chisda in the name of Ravina bar Shila** said that the Halacha follows **Abba Shaul** (whose view will be stated soon) and even the **Chachomim** agree with him that in the above case the avel could take a haircut on Friday!? **A:** The case is where his 7<sup>th</sup> day fell on Shabbos which was Erev Yom Tov, and the Braisa holds like **Abba Shaul**, who says that a partial day is considered to be a whole day, and the 7<sup>th</sup> day itself is considered to already be the beginning of the shloshim period (and since it begins before Yom Tov, the Yom Tov cancels the restrictions of the entire shloshim period). Since he couldn't take a haircut on that day because of an oneis (it was Shabbos), he may take a haircut on Chol Hamoed. The **Chachomim** would argue and say that the shloshim would not begin until after the 7<sup>th</sup> day, which was already Yom Tov, and therefore the shloshim remains and he cannot take a haircut until the shloshim are over.
  - **Q:** What is the situation of the Kohen mentioned in the Braisa? If his mishmar ended Erev Yom Tov, he should have taken a haircut then!? **A:** It is discussing where his mishmar ended on Yom Tov. Our Mishna (which doesn't allow this) holds that since all Kohanim share equally in the work of Yom Tov, and therefore his mishmar is not considered to have ended (and he can't take a haircut). The Braisa holds that it is not considered to be his mishmar, and he therefore may take a haircut on Chol Hamoed.
- A Braisa says, whoever is allowed to take a haircut on Chol Hamoed would also be allowed to take a haircut during his period of aveilus.
  - **Q:** A Braisa says that they may not!? **A:** **R' Chisda in the name of R' Shila** said, the Braisa that allows it is discussing where the person had consecutive periods of aveilus.
    - **Q:** Another Braisa says that in that situation all people would be allowed to cut their hair with a razor and wash their clothes in water. Why does the Braisa limit it to the list of people who can cut their hair on Chol Hamoed? **A:** The people from the list may even cut their hair with scissors and wash their clothes with soap.
      - **R' Chisda** said, we see from here that an avel may not wash his clothing.
- A Braisa says, **R' Yehuda** says, just as it is assur to cut one's hair on Chol Hamoed, it is also assur to cut one's nails. **R' Yose** allows it. The same machlokes exists regarding cutting nails during aveilus.

## Daf In Review – Weekly Chazarah

- **Ulla** paskened like **R' Yehuda** regarding aveilus and like **R' Yose** regarding Chol Hamoed. **Shmuel** paskened like **R' Yose** in both instances, because **Shmuel** always follows the lenient opinion regarding aveilus.

### -----Daf 17-----18-----

- When **Pinchas** the brother of **Shmuel** was sitting shiva, his brother **Shmuel** came to be menachem avel. He noticed that **Pinchas**' nails were long and asked him why he didn't cut them. **Pinchas** responded, "If you were sitting shiva would you cut your nails?" That caused somewhat of an ayin harah, and shortly thereafter **Shmuel** was sitting shiva. When **Pinchas** went to visit him, **Shmuel** threw his nails at him and said to him, don't you realize that there is power in one's words to cause something like this to happen (i.e. by **Pinchas** saying his earlier statement, he had caused **Shmuel** to have to sit shiva)!
  - **R' Yochanan** said, we see by Avrohom that one's words often tell the future. When he was bringing Yitzchak to the Akeidah he said "Vinishtachaveh vinashuva aleichem" – he said that "we" (including Yitzchak) would return, which is exactly what happened.
  - Initially it was thought that **Shmuel** allowed the cutting of the fingernails, and not the toenails. **R' Anan bar Tachlifa** said, it was explained to me that **Shmuel** allowed both.
    - **R' Chiya bar Ashi in the name of Rav** said, but it is assur to cut them with a scissors.
    - **R' Shemen bar Abba** saw **R' Yochanan** bite off his nails in the Beis Medrash on Chol Hamoed and throw them away. We can learn from this: 1) that one may cut his nails on Chol Hamoed, 2) biting nails is not assur as being totally disgusting, 3) one may throw his nails into a public area.
      - **Q:** A Braisa says that one who buries his nails is a tzaddik, one who burns them is a chassid, and one who throws them is a rasha, because a pregnant woman may step on them and lose her baby!? **A:** There are no women in the Beis Medrash. Even if they are then swept outside, they are no longer dangerous, because once they have been moved from their original location, they lose their danger.
    - **R' Yehuda in the name of Rav** (and **Mar Zutra**) said that a pair of **Rabanan** asked **Rebbi** whether an avel may cut his nails, and he answered that it is mutar. **Shmuel** said they also asked if an avel can cut his mustache, and he allowed that as well.
    - **Avitul** the barber said in the name of **Rav**, one may cut the mustache from one end of the lips to the other (because it is disgusting to eat when the mustache gets too long).
      - **R' Ami** said, that is only for the part of the mustache that blocks the entrance of the food. **R' Nachman bar Yitzchak** said, "I consider that to be the entire mustache".
      - **Avitul** also said in the name of **Rav** that Paroh from the days of Moshe was one amah tall, had a beard one amah long, and his eiver was a bit more than an amah.
      - **Avitul** also said in the name of **Rav** that Paroh from the days of Moshe was an "amgushi" (either this means he would practice kishuf or that he would curse Hashem).

### V'EILU MECHABSIN B'MOED HABAH M'MEDINAS HAYAM

- **R' Assi in the name of R' Yochanan** said, one who only has one shirt may wash it on Chol Hamoed.
  - **Q:** **R' Yirmiya** asked, such a person is not listed in the Mishna as being allowed to wash his clothing!? **A:** **R' Yaakov** said, our Mishna is listing the people who may wash their clothes even though they have more than one shirt.
- **R' Yitzchak bar Yaakov bar Geyurei in the name of R' Yochanan** said, one may wash linen clothing on Chol Hamoed.
  - **Q:** **Rava** asked, our Mishna does not list washing linen garments as permitted to be washed!? **A:** **Abaye** said, our Mishna is discussing which materials other than linen may be washed.
  - **Bar Hidaya** said, "I saw loads of linen garments being washed in Tiverya on Chol Hamoed".
    - **Abaye** said, this is no proof that it is allowed, because maybe it was done against the will of the **Chachomim**.

## Daf In Review – Weekly Chazarah

- The following may be written on Chol Hamoed: kiddushin documents, divorce documents, receipts, a will, a gift document, a pruzbul, a document stating the evaluation of Beis Din of certain items, documents in which one accepts to support his stepdaughter, a chalitzah and mi'un document, documents stating how Beis Din divided an estate, the ruling of Beis Din, and the ruling of the government.

### GEMARA

- **Shmuel** said, one may be mekadash a woman on Chol Hamoed, to make sure that no one beats him to it.
  - **Q:** Maybe we can say that our Mishna is a proof, because it says that one may write kiddushin documents on Chol Hamoed. **A:** The Mishna may be referring to the written deal struck by the parents of the couple, but not the actual kiddushin document.
  - **Q:** Maybe we can bring a proof from the Mishna that says it is assur to marry on Chol Hamoed. This would suggest that kiddushin would be mutar! **A:** It may be that the Mishna means to say, surely one may not enter into kiddushin on Chol Hamoed, since kiddushin alone is not a mitzvah. The Mishna says that even actual marriage (nisuin), which is a mitzvah, may not be done on Chol Hamoed.
  - We have a clear proof from a Braisa taught in **Shmuel's** yeshiva. The Braisa says that one may enter into kiddushin on Chol Hamoed, but one may not have a seudah in honor of the kiddushin.
  - **Q: R' Yehuda in the name of Shmuel** said that a person's spouse is predetermined and is announced every day in the form of a bas kol. If so, why is **Shmuel** concerned that someone else will come and "steal" this woman away? **A:** If another person davens to marry a particular woman, he may be able to marry a woman who was not predestined for him.
    - **Rav in the name of R' Reuven ben Itztrubili** said, we see from a pasuk in the Torah, in the Navi, and in Kesuvim that a person's spouse is predetermined by Hashem.
    - **Rav in the name of R' Reuven ben Itztrubili** said, one is only suspected of having done an aveirah if he had actually done the aveirah. If he hasn't done it completely he has done it partially, or he has at least thought about doing it, or at the very least he has seen others do it and was happy about it.
      - **Q: R' Yaakov** said, the pasuk says that the Yidden "suspected" Hashem of things that had no basis of truth. We see that suspicion comes with no basis as well!? **A:** That suspicion was done to make Hashem angry, and was not a true suspicion.
      - **Q: R' Shmuel bar Yitzchak** said that every person suspected Moshe of wanting to sin with their wives. We see there is suspicion with no basis as well!? **A:** That was done out of hatred, not out of real suspicion.
      - **Q:** We find that **R' Yose** and **R' Pappa** extol the virtues of one who is suspected of something that he had not done. We see that suspicion comes with no basis as well!? **A:** They are referring to a rumor that subsides. **R' Reuven** was referring to a rumor that does not subside. **Abaye** explained, a rumor that lasts less than a day and a half is considered to have subsided. Even if it lasts a day and a half, it is only a problem if there was no letup in the rumor the entire time. Also, if there was some letup, but that was due to fear, that is not considered to be a true letup in the rumor. Also, if after the letup the rumor came about again, it is not a baseless rumor. Finally, this is only true if the person has no enemies. If he has enemies, we assume all rumors were started and fed by them.

### -----Daf 19-----

### MISHNA

- We may not write loan documents on Chol Hamoed. If the lender does not trust the borrower, or if the scribe needs the money to buy food, a loan document may be written.

## Daf In Review – Weekly Chazarah

- We may not write a Sefer Torah, tefillin, or mezuzos on Chol Hamoed. We may not even fix one letter in the Sefer Torah of Ezra (which is considered to be a need for the tzibbur). **R' Yehuda** says, one may write tefillin or mezuzos for himself, and one may spin wool on his thigh (which is an unusual manner) to be used for his tzitzis.

### GEMARA

- A Braisa says, **R' Meir** says, one may write tefillin and mezuzos for himself on Chol Hamoed, and he may spin wool on his thigh to be used for his tzitzis. He may even do this for others as a favor, but not for payment. **R' Yehuda** says, a person may use a trick by selling his own tefillin and mezuzos, and then writing new ones for himself on Chol Hamoed. **R' Yose** says a person may write and sell in the normal manner to make money that he needs to live on.
  - **Rav** paskened for **R' Chananel** like the view of **R' Yose**.

### V'TOVEH AHL YEREICHO TECHEILES

- A Braisa says, **R' Eliezer** says, a person may spin wool on his thigh to be used for his tzitzis, but he may not spin the wool with a stone. The **Chachomim** say that even a stone may be used. **R' Yehuda** says that **R' Eliezer** allowed use of a stone, but not a spindle, and the **Chachomim** allowed even a spindle.
  - **R' Yehuda in the name of Shmuel** said, the Halacha is that a stone and a spindle may be used, and that a person may write tefillin and mezuzos on Chol Hamoed and sell in the normal manner for what he needs for his sustenance.

### MISHNA

- If one buried a relative 3 days before Yom Tov, the laws of shiva become batul for him. If the burial took place 8 days before Yom Tov, the laws of shloshim become batul for him. This is because they said that Shabbos is counted as a day of shiva, but does not make the shiva batul. Yom Tov is not counted as a day, but makes them batul.
- **R' Eliezer** says, after the Churban, the Yom Tov of Shavuot is treated like Shabbos. **R' Gamliel** says that Rosh Hashanah and Yom Kippur are treated like Yomim Tovim for this purpose. The **Chachomim** argue with them both, and say that Shavuot is considered to be a Yom Tov, and that Rosh Hashana and Yom Kippur are treated like a Shabbos.

### GEMARA

- **Rav** and **R' Huna** said, the restrictions of the shloshim become batul, but the days do not become batul (meaning, if he does not take the opportunity to take a haircut before Yom Tov, he may not take a haircut until the 30 days pass). **R' Sheishes** said that even the days become batul.
  - We find the basis of this machlokes to be the same as the basis of the machlokes in a Braisa as well. The Braisa says that if one buries a relative 3 days before a Yom Tov, the halachos of shiva become batul at the start of the Yom Tov. If the burial takes place 8 days before Yom Tov, the entire shloshim becomes batul, and he may take a haircut on Erev Yom Tov. If he doesn't take a haircut Erev Yom Tov, he may not take a haircut after Yom Tov until the 30 days are over. **Abba Shaul** says, he would still be mutar to take a haircut after Yom Tov, because just as having 3 days of shiva allows for the rest to become batul when Yom Tov arrives, so too having 7 days of shiva allows the shloshim to become batul when Yom Tov arrives.
    - **Q:** How could **Abba Shaul** say that even 7 days is enough to make the shloshim batul when our Mishna said there must be 8 days!? **A:** He holds that a partial day is considered a whole day, and the 7<sup>th</sup> day is therefore considered the last of the shiva and the first of the shloshim.
    - **R' Chisda in the name of Ravina bar Shila** paskened like **Abba Shaul**, and said that even the **Chachomim (T"K)** agree with **Abba Shaul** that when the 8<sup>th</sup> day of aveilus falls on Shabbos which is Erev Yom Tov, he is allowed to take a haircut on Friday.
    - **R' Amram in the name of Rav** said that an avel may wash himself as soon as the people who came to visit him on the 7<sup>th</sup> day leave (he need not wait for the day to end). This obviously follows **Abba Shaul**.

## Daf In Review – Weekly Chazarah

- **Abaye** paskened like **Abba Shaul** regarding the 7<sup>th</sup> day of shiva and said that the **Chachomim** agree with **Abba Shaul** regarding the 30<sup>th</sup> day of shloshim. **Rava** paskened like **Abba Shaul** regarding the 30<sup>th</sup> day, but not regarding the 7<sup>th</sup> day. **Nehardai** said that the Halacha follows **Abba Shaul** in both cases, because **Shmuel** says that we always follow the lenient opinion regarding aveilus.
- **Q:** How do we know that an avel may not take a haircut for 30 days? **A:** We learn a gezeirah shava from the sons of Aharon (from which we learn the avel's issur of cutting the hair) to a Nazir. Just like a standard nezirus period is 30 days, so too is the issur to cut the hair.
- **R' Huna the son of R' Yehoshua** said, all agree that if the 3<sup>rd</sup> day of shiva is Erev Yom Tov, that he may not wash himself until the evening.
  - **R' Nechemya the son of R' Yehoshua** said that **R' Pappi** and **R' Pappa** both paskened like **R' Huna the son of R' Yehoshua**.
- **Q: Abaye** asked **Rabbah**, if the burial took place during Yom Tov (in which case shiva begins after Yom Tov), do the days of Yom Tov count towards the sheloshim or not? Clearly it won't take away from the shiva, because the shiva restrictions are not kept on Yom Tov, but the shloshim restrictions are kept on Yom Tov, so maybe the days count towards the shloshim? **A: Rabbah** said they do not count towards the shloshim.
  - **Q: Abaye** asked, a Braisa discusses a case where one became an avel 2 days before Yom Tov, and then discusses a case where he became an avel on Yom Tov. In both cases the days of Yom Tov do not count towards the days of shiva in many respects. The Braisa then says that the days of Yom Tov count towards the shloshim. Presumably this is going on the last case of the Braisa, and we see that even if the burial took place on Yom Tov, the days of Yom Tov count towards the shloshim!? **A:** The statement of the Braisa may be going on the first case of the Braisa, where the burial took place before Yom Tov.
  - **Q:** A Braisa clearly says that when the burial takes place on Yom Tov the days of Yom Tov count towards the shloshim!? **A: TEYUFTA.**
    - **Ravin in the name of R' Yochanan** paskened that the days of Yom Tov do count towards the days of the shloshim. **R' Elazar** paskened this way as well.

### -----Daf 20-----

- A Braisa says, **R' Eliezer** says, if one observed shiva for 3 days before Yom Tov, the Yom Tov cancels the remaining days of shiva. The **Chachomim** say, even if he only observed one day, or even one hour of shiva before Yom Tov, the Yom Tov cancels the remaining days of shiva. The Braisa says, this same machlokes exists between **B" S** and **B" H**, where **B" S** say like **R' Eliezer** said, and **B" H** say like the **Chachomim**.
  - **R' Huna in the name of R' Chiya bar Abba in the name of R' Yochanan** paskened that observance of shiva for even one hour before Yom Tov cancels the remaining days of shiva. **Rava** paskened that there must be observance of at least 3 days.
  - **R' Chaviva** asked **Ravina** how to pasken, and he answered that observance of even one hour before Yom Tov will cancel the remaining the days of shiva.
- A group of **Rabanan** were sitting together and the question arose as to the source for the 7 days of shiva. They said, it is based on the pasuk that compares mourning to Yom Tov. This teaches that just like Yom Tov is 7 days, the same is for aveilus.
  - **Q:** Maybe the Yom Tov referred to is Shavuot, which is only one day!? **A:** The comparison to Shavuot is already used by **Reish Lakish** to teach that if someone finds out about the death of a close relative long after it happened, he must only observe one day of shiva, because we find that aveilus is compared to Yom Tov, and Shavuot, which is a Yom Tov, only lasts one day. Therefore, a regular case of shiva must last for 7 days.
- A Braisa says, **R' Akiva** says, when one hears of the death of a close relative close to it having happened, he must observe full shiva and shloshim. If he hears about it long after it took place, he observes only one day. It is

## Daf In Review – Weekly Chazarah

considered “close to it having happened” if it is heard within 30 days of death. The **Chachomim** say, in either case one must observe full shiva and shloshim.

- **Rabbah bar Chana in the name of R' Yochanan** said, although **R' Akiva** is disputed by the majority, who are more machmir, we pasken like **R' Akiva** in this case, because **Shmuel** said, we always follow the lenient view in regard to aveilus.
  - We find instances where **R' Chisda** and **Rava** paskened like **R' Akiva** as well.
    - **Q:** A Braisa says that we observe only one day of mourning after hearing about a relative's death long after it happened, only when dealing with the death of a relative other than parents. However, one who hears of his parents' death, even long after it happened, must observe full shiva and shloshim. The cases where **R' Chisda** and **Rava** paskened were regarding death of parents, so how did they say that one day would suffice!? **A:** That Braisa is the view of an individual, which we therefore do not follow.
    - **Q:** A Braisa says that **R' Achiya** observed full shiva and shloshim when he heard about the death of his son long after it happened, and yet we find that **R' Chiya** (presumably the same person as **R' Achiya**) observed only a partial day of aveilus when he heard of the death of his brother and sister long after it had taken place!? **A:** **R' Achiya** and **R' Chiya** were 2 different people, and each paskened differently regarding this matter.
- **R' Yose bar Avin** said, if one heard of the death on Yom Tov, which was within 30 days of the death taking place, but by the time Yom Tov ends (and observance of shiva begins) it will be more than 30 days from the death, he need only observe one day of shiva.
  - **R' Ada of Kisri** taught a Braisa before **R' Yochanan**, that the same would be when one heard on Shabbos, in a case where after Shabbos would be more than 30 days after the death.
- **Q:** When one hears of the death long after it happened, must he rip his clothing or not? **A:** **R' Mani** said he does not, and **R' Chanina** said that he must.
  - **Q:** **R' Mani** asked, how can you say that one must rip his clothing if there is no full shiva observance!?
    - **Q:** We find that **R' Zeira** said, if one couldn't rip his clothes during shiva for his parents (e.g. he only owned one shirt), and after shiva he obtained another shirt, he must rip his clothing then. We see that ripping clothing is not linked to shiva observance!? **A:** It may be that it truly is linked, but **R' Zeira** requires that to show respect for one's parents.
- A Braisa says, any relative that a Kohen must make himself tamei for, is a relative for which one must observe shiva. They are his wife, father, mother, brother, sister, son, and daughter. The **Chachomim** added that one must also observe shiva for his maternal brother and maternal sister who is a besulah, and his married sister, whether paternal or maternal (although a Kohen may not become tamei for these relatives). **R' Akiva** says, one must also observe aveilus for the immediate relatives of these immediate relatives (his father's father and mother, etc.). **R' Shimon ben Elazar** says, the only secondary relatives that he must observe aveilus for is his son's son, and his father's father. The **Chachomim** say, when any of a person's immediate relatives observes shiva, he should observe shiva along with him.
  - **Q:** The **Chachomim** seem to saying the same thing as **R' Akiva**!? **A:** The **Chachomim** say that he must only do so when the immediate relative is present. **R' Akiva** says it must be done in any case.
  - **Mar Ukva** thought to observe shiva when his wife's brother died. **R' Huna** told him that was unnecessary, because the only reason to do so is to show respect for his wife, and that is only when his wife's father or mother dies. We find this from a contradiction of Braisos as well. One Braisa says that a man should observe aveilus along with his wife when she is in aveilus, and another Braisa says that he need not do so. It must be that the first Braisa discusses where her parents died, and the second Braisa discusses where a different of her relatives died.
- **Ameimar** ripped his clothing when his son's son died. When he met his son, he ripped it again (so that it would be done in his son's presence, which is when it should have been done). He then realized that he ripped it while sitting, so he stood up and ripped it again.

## Daf In Review – Weekly Chazarah

- **Q: R' Ashi** asked **Ameimar**, how do you know that the ripping must be done when standing? **A:** He said, the pasuk says, “Vayakam lyuv vayikra es me’ilo”.
  - **Q:** If so, when the pasuk regarding chalitza says “V’amad v’amar”, that should teach that one must stand during chalitza, and yet we know that is not the case!? **A:** That pasuk is instructing the laws of chalitza. If it meant to require him to stand, it would have said so as a clear instruction. The fact that it does not, shows that it is only a figure of speech. However, the fact that lyuv was sitting and got up does teach that one must stand when ripping his clothes.
    - **Q:** Maybe lyuv was going beyond the law by standing, but it need not be done!? We see that he also ripped the hair from his head. Are we to say that that must be done as well? **A:** We learn the standing requirement from Dovid, where the pasuk says “Vayakam hamelech vayikra es begadav”.
    - **Q:** Maybe Dovid was going beyond the law as well, as we find that the pasuk says that he slept on the floor even though he must have also overturned his bed (which is required)!? **A:** Dovid did not go beyond what the law requires. He actually did not sleep on the floor, rather the pasuk means that it was like sleeping on the floor (because the bed was overturned). Similarly, when he stood to rip his clothing, it was not beyond what the law requires, but was actually the requirement.

### -----Daf נב-----21-----

- A Braisa says, the following things are assur for an avel to do: work, washing himself, anointing, tashmish, wearing shoes, reading from the Torah, Nevi'im, or Kesuvim, learning Mishna, medrash, Halacha, Gemara, or Aggada. However, if he is needed for the tzibbur (to teach Torah), we do not hold him back from doing so. We find that **R' Yose** did so when he was an avel.
  - **Rabbah bar bar Chana** was an avel and he therefore was not going to teach. **R' Chanina** told him that he may, since he is needed by the tzibbur. He was then going to have the turgaman (the one who would listen to what the rebbi would say and would then repeat it in a loud voice) repeat the shiur as usual. **Rav** told him that he should not do so. Rather, he should do as **R' Yehuda bar Illai** did, which was to say the shiur quietly to someone else, who would then say it to the turgaman.
- A Braisa says, **R' Eliezer** says, an avel may not wear tefillin during the first 2 days of aveilus. Beginning on the 3<sup>rd</sup> day he may do so, even if someone who did not see him beforehand comes then. **R' Yehoshua** says, an avel may not wear tefillin the first day, but may wear after that. However, if someone who did not see him the first day then comes, he should remove the tefillin and put them back on when the person leaves.
  - **R' Masna** said, **R' Eliezer's** view is based on the pasuk of “Vayitmu yimei bechi eivel Moshe”. We see that the main aveilus is 2 days (“yimei” is minimum of 2). **R' Yehoshua** said that the aveilus for Moshe was stronger (and therefore lasted longer) than other times of aveilus.
  - **R' Eina** said, **R' Yehoshua's** view is based on the pasuk of “V'acharisa k'yom mar”. We see that it is one day (“k'yom”). **R' Eliezer** said that this teaches that the main bitterness is the first day, but the main aveilus is for 2 days.
  - **Ulla** paskened like **R' Eliezer** regarding removing the tefillin (that the tefillin need not be removed when a new person comes), and like **R' Yehoshua** regarding putting on the tefillin (that it should be done on the 2<sup>nd</sup> day).
    - **Q:** According to **Ulla** would he remove the tefillin for a new person on the 2<sup>nd</sup> day? **A:** We find that **Ulla** said that he must remove the tefillin if a new person comes on the 2<sup>nd</sup> day. We find that **R' Yehuda ben Teima** says this in a Braisa as well.
      - **Rava** said, even on the second day, he would not have to remove the tefillin for anybody.
        - **Q:** We find that **Rava** paskens like our Mishna who says that the main aveilus is for 3 days, and the issur to wear tefillin should therefore continue until that

## Daf In Review – Weekly Chazarah

time!? **A:** For purposes of the mitzvah, we would allow him to do so on the 2<sup>nd</sup> day, even though the main aveilus continues until the 3<sup>rd</sup> day.

- A Braisa says, an avel is assur to do work for the first 3 days, even if he is very poor and must accept tzedaka. After that time he may do work in private, and a woman on the 3<sup>rd</sup> day may spin material with a spindle in her house.
- A Braisa says, an avel during the first 3 days may not go to visit another avel. After that time he may go, and when he goes he should sit with the other aveilem, not with the people who have come to console the aveilem.
- A Braisa says, an avel during the first 3 days may not greet others. From the 3<sup>rd</sup> to the 7<sup>th</sup> days he may not greet anyone, but may respond to a greeting. After the 7<sup>th</sup> day, he may greet others as usual.
  - **Q:** A Braisa tells how **R' Akiva** blessed the people (which is the same as greeting them) after the funeral of his son, to thank them for showing the great honor that they showed by coming!? **A:** This was done for the respect of the public, which is allowed.
  - **Q:** A Braisa says that one may not greet an avel for the first 30 days, and should no longer offer condolences after the 30 days!? **A:** **R' Idi bar Avin** said, he is allowed to greet others after the 7<sup>th</sup> day, but others may not greet him until after 30 days.
    - **Q:** The Braisa said that he may return a greeting after the first 3 days, which means people may greet him even then!? **A:** The Braisa is discussing people who don't know that he is an avel and therefore greet him.
    - **Q:** If that is the case, why can't he respond during the first 3 days as well? **A:** During the first 3 days he must tell them that he is an avel, and not respond to the greeting. After that, he may just respond to the greeting.
    - **Q:** A Braisa says that one may offer condolences for the first 12 months!? **A:** This Braisa is discussing one who is an avel for his mother or father. The first Braisa is discussing consoling one who was an avel for one of the other relatives.
- A Braisa says, if one of the aveilem found out about the death after the other aveilem had begun to sit shiva and he then goes to join them during the first 3 days, if he comes from a nearby place, he joins their shiva count and ends when they end. If he comes from a faraway place, he keeps his own shiva count. If he joins after the 3<sup>rd</sup> day, then even if he came from nearby, he must keep his own shiva count. **R' Shimon** says, if he comes from a nearby place, even if he comes on the 7<sup>th</sup> day, he joins their shiva count.
  - **R' Chiya bar Abba in the name of R' Yochanan** said, he only joins their count when the most prestigious of the family members was there sitting shiva. If not, he must keep his own count.
    - **Q:** What if the most prestigious family member arrived after the others had begun to sit shiva, because he accompanied the meis to the cemetery – does he count along with the others or not? **A:** **R' Chiya bar Abba in the name of R' Yochanan** said that he would count along with the others.
      - **Q:** Another Braisa says that he must keep his own count in this case!? **A:** If he comes within the first 3 days he may join their count. If he comes after that, he must keep his own count. We find that **Rav** made this distinction as well.
      - **Rava** told the people of Mechuza, those of you who do not accompany the meis to the cemetery should begin to count shiva as soon as you turn away from the meis to return home.

-----Daf כב-----22-----

- The Braisa quoted earlier brought the shita of **R' Shimon**, that if one of the aveilem found out about the death after it happened, and he came from a nearby place to join the other aveilem who were already sitting shiva, even if he joined them on the 7<sup>th</sup> day, he counts along with them (and his shiva count is over that very day).
  - **R' Chiya bar Gamda in the name of R' Yose ben Shaul in the name of Rebbi** said, this is only if when he gets there on the 7<sup>th</sup> day there are still consolers who are there with the aveilem.

## Daf In Review – Weekly Chazarah

- **Q: R' Anan** asked, what about if when he got there they were stirring to get up and leave, but had not yet actually left? Can he still join their count? **A: TEIKU.**
- There was a tradition said by **R' Abba** or **R' Zeira**, that **R' Yochanan** said that we pasken like **R' Shimon ben Gamliel** regarding treifos (who says that if an animal's intestines have a hole, and the hole gets closed with mucus, the animal is kosher), and like **R' Shimon** regarding aveilos (the view stated above).
  - One of the talmidim said, "I wish that I would merit and hear this directly from him". He went to Eretz Yisrael and found **R' Abba the son of R' Chiya bar Abba**, and asked him whether he paskened like **R' Shimon ben Gamliel** regarding treifos. He responded that he had said that he does *not* pasken like him. He then asked him if he paskened like **R' Shimon** regarding aveilos. He answered that there is a machlokes whether or not to pasken like him.
  - The Gemara paskens that we do not follow the view of **R' Shimon ben Gamliel** regarding treifos, but we do follow the view of **R' Shimon** regarding aveilus, because **Shmuel** says that we always follow the lenient view regarding aveilus.
- A Braisa says, if one hurries the meis to burial, it is considered to be a praiseworthy thing if the meis is any relative other than a parent. However, for a parent, such rushing is considered to be a dishonor (he should be offering many hespeidim). If the parent died on Erev Shabbos or Erev Yom Tov, then it is praiseworthy to rush the burial to ensure that it takes place before Shabbos or Yom Tov. For relatives other than a parent who has died, one has the choice whether to restrict his business activity, but for a parent he must restrict his activity. For all other relatives he has the choice whether to expose his shoulder after ripping his clothing, but for a parent he must do so. It once happened that a Gadol Hador lost a parent and he was going to expose his shoulder, but another (unrelated) Gadol Hador would have done so as well, out of respect for the first Gadol Hador. Therefore, the first Gadol Hador decided not to expose his shoulder.
  - **Abaye** said, the first Gadol was **Rebbi** and the second was **R' Yaakov bar Acha**. **Others** say that it was the reverse.
    - **Q:** According to the **Others** it would make sense why **R' Yaakov** didn't expose his shoulder, because he didn't want **Rebbi** to do the same. However, according to **Abaye**, since **Rebbi's** father was the Nasi – **R' Shimon ben Gamliel** – all were required to expose their shoulder in his honor, so why would **Rebbi** have held back from doing so just to prevent **R' Yaakov** from doing so? **KASHYEH.**

The Braisa continues, after the death of all the other relatives, one may take a haircut after 30 days. For a parent, one must wait until his friends yell at him to take a haircut. For all other relatives one may go to a party after 30 days, but for a parent one must wait until after 12 months.

- **Rabbah bar bar Chana** said, this refers to a get-together party made by a group of friends, but a true Simcha (like a wedding) would not be mutar to attend even after the 30 days of another relative.
  - **Q:** A Braisa says that a get-together and a true Simcha are both mutar after 30 days!? **KASHYEH.**
- **Ameimar** had the version that **Rabbah bar bar Chana** said, that for a get-together of friends, one need not even wait 30 days.
  - **Q:** A Braisa says that one must wait 30 days!? **A:** These get-togethers were made on a rotating basis among the group of friends. If it is the first such party, he may not go within the 30 days. If the parties had already begun and his turn to make the party fell out in his 30 days of mourning, he may make the party.

The Braisa continues, for all other relatives, one must make a rip of a tefach in his clothing. For a parent, he must rip until he exposes his heart. For all other relatives, one need only rip his top layer of clothing, but for a parent all the layers must be ripped, although a head kerchief need not be ripped. The obligation to rip the clothing is equally present for a man and a woman avel. **R' Shimon ben Elazar** says that a woman rips her lower layer clothing, turns that rip to the back, and then rips her upper layer clothing (so she remains unexposed). For all other relatives one may rip by extending the neck slit, but for a parent it must be ripped elsewhere. **R' Yehuda** says it must always be ripped elsewhere. For all other relatives one may unprofessionally repair the rip after the shiva, and repair it professionally after 30 days, but when the rip was for a parent, it may be fixed

## Daf In Review – Weekly Chazarah

unprofessionally after 30 days, and may never be professionally repaired. A woman may immediately fix the rip unprofessionally out of concern for her honor.

- **Ravin in the name of R' Yochanan** said, for all other relatives one may rip the clothing by hand or with a keili, but for one's parents the rip must be done by hand.
- **R' Chiya bar Abba in the name of R' Yochanan** said, for all other relatives one may rip on the inside (out of public view), but for one's parents it must be done on the outside. **R' Chisda** said, the same holds true when ripping upon the death of a Nasi (it must be done on the outside).
  - **Q:** A Braisa discusses ripping for the deaths of prestigious people including the Nasi, and seems to suggest that the rip need not be done on the outside!? **A:** The rip for the other prestigious people need not be done on the outside, but for the Nasi it must be made on the outside.
    - It once happened that when the Nasi died **R' Chisda** told **R' Chanan bar Rava** to stand on a platform and publicly rip his clothing.
  - When ripping for the death of a Chachom, the rip should be done on the right side. When ripping for an Av Beis Din it should be done on the left side. When ripping for a Nasi it should be done on both sides.

### -----Daf ל"ג---23-----

- A Braisa says, when a talmid chachom dies, those who learn under him cancel their normal learning sessions. When an Av Beis Din dies, the entire city cancels their sessions, and when they go to shul to daven, they do not sit in their regular places. When the Nasi dies, all people cancel their sessions, and the people only go to shul on Shabbos to hear the leining. **R' Yehoshua ben Karcha** says, this is not meant for the people to spend their time doing other things, rather they should sit and mourn the loss they have suffered. In the house of an avel, there is to be no learning. However, it was said that **R' Chananya ben Gamliel** learned in a house of aveilus.
- A Braisa says, during the first week of aveilus the avel does not leave his house. During the second week he may leave, but does not sit in his usual place in shul. During the third week he may sit in his usual place, but he should not talk. During the fourth week he is like any other person. **R' Yehuda** said, it is obvious that he doesn't leave his house the first week, because people are coming to console him. He says that the entire timetable shifts one week, with the result that he is first treated like any other person during the 5<sup>th</sup> week.
- A Braisa says, an avel may not enter nissuin during his 30 day aveilus period. A widower may not remarry until 3 Yomim Tovim have passed after his wife's passing. **R' Yehuda** says he need only wait until 2 Yomim Tovim have passed. However, if the widower does not yet have children, he may remarry immediately so that he can fulfil the mitzvah of "pru u'rvu". Also, if the widower is left with young children, he may remarry immediately so that there is someone to care of the children. When the wife of Yosef the Kohen died, while still in the cemetery he arranged to marry his wife's sister, so that the children would be cared for. Still, he did not have tashmish with her until after the 30 days of aveilus.
- A Braisa says, an avel may not wear freshly pressed clothes for 30 days, whether the clothes are new or old. **Rebbi** said, only new clothing is assur. **R' Elazar the son of R' Shimon** said, only new white clothing is assur.
  - We find that **Abaye** followed **Rebbi** and that **Rava** followed **R' Elazar the son of R' Shimon**.

### MIPNEI SHE'AMRU SHABBOS OLEH V'EINA MAFSEKES

- There was a machlokes between the people of Yehuda and the people of the Galil. One said that there is the concept of aveilus on Shabbos (and one must keep the halachos in private) and the other said that there is no concept of aveilus on Shabbos at all.
  - The first view is based upon the Mishna that says that Shabbos is "oleh" (included) in the aveilus. The second view is based upon our Mishna saying that Shabbos does not cancel the remaining shiva – if there is aveilus on Shabbos, why would there even be a thought that it should cancel the rest of the shiva!?
    - The second view would explain the term "oleh" as being used to contrast it with the days of Yom Tov, that are mentioned later in the Mishna. The first view would explain the "eina mafsek" as being used to contrast it with the days of Yom Tov, that are mentioned later in the Mishna.

## Daf In Review – Weekly Chazarah

- **Q:** Maybe we can say that this machlokes is actually a machlokes among Tanna'im. A Braisa says that an "onein" is not chayuv in any mitzvos, does not make brachos, may not eat meat or drink wine, etc. However, if one is an onein on Shabbos he may eat meat and drink wine, he may make brachos, and do all other mitzvos. **R' Gamliel** said, since he is chayuv in these mitzvos, he is also chayuv in all other mitzvos. **R' Yochanan** explained that the machlokes between the **T"K** and **R' Gamliel** is whether the onein is permitted to have tashmish on Shabbos. Presumably, this machlokes would be based on whether one must keep the aveilus restrictions when in private, on Shabbos!? **A:** It may be that the **T"K** doesn't allow tashmish in this case only because the person is still an onein, but he would allow an avel to have tashmish on Shabbos. It may also be that **R' Gamliel** allows an onein to have tashmish on Shabbos only because he has not yet begun his aveilus, but he may not allow an avel to have tashmish on Shabbos. Therefore, this machlokes is not necessarily the basis for their machlokes.