

MOURNING IN THE TALMUD:
AN ANALYSIS OF BABYLONIAN TALMUD
TRACTATE MOED KATAN, 19a-29a

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To my friends and my family who have
helped shaped me into what I am today.

And especially to my grandfather,
Abraham Cohen ז"ל ,
whose memory continues to guide me
in my love of all things Jewish.

DIGEST OF CONTENTS

This work presents a new translation and an analysis of the contents and structure of one section of the Babylonian Talmud. The materials examined are the sugyot dealing with mourning procedures and are found in Moed Katan, Chapter Three 19a-29a. In translating these materials, I have tried to remain faithful to the syntax and rhetoric of the original Hebrew and Aramaic. Following the translation, I have analyzed each component of the text. Literary issues, hermeneutical techniques, explanations of the structure of each component and its relation to the sugya as a whole will be pointed out. This comprises the body of the thesis.

Following the translation/analysis section of the work, I present an outline of each component of every sugya in a very terse manner. This will allow the reader graphically to visualize the structure of both an individual sugya and any number of pages as a whole. It will also enable the reader to know why any particular component is edited into the text at a given point. After the outline of each sugya, there is a very abstract overview of some of the structures and themes contained within the sugya.

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"The Talmud is like a vast sea" (Shir Ha-Shirim Rabbah)

I would like to thank Dr. Richard Sarason who, over the past two years has guided, inspired, and sweated with (and for!) me. He has, on many occasions, saved me from drowning in the vast sea of Talmud. His patience and enthusiasm have truly kept me afloat.

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INTRODUCTION

Any examination of Rabbinic literature must, sooner or later, include the study of the Babylonian Talmud. Its influence upon Jewish religious culture has been so great that we continue to feel its effects even in our day-to-day life as non-traditional Jews. Our holidays, observances, and many of our rites of passage are first formulated in its pages. Therefore, not to include it as part of one's Judaic study is to disregard an enormous wellspring of law, lore, philosophy, and culture: in fact, every conceivable human endeavor.

However, the Talmud is a very difficult work to study. It is a very concise document. Its language and idioms are terse and sometimes difficult to understand. Consequently, someone with little experience, but with the best of intentions, may soon find himself or herself very frustrated and may be unable to progress through its arguments and discussions which are couched in highly formulaic language. However, this need not be the case.

In our century, the Talmud has been opened up to the English-speaking public. Through the English translation published by Soncino Press, the Talmud is now far more accessible to the non-specialist than it ever was. Nevertheless, a translation exposes only part of the nature of the work. It does not enable the reader to see, and actually experience, the Talmud's logic, methodology, and literary traits. It is my goal, therefore, to present a section of Talmud in a manner that will enable the reader to follow the reasoning, arguments and logic such that the work will emerge as a truly grand piece of literature.

The sugyot under investigation deal with the laws pertaining to mourning. They are found in Tractate Moed Katan ("The Intermediate Days of the Festival") 19a-29a because they deal with mourning during a Festival. Subsequently, the discussions move on to mourning in general. Since mourning is comprised of seven days of intense mourning (shiva) and thirty

days of lesser mourning (sheloshim), it is entirely feasible that the mourning period will overlap a Festival. Since mitzvot, religious obligations, are incumbent upon the Jew during the Festival while restrictive mitzvot pertain to him during the mourning period, the Gemara (i.e., the commentary on the Mishnah which together with it comprises the Talmud) seeks to determine which set of mitzvot, those applying to the Festival or those applying to mourning, are to be followed.

It is my hope that this work will mediate between the reader and the Hebrew/Aramaic text of the Talmud by employing a method which preserves the forms and the content of the original language through a new translation, logical division of the text into its component parts, and analysis of the text. This final analysis will examine the issues presented, the literary aspects of the text, and the logic involved in each discussion.

I have attempted to keep the translation as faithful to the original syntax and rhetorical structures of the text as intelligible English will permit. Since the original text is so elliptical, I have filled in these ellipses wherever possible. This will enable the reader to follow the direction of the discussion without having to figure out what the object of the sentence is, who is speaking, what the speaker is referring to, etc. Ellipses within the text which clarify a sentence appear in parentheses. If further clarification of a statement or paragraph is needed, a comment will appear directly under it in square brackets.

I have used the standard Romm edition (Vilna, 1880-86) as the basis for my translation. I have consulted the Munich manuscript (Cod. Hebr. 95) for variant readings. Any significant variants appear as a note within the text and are clearly labeled as deriving from the Munich manuscript. Biblical translations are cited from the Jewish Publication Society Holy Scriptures (1917).

An analysis of the translation is the next stage of this presentation. Since it is easier to get a feel for the texture of the Talmud when graphically portrayed, I have endeavoured to present the different statements, prooftexts, discussions, etc., in a manner that will allow the reader to grasp literary relationships and follow the flow of the text. This method of numbering the various components of the text will also aid the reader when s/he wishes to refer to the text at any given point.

The final part of my analysis is an explanation of the different sections of text. Issues of redaction, logic, theology, folklore, etc., will be pointed out and commented upon. Occasionally, I have employed classic commentators (e.g., Rashi) and Steinsaltz in these comments when their comments serve to clarify a problem. No doubt, the reader will see other issues and glean more out of the text than I have done. I encourage this, as I do not believe any word on this literature is the final word.

As the reader progresses through the thesis, s/he will note many standard Talmudic exercises. This chapter will give the reader a good exposure to some of the hermeneutics and techniques used by the Rabbis. Since there is also so much Tannaitic and Amoraic material incorporated, the reader will have ample opportunity to see how the Rabbis harmonize and otherwise deal with this vast, sometimes contradictory, material. This was a main reason why this particular section of the Talmud was so alluring.

For the modern Rabbi, an understanding of mourning rites is absolutely essential. Perhaps no other halakhic subject occupies a congregant's mind more than Jewish rites of death and burial. Naturally, this is especially the case when bereavement occurs. It is my contention, therefore, that the Rabbi should be acquainted with the sources of these rites so that s/he can advise intelligently and with a certain degree of expertise. There may be, then, a practical application of

this work.

The primary contribution of this work is explanatory. This section of the Babylonian Talmud has never been analyzed with such attention to detail, process, structure, etc. It is, therefore, possible to use this as a study guide and teaching aid. I sincerely hope that it will be utilized as such. But, more importantly, I hope that this work will help newcomers to the Talmud experience and enjoy this masterpiece of Rabbinics.

As Shir Ha-Shirim Rabba says, "As wine enlivens the heart, so do the words of Torah" (Shir HaShirim Rabba, 1.2,3). May your hearts be enlivened, if ever so slightly, by this work.

<b.M.Q. 19a>

Mishnah 3:5

- A. One who buries his dead three days before a Festival -- the restrictions regarding the seven (days of intense mourning) are nullified for him.
- B. (If he buries his dead) eight (days before a Festival), the restrictions regarding the thirty (days of lesser mourning) are nullified for him. Because they (i.e., the Sages) said,
 - a) "Shabbat is included in the count (of the days of mourning) and does not interrupt it. Festivals interrupt (the count) and are not included in it."
- C. Rabbi Eliezer says, "From the time that the Temple was destroyed Atzeret (i.e., Shavuot) is deemed equivalent to Shabbat."

[That is, it is included in the count even though it is a Festival.]
- D. Rabban Gamaliel says, "Rosh Hashannah and Yom Hakippurim are deemed equivalent to Festivals."

[That is, they interrupt the count.]
- E. And the Sages say, "(The halacha is) not according to either opinion; rather Atzeret is deemed equivalent to the Festivals (and) Rosh Hashannah and Yom Hakippurim are deemed equivalent to Shabbat."

Analysis

Mishnah Moed Katan 3:5 deals with the observance of mourning

as it relates to the duration of the Festivals. Because this observance comprises seven days of intense mourning and twenty-two days of lesser mourning, the mourning period has a good chance of overlapping with those Festival days on which mourning is prohibited.

The first case deals with one who buries his dead three days before a Festival. We are informed that the restrictions of intense mourning (i.e., prohibitions against shaving, bathing, etc.) are cancelled by the Festival. The same principle is applied in the case of one who buries his dead eight days before the Festival. Here the seven days of intense mourning have been completed and the period of lesser mourning has begun. We are informed that restrictions pertaining to the thirty days are cancelled by the arrival of the Festival because observance of even one day of less intense mourning (i.e., the eighth day) is sufficient if the next day is a Festival.

The disagreement among Eliezer, Gamaliel, and the Sages is rooted in the fact that Rosh Hashannah and Yom Kippur are not Festivals in the biblical sense of the word. But they are seasonal observances (unlike Shabbat). Atzeret, on the other hand is a Festival, but lasts only one day. The question with regard to mourning practices, then, is whether these "anomalous" occasions should be deemed similar to Shabbat (because of their actual length) or Festivals (because Atzeret is, in fact, a Festival and the other holidays are seasonal observances).

Gemara

- 1 A. Said Rav, "The 'restrictions' are nullified (but the) days (of mourning) are not nullified."
- B. Similarly did Rav Huna say, "The 'restrictions' are nullified (but the) days (of mourning) are not nullified."

C. But Rav Sheshet [Ms Munich: Samuel] said, "Even the days are nullified."

[He see a "restrictive" or "narrow" reading of the text developed at A and B]

Analysis

Rav denies that the Mishnah means that three days of mourning before the Festival suffice to nullify completely the remainder of the seven-day mourning period. He construes the text literally and narrowly: only the 'restrictions' (gizrat, i.e., the important prohibitions [Steinsaltz] like bathing, anointing, etc. [Soncino]) are nullified, but not the actual days of mourning. According to Rav's view, one refrains from mourning during the haq but resumes mourning after the Festival for the remaining four days of intense mourning or twenty-two days of less intense mourning. The editors append an identical statement in the name of Rav Huna. This construal of the Mishnah-text alters its apparent meaning.

Rav Sheshet, however, agrees with the apparent plain sense of the Mishnah: both the restrictions and the remaining days are nullified by the onset of the Festival and are not to be resumed after the Festival (nor, of course, is one to mourn during the Festival). The Gemara will continue with an exploration of Rav and Rav Huna's statement.

At issue here, then, is an artificial constriction of the Mishnah-text versus a broader and more contextual reading of the Mishnah. Rav and Huna focus on the Mishnaic usage of gizrat as referring only to mourning practices during the Festival but not to the cancellation of the remaining days. We need to remember that one could locate the ambiguity in the Mishnah-text itself, so Rav and Huna are not necessarily engaging in artificial constriction of the text.

- 2 A. What is the meaning of "the days are not nullified"?
- B. (The meaning is that) if one did not cut (his hair) on the eve of the Festival (i.e., the day before the Festival), it is forbidden to cut it after the Festival. <b. M.Q. 19b>
- C. And this is what is taught (in a Baraita [vehatanya]):
- a) "If one buries his dead three days before a Festival, the restrictions of the seven (days) are nullified. (If one buries his dead) eight (days) before a Festival, the restrictions of the thirty are nullified. And he may cut his hair the day before the Festival. If he did not cut his hair the day before the Festival, he is forbidden to cut it after the Festival.
- b) "Abba Saul says, 'He is permitted to cut his hair after the Festival. For just as the mitzvah (i.e., the observance) of the three days annuls the restrictions of the seven (days of intense mourning), so does the mitzvah (i.e., the observance of the seven (days of intense mourning) annul the restrictions of the thirty (days of lesser mourning).'"
- D. "The seven (days)"?! But we were taught eight (days in the Mishnah)!
- [That is, the Mishnah explicitly says that eight days of observance suffices for the Festival to cancel the remaining thirty days. Why does Abba Saul specify "seven days" as the duration required to annul the thirty days?]*
- E. Abba Saul holds that a part of the day is reckoned as

a full day, so that the seventh day is reckoned into the count both this way and that (i.e., it counts as both the seventh and eighth days).

[That is, Abba Saul said "seven days" because he holds that part of a day counts as the remainder of the day. The first part thus counts for day seven, the rest for day eight. Therefore, when he says "seven days", it should be considered as if one had observed the eighth day as well, as prescribed by the Mishnah.]

Analysis

The Gemara asks for clarification (and exemplification) of the meaning of Rav's statement in (1A). The clarification is then supported (if not, indeed, generated) by a Baraita. The use here of v'hatanya is peculiar. Usually this formula (in which the "he" is interrogative or disjunctive) introduces a Baraita that contradicts a stated position. In this case, the Baraita is used to support the stated position. The Baraita informs us that the meaning of the "day" not being nullified can be illustrated with regard to the prohibition of cutting the hair. The anonymous first opinion in the Baraita seems to support Rav's understanding of the Mishnah. It cites the Mishnah verbatim, then gives an illustration in which the restriction against cutting one's hair is nullified during the Festival but is resumed after the Festival ends. But, in the continuation of the Baraita, Abba Saul disagrees with the anonymous ruling. He holds that the mourner may indeed cut his hair after the Festival, explaining that the days of mourning indeed are entirely cancelled by the advent of the Festival.

At this point, the Gemara supplies a gloss on Abba Saul's ruling in the Baraita. He has said that "the seven quash the thirty". This is odd because the Mishnah unmistakably says "eight quash thirty" (i.e., one day of less intense

mourning is required after the completion of seven days of intense mourning). The Gemara recognizes the inconsistency and offers a harmonization. Abba Saul's opinion is refined so that it does not contradict the Mishnah. The Gemara asserts that Abba Saul must hold that "part of a day counts as a whole day", so that there is no contradiction with the Mishnah.

Gemara

3 A. Rav Hisda said that Rabina Bar Shila said, "The halacha is according to Abba Saul. And the Sages concede to Abba Saul when the eighth day (of mourning) falls on Shabbat, if it is the day before a Festival, that one is permitted to cut his hair the day before Shabbat."

B. Whose opinion (among the foregoing) is followed in the statement of Rav Amram citing Rav: "The mourner is permitted to bathe as soon as the consolers leave him (on the seventh day)"?

a) Whose view does it follow?

b) It is according to Abba Saul (i.e., because the seventh day counts for days seven and eight).

C. Said Abaye, "The halacha is according to Abba Saul with respect to the seventh day and the Sages concede to Abba Saul in regard to the thirtieth day, for in that case we say, 'part of the day is reckoned as the entire (day)'."

[i.e., the principle of a part of a day counting for a full day is the rationale for the Sages (on Abaye's view) conceding to Abba Saul, as a (3A).]

D. Raba said, "The halacha is according to Abba Saul with

regard to the thirtieth day, but the halacha is not according to Abba Saul with regard to the seventh day."

[i.e., Raba is not willing to concede the principle that part of the day counts as a full day in the case of the first seven days of mourning. He is only willing to apply this principle for the thirty days. No reason is given.]

- E. And the Nehardeans say, "The halacha is according to Abba Saul in both cases. For Samuel said, 'The halacha is according to the more lenient view in matters of mourning.'"

Analysis

Rav Hisda concurs with Abba Saul's view that the mourning period is nullified by the advent of the Festival after seven days, because "part of the day counts as the whole day". On his view, the Sages of the Baraita will even concur with this principle in a very specific case, namely, if the eighth day is the Shabbat.

Section (3B) is a parenthetical aside, but thematically relevant. (3B) juxtaposes an Amoraic opinion with those in our Baraita and concludes that it follows Abba Saul because the principle on which it rests is identical. (C-E) resume (3A) above, giving three more opinions parallel to (3A) as to which position the halacha follows.

In general, something very interesting is taking place at this point in the discussion. Up until this point, the discussion has revolved around whether or not mourning restrictions are annulled by the Festival or merely postponed until after the completion of the Festival. However, the subsequent discussion of Abba Saul's opinion focuses on the issue of seven days versus eight days. The various Amoraic

statements (3A, C, D, and E) all hold that the halacha is according to Abba Saul. It is not clear whether this statement in (3A) refers also to the issue of the annulling of mourning restrictions after the Festival!

Gemara

- 4 A. From where (in Scripture) do we derive (the mourning period of) thirty days (which is nowhere specifically mentioned there)?
- B. (It may be) learned (from) a gezera shava of pera (in connection with mourning and) in connection with a Nazirite. It is written in this case (in connection with mourning), *You shall not let your hair grow long* (tifra'u; Lev. 10:6). And it is written there (in connection with the Nazirite), *He will let the hair on his head grow long*. (Numbers 6:5).
- C. Just as (the period) there (in connection with the Nazirite) is thirty days, so too (is the period) here (in connection with mourning) thirty days.
- D. And there (in connection with the Nazirite), from where (in Scripture) do we learn (that the period of letting hair grow out is thirty days)?
- E. Said Rabbi Mattena, "A regular Nazirite vow lasts thirty days. What is the reason for this? Scripture says, *He shall be holy* (YiHiYeH). YiHiYeH in Gematria is thirty."

Analysis

The mainstream of the Talmudic discussion is interrupted in order to answer a basic question. We have a standard Talmudic request for scriptural proof of a Rabbinic rule or

concept. We have been dealing with the thirty-day period of mourning; the Gemara now attempts to ascertain its scriptural basis.

Through a somewhat extended use of a gezera shava and Gematria, the scriptural basis is arrived at. The explanation seems a little far-fetched. It is probably more accurate to say that the thirty-day tradition was already set and the Rabbis needed to find a viable Biblical proof-text. The closest thing they had to make the connection was the Nazirite vow and the shared root 'pay' 'resh' 'ayin'. A clever justification, but probably not why the shloshim were instituted.

Gemara

- 5 A. Rav Huna, the son of Rav Joshua said, "Everyone agrees that when the third day (of intense mourning) occurs on the day before the Festival, (the mourner) is forbidden to bathe (which is considered pleasurable and therefore forbidden) until the evening."
- B. Rav Nehemiah, the son of Rav Joshua said, "I once found Rav Pape and Rav Papa sitting (together) and saying, 'The halacha is according to Rav Huna, the son of Rav Joshua.'"
- C. Others transmit (the preceding tradition as follows): "Rav Nehemiah the son of Rav Joseph said, 'I once found Rav Pape and Rav Papa and Rav Huna sitting (together) and stating, 'Everyone agrees that if the third day (of intense mourning) occurs on the day before the Festival, (the mourner) is forbidden to bathe until evening.'"

Analysis

The Gemara returns to the issue at hand, namely the question

of how soon the mourner can prepare himself before the Festival when burial occurs three days earlier. Specifically, the question is if the third day of intense mourning needs to be completed or if part of day counts as a whole day. An Amoraic comment on the Baraita (variously transmitted) is used which simply limits the leniency attributed there to Abba Saul.

Gemara

6 A. (a) Abaye asked Rabba, "If one buried (his dead) during the Festival, do the (days of the) Festival count (as part of) the thirty (days of lesser mourning), or do (the days of the) Festival not count (as part of) the thirty (days of lesser mourning)?"

(b) "I am not asking (if the days of the Festival are counted as part of) the seven days (of intense mourning), because the observance pertaining to the seven (days of intense mourning) is not carried out during the Festival.

(c) "(Rather), what I am asking concerns the thirty (-day period of lesser mourning), because the observance pertaining to the thirty (days of lesser mourning) is carried out during the Festival.

(d) What (is the ruling)?"

(i.e., do the days of the Festival count towards the thirty days of lesser mourning?)

B. He [Rabba] said to him [Abaye], "(The days of the Festival) are not included (in the reckoning of the thirty days of lesser mourning)."

C. (In response to which Abaye) raised an objection

(from the following Baraita) [cf. Tosefta M.Q. 2:6]:

- a) "If one buries (his dead) two days before the Festival, he counts five days after the Festival (in order to fulfill the requisite seven days of intense mourning) and his work is done by others; his slaves and his maidservants work discreetly inside his house and the public (lit., 'many') do not have to attend to him (i.e., comfort him: cf. Soncino and Steinsaltz), <b. M.Q. 20a> since they have already attended to him during the Festival (and therefore need not do so afterward). The general principle (of the) matter may be stated as follows: 'Whatever is relevant to the mourner (such as the mitzvot of mourning), the Festival interrupts (and the mourner is not obligated to perform). All that is relevant to the obligations of the public, the Festival does not interrupt.'

- b) "If one buries (his dead) three days before the end of the Festival (lit., "at the end of the Festival;" Ms Munich: "during the Festival"), he counts seven days (of intense mourning) after the Festival. (During) the first four days (after the Festival) the public attend to him (i.e., console him). (During) the last days (of the seven-day mourning period) the public do not attend to him, since they have already attended to him during the Festival; and the Festival enters into the count (of the thirty-day period of lesser mourning)."

- D. (Abaye objects), "Now, does this (last sentence--i.e., 'and the Festival enters into the count') not pertain to the latter part (of the Baraita) (i.e., 'that if he buried his dead three days before the end of the Festival...')?"

- E. "No," (Rabba replies), "(It refers to the) former part (of the Baraita) (i.e., if he buried his dead two days before the Festival)).
- F. He (Abaye) objected (from the continuation of the Baraita): "The Festival is included in the counting of the thirty days (of lesser mourning). How is this? If one buried his dead at the beginning of the Festival, he counts seven days (of intense mourning) after the Festival and his work is done by others. And his servants and his maidservants do (their work) discreetly indoors and the public do not console him, (because) they have already consoled him during the Festival and the Festival is counted (as part of the thirty-day period of lesser mourning)." (This is a confutation (of Rabba)!!"
- G. When Rabin came (back from Palestine--cf. Steinsaltz) he said (in the name of) Rabbi Yohanan: 'Even if one buried (his dead) during the Festival (are the days of the Festival included in the counting of the thirty days of lesser mourning); and similarly, Rabbi Eliezar taught Rabbi Pedat, his son, 'Even if one buried (his dead) during the Festival.'

Analysis

A new question is raised in connection with the proximity of burial to the Festival and whether or not the days of the Festival should count for any part of the mourning period. Now we deal with the status of these days when one buries his dead during the Festival. The question is not whether, in this case, the days of the Festival are to be included in the seven days of intense mourning. It is well known that they are not because intense mourning is prohibited during the Festival. But should they count toward the thirty days of lesser mourning? Rabba provides a reasonable answer in (1B) but Abaye cites a Baraita which appears to contradict it.

Abaye's rationale for raising the objection is based on the Baraita's second case and its final clause, namely "that the Festival period counts as part of the thirty-day mourning period".

The Baraita, in fact, has three cases: 1) burial two days before a Festival, 2) burial three days before the end of a Festival, and 3) burial at the beginning of a Festival. The clause about the Festival period counting as part of the thirty-day mourning period occurs after cases two and three. The fact that it occurs after case three proves that, after two, it refers to case two and not to case one (as Rabba feebly retorts). This is what Abaye ultimately seizes on to prove his position.

Additional Amoraic statements (G) are appended at the end of the discussion which support the position taken by Abaye.

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita) [Tosefta M.Q. 2:9]:
 "'If one observed (lit., 'fulfilled') (the requirement concerning) the overturning of the couch three days before the Festival, he need not overturn it (again) after the Festival', this is the opinion of Rabbi Eliezar. But the Sages say, 'Even (if he had overturned his couch for) one day or even for one hour (he need not overturn his couch again at the conclusion of the Festival).'"
- b) Rabbi Eleazar, the son of Rabbi Shimon said, 'The first (opinion, i.e., R. Eliezer's) is exactly the opinion of Beit Shammai and (the second opinion stated) is exactly the opinion of Beit Hillel. For Beit Shammai said, '(One need not overturn his couch after the Festival if he had overturned it for) three days (before the Festival).' And Beit Hillel said, '(One need not overturn his couch after the Festival

if he had overturned it for) even one day [Ms Munich adds "or even one hour"] (before the Festival).'"

- B. Rabbi Huna said, "Rabbi Hiyya bar Abba stated that Rabbi Yohanan said [Ms Munich adds "and there are those that say Rabbi Yohanan said it to Rabbi Hiyya bar Abba and to Rabbi Huna"], '(One need not overturn his couch after the Festival if he had done so) even one day (before the Festival, or indeed) even one hour (before the Festival).'"

- C. Rabba said, "The halacha is according to our Tanna (from the Mishnah) who said, '(One needs to turn his couch over) three days (before the Festival in order to be exempted from overturning his couch after the Festival).'"

[note: It may be that Rabba's comment does refer to the Mishnah here which talks about three days before the Festival. However, Rabba may also be referring to the Baraita above.]

- D. Rabina once came to Sura-on-the-Euphrates. Rav Habiba said to Rabina, "What is the halacha (concerning the overturning of the couches before the Festival so that they not need to be turned over after the Festival)?"

- F. He said to him, "Even (if he had overturned his couch for) one day or even one hour (he need not overturn his couch again at the conclusion of the Festival)."

Analysis

A series of fourteen Beraitot pertaining to mourning practices begins here which, together with Amoraic and editorial commentary upon them, comprises the remainder of the suva. In the first Baraita, we continue our exploration of the status of the mourning period when the Festival

interrupts it. Here the question is not concerned with the overtuning of couches during the Festival because there is no mourning during the Festival (see 2B) Instead, the issue is how long before the Festival must the mitzvah be observed to cancel the remaining time after the Festival.

There is a Tannaitic dispute in which an individual opinion is opposed by the majority. Naturally, the rule is maintained that when the majority differ with the minority, the majority wins. Rabbi Eleazar (1B) teaches that this very argument was a known dispute between Beit Hillel and Beit Shammai. The rest of the opinions are Amoraic and with the exception of Rabba's, all support the ruling that one hour suffices.

In typical Talmudic fashion, the last word usually wins. This is exactly the case here. The latter Poskim indeed follow the "one hour" tradition.

Gemara

- 1 A. Rabbi Hiyya bar Abba, Rabbi Ammi, and Rabbi Isaac the smith (were once) sitting in the courtyard of Rabbi Isaac ben Eleazar. A discussion arose among them (lit., 'A word went up between them), "From whence (in Scripture) is it derived that (the observance of intense) mourning is (a period of) seven days?"
- B. As it is written, *And I will turn your feasts into mourning* [Amos 8:10]. Just as a Festival lasts seven (days), so (the period of intensive) mourning lasts seven (days).
- C. (Then why not) say (that the period of mourning should be like) Atzeret which (lasts only) one day?
- D. (No). That (instance) is needed (for another lesson by analogy) which is explained by Resh Lakish. For Resh

Lakish said in the name of Rabbi Judah Ne'siah (Judah II), "From whence (in Scripture) do we learn that the hearing of belated tidings (of a relative's death) requires only one day (of mourning as opposed to seven complete days)? As it says, *And I will turn your festivals into mourning* [Amos 8:10]. And we find that Atzeret, which lasts only one day, is called a "Festival".

Analysis

Up until this point, it has been assumed that the mourning period is seven days. The Gemara now seeks the scriptural basis for this custom. This is a concern we have seen before (when searching for scriptural proof for the shloshim) and the gezera shava is used again in this case.

The argumentation is straightforward. The only hitch is the anomaly of Atzeret which is a one-day Festival. The problem is that if one uses "haq" as the analogy for a seven-day mourning period, there remains one "haq", Atzeret, which lasts only one day. Therefore, the analogy is imperfect. Since the problem is artificial, its proposed solution, as we see, is equally artificial.

This section apparently serves two purposes. First, it gives scriptural 'proof' for the practice of the seven-day period of intense mourning. Second, and more important for editorial purposes, it broaches the subject of "early" and "late" tidings, which is the concern of the subsequent Baraitot. In other words, this section was probably placed here to introduce the materials which follow.

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita): "(In the case of) recent news (of a death) the practice of mourning is for (both) the seven-day (period) and the thirty-

day (period). (On receiving) *delayed* news (of a death) mourning (intensely) is practiced for one day only.

- b) "What is (considered) a 'recent (tiding)'' and a 'delayed (tiding)'? A 'recent (tiding)'' (means that death occurred) within (the past) thirty days (and the news reached the mourner before thirty days passed after death). A 'delayed (tiding)'' (means that death occurred) longer than thirty days (before the news reached the mourner).
 - c) "This (i.e., the ruling at (A)) is the opinion of Rabbi Akiva.
 - d) "But the Sages (disagree and) say, 'The same practice obtains for both recent tidings and delayed tidings--one observes seven (days of intense mourning) and thirty days (of lesser mourning).'"
- B) Rabba Bar Bar Hanna said that Rabbi Yohanan said, "Every time you find an individual (authority expressing) a lenient (opinion) and the majority (expressing) a stricter (opinion), the halacha (is in accordance with the opinion of) the majority--except in this (case). For even though Rabbi Akiva (expresses) a lenient (opinion) and the Sages (express) the stricter (opinion), the halacha is according to Rabbi Akiva. (This accords with what) Samuel said; '(In matters pertaining to) mourning, the halacha follows the lenient (ruling).'"

Analysis

The present Baraita deals with "recent" and "late" tidings of death. It is obvious that the immediately preceding citation of Resh Lakish's tradition prompted its inclusion at this point.

The Baraita gives a standard Tannaitic dispute, in which Akiva (a) and the Sages (d) offer conflicting opinions. (b) is an internal gloss. The dispute is then commented upon and resolved by the Amora Yohanan (B) with reference to a standard rule-of-thumb (which was already referred to above on 19b in discussion of Abba Saul on avelut makeal).

Gemara

- 2 A. Rabbi Hanina received tidings of (the death of) his father from Beit Hozai. He came before Rav Hisda (in order to learn from him the length of time he should mourn).
- B. He [Hisda] said to him [Hanina], "(In the case of) delayed tidings, the custom is (to mourn) for one day only."
- C. Rav Nathan Bar Ammi (received) tidings (of the death of) his mother from Beit Hozai. He came before Rabba (in order to learn from him the length of time he should mourn).
- D. He [Rabba] said to him [Bar Ammi], "(The authorities have already) stated that (in the case of) delayed tidings, the practice is (to mourn) for one day only."
- E. He [Bar Ammi] raised an objection (probably from a Baraita), "When does this ruling (that one mourns only one day) apply? (For I have heard that this holds) in the case of the five (next-of-kin) (i.e., brother, sister, husband, wife, or child) for whom mourning is obligatory. However, for one's father and mother (the mourner is obligated to complete both the) seven(-day period of intense mourning) and (the) thirty(- day period of lesser mourning)."
- F. He [Rabba] said to him [Bar Ammi], "This (is the

ruling of an individual with which we do not concur. (For we) learn (in a Baraita): 'There was a case (in which) the father of Rabbi Zadok died in Ginzak and they informed him (Ms Munich: *and they came and informed him*) after three years. He came and asked Elisha Ben Abuya and the elders who were with him (how to proceed with mourning). They said, 'The practice is to mourn (the) seven(-day period) and (the) thirty(-day period).' And when the son of Rabbi Ahiya died in the Dispersion (i.e., in Babylon), he sat for him (the) seven(-day period) and (the) thirty(-day period).'"

- G. How can this be so (i.e., that Ahiya observed the full mourning period)? For when Rav, Rabbi Hiyya's brother's son, who was also Rabbi Hiyya's sister's son, came up there (to Palestine), he [Rabbi Hiyya] said to him [Rav], "Is father alive?" <b M.G. 20b> He [Rav] said to him, "(Why don't you ask if) mother is alive?" (cf. Steinsaltz) He [Hiyya] said to him, "(Alright), is mother alive?" He [Rav] said to him [Hiyya], "Why not ask (again if) father is alive?!" [Rabbi Hiyya] then said to his servant, "Take off my sandals and bring my things after me to the bathhouse."

[Another rendering:

'For when Rav, Rabbi Hiyya's brother's son, who was also Rabbi Hiyya's sister's son, came up there (to Palestine), he (Rabbi Hiyya) said to him (Rav), "Is father alive?" (i.e., is my father alive?) He (Rav) said, "Mother (i.e., my mother) is alive." He (Hiyya) asked (again), "Is mother alive (i.e., my mother)?" He (Rav) said, "Father is alive!"' (i.e., my father).]

[This question and answer game is convoluted in order to delay the news of the death of the parents as long as

possible.]

H. Learn from this case three things:

- 1) Learn from this that a mourner is forbidden to wear sandals.
- 2) Learn from this that (when one receives) delayed (tidings), the custom is (to mourn) for one day only.
- 3) Learn from this that part of the day (counts as a) full day (with respect to mourning).

I. Now Rabbi Hiyya is one person and Rabbi Ahiya is another person.

[Therefore, one person did not behave differently on two different occasions.]

Analysis

The question of "recent tidings" and "delayed tidings" continues in this section. Amoraic precedents follow the Tannaitic rulings and disputes. The first two precedents (A-B & C-D) support the Tannaitic rulings that one mourns for only one day when delayed tidings are received. However, the qualification cited by Bar Ammi is probably Tannaitic (even though the same objection in 4 below is said by an Amora). Since it is claimed to be Tannaitic, it would mean that it is more authoritative than the Amoraic precedents. Rabba's response, though, is that this Tannaitic tradition represents only the opinion of an individual (since it is elsewhere attributed to Elisha ben Abuya and the elders) and hence can be rejected. Therefore, the Amoraic precedents still stand as the practice.

The practice of Rabbi Hiyya (G) is cited as a counter to the precedent of Rabbi Ahiya. It appears that the objection

attempts to identify Ahiya with Hiyya and suggests that he behaved differently on two occasions. Note the artificiality of this tactic. It may really be a way of introducing Hiyya's precedent as yet another Amoraic case in support of the basic ruling. The assertion that Ahiya behaved differently on two occasions is subsequently rejected (in I). Hiyya's precedent of mourning only one day still stands because it supports Nathan bar Ammi (D) and Hisda (B).

The Gemara in (H) also gleans three rulings from Hiyya's precedent in (H). They have become standard practice today.

Gemara

3 A. Rabbi Yosi bar Abin said,

- a) "(If) one received recent tidings (of a family member's death) during the Festival, and by the (time of the) end of the Festival it became a delayed (tiding), (the Festival) is included in the counting (of the period of mourning), and one only mourns (therefore) for one day."

B. Rabbi Adda of Caesarea taught [tanay] before Rabbi Yohanan, "(If one) heard recent tidings on Shabbat, and by the end of Shabbat it became a delayed tiding, one only observes one day (of mourning)."

Analysis

Another possible case involving "delayed" and "recent" tidings is explored. The Amoraic statement of Yosi bar Abin is paralleled by a second Amoraic statement attributed to Adda. It is interesting to note that, unlike in preceding cases (such as the original Mishnah), the same ruling here pertains to both Shabbat and Festivals. The reason is that here the underlying issue and conditions are identical. Namely, one cannot mourn during either Shabbat or Festivals

and once the tiding is "delayed", the same practice obtains for either situation. The only difference here is that the 'Festival enters into the count' - i.e., the intermediate days count (even though no mourning is observed) - so that once the Festival is over, only one day of mourning is necessary.

Gemara

4 A. (If, by the end of the Shabbat or a Festival, the tiding becomes a "delayed tiding",) does one rend or not rend (his garment)?

B. Rabbi Mani said, "One does not rend (his garment)."

C. Rabbi Hanina said, "One does rend (his garment)."

D. Rabbi Mani said to Rabbi Hanina,

a) "My opinion is consistent (with the foregoing ruling), for I hold that one need not rend (his garment) because there is no (observance) of the seven (days of intense mourning).

b) But, according to your opinion that he should (lit., that you hold that he should) rend (his garment), is there rending of (the garment) without the observance of the seven (days of intense mourning)?"

E. But is there not (rending of the garment even though the tidings are delayed and there is no observance of seven days of intense mourning)?

a) (For it is surely) taught [yehatanya]: "Isi the father of Rabbi Zeira -- some say it is Rabbi Zeira's brother -- (taught) in the presence of Rabbi Zeira, 'If one had no tunic (of his own)

to rend (at the time he heard the news) and he happened upon one during the seven days, he should rend it then. (If it became available) after the seven(-day period) he does not rend it.' Rabbi Zeira responded to him, 'In what cases does this ruling apply? (In the case of the) five (nearest next-of-kin) for whom (mourning) is obligatory. But, (in the case of a death of a father or a mother, one always rends (his garments)).'"

- F. This teaching (i.e., Zeira's) is only on account of the honour due to one's father and mother (i.e., it is not a generalizable precedent so (E) cannot be used to discredit Mani's ruling at (B)).

Analysis

Now we ask the next logical question: does one rends his garment when, at the end of a Festival or Shabbat, the tidings have become "delayed"? Mani's statement and rationale are clear: since the seven days of mourning need not be observed, one's garment also need not be rent. Mani accuses Hanina of inconsistency (Db). The anonymous reply indicates that Hanina is not inconsistent because Zeira's ruling supplies a precedent consistent with Hanina's position. The counter reply (F) is that Zeira's ruling is a special case and not applicable here. Therefore, Mani's objection (D) stands.

Genara

- 1 A a) Our Rabbis taught (in a Baraita): "All (the nearest-of-kin) mentioned in the section (of Scripture) addressed to the priests [Leviticus 21] as those for whom a priest may defile himself--an (ordinary) mourner is (also) to observe formal mourning for them. And these are they:

- i) one's wife
- ii) one's father
- iii) one's mother
- iv) one's brother
- v) one's sister
- vi) one's son
- vii) one's daughter.

To these they (i.e., the Sages) added: his brother or unmarried sister from (the same) mother, and his married sister whether she be from his father or mother.

[i.e., *some stepsiblings are included in the list of those for whom mourning is observed.*]

- b) "And just as he mourns (formally) for these (relatives), he likewise mourns (formally) for their relatives in the second degree (i.e., grandmother, grandfather, or grandchildren and uncles and aunts).' This is the opinion of Rabbi Akiva.
 - c) "Rabbi Shimon ben Eleazar says, 'One only mourns (formally) for one's grandson and paternal grandfather (i.e., only the males in the second degree of direct lineage).'
 - d) "And the Sages say, 'All for whom he must mourn (formally), he should mourn (formally) with (i.e., one mourns out of sympathy with one's parents for their parents and siblings' deaths, with his children for their children's deaths, and with his wife for her parents's and siblings' deaths).'
- B. Is not the (teaching) of the Sages the same as that of the first authority (i.e., Akiva)?
- C. (No). The difference between them is that (Sages

require him to co-mourn only) when he is with him [the mourner] in the same house. (i.e., one should mourn for the relative in the second degree only when he is in the house of mourning). As Rab said to his son Hiyya, and likewise as Huna said to his son Rabba, "In her (i.e., his wife's) presence, one observes mourning, when not in her presence, do not observe mourning."

Analysis

In the previous section Rabbi Zeira mentioned the "next-of-kin" for whom one must mourn formally. The information there is incidental to its context, but accounts for the placement here of this Baraita.

The Baraita advances three opinions identifying those for whom one must mourn. All have their basis in Scripture. Akiva's position is an extension of the Levitical ordinance for priests while Shimon ben Eleazar deals only with direct male lineage. The Sages' position seems to be the same as that of Akiva, although their formulation is different. This, naturally, troubles the editors of the Talmud since Tannaitic disputes are held by them to be substantive rather than mere matters of formulation and syntax. So the Gemara will inform us, in a standard fashion, that there are practical differences between the two positions. According to the Sages one should mourn for the relative in the second degree only when he is in the house of mourning, while (by implication) Akiva does not thus restrict the obligation of mourning for these relatives.

Gemara

- 2 A. When Mar Ukba's father-in-law's son died (i.e., his wife's brother), he thought of sitting (i.e., mourning) for him for the seven(-day period of intense mourning) and the thirty(-day period of

lesser mourning) (because his wife was sitting for her brother — similar to the position of the Sages and Akiba in 1D, Ukba thought it appropriate to co-mourn).

- B. Rav Huna entered his house and found him (mourning formally). He [Rav Huna] said to him [Mar Ukba], "Do you wish to eat the mourner's food (i.e., food provided by friends, thus stating that he is in full mourning)?"
- C. "They (the Sages) said that one (needs to mourn formally) out of deference to one's wife only (in the case when she mourns) for his father-in-law or his mother-in-law, as it is taught (in a Baraita): 'If his father-in-law died or his mother-in-law (died), he is not permitted to force his (mourning) wife to put on kohl (eyebrow makeup) or fix her hair. Rather he (should) overturn his couch and observe the customs of mourning with her. Similarly, when her father-in-law dies or her mother-in-law dies, she is not permitted to put on kohl and to do her hair. Rather she overturns her couch and carries out the customs of mourning with him.'"
- D. But there is a conflicting tradition (in another Baraita): "Even though they said that he is not permitted to force his wife to put on kohl or do her hair (when she is in mourning), they indeed said that she (may) mix his cup for him and make his bed and wash his hands, face, and feet."
- E. (These two traditions) contradict one another.

[i.e., in (C) the husband and wife both mourn with each other. In (D), though, the husband cannot possibly be mourning with his mourning wife because washing is forbidden to mourners. Hence (C) and (D)

contradict each other.]

- F. Do we not rather learn from this that the one tradition (C) refers (to the death of) his father-in-law and mother-in-law (when he must mourn with his wife), while the other (D) refers to (the death of) other next-of-kin (when he need not mourn with his wife)?
- G. We do indeed learn this! (Which proves that Huna, in (B), was correct in questioning Ukba's mourning with his wife for her brother).
- H. It is also taught (in a Baraita) [tanya nami hakhi]: 'They said that (one should mourn) out of deference to one's wife (lit., 'for the honour of') only in the case of (the death of) his father-in-law and his mother-in-law.'

Analysis

This section is brilliantly laid out. As we recall, the Baraita in the previous section introduced us to the idea of mourning for relatives in the second degree. This section, comprised of Amoraic precedents and the Tannaitic support for them, deals specifically with the status of the spouse's obligation to mourn for different members of the mourner's family. Recall that co-mourning seems to be required on Akiva's position.

An Amoraic precedent is introduced at (A-B). In it Ukba's actions imply that one should co-mourn for all relatives. Huna questions this position. The Gemara then introduces Tannaitic material (C) in response to the Amoraic precedent that supports Huna's position that no co-mourning should occur for relatives other than parents. However, another Baraita (D) maintains that there is never a co-mourner. The Gemara routinely attempts to harmonize what it sees as

conflicting Baraitot: one co-mourns in the event of a parent's death (as (C) makes clear) and, the Gemara asserts, one need not co-mourn in the event of the death of other members of the family. This is learned from (D) since it fails to mention the specific family members for whom the wife is mourning. In other words, each Baraita refers to a different case! The end result of harmonizing the two Baraitot in this manner is that (D) limits the meaning of (C) to specifically those relatives mentioned. So one cannot generalize on the basis of (C) about all her other close relatives.

As we see here, the Gemara applies its artificial rules and procedures possibly to create and certainly to harmonize what it views as a conflict between Tannaitic traditions. It is possible that the conflict between the Baraitot is contrived, (i.e., that the Baraitot in fact do refer to different cases). However, a case can be made that the two Baraitot do, indeed, conflict. At issue is the context of mourning in (D) (i.e., for which relatives is the wife understood to be mourning?).

There is another peculiarity in this section. At the end of the argument, (H) is introduced as tanya nami hakhi, i.e., as a "supporting" Baraita. Yet, (C) is the same tradition verbatim but is not labeled as a Baraita! Why not simply cite (H) as the authoritative Baraita at the outset and foreclose the argumentation at (C-H)?! The problem is whether the tanya nami hakhi really is a Baraita.

If the tanya nami hakhi really is a Baraita, then it may be said that the statement at the beginning of (C) anticipates the conclusion of the argument from these Baraitot at C-G, and the tanya nami hakhi is withheld until the end. This would be done in order to let the argumentation be spelled out in full, yet introduced at the outset to foreshadow the eventual conclusion. If, however, the tanya nami hakhi is not really a Baraita, then (C) anticipates the conclusion of

the argumentation at (C-H) (which it appears to do) and is repeated at the end of the argument as a "pseudo-Baraita" probably to end the argumentation with the indisputable authority that a Baraita carries, thereby deciding the law once and for all.

A full discussion of the tanya nami hakhi can be found in a doctoral dissertation by Judith Hauptman of JTS. Although this particular example is not included in her dissertation, she discusses cases similar to the one we have here.

Genara

- 3 A. Amemar's grandson died. He rent (his garment) for him.
- B. His son came, and (again Amemar) rent (his garment) in his (son's) presence.
- C. He (Amemar) recalled that he had rent (his garment) when he was sitting (so) he rose and rent it again.
- 4 A. Rav Ashi said to Amemar, "From where (in Scripture) do we learn that rending (the garment should be done while) standing?"
- B. (Amemar answered), "As it is said, *And Job rose and he rent his mantle* (Job 1:20)."

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- C. (If this is the case, Rav Ashi argues,) does not (the verse), *And if he stood and said, 'I do not wish to take her...* (Deut 25:8, pertaining to the act of halitzah, refusal of Levirate marriage), need to be (interpreted) similarly?

[i.e., does one also need to stand when engaged in

halitzah?]

- D. But it is taught (in a Baraita): "Whether one is sitting or standing, or stooped over, (the halitzah) is valid (Yeb. 103a)."

[i.e., in the case of halitzah, although Scripture seems to indicate that standing is preferable, Rabbinic legislation says it is not necessary. Similarly, in the case of Job, standing to rend a garment might be preferable, but is it necessary?]

- E. He (Amemar) said to him, '(There, in the case of halitzah) it is not written, And he stood (vaya'mod) and said <I do not wish to take her> But, here (in Job's case) it says And he rose (vaya-ko) -- imperfect tense) and he rent <his mantle>. (The imperfect tense can imply an imperative).'

Analysis

Another Amoraic precedent introduces the collateral issue of rending garments while standing up, the subject of the next discussion. It is interesting to note that Amemar rends again in his son's presence, which is exactly the Gemara's interpretation of the Sages' opinion in the previous Baraita.

The question of whether one needs to rend while standing has now been introduced and (4A-E) discuss this question. As we have seen in other discussions, the Gemara asks for scriptural proof for the practice of rending while standing up. This is an example of the perceived need to ground Rabbinic rulings in Scripture--however artificial the grounding.

The practice of standing while rending garments was probably already established. It is entirely possible that the Rabbis were looking intensely for a difference between the two

texts. Their logic is clever because they point out that in the case of halitzah, the Hebrew term, va-amad, 'and he stood', is in the perfect. However, the use of vayakom, 'and he rose', is in the perfect. Because one of the terms is an implied imperative, its meaning can be ambiguous. However, a perfect verb leaves no doubt as to its meaning.

Genara

5 A. Rami bar Hama said, "From where (in Scripture) do we learn that rending (the garment should be done) while standing? As it is said, *And Job rose and rent his garment.*

B. Perhaps this was an additional action that he performed (i.e., above and beyond the requirement to rend the garment)? For, if not, you might (also) claim (that we need to do the same thing that Job did in the next part of the verse), namely, *And he shaved his head?* Rather (the practice of standing while rending) should be derived (from the verse), *And the king rose and rent his clothes* (II Sam. 13:31).

C. (But here too) perhaps he performed an additional action (in standing). For if not, you might also claim (that we need to do) the same thing (that the king did next), namely, *And he lay on the earth?*

D. But it is taught (in a Baraita): 'If (a mourner) sat on the bed or on a chair or on an urnarium (a hewn rock used for holding urns) or (even) on the ground, he has not fulfilled his duty.'"

E. Rabbi Yohanan said, "This is because he has not yet carried out the overturning of the couch."

[i.e., if he lay on the ground without first

overturning the couch he has not fulfilled his duty. He learn from this that lying on the ground is definitely not required.]

- F. He (Rami b. Hama) said to him, "(The implication of this verse is that the king lay,) as it were, on the ground.

[i.e., he did not lay on the ground in fact, but he overturned his couch and lowered it to the ground - so he has fulfilled the requirement to overturn the couch. Therefore, if the verse is to be read consistently, standing up to rend one's clothes must also be a requirement because we know that overturning the couch is certainly a requirement!]

Analysis

(5A) repeats (4A-B): Rami bar Huna offers the same prooftext to show that one needs to stand while rending his garment. But a logical question is raised. If the verse in Job is the source for this custom, should not the mourner also do that which Job did next, i.e., shave his head? Shouldn't all of Job's actions in this verse be deemed paradigmatic of the correct practices? But we know that shaving the head is not deemed a requirement of mourning. There remains, therefore, a problem of consistency in the application of the prooftext.

This being the case, a second prooftext is cited from II Samuel. However, in much the same way that the Job prooftext cannot be consistently applied, so too, is the prooftext from II Samuel subject to criticism: David's subsequent action there, namely, lying on the ground, is not deemed a requirement of mourning. So how can this prooftext be utilized to solve the problem?

The Gemara supplies the necessary harmonization between the two portions of the II Samuel verse so that it may function smoothly as a prooftext here. If in "lying on the ground"

David, in fact, fulfills the law - by really just overturning his couch (6) - then in the first part of the proof-text, "standing to rend", he must be fulfilling the law! So, the verse may then be read consistently as proving that standing to rend is also the law!

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita): "These are the things which are forbidden to a mourner:

- a) work,
- b) bathing,
- c) anointing (with oil),
- d) sexual intercourse,
- e) donning of sandals,
- f) he is forbidden to read Torah, Prophets and Writings,
- g) study mishnah, midrash, halachot, talmud (i.e., Amoraic discourses pertaining to the mishnah), and aggadot.

If the public need him (though), he does not abstain (from teaching them).

- b) "There was (such a) precedent. The son of Rabbi Yosi died in Sepphoris (Ms Munich: *The son of Rabbi Yosi of Sepphoris died*). He entered the Beit HaMidrash and expounded the entire day."

- B. Rabba Bar bar Hama had a bereavement (for his daughter and originally) thought that he should not go out to (deliver) the lesson.

[Ms Munich: *Rabba Bar bar Hama's daughter died in Beit Shaarim and he went into the Beit HaMidrash and expounded the entire day. He thought that he should not go out to (deliver) the lesson.*]

[The Vilna edition and Ms Munich offer two variants of this story. Ms Munich is more specific but does not include the sentence "and he had a bereavement". However, Ms. Munich also has Rabba bar Hama "thinking if he should go out to deliver the lesson" after the story tells us that he in fact delivered the lesson. There is either some type of mixup in transmission here or two variants have been collated.]

- C. Rav Hanina said to him, "(We have learned) [Ms Munich: Rav said, We have learned] 'If the public need him, he (need) not abstain (from teaching them).'"
- D. He (Rabba bar bar Hama) then thought of calling up his Amora (i.e., assistant, expounder). Rav said to him, "We learned, 'Just as long as he does not place his assistant at his side.'"

[Rabba now sets about to teach the community in the normal way, i.e., through his Turgeman. But this is forbidden while in mourning.]

- E. (Then) how is he to proceed (i.e., how is he able to teach the public if he is forbidden an assistant at this time?!)
- F. (As) it is taught (in a Baraita): "It once occurred that the son of Rabbi Judah bar Ilai died and he went into the Beit HaMidrash. Rabbi Hananiah ben Akavya came in and sat beside him. He (Judah) whispered to Rabbi Hananiah ben Akavya and Rabbi Hananiah ben Akavya (whispered) to the interpreter and the interpreter spoke it aloud to the public."

Analysis

The Gemara takes up a new subject which is introduced by a

new Baraita. We are now informed of those things forbidden to a mourner. Here, the prohibitions are generalizations. In following sections, the Bgraitot are more specific and teach what a mourner may do "during the first three days".

The problem in this section is that the Baraita states that if the public needs the mourner to instruct them, he must not abstain. This would imply that it is alright to teach the public in the usual manner, i.e., through a Turgeman or "mouthpiece". However, we also learn from another Baraita that he must not have 'an interpreter by his side'. How then is the teacher to instruct the public? The problem is solved (and both Bgraitot harmonized) by the introduction of a precedent transmitted in yet another Baraita. The interpreter is not by the mourner's side (1E) and the Rabbi is able to teach the public directly (1A).

What appears here is a recurring theme in the laws of mourning. Namely, when something is permitted to the mourner (like teaching), it may not be done publicly in the normal way. Here there are both private mourning needs and the needs of the community which the mourner serves. The inevitable conflict is resolved in favour of the community but, as a gesture of mourning, the mourner may not act in the normal way.

Gemara

- 1 A. Our Rabbis taught (in a Baraita): "'During the first three days (of mourning), the mourner is forbidden to put on tefillin. From the third day onward--and the third day is included--he is permitted to put on tefillin. If new visitors come (to console him), he need not remove (the tefillin)'--these are the words of R. Eliezar. Rabbi Joshua says, 'For the first two days, a mourner is forbidden to put on tefillin. From the second day onward--and the second day is included--he is permitted to put on tefillin. If new visitors

come (to console him), he removes (the tefillin).'"

[The opinions differ because each authority has a different 'minima' requirement for mourning as will be made clear in the rest of the section.]

B. Said Rav Matena, "What is the reason for Rabbi Eliezer's opinion?

C. "Because it is written, *And the days of weeping in the mourning of Moses were finished* (Deut. 34:8)."

[i.e., days (plural) of weeping (one day) and mourning (one day); therefore, two days of most intense mourning.]

D. Said Rav Ayna, "What is the reason for R. Joshua's opinion?

E. "As it is written, ...and the end thereof as a bitter day (Amos 8:10)."

[i.e., most intense mourning here is implied to be one day (singular) only.]

F. But for Rabbi Joshua (who proposed one day of most intense mourning from a proof-text), surely it is written, *And the days of weeping....*

[i.e., how does Joshua understand Eliezer's proof-text?]

G. He (i.e., One) may reply, "The mourning for Moses was more intense."

(lit., (The case of) Moses is different because (the mourning) was more intense.)

[i.e., Moses' death was a special case from which we may not generalize.]

- H. But for Rabbi Eliezar (who proposed two days of mourning from an equally valid proof-text), it is surely written, "...and the end thereof as a bitter day."

[i.e., how does Eliezer understand Joshua's proof-text?]

- I. (He holds that this verse implies that) the main part of mourning is for one day only.

Analysis

Another Baraita, not unrelated to the previous Baraita, introduces yet another issue. Namely, how long must one refrain from putting on tefillin as a mourner? The Tannaitic dispute (1A) is rationalized by Amoraim who provide scriptural proof-texts for the two conflicting positions. But, each Sage must acknowledge and deal with the presence in Scripture of the other's proof-text. The solutions, (G) and (I), are typical Talmudic harmonizations. The entire exercise, in fact, is stereotypical.

Genara

- 2 A. Ulla said, "The halacha is according to Rabbi Eliezar with respect to the removing of tefillin and the halacha is according to Joshua with respect to the putting on of tefillin."

[i.e., one need not remove tefillin on the third day (R. Eliezer) and one may put on tefillin on the second day (R. Joshua).]

- 3 A. They asked, "(When new comforters come) on the second

day (of mourning), according to Ulla, must one remove (his tefillin) or not remove them?"

- B. Come and hear; "Ulla said, 'One may take off (his tefillin) and put on (his tefillin) a hundred times.'"
- C. Likewise, it was taught (in a Baraita [tanya nami hachi]): "Judah ben Taima says, 'One may take off (his tefillin) and put on (his tefillin) a hundred times.'"
- D. Raba said, "When he puts on (his tefillin) he may not take (them) off."
- E. But, was not Raba the one who said (in the context of overturning the bed for three days before the Festival), "The halacha is according to the opinion of our Tanna (in the Mishnah) who says (that the minimum period of mourning) is three days (b.M.Q. 20a)?"

[So how can Raba even allow him to put on tefillin before the third day since putting on tefillin is not permissible during the period of mourning?]

[Note that this section links with the content in 20a where again Raba is the only dissenting voice in a whole series of rulings that assert one day as the minimum.]

<b.M.Q. 21b>

- F. It is different in the case of a religious obligation (mitzvah).

[i.e, since putting on tefillin is a religious obligation, Raba will allow it to be resumed earlier.]

In (2A), Ulla fixes the halacha by citing one element of each position and incorporating them both into one solution. However, a logical problem is raised in (3A). Namely, if, following Ulla, one may put on tefillin on the *second* day (according to R. Joshua) then, if one receives guests on the second day, need one take off the tefillin, as Eliezar's opinion seems to suggest?

Ulla proposes a solution in which one can remove the tefillin and put them back on as many times as necessary. This solution is represented as having Tannaitic basis (3C) in the form of a tanya nami hakhi.

Raba, however, dissents (as above at 20a). (E) objects that Raba seems to be inconsistent with another of his opinions, cited earlier. (F) then harmonizes Raba's two opinions by referring them to different situations. At the end of the section Ulla and Raba are still in dispute. Nonetheless, the citation of a Baraita supporting Ulla would seem to indicate an editorial preference.

Gemara

1 A. Our Rabbis taught (in a Baraita):

- a) "(During the) first three days (of mourning), a mourner is forbidden to do work.
- b) "Even (if he be) a poor man (who gets) his sustenance from charity, (he does no work).
- c) "From that point on (i.e., after the first three days,) he does (his work) in the privacy of his own house.
- d) "And a woman (who is in mourning) may ply the spindle in her house."

Analysis

This Baraita is simply recorded without comment.

It is interesting to note the striving for equality on the part of the Rabbis. We get the very forceful message that all are obligated to mourn: including the poor man and the woman.

Gemara

1 A. Our Rabbis taught (in a Baraita):

- a) "(During the) first three days (of mourning), a mourner (must) not go to the home of (another) mourner (or to a Beit Ha-Evel, a place of mourning).
- b) "From this point onward (i.e., from the fourth day on), he may go (to another's house of mourning).
- c) "But he may not sit in the place of the comforters. Rather, he takes his place with the comforted."

Analysis

Another Baraita with no discussion is appended. It is again interesting to note that the Rabbis insisted on a full mourning period (if it was possible) for the mourner. They were showing sensitivity here that even after the requisite intense mourning, he may not yet be healed.

Gemara

1 A. Our Rabbis taught (in a Baraita):

- a) "(During the) first three days (of mourning), a mourner is forbidden to initiate greetings (i.e., to say "hello"; lit., 'to ask about (someone else's) welfare').

- b) "From (the end of the) third (day) until the seventh (day), he may respond (to an inquiry about his welfare) but he may not ask (about someone else's welfare).
 - c) "From that point on (i.e., from the end of the seventh day), he may inquire (about another's welfare) and respond (to an inquiry about his own welfare) in his usual manner."
- B. (It is stated above in (a)), 'During the first three days of mourning a mourner is forbidden to initiate greetings.'
- a) But it was surely taught (in a Baraita); "It happened that the sons of Rabbi Akiva died. All Israel entered (the cemetery) and mourned greatly for them. When the people (were about to leave), Rabbi Akiva stood on a large bench and said, 'Our brothers, O House of Israel, hear ye! Even though (these) two sons were bridegrooms (i.e., they were very young, in the prime of their lives), he is (i.e., I am) consoled on account of the great honour that you have bestowed. And if you have come for the sake of Akiva, behold, there is many an Akiva in the marketplace (i.e., others deserve and need as much consolation). Rather, this is what you have said, *The Torah of his God is in his heart* (Psalms 37:31). So much more so then should your reward be doubled. So, go home in peace ('Shalom').'"
 - c) (Doesn't this Baraita therefore indicate that Akiva initiated greetings on his first day of mourning? No,) honour due the public is a different (therefore he was not contradicting the rule at 1a).

Another Baraita concerned with what the mourner may not do during the first three days of mourning is introduced. Here, however, there is an apparently contradicting Tannaitic precedent (namely, that of Akiva) to the first clause.

However, upon close examination, Akiva's 'greeting' was not really a greeting at all. He was not giving any greetings and certainly was not responding to any. However, Akiva's valedictory contains the word "Shalom", so it could be (mis)construed as a greeting of welfare. The solution to the perceived contradiction (1Bc) reflects a very simple explanation for Akiva's action. The editors of the Gemara are probably aware that Akiva's case is not really related to the case in question but feel the need to respond to it nonetheless.

The main purpose, I believe, of including the Akiba story, is to provide a concrete illustration of the mourning practice of one of the Rabbinic masters — i.e., it is a didactic and paradigmatic exercise.

Gemara

2 A. (It was stated above in 1A(b) and (c)), "From the (end of) the third (day) until the seventh (day), (the mourner) may respond (to a greeting) but does not (make inquiry himself); and from this point onward (i.e., from the end of the seventh day onward), he may make inquiry (to others) and he may respond (to enquires about himself) in the usual manner."

B. (Some) objected (by quoting another Baraita): "One who finds his fellow to be a mourner within the thirty-day period may speak to him (words of) consolation but does not inquire about his welfare. (If he meets him) after the thirty-day period, he may inquire about his welfare but may not speak (words of) consolation to him. If his (friend's) wife died and he married another, he is not

permitted to enter his home and speak words of consolation to him. If he encounters him in the marketplace, he may speak (his condolences) in a soft voice and (with) a lowered head."

- C. Rabbi Idi bar Abin said, "He (i.e., the mourner) may inquire about the welfare of others (while he is mourning) for they are abiding in peace. But, others may not inquire of his welfare because he is not abiding in peace."

Analysis

The rest of the Baraita at (1A) mentioned that the mourner may respond to a greeting from the fourth to the seventh day but may not make any inquiry about others until after the seventh day. The Baraita at (2B) seems to have elements that contradict this.

The second Baraita suggests that one who meets a mourner within the thirty-day period should offer condolences but not inquire as to the mourner's welfare. This is in contradiction to the first Baraita which permits the mourner himself to exchange greetings. The proposed harmonization takes an element of the first Baraita and an element of the second Baraita and comes up with an compromise. Unfortunately, this compromise causes a problem because, in the first Baraita it is specifically mentioned that after seven days a mourner may "respond". The second Baraita says that his friend may "not inquire". In other words, the contradiction is still there!! The resolution of this difficulty is provided in the continuation of the section.

Genara

- 3 A. But since (the first Baraita) teaches ("Between three and seven days) he may respond," this implies that they (i.e., others) may inquire of his (welfare, which the

second Baraita does not allow).

B. Only if they are not aware (of his sorrow, and they inquire of his welfare, may the mourner respond).

C. If so, this (i.e., permission to respond when the inquirer is not aware of the mourner's grief) should also apply there (during the three-day period).

[i.e., the principle that the mourner may respond to those who ask about his welfare out of ignorance should also apply to the first three days when, according to the first Baraita he is not allowed to respond.]

D. (No.) There (during the first three days) he needs to inform them (of his bereavement) and then makes no further response. Here (between three and seven days) he need not inform them (of his bereavement, so he must respond if they inquire out of ignorance).

Analysis

The Gemara now attempts to resolve the contradiction not dealt with by Idi bar Abin's proposal. A solution is offered in (3B). But (3C) requires the solution in (3B) to be generalizable in principle to the first three days of mourning. (3D) gives a reason this cannot be, thus preserving the integrity of the first Baraita.

Gemara

4 A.a) (Some) objected (to the immediately previous Baraita (2B) by quoting another Baraita): "One who finds his fellow to be a mourner within a twelve-month (period since the death), he should speak with him (words of) consolation but should not inquire about his welfare. (One who finds his fellow to be a mourner) after a twelve-month (period since the death) may inquire

about his welfare but should not speak (words of consolation) with him. However, he may speak (consolations) with him subtly (lit., from the side).

- b) "Rabbi Meir said, 'One who finds his fellow to be a mourner after twelve months and speaks with him (words of) consolation, to what can he be likened? To a man who broke his leg and it healed. His doctor found him and said to him, 'Come to my place so that I can break it (again) and fix it (again) so that you know that my medications work!'"

B. (However) there is no difficulty (reconciling the two Baraitot (i.e., this one and the one cited at (2B)).

C.a) This (Baraita refers to the proper way to behave in the case of the death of the mourner's) father and his mother.

- b) That (Baraita refers to the proper way to behave in the case of the death of the mourner's) other relatives.

D. But, in (the case of the other relatives) he should also be allowed to offer him (words of) consolation subtly.

E. Yes. The same (principle applies). So what does "[After thirty days] he does not speak with him any words of consolation" mean? It means (that he does not speak with him words of consolation) directly, in his usual manner, but he may do so indirectly.

Analysis

The immediately preceding Baraita ruled that for the first thirty days after a death, one should not ask the mourner how he is but should offer consolation. After thirty days, one

should make inquiry but not offer consolation. Our new Baraita (4A) says that one should offer consolation but makes no inquiries within the twelve-month period. The two Beraitot thus contradict each other.

The Gemara attempts to harmonize them by applying each to a different circumstance. Thus the new Baraita refers to dealing with people whose parents have died, while the earlier Baraita deals with people whose other relatives have died.

The Gemara, though is not finished with these two Beraitot. On the surface, it would appear that there are no more problems now that they have been harmonized. In fact, the Gemara creates a new problem where none previously existed!! It does this by pointing out that in the Baraita at (4A) we are taught that, after the longer period, we refer to the death subtly. The Gemara informs us that the same principle should apply to the Baraita at (2B). However, Baraita (2B) says that no consolation must be offered. The Gemara solves the problem, (naturally, it invented it!), by interpreting the meaning of "no consolation being offered" in Baraita (2B) as referring to direct consolation. Indirect consolation, though, is acceptable. The solution to this problem was, most likely, thought of before the Gemara treated it. I believe that it is just another example of the Rabbis exercising their hermeneutical muscles!

Another point of literary interest should be mentioned. Note that section (1-4) is a single long unit composed of literary parallels among subsections. It is an example of some very elegant construction.

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita): "A mourner who comes (home) from a place in the near vicinity during the first three days (of mourning) counts (his days of mourning) with them.

[i.e., he counts the days of mourning with the other relatives from the day they started their mourning until the end of the mourning period.]

- b) "Should he come from a distant place, he counts on his own.

[i.e., he counts the seven days of mourning from the time he hears the news.]

- c) "From this point on, (i.e., after three days), even if he came from a place in the near vicinity, he counts on his own.

- d) "Rabbi Shimon says, 'Even if he came (home) on the seventh (day of mourning) from a place in the near vicinity, he counts with them (i.e., his relatives).'

- B. The Master said, "If he comes from a place in the near vicinity during the first three days, he counts with them."

- C. Rabbi Hiyya bar Abba said that Rabbi Yohanan said, "This is done (i.e., counting with the relatives during the first three days) when the master of the house is at home."

- D. A question was asked them—(b M.Q. 22a)—"What happens if the master of the house went to the cemetery (and was away for three days)?"

[i.e., need the master of the house count with his relatives when they began mourning or from the time of burial?]

- E. Come and hear: Rabbi Hiyya bar Abba said that Rabbi Yohanan said, "Even if the master of the house went to the cemetery (and was away for three days) he counts

with (his relatives from the day he left)."

- F. (Why do you say) "he counts with them"? For it is taught (in the same Baraita (1Ac)) that (if he came home after three days) "he counts on his own"!!
- G. This is not a difficulty. This ruling [1Aa] (which says that he mourns with his relatives) applies when he returned during the three days. The other ruling [1Ac] (which says he mourns by himself) applies when he did not return during the three days (but after them).
- H. This is (similar to) what Rav said to the sons of Hatzalponi, "Those who come (home) within three (days) count with you. Those who do not come (home) within three days count by themselves."

Analysis

This is yet another "first three days" Baraita. An Amoraic statement (C) refines the Baraita 1Aa (=B). Section (D) then is a special case and seeks clarification of (C) in light of the statement in Baraita (B). The clarification is provided at (E). (F) points out a contradiction with another clause of the Baraita which is harmonized at (G). (H) supplies an Amoraic precedent in support of (G).

Gemara

- I. Rabba told the people of Machoza, "You who do not walk (behind) the bier must begin counting (your days of mourning) from the time that you turn your faces from the gate of the city."

[i.e., it was a custom for the mourners to follow the procession to a distant place in order to bury the dead. However, the majority of the mourners did not follow the procession. They were then to start mourning

immediately (cf. Steinsaltz).1

Analysis

(I) corresponds to the presupposition of (E), that the relatives who stay at home (who do not follow the bier to the cemetery) start counting as soon as the funeral procession leaves the city.

Gemara

- 2 A. "Rabbi Shimon says, 'Even if one came (home) on the seventh day (of mourning) from a place in the near vicinity, he counts with them (i.e., his relatives).'"
- B. Rabbi Hiyya bar Ganda said that Rabbi Yose ben Shaul said that Rabbi said, "(This is the practice) only when he comes (home) and finds comforters at his place."
- C. Rav Anan inquired, "What is the practice if they bestirred themselves to leave (i.e., were just standing up) but had not left yet (lit., stood yet)?"
- D. The question remains unanswered.

Analysis

The final clause of our original Baraita (1Ad) is now under investigation. However, the Gemara makes no attempt to answer the question raised by Rav Anan. There are two possible explanations for this. First, the question may not have been debated. This is not likely given the purpose of the Talmud. Second, and more likely, the arguments were so inconclusive that the editor did not bother to put them in. He merely quotes "the bottom line".

Gemara

3 A.a) A colleague of Rabbi Abba bar Hiyya learned from Rabbi Abba--

b) <And who was (this colleague)?

c) (He was) Rabbi Zeira.--

d) And there are those who say it was a colleague of Rabbi Zeira (who learned) from Rabbi Zeira.

e) And who was (this colleague)?

f) Rabbi Abba the son of Rabbi Hiyya bar Abba.>--

g) (The tradition learned above says that) Rabbi Yohanan said, "The halacha is according to Rabban Shimon ben Gamliel in matters of trefot, and the halacha is according to Rabbi Shimon in matters of mourning."

B. "(The halacha follows) Rabbi Shimon in cases of mourning"--this refers to that which has already been taught (*see the case of 1A*). "(The halacha follows) Rabban Shimon ben Gamliel in cases of trefot" as is taught (in a Baraita [found in Tosefta Hullin 3]): "(If there are) perforated intestines and secretion blocked them (i.e., the intestines), (the animal is deemed) valid. These are the words of Rabban Shimon ben Gamliel."

a) What is a "secretion"?

b) Rav Kahana said, "It is the oily substance in the bowels that comes out (from there) if it is pushed."

C. Someone said, "I (hope) I merit (being able) to go up (to Palestine) and learn the dictum (i.e., 1Ag) from the mouth of its master (i.e., Abba son of Hiyya).

D. When he went up (to Palestine) and found Rabbi Abba the son of Hiyya bar Abba, he (i.e., this "someone") said to him (i.e., Abba bar Hiyya bar Abba), "Did the Master say that the halacha is according to the opinion of Shimon ben Gamliel in matters of trefot?"

E. He (i.e., Abba bar Hiyya bar Abba) said to him, "(No). I said that the halacha is NOT so."

[i.e., the halacha is not according to Shimon b. Gamliel with respect to trefot.]

F. "And what about (the halacha following) Rabbi Shimon in cases of mourning?"

G. He said to him, "There are (different) opinions (as to whether the halacha follows Rabbi Shimon). As it is said: 'Rav Hisda said, '(Rabbi Shimon's view) is the halacha.' Rabbi Yohanan said likewise, '(Rabbi Shimon's view is the) halacha.' Rabbi Nachman said, '(Rabbi Shimon view) is not the halacha and the halacha is not according to to Rabban Shimon ben Gamliel in cases of trefot.'"

H. But, the halacha (is really) according to Rabbi Shimon in cases of mourning as Samuel said, "The halacha is in accordance with the more lenient authority."

Analysis

The issue in this section returns once more to the original Baraita (1Aa) where Shimon dissents (1Ad) from the anonymous opinion (i.e., seven days versus three days). Here the Gemara tells us that the halacha follows Shimon's opinion. The entire section is paralleled at b. Chullin 50a where (B's) Baraita on trefot is under discussion.

Gemara

1 A.a) [It was taught in a Baraita (this phrase missing in Romm edition but found in other MSS) (cf. Semahot Ch. 9)]: "If for all (other) dead one is anxious to remove the bier (i.e., hurries the burial along), he is praiseworthy.

b) "(But, if one is anxious to remove the bier) of his father or his mother, he is worthy of scorn.

[i.e., it is proper in this case for the mourner to extend the period of aninut.]

c) "(However), if it was the day before Shabbat or the day before a Festival, he is praiseworthy (if he hurries the burial of his parents) for he does so only on the account of the honour due his mother or his father.

[i.e., it is more proper to hurry up the interment so as not to have the parents' bodies lying about until the holiday is over.]

d) "For all (other) dead, if he wants, he may shorten his business (in order to take care of preparations). If he desires (not to shorten his business) he need not shorten (it).

<b.M.Q. 22b>

e) "(However, if he is mourning) for his father or his mother, he (must) shorten (his business) (i.e., in order to take care of all the preparations in a proper manner).

f) "For all (other) dead, if he wishes, he may bare (his clothing from upon his shoulder [cf. Steinsaltz/Rashi]. If he desires (not to bare his

shoulder), he need not bare (it).

- g) "(However, if he is mourning) for his father or his mother, (he must) bare (his shoulder)."
- h) "It once happened that the father of a great one of the generation died and he wished to bare (his shoulders).
- i) "And (another) great man of the generation that was with (the first) man wished also to bare (his shoulders. i.e., in order to share in his mourning.)
- j) (For this reason) he (i.e., the mourner) refrained and did not bare (his shoulders).

[i.e., this was done so as not to cause his friend to bare his shoulder; cf. Steinsaltz.]

Analysis

This Baraita is a good example of the different levels of honour due to parents versus the other relatives for whom one is obligated to mourn. We have had glimpses of this notion in earlier materials but this is the direct intent of this section.

Section (h-j) is a precedent which displays a thematic connection to the previous material.

Gemara

- B. <Abaye said, "The great man of the generation (in mourning) was Rabbi. (The other) great man of the generation who was with him was Rabbi Jacob bar Aha."
- C. There are some who say that the great man of the generation (in mourning) was Rabbi Jacob bar Aha and

(the other) great man of the generation who was with him was Rabbi.

- D. There is no problem for the one (i.e., the unidentified "some say") who holds that the great man of the generation who was with (the mourner) was Rabbi. (For, if this was the case) we understand why (the mourner-- Rabbi Jacob ben Aha) refrained from baring (his shoulder).

[i.e., Jacob did not bare his shoulder because he did not want one greater than him (Rabbi) to have to "lower" himself on his account.]

- b) However, according to the one (Abaye) who holds that Rabbi Jacob bar Aha (was the great man of the generation who was with the mourner), why did (Rabbi, the mourner) refrain from baring his (shoulder)?

[i.e., Rabbi could have bared his shoulder and have one lower than him bare his shoulder out of respect. The question is, if Rabbi was the mourner, why the reluctance on his part to have an underling show respect?]

- E. For Rabban Shimon ben Gamliel [Rabbi's father] was a Nasi and everyone was obliged to bare (their shoulder out of respect for such a great figure when he was in mourning).

- F. This is a difficulty.>

Analysis

This section is all a parenthetical gloss on the Baraita which resumes immediately thereafter. The issue here is that there are conflicting Amoraic traditions as to "who was whom" in the Baraita's precedent. The Gemara can understand the opinion in

(C), but it has difficulty rationalizing Abaye's version. Namely, the Gemara tries to understand why Rabbi would not bare his shoulder out of concern for one who is lesser than he. The Gemara can find no reason why someone would posit the possibility that Rabbi was the mourner who did not bear his shoulder. In other words, the underlying issue is the respect due to a superior in the Rabbinic culture.

The Talmud has deviated from the original Baraita (1A) to explore this difficulty. It now resumes the presentation of the original Baraita.

Gemara

- 2 A.a) (The Baraita resumes:) "For all dead, one may cut his hair (only) after thirty days (of mourning). (However, if he is mourning for) his father or his mother, (he lets his hair grow) until his friends rebuke him.
- b) "For all dead, one may enter a house of rejoicing (i.e., a wedding feast, Brit Milah, etc.) (only) after thirty days (of mourning). (However, if he is mourning for) his father or his mother, (he needs to wait) twelve months (before he can go into a house of rejoicing)."
- B. Rabba Bar bar Hana said, "(Even if one is mourning for his parents,) he may attend intimate rejoicing (i.e., entertainment with close friends).
- C. An objection was raised (from a Baraita): "One is not permitted to attend intimate rejoicing for thirty days!"
- D. This is a difficulty.

Gemara

- E. Amemar taught (the preceding tradition, B-C) thusly: "Rabba bar Bar Hana said, '(But, one) is permitted to go to intimate rejoicing forthwith (i.e., after seven days).' But it is taught (in another Baraita): '(One is permitted to go to a) simcha (after) thirty (days) and to intimate rejoicing (after) thirty (days).'"
- F. There is no difficulty.
- G. The (first tradition) (i.e., that one may go to a simcha or to intimate rejoicing only after thirty days) (refers to) a first (entertainment). The other (tradition) (i.e., that one may go to a simcha within the thirty-day period) (refers to) reciprocation (that the mourner makes).

Analysis

The Baraita resumes in (2A) with the same theme as above. As before, the Baraita bears an Amoraic gloss which says that one in mourning may rejoice with intimates. However, (C) objects to this because it seems to contradict the Baraita. The difficulty still stands.

It is interesting to note that both this section and the one immediately preceding it (1B-F) end with kashya, a difficulty in resolving the problem. This is a good example of literary parallelism.

At (E) Amemar rephrases the conflicting traditions so that they can be harmonized. In his harmonization we see the concern for, and integrity of, pre-made arrangements--even if one be a mourner when it is his responsibility to fulfill a promise made earlier.

Gemara

3 A. (The Baraita resumes:) "For all (other) dead, one rends (his garment with a tear) one handbreadth (long). If (one is mourning for his father or for his mother, (he tears his garment) until his heart (i.e., chest) is exposed."

B. Rabbi Abahu said, "What is the scriptural (reason for rending a garment)? (It is), *And David grabbed hold of his clothes and he rent them* (II Sam. 1:11). And there is no grabbing (of clothing which results) in a tear of less than a handbreadth in length.

Analysis

The source Baraita resumes and, again, we see the pattern of source Baraita with interpolated Amoraic discussion on one aspect of the Baraita. In this case, the discussion revolves around the scriptural proof for the rending of the clothes.

Gemara

4 A.a) (The Baraita resumes:) "For all other dead, even if one was wearing ten garments, one rends only his outer (lit., uppermost) garment. (However, if he is mourning for) his father or his mother, he rends all of them.

b) "(However), one need not (rend) his undershirt, whether (the mourner be) a man or a woman.

c) "Rabbi Shimon ben Eleazar says, 'The woman (mourner) rends (the) undergarment and turns it front to back. Then she rends the outer garment (i.e., in order that her chest not be exposed).'"

d) "For all (other) dead, if one desires he may divide the shoulder portion of his (garment). If he does not desire (to do so), he need not. (However, if he is

mourning for) his father or his mother, he must separate (the shoulder portion of his garment).

- e) Rabbi Judah says, 'All rending (of a garment) where one does not rend the shoulder portion (of the garment, his rending) is frivolous (i.e., for naught).'"

B. Rabbi Abahu says, "What is the reason for Rabbi Judah's (statement in (e))? As it is written (about Elisha), ...and he took hold of his clothes and he rent them into two pieces (II Kings 2:12)."

C. From what is says, and he rent them do I not know that he rent them into two pieces?

D. (Rather, it mentions two pieces) only to teach that (the garment) appeared to be in two pieces

[i.e., because the text mentions "in two" the mourner must have his garment appear as if it were in two. This is accomplished by rending the shoulder part of the garment].

Analysis

Internal to the Baraita, Shimon (c) disputes (b) and does require rending of the undergarment for men and women. However, he devises a way to preserve the woman's modesty which is the concern of the ruling in (b).

The Amoraic gloss (B) wants scriptural support for the practice mentioned in the Baraita. (C-D) explains the proof-text by noting the apparent superfluity in the verse. It is this superfluity that provides a peg on which to hang a ruling.

Gemara

5 A.a) (The Baraita resumes:) "For all (other) dead, one stitches (his garment back together with large stitches) after seven days (of mourning) and sews (it) together (with fine stitches) after thirty days (of mourning). (However, if he is mourning for) his father or his mother, he stitches (his garment together with large stitches) after thirty days and he never stitches (his garment together with fine stitches).

b) "(However), a woman (who is mourning for a parent) may stitch (her garment with large stitches) immediately out of respect for her (i.e., her modesty)."

B. When Rabin came (from Palestine) (he said) that Rabbi Yohanan said, "For all (other) dead, if one desires, he may rend (his garment) with (his) hand, or if he desires, he may rend (his garment) with an instrument. (However, if he is mourning for) his father or his mother, (he may only rend his garment with his) hand (in order that he mutilate and ruin the garment)."

C. Rabbi Hiyya bar Abba said that Rabbi Yochanan said, "For all (other) dead, all rend (their garments) inside. (However, if he is mourning for) his father or his mother one rends (his garment) outside."

D. Rav Hisda said, "The same is true for a Nasi (i.e., that one rends garment publicly)."

E. An objection was raised, "(One's teacher, the Nasi, and the Av Bet Din) are not equal to one's father or mother except (in the matter of) stitching (the garment together) alone."

[i.e., the only thing that the death of one's teacher, the Nasi, or the Av Bet Din, and the death of a parent has in common, with respect to obligations, is

that the garment may be stitched back together only after thirty days.]

F. Does this (inequality) not also hold true for the Nasi?

[i.e., should not the Nasi be deemed unequal in this case (the public rending of garments) as well?]

G. No. The Nasi alone (of the three is the exception).

[i.e., one should rend his garment in public when a Nasi dies.]

H. Nesi'ah died. Rav Hisda said to Rav Hanan bar Rava, "Turn the trough upside down, stand on it, and show the rending (of the garments) to the world."

Analysis

We see the continuation of the Baraita which clarifies another aspect of rending the garment. This is the second time the issue of female mourners' modesty has come up. It is obviously a significant issue for the Rabbis.

(B-C) continues with two Amoraic rulings (both deriving from Yochanan) which are phrased with the literary style of the Baraita at hand. However, Hiyya bar Abba's ruling is unclear in one aspect. Namely, we do not know if the reference of "inside" or "outside" refers to the place of rending (i.e., publicly or privately) or whether it refers to inside or outside the garment itself. The only explanations are offered by the commentators. Rashi says that both are possible, so he is not really any help. However, the Munich manuscript does say "from the inside". This would imply the "inside of the garment". This understanding, though, is contrary to our present-day notions of mourning. Namely, the tear is a sign of mourning and whether one is a woman or a man who is mourning for parents or another relative, the tear must show. This, then, contradicts the apparent meaning found in the Munich

manuscript. Consequently, if our present-day custom is correct, the rending "inside" or "outside" must refer to the geographical location. This is the understanding of (D).

With (D's) understanding of "outside", (D) responds to (C). Rav Hisda maintains that one rends garments for a Nasi as well as a parent. The conflicting Baraita (E) seems to say that this is not the case.

The Gemara harmonizes the two by simply saying that the Nasi is the exception to the rule. However, figures like the Av Bet Din or Rosh Yeshiva are bound by the rule and their students do not rend their garments publicly. (H) supplies a precedent for excepting the Nasi.

Gemara

- 6 A. (The Baraita resumes:) "For a hacham (who dies) one bares his (shoulder) on his right side. For the Av Bet Din, (one bares his shoulder) on the left side. For a Nasi, (one bares his shoulder) on both sides."

Analysis

This is another Tannaitic tradition (presumably a resumption of the original Baraita) concerning the proper practice when a Nasi and other officials die. This tradition is thematically related to the immediately foregoing discussion of the honour due the Nasi and Av Bet Din.

This ruling provides a literary bridge to the next Baraita regarding the proper practice when a Nasi, hacham, or Av Bet Din dies.

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita), "If a hacham dies, his school closes. If the Av Beit Din dies, all the

schools in his city close. As well, (the populace) enter the synagogue (and) change their (usual) places.

If they (usually) sit in the north (end of the synagogue), they should sit in the south (end of the synagogue). Those who (usually) sit in the south (end of the synagogue), should sit in the north end (of the synagogue).

- b) "If a Nasi dies, all of the schools close and the members (lit., people of the assembly) go the synagogue (on Shabbat)—(b. M.Q. 23a)—and seven (people) read (the weekly Torah portion) [which needs to be done as a congregation] and leave (to continue praying individually)."
- c) "Rabbi Joshua ben Korcha says, '(After they leave the synagogue), they should not (lit., that they not) go and walk around the marketplace. Rather, they should sit (at home) and be silent.
- d) 'They should not recite any (halachic) (tradition) or aggada in the house of mourning (because these are considered joyous activities).'
- e) They said about Rabbi Hanina ben Gamliel that he used to recite halacha and aggada in a house of mourning.

Analysis

Following on the foregoing section, a Baraita is cited which deals with the practices of the community in the event of a dignitary's death. There are Amoraic comments accompanying the Baraita.

Genara

- 1 A.a) Our Rabbis taught (in a Baraita): "During the first week (of mourning), a mourner does not leave the

confines of his home. During the second (week) he may leave (his home) but should not sit in his (usual) place (in the synagogue). During the third (week) he may sit in his (usual) place (in the synagogue) but he should not converse (with other worshippers). During the fourth (week), he is like any other person."

- b) Rabbi Judah says, 'There was obviously no need to say that during the first week he should not leave the confines of his home, for (during this first week of mourning) everyone comes into his house and comforts him.

'Rather, during the second (week of mourning) he should not leave the confines of his home. During the third (week) he may go out but he should not sit in his (usual) place (in the synagogue). During the fourth week he may sit in his (usual) place (in the synagogue) but should not converse (with fellow worshippers). During the fifth (week) he is like any other person.'

Analysis

The materials dealing with a dignitary's death are now concluded and a completely new subject is explored in the next Baraita. The Baraita lacks any Amoraic glosses or comments.

It may be that though Judah saw a logical flaw in the first opinion regarding the time that the mourner may first leave his home. However, it is more likely that Judah's opinion simply dissents from the anonymous ruling (1B) for the reason stated. For him, the process of separation begins after the seven days of mourning.

Genara

- 1 A.a) Our Rabbis taught (in a Baraita), "During the entire thirty (days of mourning), the mourner is (forbidden)

from remarrying. If his wife died, he is forbidden to take another wife until three Festivals have passed.

- b) "Rabbi Judah says, '(He is) forbidden (to marry) until after the first and the second Festival. (However, if he wishes to marry before) the third (Festival), he is allowed.'
- c) "If he has no children, he is allowed to marry (again) immediately lest he fail (to fulfill the mitzvah) of procreation. If she left him little children, he is permitted to marry (again) immediately so that they may be taken care of.
- d) "There is a story about the wife of Joseph the Priest who died. He said to her sister at the cemetery, 'Go and take care of your sister's children.' Nevertheless, he did not have sexual relations with her for a long time."

B. <What is meant by "a long time"?

C. Rav Papa said, "(After) thirty days.">

Analysis

Another new subject is raised by the introduction of another Baraita. In this case it is interesting to note that the mitzvah of procreation is deemed greater than the mitzvah of mourning. This is a good example illustrating how Rabbinic Judaism is more concerned with the living and not the dead.

The reason that the mourner may marry again immediately if he has no children rests on the possibility that there may be a suitable wife for him and time is "of the essence". For example, if she had plans to leave the city before his mourning period is over and they do not marry, it is quite possible that the mitzvah of procreation has been indefinitely postponed.

The Rabbis maintain that it is better to procreate than to mourn.

Gemara

- 1 A.a) Our Rabbis taught (in a Baraita): "(It is forbidden for a mourner) to (wear) ironed clothing for the entire thirty-day (period of mourning). (It does not matter) whether they be new clothes or old clothes that come out of the laundry (i.e., if they are ironed at all one is forbidden to wear them).
 - b) "Rabbi says, 'They only forbade new clothes (that were ironed from being worn during the thirty-day period of mourning).
 - c) "Rabbi Elazar son of Rabbi Shimon says, 'They only forbade new white clothing.'"
 - B. Abaye went out (during the thirty-day period of mourning) in a mantle in accordance with Rabbi('s opinion).
- [Rabbi permitted ironed clothes provided they were not new.]*
- C. Rabba went out (during the thirty-day period of mourning) in a new red Roman toga in accordance with Rabbi Elazar son of Rabbi Shimon('s opinion).

Analysis

The series of Baraitot relating to different aspects of mourning concludes here. There is minimal Amoraic gloss, a sure sign of the end of the sugya.

Mishnah 3:5b

...because they (i.e., the Sages) said that Shabbat is included (in the counting of the days of mourning) and does not interrupt (while the Festivals interrupt and are not included in the count).

Gemara

- 1 A. The Judeans and the Galileans (differed in regard to mourning practices on the Shabbat).

B. These say that <b. M.Q. 23b> there is mourning on Shabbat and these say that there is no mourning on Shabbat.

C.a) Those who say that there is mourning on Shabbat derive this from that which is taught (in the Mishnah), "(the Shabbat) is included (in the count)."

[i.e., since the Shabbat is included in the mourning count, therefore, mourning occurs on the Shabbat.]

b) Those who say that there is no mourning on Shabbat derive this from that which is taught (in the Mishnah), "...and it does not interrupt", (reasoning as follows:)

[i.e., the proof comes from the parsing of the Mishnaic phrase 'enters into the count and does not interrupt it' into separate meanings or emphasis.]

i) Now if you think that mourning does occur on Shabbat, then mourning is observed, so why the need (to mention additionally in the Mishnah), "and does not interrupt" (which is superfluous, hence must be construed as a kind of qualifying phrase)?

D. But surely it is taught, '(The Shabbat) is included (in the mourning period)'!!

[i.e., this implies that mourning does occur on the Shabbat. How then do those who hold that there is no mourning on Shabbat account for this clause?]

- E. (The reason that the statement "and the Shabbat is included in the count" is) used in the Mishnah is because (the formulator) wanted to teach in the final clause (concerning the Festivals), "they are not included" in the counting (of the days of mourning). (Therefore) he teaches in the former clause that (the Shabbat) "is included" (in the count, so that both parts of the Mishnaic ruling should be parallel in structure -- and not because mourning is to be observed on the Shabbat).
- F. And on the view of those who hold that there is, (in fact), mourning on the Shabbat, surely it is taught (in the Mishnah), '...and does not interrupt' (which is a superfluous clause implying that there is no mourning. How then do they account for this clause?).
- G. (It is said "...and it does not interrupt") because (the formulator) wants to teach in the final clause that (the Festivals) interrupt (the mourning). (Therefore), he teaches in the former (clause that the Shabbat) does not interrupt (in order that both clauses of the Mishnaic ruling should be parallel in structure and not because mourning is not to be observed on Shabbat).

Analysis

The Judeans and the Galileans disagree on whether or not there is to be mourning on the Shabbat. The Gemara wants to root these divergent practices in conflicting readings of the Mishnah. A highly artificial argument is constructed which revolves around the phrase in the Mishnah, 'olah v'einah mafseket'. The Gemara claims that one group read 'olah' to mean that mourning occurs on the Shabbat and the other group

read 'v'einah mafseket' to mean that there is no mourning on the Shabbat.

Having constructed its proofs, the Gemara then asks how each position construes the phrase which serves as the basis of the other group's position. This is a very typical Talmudic maneuver. After all, both positions must address why the clause which they disregard is part of the Mishnah.

It is interesting to note that the Mishnah, in its literal sense, seems to address only the issue of whether or not the Shabbat enters into the counting of the days. However, the Gemara has joined to this the problem of whether mourning is permissible on the Shabbat. Another possibility is that the Mishnah understands these two issues as, in fact, the same issue (i.e., Shabbat doesn't interrupt the count and mourning is observed on it). The Gemara in this case would be separating them out in order to ground the disagreement between the Galileans and the Judeans in divergent interpretations of the Mishnah.

We saw a similar restrictive treatment of the Mishnah-text at the very beginning of the first sugya (19a) where what we thought was very clear was made to seem more ambiguous.

Gemara

2 A. Shall we then say (that the difference between the Judeans and the Galileans follows an (earlier) Tannaitic dispute (in the following Baraita [cf. Semahot 10])?:

- a) "He who has his dead laid out before him, eats in another room (lit., house). If he does not have another room (lit., house), he eats in the house of a friend. If he does not have (access) to a friend's house, he should make himself a partition ten handbreadths (in height). If he does not have anything with which to make a partition, he should turn his face

and eat. He does not recline when he eats. He should not eat meat nor should he drink wine. He should not recite the blessing over food nor should he invite (others to recite the blessing over food). (Others) should not recite the blessing over food including him (in their number) or invite him (to recite the blessing over food). He is exempt from the recitation of the Shma, and from the Tefilla, and from the (requirement to wear) tefillin, and of all the mitzvot which are commanded in the Torah. But, on Shabbat, he reclines as he eats, eats meat, drinks wine, recites the blessing over food, invites (others to recite the blessing over food), and (others) recite the blessing over food including him (in their number) and invite him (to recite the blessing over food). He is obliged to recite the Shma, and the Tefilla, and (must put on) tefillin, (and must fulfill) all the mitzvot that are commanded in the Torah.

- b) "Rabban Gamaliel says, 'Since he is obligated (to fulfill) these (mitzvot on Shabbat), he is obligated (to fulfill) all (the mitzvot) on Shabbat.'"
- B. Rabbi Yohanan said, "The matter of sexual intercourse is the issue dividing them" (i.e., this is what Gamaliel's 'all the mitzvot' refers to additionally beyond the first anonymous ruling's 'all the mitzvot which are mentioned in the Torah').
- C. Is it not, (in fact), this over which they dispute; (namely, that) one Master (i.e., the anonymous ruling) holds that there is some mourning on the Shabbat, while the other Master (i.e., Rabban Gamaliel) holds that there is no mourning at all on the Shabbat (hence the Baraita indeed corresponds to the divergent practices of the Judeans and the Galileans!)

[i.e., the *Gezera* is saying that the first opinion in

the Baraita holds that there are only certain mourning restrictions lifted on the Shabbat and they are specified. However, anything not listed is still restricted to a mourner on Shabbat including intercourse. However, Gamaliel said that if the mourner is obligated to fulfill one mitzvah on Shabbat, he is obligated to fulfill all of them—including intercourse.]

D. Why (do you think that this is the underlying issue of the dispute, and that it corresponds to the divergent practices of the Judeans and the Galileans)?

- a) Perhaps there (i.e., in the case of the Baraita) the first (anonymous) Tanna went so far (as to forbid intercourse on the Shabbat) only because his dead is laid out in front of him

[i.e., perhaps this is a special case and not generalizable — e.g., were his dead not laid out before him, the first Tanna might have said that intercourse is, indeed, permitted or obligated on Shabbat.]—

but here (in our initial case, where the Galileans and the Judeans diverge) since his dead is not laid out before him, no, (the first Tanna in the Baraita would not forbid intercourse.)

- b) (Similarly, perhaps) Rabban Gamaliel there (in the case of the Baraita) went so far (as to permit intercourse on Shabbat) only because formal mourning has not yet actually begun. But here (in our initial case), where formal mourning has already begun, he may also (forbid intercourse).

[i.e., perhaps then the Baraita does not comport with the divergent practices of the Judeans and Galileans,

in which case the view that there is no mourning on Shabbat lacks a firm basis in Tannaitic precedent.]

<b. M.Q. 24a>

E.i) Rabbi Yohanan (Ms Munich: Mar Yohani) enquired of Samuel, "Is there mourning on Shabbat or is there no mourning on Shabbat?"

ii) He answered him, "There is no mourning on Shabbat."

Analysis

The Gemara now attempts to show that the divergent practices of the Galileans and the Judeans have their precedent in a Tannaitic dispute as recorded in a Baraita (and not in the Mishnah). But this attempt is unsuccessful because the Baraita may refer to a case which is not generalizable.

If the goal of the Gemara was to establish the ruling that mourning is not observed on Shabbat, then (5) should have been presented at the outset. However, this is not what the Gemara wants to do. Instead, it wishes to see if the dispute has any Tannaitic basis. Since it does not, the section is redacted in such a fashion that (E) provides a retort to (D's) disruption of (C). In other words, if the Judean-Galilean dispute does not correspond to the Tannaitic dispute in the Baraita, an Amoraic ruling may now validate the "no mourning on Shabbat" rule (notwithstanding what seems to be the clear import of the Mishnah to the contrary).

Gemara

3 A. Some of our Rabbis were sitting in the presence of Rav Papa and they said in the name of Samuel, "A mourner who has sexual intercourse during the (first seven) days of his mourning is deserving of death."

B. Rav Papa said to them, "It was (only) said that (intercourse is) forbidden (but not a mortal offense). (And) this was said in the name of Rabbi Yohanan, (not Samuel). And, if you heard something (condemned as a mortal offense) in the name of Samuel, this (rather) is what you heard: 'Rav Tachlifa, the son of Avimi, said in the name of Samuel, 'A mourner who does not let his hair grow out and who does not rend (his garment) is deserving of death, as it is written (in the case of Aaron and his sons), *You shall not cut your hair nor shall you rend your clothes so that you do not die* (Lev 10:6), which implies that any other (mourner) who does not let his hair grow and who does not rend (his garment) is (also) deserving of death.'"

Analysis

The link to the previous material is twofold: (1) the focus is on a ruling attributed to Samuel, an Amora; (2) the topic of sexual intercourse during mourning, which was alluded to in Yohanan's gloss of the foregoing Baraita ((2B) above). Here, a tradition inaccurately transmitted in the name of Samuel is corrected by Rav Papa.

Gemara

C. Rafram bar Papa said, "It is taught in Evel Rabati [=Semahot]: 'A mourner is forbidden intercourse during the (seven) days of his mourning. It once happened that (a mourner) had intercourse during (the seven) days of his mourning and pigs pulled away his body!'"

Analysis

Rafram bar Papa's citation of Evel Rabati (=Tractate Semahot) supports Papa's position that sexual intercourse is "forbidden" and not a "mortal sin". However, the incident recorded in Evel Rabati in fact bears out the Rabbis' version of Samuel in (1A)!

Notwithstanding, one may not be *legally* deserving of death, but only *morally* so; in other words, God will punish the sinner.

Gemara

- 4 A. Samuel said: "PaHaZ is obligatory (for the mourner on the Shabbat); NaTaR is optional (on the Shabbat)." (That is to say), uncovering the head (Pa), turning of the tear (of the garment) front to back (Ha), and tilting the couch (to its upright, original) position (Z) are all obligatory (for the mourner in honour of Shabbat).
- B. The wearing of sandals (Na), sexual intercourse (Ta) and the washing of hands and feet with warm (water at the approach of Shabbat R) are optional.
- C. [Ms Munich lacks:] "But Rav said, "Also uncovering the head is optional."
- D.a) Now on Samuel's opinion, what is different about the wearing of sandals that makes it optional? It is that not everybody wears sandals at all times (on the Shabbat -- so it cannot be a quintessential sign of suspending mourning).
- E. But, is not (this same logic) likewise (applicable) in the case of uncovering the the head (which Samuel says is obligatory)? (For) not everyone goes about with his head uncovered (on the Shabbat -- therefore, Rav's opinion should be followed).
- F. (No.) Samuel is consistent in his reasoning. As Samuel said, "Any rending (of the garment) not done during the first flush (of intense grief) is not considered (proper) rending. Any wrapping (of the head) not in the manner of the Ishaaelites is not

considered (proper) wrapping (for a mourner)."

[i.e., since the kind of head wrapping that Samuel is talking about is not normal for non-mourners, (E's) objection does not hold.]

G. Rav Nachman used to illustrate this (practice by wrapping himself up) to the sides of his beard.

H. Rabbi Jacob, citing Rabbi Johanan said, "This (i.e., (B)) was only taught with reference to one who has no sandals on his feet. But, if he (does) have shoes on his feet (on Shabbat) his shoes prove (that he is not mourning on Shabbat)."

Analysis

Another ruling on mourning practices attributed to Samuel is examined. Samuel uses a mnemonic to indicate which activities are optional and which forbidden to a mourner on Shabbat (4A). The issue for (D)-(F) is reconciling Samuel's opinion with Rav's opinion in (C). What is the difference, (D) asks, between sandals (optional) and taking off a head covering (required)? The logic of optionality would seem to apply to both. The Gemara then indicates how Samuel's position is, in fact, internally consistent. At the end of the discussion (H) then refines (B). The whole discussion is a very well laid-out rhetorical structure.

Gemara

5 A. (Regarding Samuel's opinion at (4F) above that) *any tearing (of the garment) that is not done during the first flush (of intense grief) is not a (proper) rending.*—

B.i) However, (when) they said to Samuel (at another time), "The soul of Rav has gone to rest", he rent thirteen

(of his garments) on his (i.e., Rav's) account.

ii) He said, "The man whom I most respected is gone."

(lit., The man on whose account I trembled...)

iii) When they said to Rabbi Yohanan, "The soul of Rabbi Hanina is gone to rest", he rent thirteen (robes) of Milesian wool.

iv) He said, "The man whom I most respected is gone."

C. (The rending of garments) for our Rabbis is (in a) different category, for every time their teachings are recalled is like the first flush of (intense) grief.

Analysis

We now return to examine a portion of Samuel's tradition that was mentioned only in passing above (at 4F). The conflict in this section is that Samuel himself (as well as Yohanan) rent his garments, but not in the first flush of grief. Rather he did so when he was reminded that Rav had died. Although this is not entirely clear from the story, the Gemara treats these precedents as if the garment was rent some time after the first flush of grief.

Gemara

6 A. Rabin bar Adda said to Raba, "Your student, Rav Amram, said, 'It was taught (in a Baraita): 'A mourner (who hears news of a death) at any time during the seven (days of intense mourning) rends (his garment) in the front. If he needs to change (his garment) he changes (it) and (again) rends (it). (If he hears news of the death) on Shabbat, he rends the rear part (of his garment). If he needs to change (his garment) he changes (it) but he does not rend (it again).'"

Gemara

- 7 A. Are these rents (made during the mourning period allowed to be) sewn up (after the completion of the mourning period) or not?
- B. There was a difference of opinion on this (matter) between the father of Rav Oshaia and Bar Kappara:
- C. One of them said that (the rend) is not to be sewn and the other says that the rend is to be sewn.
- D. You must conclude that it was the father of Oshaia who said that (the rend) was not to be sewn, for Rabbi Oshaia said it was not to be sewn. Where would he hear this (tradition) if not from his father?
- E. No, (this may not, in fact, be the case). (He may have heard the tradition) from Bar Kappara, his Master.

Analysis

The subject of the rent garment is continued from the last two sections. This section is particularly interesting insofar as there are two opposite opinions but no attempt to harmonize them. Instead of exploring or attempting to resolve the conflict, as we would expect, the Gemara, rather, attempts to identify the holder of each divergent opinion!

Additionally of interest, where previous sections emphasized the honour due to one's parents, the present section stresses the honour due to one's teacher -- i.e., Oshaia may have learned the tradition from his teacher rather than his father.

Gemara

- 8 A. Rava said, "A mourner may walk (around) in his (rent)

dress in his house (on Shabbat)."

- B. Abaye once came across Rav Joseph (on Shabbat while mourning) who had covered his head with a kerchief as he was going around in his home.
- C. He (Abaye) said to him (R. Joseph), "Does the Master not think that there is no mourning on Shabbat?"
- D. He (R. Joseph) said to him (Abaye), "Rabbi Yohanan said, 'Personal forms (of mourning) may be done (on Shabbat).'"

Analysis

We have come full circle in this sugya. (2E) is Amoraic ruling which is attributed to Samuel. From (3-4) we have more of Samuel's rulings which are related to mourning. (5) examines a tradition attributed to Samuel which was cited at (4F). (6-8) are additional Amoraic rulings (but not Samuel's) that deal with the same topic of rending on Shabbat. However, (8C-D) actually returns to the issue at the very beginning of the sugya at (1)!! Up until this point we have come full circle thanks to the editors of the Talmud. The problem of mourning on Shabbat is resolved in (8B-D) by an Amoraic precedent which supports and generalizes (8A). In fact, (8D) is a refinement of the original ruling at (2E). It is brilliant editorial work.

Mishna 3:6

*Rabbi Eliezar says, "From the time that the Temple was destroyed, Atzeret is deemed equivalent to Shabbat."
(Rabban Gamaliel says, "Rosh Hashanna and Yom Hakippurim
(are deemed) as Festivals.*

Gemara

- 1 A. Rav Giddal bar Menashia said that Samuel said, "The

halacha is according to Rabban Gamaliel."

[i.e., *Atzeret* counts as a Festival; therefore, mourning is interrupted and not resumed thereafter.]

- B. There are some who place this comment of Rav Giddal bar Menashia (with the following teaching):

[i.e., presumably pairing it up with his parallel gloss on the Baraita.]

- a) "All infants up to thirty days (after birth) are carried out (to be buried) in the bosom and buried by one woman and two men but not by one man and two women. <b. M.Q. 24b> Abba Saul says. '(The child may be buried by) one man and two women, as well.' The (townsfolk) do not stand in rows (on account of the child) and do not recite (for the mourners) the Mourner's Benediction or (offer) condolences to the mourners.
- b) "(If the child) is thirty (days old), he is taken out (to be buried) in a sarcophagus. Rabbi Judah says. 'Not a sarcophagus that is carried on the shoulder; rather, (a sarcophagus) that is carried in the arms.' The (townsfolk) stand in rows on account of (the child); they recite (for the mourners) the Mourner's Benediction and they (offer) condolences to the mourners.
- c) "If the child is twelve months old, he is taken out (to be buried) on a bier. Rabbi Akiva says. 'If he is one-year old and his limbs are as a two-year old's or if he is two years old and his limbs are as a one-year old's, he is taken out on a bier.' Rabbi Shimon ben Eleazar says. '(For) one who is taken out on a bier, the public should grieve (*Ms. Munich: mitzobchin: grieve, Vilna: matzhivin: shine*). For

one that is not taken out on a bier, the public need not grieve.

d) "Rabbi Eleazar ben Azariah says, 'If (the child) is known to the public, the public should occupy themselves (to accompany the dead). If (the child) is not known to the public, the public need not occupy themselves (to accompany the dead).'

e) "What is (the ruling with regard to) the eulogy? Rabbi Meir, in the name of Rabbi Ishmael says, '(In the case of) the poor (the minimum age for a eulogy) is three (years old). (In the case of) the rich, (the minimum age for a eulogy) is five (years old). Rabbi Judah, in his (i.e., Rabbi Ishmael) name says, '(In the case of) the poor (the minimum age for a eulogy) is five (years old). (In the case) the rich, (the minimum age for a eulogy) is six (years old). Children of elders, (are to be considered) as children of the poor."

C. Rabbi Giddal bar Menashia said that Rav said, "The halacha is according to Rabbi Judah in the name of Rabbi Ishmael."

Analysis

Giddal (Amora) glosses the Mishnah in an attempt to resolve the dispute in the Mishnah. The Baraita itself is included here only because it is glossed by Giddal b. Menashia who glosses our Mishnah-citation in parallel fashion. The Gemara has merely edited in another tradition of his that has not been dealt with previously.

The subject of children's deaths had not been approached by the Gemara as yet. This section fills in that gap.

Gemara

- 2 A. Rabbi Anani bar Sasson discoursed at the doorway of the Patriarch. (He said), "One day (of mourning) before Atzeret and (the) one day of Atzeret (count) as fourteen (days of mourning)."

[i.e., the day before Atzeret is considered as seven days of mourning and Atzeret is considered as a full-length Festival of seven days.]

- B. Rabbi Ammi heard (this discourse) and became angry. He said, "Is this ruling (really bar Sasson's)? This is, (in reality, the ruling) that Rabbi Eleazar said (in the name) of Rabbi Oshaia."
- C. Rabbi Issac the blacksmith discoursed at the tent (i.e., home) of the Exilarch. (He said), "One day (of mourning) before Atzeret and (the) one day of Atzeret (count) as fourteen (days of mourning)."
- D. Rav Sheshet heard (this discourse) and became angry. He said, "Is this ruling (really Rav Sheshet's)? This is, (in reality, the ruling) that Rabbi Eleazar said (in the name of) Rabbi Oshaia, (and the source is as follows:)

a) "Rabbi Eleazar said (in the name) of Rabbi Oshaia, 'From where (in Scripture) do we learn that Atzeret is considered a full, seven day Festival? (lit., 'is given a full seven days').

b) "As it is said, *On the Festival of Matzot and on the Festival of Shavuot (and on the Festival of Sukkot they shall not appear before the Lord empty-handed)* [Deut. 16:16].

c) "Just as the Festival of Matzot is considered a seven (-day Festival) (and the Festival

offerings can be offered on any of those seven days), so the Festival of Shavuot is considered a seven (-day festival) (and the Festival offerings can also be offered on that day and on the six subsequent days even though the six subsequent days, are not biblically considered as "Festival days")."

Analysis

The question of Atzeret and its status with regard to mourning had been introduced by the Mishnah. We return to it at this point after a digression by Giddal previously.

The main thrust of this section is the scriptural proof for the ruling based on a gezera shava. The issue is that we do not know whether or not Atzeret (i.e., Shavuot) is to be considered a full-length Festival. We know that a full-length Festival has seven days (like Pesach). Atzeret though, has only one day. Nevertheless, since it is one of the biblical Festivals, the time allowable to give offerings associated with the Festival must be of equal duration as a full-length Festival, hence seven days.

There is another point of interest in this section. Namely, we see that attributing a ruling to its correct source was taken very seriously by the Rabbis. One could not simply pass off a tradition as one's own!

Gemara

- 3 A. Rav Papa gave permission to Rav Avya, the elder, (to discourse). (Rav Avya) discoursed (and said), "One day (of mourning) before Rosh Hashanna and Rosh Hashanna (combined) are considered as fourteen (days of mourning)."

[i.e., Rosh Hashanna is considered as a Festival.]

- B. Rabina said, "If this be so, one day (of mourning) before the Feast (of Sukkot) and the (seven days of) the Festival (of Sukkot) and its eighth day (i.e., Shmini Atzeret, which is considered a Festival in its own right), should be considered as twenty-one days (of mourning)!"
- C. Rabina went to Sura-on-the-Euphrates. Rav Habiba from Sura-on-the-Euphrates (asked) Rabina, "Did the master say (that) one day before Rosh Hashanna and Rosh Hashanna are considered as fourteen (days of mourning)?"
- D. He said to him, "It is the ruling of Rabbi Gamaliel that I follow in saying that, (for he said that Rosh Hashanna is considered as a Festival and, therefore equal to seven days with regard to mourning)."

Analysis

In the latter part of the Mishnah, the question of the status of Rosh Hashanna and mourning is examined. Rosh Hashanna is not a 'Festival' in the biblical sense of the word. Yet, it is an important seasonal observance, so its status for mourners may be considered the same as a true Festival. Gamaliel in the Mishnah, in fact, asserts this position.

Rabina questions whether or not Shmini Atzeret can also be considered a Festival based on the same logic that Rav Avya uses. We can assume that Rabina, in fact, thought that Shmini Atzeret did count as seven days (1B). We know this because we are told that he based himself on Gamaliel's teaching that Rosh Hashanna is considered as seven days to the mourner (1D).

Note once again that the Amoraim rule differently from the editors of the Mishnah. The Sages' opinion on Rosh Hashanna and Yom Kippur is rejected and the Amoraim Rabina and Giddal say the halacha follows Gamaliel. On the other hand, the Sages' position on Atzeret is tacitly endorsed, but on the

basis of Amoraic ruling and precedent!!

Mishnah 3:7

None rend (their garments during the intermediate days of the Festival) nor do they remove (the garment to bare a shoulder), nor do they provide food (for mourners after the burial) unless they are kin to the dead. Nor do they provide food except (when seated on) an upright couch (i.e., in the normal fashion).

Gemara

<b.M.Q. 25a>

1. A. (Does the Mishnah's ruling that none rend their garments during Hol HaMoed except if they be kin of the deceased apply) even (if the deceased) be a scholar?
- B. But it is taught (in a Baraita) [Tosefta M.Q. 2:17], "If a scholar dies, everyone is his next of kin."
- C. You believe that everyone is his kin?! Rather (it should be stated that) everyone is (deemed) like his kin.
- D. (The Baraita resumes:) "All rend (their garments) on his behalf, all remove (the garment to bare a shoulder) on his behalf, all provide food (for the mourners who are) in the broad space (i.e., area)."
- E. (Nonetheless, the Mishnah's ruling that none rend their clothes) is needed (for the case of a man) who is not a scholar.
- F. But if (the deceased) was a worthy man, (everyone) is obligated to rend (his garment). As it is taught (in another Baraita): "Why do a person's sons or daughters

die when they are only infants? In order that one should mourn and weep for a worthy person."

- G. (You say) 'that one should (in the future) weep and mourn (for a worthy person)'? Do they (in heaven) exact a pledge of him (i.e., take his children in punishment for a sin that he will commit in the future)? Rather (you should teach): "Because one has not wept and mourned for a worthy person (were his children taken from him)."
- H. (The Baraita continues:) "For whoever weeps and mourns for a worthy man, all his sins are forgiven on account of the honour given (the dead)."
- I. (Rather, the Mishnah's ruling that one does not rend one's clothes is applicable) when the dead is not a worthy man.
- J. (But) if one was standing there (i.e., next to the dying man) at the time another's soul left, (all present) are obligated to rend (their garments)! As it is taught (in a Baraita): "Rabbi Shimon ben Elazar says, 'One who stands over the deceased at the time his soul leaves is obligated to rend (his garment). What is this like? (It is like) a Sefer Torah that was burnt--(in this case, too) one is obligated to rend (one's clothes).'"
- K. (Rather, the Mishnah's ruling applies) when one is not standing (beside the dead) at the time his soul left.

Analysis

The introduction of a new Mishnah signals the advent of an entirely new set of discussions. The previous discussions regarding the counting of days has been exhausted.

The Gemara asks whether the Mishnah's ruling applies even to

the death of a scholar, citing a Baraita to this effect in (1B). A gloss in (1C) clarifies the Baraita. The Baraita then resumes in (1D). The Gemara attempts to harmonize the Mishnah and the Baraita at (1E) by stating that the Mishnah's ruling applies when the deceased is a common man and not a scholar. The same formal pattern is then repeated: an objection is raised in (1F) by citing another Baraita. (G) glosses (F) and clarifies its meaning. The Baraita resumes in (H). The Gemara attempts to harmonize at (I) by limiting the Mishnah's ruling to mourning for one who is not a "worthy man". However, (J) objects to (I)'s attempted harmonization by citing yet another Baraita: if one is standing by the deceased when he dies one must rend his garment no matter who the deceased is; be he a "worthy man", scholar, or common man. The final resolution occurs in (K) by limiting the ruling of the Mishnah to one who is not standing beside the deceased as he died.

What we have seen in this entire section is the seemingly obvious meaning of the Mishnah constricted by the Gemara through the use of Baraitot until we arrive at a very restricted interpretation of the Mishnah. We have seen this before on a number of occasions.

There is one other point of interest. This entire section (1A-1K) can be found in b. Shabbat 105b. It was probably taken from this sugya in its entirety because the Tosefta is found in 'Moed' (i.e., Moed Katan). Although this indicates that Shabbat may be a secondary utilization of this Baraita, it is not certain if this is, in fact, the case.

Gemara

- 2 A. When the soul of Rabbi Safra went into repose (i.e., when he died), the Rabbis did not rend (their garments) on his account. They said, "We have not learned from him (as students)." Abaye said to them, "Is it taught 'when (one's own) Master dies'? (No,) it is taught 'when a scholar dies'; (so, in this case, you should

have rent garments). Moreover, everyday his teachings are recited (lit., in the mouths of those who attend study) in the Beit Midrash."

- B. It was thought (by the Rabbis who had previously not felt the need to rend their garments) that what was done, was done (and that after the fact nothing more need be done).
- C. Abaye said to them, "It is taught (in a Baraita): 'If a scholar dies, all the time that (the mourners) are engaged in lamenting (him), they are obligated to rend their garments).'
- D. They (i.e., The Rabbis who did not rend their garments) thought of rending them immediately.
- E. Abaye said to them, "It is taught (in a Baraita):, 'A scholar (who dies) is honoured at the lamenting (done on his account).'

[i.e., therefore, in this instance it would have been inappropriate to rend garments since the Rabbis were not lamenting the dead.]

Analysis

In our previous section, we learned that a scholar is to be mourned by his students as if they were members of his family. Here, an Amoraic precedent reiterates that teaching and introduces, at the same time, the teaching that the rending occurs at the time of lament and is not proper when not in actual mourning. This story is appropriate after the previous discussions because it underscores, with a report of actual practice, that which the Gemara postulated as theory. Another similar story which relates the honour due scholars is appended to this.

Genara

3 A. When Rav Huna died, they thought to place a Sefer Torah on his (funeral) bier.

B. a) Rav Hisda said to them, "Should we do something for him that he would not have done in his lifetime (himself)?"

b) "For Rav Tachlifa said, 'I saw Rav Huna once who wanted to sit down on his couch but there was a Sefer Torah on it. He (then) turned over a jar on the ground and placed the Sefer Torah upon it (before he sat down on the couch).'

c) "(Therefore), he must have thought that it was forbidden to sit on a couch upon which a Sefer Torah lays."

C. a) The (funeral) bier was not able to pass through the door. They thought to lower it via the roof.

b) Rav Hisda said to them, "Behold, I have learned this from him (i.e., Rav Huna): 'The honour due a scholar (requires that he pass) through the door.'"

c) They (then) thought of changing (where he lay by moving him) from one (funeral) bier to another (funeral) bier.

d) Rav Hisda said to them, "(Behold), I have learned this from him (too): 'For the honour (due) a scholar (it is appropriate to leave him on the) first bier.' As Rav Judah said quoting Rav, 'From where (in Scripture) do we derive that for the honour due a scholar (he must remain) on the first bier? From that which is said, *And they brought the Ark of God upon a new cart* (II Sam. 6:3).'

[i.e., they brought the ark to Jerusalem on the same cart upon which it was taken to Kiryat Yaarin. Since the scholar is judged, in this case, to be like the Ark of the Covenant, he too must remain on the original bier for honour's sake. Here the Rabbi is a holy man, a living Torah, a divine vessel in every way!]

- e) They (then) broke down the gate (and widened it) and they brought him out.
- D. Rabbi Abba opened (his eulogy) for him (i.e., Rabbi Huna): "Our Master was worthy of the Shechina resting upon him, but because he was in Babylon, it was prevented (from resting upon him)."
- E. Rav Nahman bar Hisda responded -- and there are some who say that it was Rav Hanan bar Hisda (who responded by quoting Scripture), *The word of the Lord came unto Ezekiel ben Buzi the priest in the land of the Chaldeans* (Ez. 1:3) (which implies that the Shechina can, in fact, rest upon one outside the Land of Israel).'
- F. His father swatted him with his sandal saying to him, "Have I not told you that you should not bother everyone (with this interpretation of the scriptural verse)?! (Rather,) what does (the word) hayoh connote? (It alludes to the fact that the revelation to Ezekiel) had already occurred (before he came to Babylon!)"
- G. When they brought him (i.e., Rav Huna) up to there (i.e., Eretz Yisrael), the (people) told Rabbi Ammi and Rabbi Assi, "Rabbi Huna is coming."
- H. (Believing that Rav Huna was alive), they said, "When we were there (i.e., in Babylon) we were not able to lift our heads because of him. [i.e., for he was so important that, out of modesty and shame, they kept

their heads bowed—Rashi] Now that we have come here, does he come after us?"

- I. They (then) said to him (Ms Munich: "them"), "It is his coffin that is coming."
- J. Rabbi Ammi and Rabbi Assi then went out (to meet the coffin). (But), Rabbi Ela and Rabbi Hannina did not go out. <There are those that say that Rabbi Ela did go out and Rabbi Hannina did not go out.>
- K
 - a) What is the reasoning of those who went out?
 - b) For it is taught (in a Baraita): "(For) a coffin that passes from place to place, they stand in a row on account (of the dead) and they recite over him the Benediction of the Mourners and (offer) condolences to the mourners."
 - c) What (then) is the reasoning of the one who did not go out (to meet the coffin)?
 - d) For it is taught (in another Baraita): "(For) a coffin that passes from place to place, they do not stand in a line on account (of the dead), and they do not recite the Benediction of the Mourners (or offer) condolences to the mourners."
 - e) These (traditions) contradict each other!
 - f) (No), there is no contradiction. (The solution is that) here, (in the first Baraita [b], it is understood that) the corpse is intact. Here, (in the second Baraita [d], it is understood that) the corpse is not intact.
 - g) But, Rabbi Huna's body was, (in fact) intact! The one who did not go out (to meet it) was not

sufficiently informed.

- L. a) They said, "Where shall we lay him?"
- b) [Ms Munich: (Vilna lacks)]: Some said, "Let us lay him beside Rav Hiyya [=Ms Munich]. For Rav Huna disseminated Torah throughout Israel and Rav Hiyya disseminated Torah throughout Israel."
- M. a) (They said,) "Who will bring him into (the burial cave)?"
- b) Rav Haga said to them, "I will bring him into (the burial cave). For I recited my studies (before him) when I was only eighteen years of age. As well, I did not see any (i.e., have any) nocturnal emissions. In addition, I attended before him and (therefore), I know [Ms Munich] of his deeds. (Like the case that happened) one day (when) the strap of his tefillin were upside-down and he sat and fasted for forty days!"
- c) (Everyone agreed that Rav Haga was qualified for this great honour) and so he brought him into (the cave).
- d) Judah lay on the right of his father and Hezekiah was on his left. Judah said to Hezekiah, "Get up from your place! It is not proper protocol that Rav Huna remains standing!" When he (Hezekiah) arose, a column of fire rose with him.
- e) Rav Haga saw this, became afraid, set up the coffin and left (the cave in a hurry).
- f) Because Rav Haga set up the coffin of Rav Huna, no harm came to him (from the fire).

Analysis

This pericope is simply a continuation of the illustration of the honour due a scholar.

A point of interest should be noted at (A-C). Namely, the Rabbis seemed to be quite comfortable quoting the teachings of the dead scholar himself. The point of the story (and its irony) is that the teachings of Huna correct the practices at his own funeral!

The issue at (D-F) is the holy status of Eretz Yisrael. The point of (F) is that the Shechina did not manifest itself in Babylonia (hence the verse must be construed otherwise). Moreover, Nahman is thereby being disrespectful to Huna's memory by contradicting his eulogist! This is a good example of Rabbinic etiquette.

Section (G-L) gives us some glimpses into the world of the Rabbis. Note especially the ambivalence in (H) which Rabbi Huna's coming generated. It gives us some idea of the social distinctions between the greater and lesser authorities. Also, note the folklore in (L) and (M). Here we see the great piety of the Rabbis, the issues of personal purity, and how only the pure can perform such functions as those described. Of course, the idea of the dead rising out of courtesy to greet the new dead is astounding! Related to that, notice how the pious actions of the living protect him from the dead at the time of burial. It is a fascinating bit of folklore.

Gemara

- 4 A. When Rav Hisda died, they (i.e., the Rabbis) thought to place a Sefer Torah upon his (funeral) bier.
- B. (Whereupon) Rabbi Yitzhak said to them, "(Wait!) Shall we do something for him that he would not have done for his Master (i.e., Rav Huna; cf. 3B above)?"

- C. They (then) thought that they should not stitch up their rents (which they made in their clothing).
- D. (Whereupon) Rabbi Yitzhak bar Ami (interjected) and said, "(It is taught in) [a Baraita: Ms Munich]: '(In the case of) a scholar (who dies) as soon as they have turned their faces from the rear of the (funeral) bier, they may stitch (their garments back together).'"

Analysis

Section (4A-D) is a parallel vignette to the preceding one. Once again, note the concern for proper procedure. This time, however, the funeral is for Rav Hisda who, incidentally, was very active in Huna's funeral.

Gemara

- 5 A. When Rabba bar Huna and Rav Hamnuna went to (their) rest, they (i.e., the Rabbis) brought them up (to Eretz Yisrael for burial). <b. M.Q. 25b> When they arrived at a bridge, the camels stopped.
- B. A certain Arab said to them, "What is going on here?"
- C. They (i.e., the Rabbis) said to him, "Our Rabbis (who are dead) are honouring each other. One Master said (as it were), "Let (my) Master go through first." The (other) Master said (as it were), "(No), let my Master go through first."
- D. (The Arab said), "(It is my) judgement that (an important man the son of an important man [Ms Munich], that is to say) Rabba bar Huna, pass through first."
- E. (Upon hearing this), the camel carrying Rabba bar Huna went on (first).

- F. The molars and teeth then fell out of that Arab (because of the irreverence shown to Rav Hamnuna).

Analysis

Another short story about the funeral of two notables is included here because of its direct relation to the previous material included in the sugya as a whole. It is edited at this particular point, as well, because Rabba b. Huna is the son of the Huna with whom the preceding materials dealt. Note again the notion that holy men may be said to pay each other honour even after their deaths! In other words, though they have died, they continue to live.

Gemara

- G. A certain young boy opened (his eulogy for Rabba bar Huna who 'crossed the bridge' in the preceding section): "An ancient stock (*Rabba b. Huna*) has come up from Babylon. And with him a Book of Battles. (*Rav Hamnuna, a great Torah scholar in the 'Wars of Torah': Steinsaltz.*) Pelicans and bitterns [v. Is. 34:11] were doubled to see the destruction and decimation [v. Is. 51:19] that came from Shinar [v. Gen. 14:11] (*Babylon*). He (*God*) is angry on account of His world, and [The Rock -- Ms Munich] grabs souls from it. (But) He delights in them as a new bride riding on the upper heights [v. Ps. 69:5] and delighting in the coming unto him of a pure and righteous soul."

Analysis

The eulogy is full of images of Rabba b. R. Huna. It is self-explanatory in content. It is interesting, however, to note the theology of death here. God, despite His anger, is delighted to see those whom He 'grabs' in Olam Ha-Ba.

What follows throughout the sugya are other eulogies and

vignettes that occurred in connection with these eulogies.

Gemara

- 6 A. When Rabina died, a certain eulogizer opened (his eulogy and said), "O palm trees, sway (your) heads over a tzaddik (who was) like a palm [v. Ps. 92:13]. Let us make nights as days (in lamentation) for who appointed nights as days [in Torah study -- Ms Munich]."
- B. R. Ashi said to Bar Kipok, "What would you say on that day (i.e., at my funeral)?"
- C. He said to him, "I would say, 'If a flame fell among the cedars, what will the moss [v. Lev. 14:1] on the wall do? (If) Leviatan [v. Jer. 40:25] was caught with a hook, what will the fish do? (If), into a rushing river a hook [v. Jer. 14:3] (was lowered), what will the waters of the marshes do?'"
- D. Bar Avin said to him, "God forbid that I should talk of a hook or of a flame (when mentioning) the tzaddikim (like R. Ashi)! What (then) would you say (seeing that this eulogy is inappropriate)?"
- E. (Bar Kipok said), "I would say, 'Weep for the mourners and not for the loss; for he is at rest and we (are left) to sigh.'"
- F. Rav Ashi was weakened (i.e., dissatisfied) with them [and crestfallen -- Ms Munich] and their knees were reversed (i.e., they ran away from R. Ashi because of their embarrassment in front of him at his expense. Steinsaltz, "They embarrassed him because they compared the other hachazim to 'moss' in the other poem").
- G. On the day (that R. Ashi did die) they (i.e., Bar Kipok

and Bar Avin) did not come to eulogize him. And that fulfilled what R. Ashi had said, "Bar Kipok and Bar Avin shall not bare (their shoulders when I die. This, because they embarrassed me)."

H. When Rabba came to Diglat he said to Bar Avin, "Rise and say something."

I. He got up and said, "When the waters come (upon) the third (Rashi: *Israel*). (Oh God,) Remember [the covenant -- Ms Munich] (after the Flood) and have mercy (upon us). We have strayed from You as a woman (strays) from her husband. Do not abandon us, (but save us) as You did (at) the waters of Marah."

Analysis

Once again, the eulogies are filled with Biblical images.

Notice in (A-G) the ambivalences of Rabbinic etiquette. Note how Bar Avin was shocked to hear the eulogy Bar Kipok recited for Rabbi Ashi. It is an interesting glimpse into the protocol due Rabbis and into how these great men should be respected.

Although (H-I) is not a funeral oration, this poetic paragraph was probably edited into the sugya because Bar Avin was involved in the former eulogy. It is a standard editorial practice to place together materials with the same name.

Gemara

7 A. <Hanin, Yohanan, Zeira, Abba Yaakov, Yosi, Shmuel, Hiyya, Menachem -- a mnemonic.>

(This line is the order of names in the narratives that follow. It is a standard mnemonic device for memorizing a large group of attributed materials in their proper order. As

it turns out, the mnemonic does not totally agree with the rule of all the names that follow. The names that follow are Yohanan, Abba, Zeira, Abahu, Yosi, Yaakov, Asi, Hiyya, Menachem, and others.)

B. Rabbi Hanin was a son-in-law of the household of the Nasi. He had no children. he prayed and he had (a child). (As it happened), on the very day (his child was born), he died.

C. The eulogizer opened (his eulogy and said), "Happiness is turned to sadness, joy is mingled together with sorrow. At the time of his happiness, he sighed (i.e., he gasped his dying breath). At the time he was graced (with the birth of his son), his grace (hanin) was lost."

[i.e., Hanin died -- there is a word play here on 'Hanin' (life) --]

D. They gave (to his son) his name 'Hanan'.

E. a) When Rabbi Yohanan (Ms Munich; Pedat) died, Rabbi Yitahk ben Elazar opened (his eulogy and said), "Today is as difficult for Israel (to bear) as the day that the sun set at noon. As it is written, and it shall come to pass and I will cause the sun to set at noon... (Amos 8:9-10)."

b) And Rabbi Yohanan said, "This is the day (of the death of) Josiah."

F. a) When Rabbi Yohanan died, Rabbi Ami sat (in mourning) for seven (days of intense mourning) and thirty (days of lesser mourning).

b) Rabbi Abba the son of Rabbi Hiyya ben Abba said, "That which Rabbi Ami did, he did according to his

own opinion (i.e., it was on his own authority and is not a generally held practice to mourn for this length of time for a scholar). For this is what Rabbi Hiyya bar Abba said, "Rabbi Yohanan said, 'Even for one's own Rabbi who taught him Wisdom (Torah), one sits (on his account) but one day.'""

- G. When Rabbi Zeira died, a certain eulogizer opened (his discourse and said), "The land of Shinar conceived and bore (him), the land of glory raised up its dear one. "Woe to her" (i.e., to me) said Rakat (Rashi: Tiberias). For she has lost her beloved ornament."
- H. a) (When) Rabbi Abahu died, water (i.e., tears) ran down the columns of Caesarea.
- b) (When) Rabbi Yosi (died), the gutters of Sepphoris flowed with blood.
- c) (When) Rabbi Yaakov [bar Abba -- Ms Munich] (died) stars could be seen in the daytime.
- d) (When) Rabbi Asi (died), all trees were uprooted.
- e) (When) Rabbi Hiyyah [bar Abba -- Ms Munich] (died), hailstones of fire came down from the sky.
- f) (When) Rabbi Menachem bar Yosi [Ms Munich: b. Simai] (died), the images (on coins) were erased and (they were made into) millstones. [n.b., this is not clear]
- g) (When) Rabbi Tanhum bar Hiyya (died), all the statues (of the emperor -- Rashi) were cut down.
- h) (When) Rabbi Eliashib (died), there were seventy burglaries in Nehardea [Tiberias -- Ms Munich].
- i) (When) Rav Hammuna (died), hailstones [of fire -- Ms

Munich] came down from the sky.

- j) (When) Rabba and Rav Joseph (died), (the) stones of the Euphrates kissed one another.
- k) (When) Abaye and Rabba (died), the stones of the Diglat kissed one another.
- l) (When) Rabbi Mesharshaya (died), the palm trees were covered with thorns.

Analysis

The entire section of vignettes and episodes pertaining to the deaths, funerals, and occurrences at the deaths of these great authorities is complete. No doubt, the last series of events (H) are either fanciful recreations of events or highly exaggerated accounts of some events. These are 'stereotype' occurrences at the death of great men or holy men. The idea of including them into the sugya was to illustrate the extreme loss occasioned by their death.

The sugya continues with a more halachically oriented discussion and is back on track to mourning practices in general.

Gemara

- 1 A. Our Rabbis taught (in a Baraita): <b.M.Q.26a> "And these are the rents that they do not sew (back up after the mourning period is over): one who rends (his garment) for his father, and for his mother, and for his Rabbi who taught him Torah, and for a Nasi, and for the Av Beit Din, and (upon) hearing bad tidings, and upon (hearing) God's name blasphemed, and for a Sefer Torah which has been burnt, and for the cities of Judah (which were ruined), and for the Temple, and for (the ruins of) Jerusalem -- and (one should) rent (first) for the

(ruined) Temple and (then) add (to the rent by rending for the ruins of) Jerusalem."

B. "For his father and for his mother, and for his Rabbi who taught him Torah": From where (in Scripture do we derive this ruling)? (From) that which is written, *And Elisha saw it and he cried, 'My father, my father, the chariots of Israel and their horsemen'* (II Kings 2:12).

a) *My father, my father*: this (refers) to (both) his father and his mother.

b) *The chariots of Israel and their horsemen*: this (refers to) his Rabbi who taught him Torah.

i) How does it (i.e., the portion dealing with 'chariots and horsemen') convey this meaning?

ii) Following the (Aramaic) translation of Rav Joseph (who rendered), "My master, my master who was better for Israel with his prayers than (all) the chariots and horsemen."

C. And from where (in Scripture) do we learn that they do not sew (back up torn garments which one rent for father, mother, and one's Rabbi)? (From) that which is written (in the next verse), *And he grasped his garments and he rent them into two pieces.*

a) (Now, since it said *And he rent them* do I not know that) he rent his garments into two pieces? Rather, (Scripture) records that he rent his garments into two pieces to teach that the rent garments remain in two (pieces) indefinitely.

D. a) Resh Lakish said to Rabbi Yohanan, "Elijah was alive (when he went up to heaven. Why, then, did Elisha

rend his garment?!)"

- b) He said to him, "Because it is written, *And he did not see him again* (II Kings 2:12). (This means) for him (i.e., Elisha) he (i.e., Elijah) was considered dead.

Analysis

This is a two-part proof. The ruling in the Baraita which Scripture must support is that rents for parents and Rabbinic masters are not resewn. However, they must first prove that one rends for his Rabbi. The Gemara seeks a proof-text for an already established halacha. It determines that rents for father, mother, and Rabbi are not to be resewn because of one extra word in Scripture. This is, of course, a common hermeneutical device.

Gemara

- 2 A. Where (in Scripture do we derive that one rends one's garment) "for a Nasi and for an Av Beit Din and upon hearing evil tidings"? As it is written, *And David grasped his garments and he rent them and all the people that were with him did so, as well. And they wailed and they cried and they fasted until the evening for Saul and for Jonathan, his son, and for the people of God and for the house of Israel that fell by the sword* (II Sam. 1:11).

a) Saul (refers to any) Nasi.

b) Jonathan (refers to any) Av Beit Din.

c) *For the people of God and for the House of Israel* (refers to any) evil tidings.

B. Rab bar Shabba said to Rav Kahana, "Might I not say

(that they did not rend their garments) until all of (the misfortunes had been heard)?"

[i.e., therefore necessitating only one rending and not three.]

C. He (Rav Kahana) said to him (Bar Shabba), "(The words) and for <al> (Saul) and and for <al> (Jonathan) (indicate that the) matter is divided into distinct parts." Consequently, the rending occurs for each misfortune.

D. a) Do we (really) need to rend (our garments upon hearing) evil tidings? For, behold, they said to Samuel, "Shapur the king has murdered twelve thousand Jews in Mazaca-Caesarea," and he did not rend (his garment). (Surely that was an evil tidings!)

b) They (i.e., the Sages) only (require this) when (the misfortune has occurred to) the majority of the community and in cases similar to the paradigm (of Saul and Jonathan). And did Shapur the king (really) kill the Jews? For, behold, Shapur the king said to Samuel, "(May a curse) come to me (if I have ever killed a Jew) for I have never killed a Jew!!" There (in the case of Mezaca-Caesarea, it is reported) that they caused (the slaughter) themselves as Rabbi Ammi said, "The sound of stringed instruments (by the inhabitants of Mezica-Caesarea) crumbled the walls of Laodicea" [Rashi -- "The sound of stringed instruments" means that they rebelled (against the occupying force)].

Analysis

The Gemara continues to search for scriptural proof for the already established practice of rending a garment for the death of an Av Beit Din, Nasi, and upon hearing an evil report. Once

again, the proof is highly artificial and after the fact. Then, an Amoraic precedent is cited in (D) which seems to contradict the ruling that garments are to be rent upon hearing evil tidings. The precedent is harmonized with the Baraita.

The sugya continues with yet another request for scriptural proof to substantiate the original Baraita.

Gemara

3 A. From where (in Scripture do we derive that one rends one's garment) "upon hearing God's name blasphemed"? As it is written, *And Eliakim the son of Hilkiyah who was over the household came with Shebna the scribe and Yoach ben Asaph the recorder unto Hezekiah with rent clothes (and they told him of the words of Ravshake) (II Kings 18:37).*

B. Our Rabbis taught (in a Baraita): "Both one who (directly) hears (God's name blasphemed) and one who hears it from the mouth of one who hears it are obligated to rend (their garments). But the witnesses are not obligated to rend (their garments a second time on reporting a blasphemer), because they have already rent (their garments) at the time they heard (the blasphemy)."

a) What does it matter that (they rent their garment) at the time they heard (the blasphemy)? They hear it now (when they report it. Therefore, they should rend again!)

b) (No!) Do not think that this is the case. For it is written, *And when King Hezekiah heard (this) he rent his garments.* (That is to say) the king rent his garment but (the reporters of the blasphemy) did not rend their garments a second time).

- C (And) from where (in Scripture do we derive) that they do not sew (back up the rent pieces)? It is derived (through a gezera shava from the word) 'rent' (i.e., this word is used in the case of Elisha and Elijah and here, as well. Since in the case of Elisha and Elijah the rend was not sewn up, here too is the rent left unended.)

Analysis

Although the balance of the original Baraita is not concerned with rending garments on account of mourning but rending in general, the Gemara, once having taken up the Baraita will explore the scriptural basis for each of the Baraita's categories (although each of these categories is akin to mourning).

Gemara

- 4 A From where (in Scripture do we derive that one rends a garment for) "a Sefer Torah that has been burnt"? As it is written, *And it came to pass that when Yehudi had read three or four columns (of Scripture) that he tore it with a knife and cast it into the fire that was on the brazier, etc. (Jeremiah 36:23).*
- a) What (is the meaning of mentioning that he read) *three or four columns?*
- b) They said to Jehoiakim, "Jeremiah wrote the Book of Lamentations."
- c) He said to them, "What is written in it?"
- d) (They read), *How does the city sit in solitary (Lam 1:1).*
- e) He said to them, "I am the king" (i.e., there is

nothing threatening to my reign in that verse).

- f) They said to him, *She weeps greatly in the night* (Lam 1:2).
- g) (He said to them again), "I am (still) the king."
- h) (They recited another verse, saying), *Judah is in exile because of affliction* (Lam 1:3).
- i) (He replied), "I am (still) the king."
- j) (They recited yet another verse, saying), *The ways of Zion is mourning* (Lam 1:4).
- k) (He replied), "I am (still) the king."
- l) (They recited another verse), *Her adversaries are become the head* (Lam 1:5a).
- m) He said to them, "Who said this?"
- n) (They said to him by continuing the verse), *For the Lord has afflicted her for her great many sins* (Lam. 1:5b).
- o) Immediately, he (i.e., the king) cut out all mention (of God's name) that was in (the text) and burnt them in the fire. (He did this because the text showed that he was not, in fact, the supreme ruler.)
- p) That is why it is written (in the account of this episode), *And they did not fear nor did they rend their garments neither the king nor any of his servants who heard all these words* (Jer. 36:24). From here (you learn) that they (i.e., the servants, witnesses, etc.), (in fact), needed to rend (their garments but did not)!

B. a) Rav Papa said to Abaya, "Might I not (be able) to say (that they should have rent their garments) on account of evil tidings (and not because God's name was blasphemed)?"

b) He said to him, "(No!) Were there any evil tidings (heard) at that time?! (Since not, then they could not have been expected to rend on account of evil tidings. Therefore, rending should have taken place because God's name was blasphemed.)"

Analysis

In this pericope the search for prooftexts continues. Again, we see the Rabbis interpreting an episode somewhat midrashically. In this case, however, the prooftexts and the Rabbi's interpretations are somewhat feasible.

The sugya then continues with additional reasons for rending a garment on account of a damaged Torah scroll.

Genara

5 A. a) Rabbi Helbo, citing Rav Huna said, "One who sees a Sefer Torah that has been torn is obligated to rend (his garment with) two tears. One (tear) on account of the (torn) parchment and one (tear) on account of the writing.

b) As it is said, *...after the king had burnt the scroll and the words* (Jer. 36:27). [The "scroll" (refers to) the parchment and "the words" (refers to) the writing — Ms Munich]."

B. a) Rabbi Abba and Rav Huna b. Hiyya were once sitting [together — Ms Munich]. Rabbi Abba got up to relieve (himself).

[Vilna: "Rabbi Abba and Rav Huna b. Hiyya were once sitting before Rabbi Abba." This text is corrupt. Instead of "before Rabbi Abba" it should read "Rabbi Abba arose."]

He took off his head tefillin and he placed it on the pillow (upon which he sat). A small ostrich came and wanted to swallow it. He said, "Now, (if the bird would have swallowed it) I would have been obligated (to make) two tears (in my garment)."

- b) He (i.e., Huna b. Hiyya) said, "Where did you learn this (ruling)? For a (similar) thing occurred to me. (So), I went before Rav Matena (to ask him what I should do) and he did not have (any answer) (lit., "in his hand"). (Then), I went before Rav Yehuda. He said to me, "Thus said Samuel, "They said that (one should rend one's garment) only (in the case where a scroll is destroyed) by force and cases similar to the paradigm (i.e., in a blasphemous situation as with Jehoiakim).

Analysis

These are Amoraic rulings and precedents all pertaining to damaged Torah scrolls. The practice vis-a-vis rending is similar to a burnt scroll. This is why it is edited at this point.

Gemara

- 6 A. From where (in Scripture do we derive that one rends one's garments at the sight of the ruined) "cities of Judah"? As it is written, *And people came from Shechem, from Shiloh and from Shomron (Samaria). Eighty men with beards cut and clothes rent, and having cut themselves, bringing with them meal offerings and frankincense in the house of God etc (Jer. 41:5).*

- B. a) Rabbi Helbo, as citing Ullar of Birah citing Rabbi Eleazar, said, "One who sees the cities of Judah in their ruin says, *Thy holy cities have become wastelands* (Is. 64:9) and then rends (his garment).
- b) "(When one sees) Jerusalem in her ruin, one says, *Zion is a wasteland, Jerusalem has become desolate* (Is. 64:9) and then rends (his garment).
- c) "(When one sees) the Temple in ruins, one says, *Our holy and beautiful Temple where our fathers praised You has become burned with fire and all our pleasant things are ruined* (Is. 64:10) and (then) rends (his garment)."
- C. a) (Re-citation of Baraita's next clause): "He (first) rends (his garment) for the Temple and then enlarges (the rent) for Jerusalem."
- b) (An objection was raised from another contradicting Baraita): "Whether one hears (of the ruins of Jerusalem) or one sees (the ruins of Jerusalem, he rends his garment). When one arrives at (Mount) Scopus he rends (his garment). He rends for the (ruins of the) Temple by itself and for (the ruin of) Jerusalem by itself."
- c) There is no difficulty (with these seemingly contradicting Beraitot). The (first one refers to the case) where he reaches the Temple first (without seeing Jerusalem) and the (latter one refers to the case) when he reaches Jerusalem first.

Analysis

The issue between the Beraitot is whether one makes two separate tears in the garment, one for Jerusalem and one for the Temple or merely one tear which is enlarged. The

harmonization occurs at (Cc). Note that since a fresh tear is made for the Temple, seeing the Temple in ruins is more grievous than seeing Jerusalem in ruins.

Gemara

- 1 A. Our Rabbis taught (in a Baraita): "And regarding all those (rents mentioned in the previous section dealing with rending), they are permitted to baste together, or hem together, or pick up (the rough edges of the torn garment) or to repair them with a ladder stitch; but not (by means of a) sewn (seam)."
- B. Rabbi Hisda said (b.M.Q. 26b), "(It is also not permissible to mend a rent garment with) the Alexandrian stitch."
- 2 A. Our Rabbis taught (in a Baraita): "One who rends (his garment) in a place (which, at the time of a previous rending was rent and then had been subsequently) basted, (or) in a place (which had been subsequently) hemmed (together), (or) in a place (which had been subsequently) picked up, (or) in a place (which had been subsequently) sewn (back together by means of a) ladder stitch, has not fulfilled his requirement (of rending the second time). (If he rends in a place repaired by) a seam stitch, he has fulfilled his requirements."
- B. Rav Hisda said, "(Also in the case when a previous rent was sewn with an) Alexandrian stitch (he has fulfilled his requirements)."
- 3 A. a) Our Rabbis taught (in a Baraita): "It is permissible to turn (the garment) upside down (and use the top part for the waist and the bottom part for the neck) and sew it (with a proper mend).
- b) "Rabbi Shimon ben Elazar forbids (one) to mend (the

garment completely in any case).

- c) "And just as the seller (of a previously rent garment) is forbidden to stitch it (back up completely), similarly, the buyer (of a previously rent garment) is forbidden to stitch it (back up completely). Therefore, (the) seller (of the garment) needs to inform the buyer (of the garment, that the garment was previously rent and, therefore, should not be mended completely)."
- 4 A. a) Our Rabbis taught (in a Baraita): "'The first tear (is at least the length of) a handbreadth. Any addition (to the first tear is at least) three fingerbreadths.'" These are the words of Rabbi Meir.
- b) "Rabbi Yehuda says, 'The first tear (is at least the length of) three fingerbreadths. Any addition (to the first tear) may be in any measure.' (i.e., as little or as much as one wishes to extend the tear)."
- B. Ulla said, "The halacha is according to Rabbi Meir (in regard to) rending and the halacha is according to Rabbi Judah (in regard to) any addition (made subsequent to the initial rent)."
- C. It is taught likewise (in another Baraita [tanya nami hakhi]): "Rabbi Yosi says, 'The first tear (is at least the length of) a handbreadth. Any addition (to the first tear) may be in any measure.'"
- 5 A. a) Our Rabbis taught (in a Baraita): "If they told him that his father died and he rent (his garment, and then they told him that) his son died and he added to the (first tear), the lower portion (of the rent -- that part made for his son) may be sewn back up. (However,) the upper portion (rent for his father) is not sewn (back up).

- b) "(If they told him) his son died and he rent (his garment, and then told him) his father died and he added to the (first tear), the upper portion (of the rent made for his son) may be sewn back up. (However,) the lower portion (rent for his father) is not sewn (back up).
- c) "(If they told him) his father died, his mother died, his brother died, (and) his sister died, he makes one rent for all of them.
- d) "Rabbi Judah ben Batayra says, '(For all near relatives -- Steinsaltz), he makes one rent; for his father and/or his mother, he makes (another) rent because one cannot make an additional (rent in a garment) for his father or mother (upon hearing of the second parent's death).'"
- B. a) What is the reason (that one cannot add onto the tear made for a father or mother when informed of the second parent's death)?
- b) Rav Nahman bar Yitzhak said, "(This is so because it is impossible to display this (extra) addition (to the tear which would publicly state that he is mourning for two parents and not just one parent)."
- C. Shmuel said, "The halacha is according to Rabbi Yehudah ben Batayra."
- D. a) (But) did Shmuel (really say this)? Did not Shmuel say (at another time), "The halacha follows the lenient authority in the case of mourning"? (i.e., since Judah ben Batayra calls for two rents in the case of parents' and siblings' simultaneous deaths, he is considered a strict authority.)
- b) (They responded), "Mourning is one (category) and

rending is another (category)." (i.e., Shmuel specified that mourning practices follow the lenient authority. Since rending is not mourning, rending can follow the stricter authority.)

Analysis

Since the previous section detailed the circumstances which precipitated rending of the garments, it is only natural for the Gemara to detail how the rent is to be made, the length of the rent, etc. This is done through the citation of additional relevant Baraitot. It is interesting to note that in (D) it was resolved that the rending of the garment is not considered a part of mourning. This decision seemed to have been forced upon the Gemara by itself. Shmuel's rules, the Gemara says, contradict each other. Having said this, the Gemara is forced to harmonize these conflicting rules by saying that the first (stating that halacha is according to a strict authority) deals with rending while the second, (stating that, in cases of mourning, the lenient authority is followed) deals with mourning itself. By placing "mourning" and "rending" in different categories, Shmuel no longer contradicts himself! This harmonization is typical Talmudic reasoning and, in this case, quite clever.

Gemara

- E. a) (The Baraita resumes:) "Up to what point (on the garment should one) rend?
- b) "(He should rend down to) his navel.
- c) "But there are some that say (that he should rend only down to) his heart. Although there is no (scriptural) proof (that one should rend only down to his heart), there is an allusion to the matter: as it is written, *And rend your hearts and not your garments* (Joel 2:13).

- d) "When (his rent) reaches to his navel [and he hears another evil tiding -- Ms Munich], he moves over (from the initial rent a width of) three fingers and rends (again).
 - e) "(If) the front part (of his garment) becomes full (of tears) he should turn (the garment) front to back (and rend again).
 - f) "(If) the top part (of his garment) becomes full (of tears) he should flip the garment upside-down (and rend again).
 - g) "But, one who rends (his garment on hearing the initial bad tidings) on the lower part (of the garment) or on the sides, has not fulfilled the requirement (of rending). However, the High Priest displays (his sorrow more subtly by rending) the lower part (of his garment).
- F. a) Rav Matena and Mar Ukba disagreed (on the additional rending of the initial rent). Both of them (forwarded their opinions) in the name of Samuel's father and (Rabbi) Levi.
- b) One said, "Any time during the seven (-day period of intense mourning, one should) rend (again should he hear of another misfortune by making a completely new tear). (If however, he hears of another misfortune) after the seven (days of intense mourning), (he merely) adds (on to the first tear)."
 - c) (The other) one said, "Any time during the thirty (-day period of lesser mourning one should) rend again (should he hear of another misfortune, by making a completely new tear). (If however, he hears of another misfortune) after the thirty (days of lesser mourning), (he merely) adds (onto the first tear)."

G. To (both these statements) Rabbi Zeira took exception.

a) (Rabbi Zeira said), "(In regard to) the one who said 'Anytime during the seven (days of intense mourning, upon hearing of another misfortune) one rends (anew)', why (should he rend anew)? (Certainly, it must be) because (the rent) may not be basted together (until after the seven days of mourning).

b) "But, in view of that which a Master said: "The woman (in mourning) may baste (her garment) immediately (after rending it)" -- should she not here too (be able to add to the first tear within seven days instead of making a new tear by virtue of the fact that her garment is basted?)"

[i.e., R. Zeira brings another tradition that seems to contradict the tradition in 1a. Since a woman may tack together her garment immediately after rending it (which is not the custom in 1a), then, should she not be able to merely add to the original, now basted tear, which is no longer considered a 'tear' because it is repaired!? Adding to the tear should be like making a new tear!]

c) (No, a woman may not add to the first tear merely because it is basted together. The ruling) there (that a woman may baste her garment after the first tear) is because of honour due to a woman.

d) (Rabbi Zeira continues taking exception:) "(In regard to the one who said, 'Anytime during the thirty (days of lesser mourning one should) rend (again should he hear of another misfortune, by making a new tear)', why (should he rend anew)? (Certainly, it must be) because (the rent) is not to be sewn (back together).

e) "But (in the case of a rent made on account of

mourning for one's father or mother which are never to be sewn (back together), should he not (be able to add to the tear within the thirty days instead of making a new tear)?"

[i.e., R. Zeira makes the point that, because the rent for a parent may never be repaired, it is not considered in the same category as a 'repaired rent'. Since one can tear on a repaired rent within the thirty days, then one should be able to add to a tear which will never be repaired anyways!]

- f) (No, one should not add to a tear made in honour of one's father or mother. The ruling there (that the rent can never be sewn back together) is because of the honour due his father or mother.

Analysis

The citation of the Baraita (E) resumed, with greater detail concerning rents in the garment. Amoraic comments on the law articulated in the Baraita comprise (F-G).

The dispute between Rav Matena and Mar Ukba is, itself, not harmonized or decided. Instead, Rabbi Zeira takes both of their opinions to task. He attempts to show that he understands the rationale behind both opinions, brings in what seems to be a conflicting tradition or logical argument that would make the original opinion inconsistent in all cases and intends, in this manner, to show each opinion faulty. The editors of the Gemara provide responses to R. Zeira's clever disagreements with each tradition.

To sum up, we see internal harmonization of each opinion individually, but do not see each opinion harmonized with the other. The initial dispute remains.

Gemara

- 6 A. a) Our Rabbis taught (in a Baraita [cf. Semahot 9]): "One who goes out before the dead in a garment (already) rent, behold, he robs the dead and the living (relatives of the honour of seeing him rend his garments in their presence).
- b) "Rabbi Shimon b. Gamaliel says, 'One who says to his fellow, 'Lend me your coat so that I can go to visit my father who is sick', and he goes (there) and finds (his father) dead, he (should) rend (the coat) and (subsequently) mend (the rent).
- c) "'When he comes back to his home he (should) return the coat to his fellow and give him compensation for the rent.
- d) "'But, if he did not inform him (that he was going to visit his sick father), behold he may not touch (the garment to rend it).'"
- 7 A. a) Our Rabbis taught (in a Baraita): "If one who is sick experiences a death (of a relative), they do not inform him that (the relative) died, lest his mind becomes distracted (and he not be able to tolerate the extra emotional and physical pain).
- b) "And they do not have (others) rend (their garments) in (the ill person's) presence and they silence the women (so they do not weep) in his presence.
- c) "(When not in the presence of a sick person), minors may be made to rend (their garments) in order to intensify grief (for others present).
- [i.e., since the minor is not obligated to rend a garment, every time they do rend, they intensify grief*

*for others who see that even minors' clothes are rent -
- Steinsaltz)*

d) "And they do rend (their garments) for a father-in-law or mother-in-law for the honour due one's wife."

B. And Rav Papa said, "It is taught in Evel Rabbati: "A mourner should not rest a child on his lap because this may bring on lightheartedness and incur disfavour from others."

Analysis

The Gemara now concludes its compilation of traditions on rending. Other rules not associated with rending are included because they are part of a Baraita which contains halachot on rending. In (7B) an Amora cites Evel Rabbati (Semahot) as a Baraita because minors are involved in both the Evel Rabbati quote and the Baraita in (7A).

Mishna 3:7b

*And they do not provide repast upon upright couches.
[Ms Munich]*

(And they do not provide repast except upon upright couches -- Vilna. Note: The Vilna reading is corrected in the margin of the text. The textual variant is a function of the Gemara here and its interpretation by the Rishonim.)

Gemara

1 A. Our Rabbis taught (in a Baraita): "One who goes to the house of a mourner, if he knows him well, he may provide repast (while the mourner) is on an overturned couch. If (he) does not (know him well), he (should) provide

repat (to the mourner) on upright couches."

B. a) A misfortune once happened to Rabbah. Abba bar Marta, who is also (known as) Abba bar Manyumi, came to him. Rabbah (sat on an) upright (couch while) Abba bar Marta (sat on an) overturned (couch. This was because he thought himself close to Rabbah.)

b) He (Rabbah) said, "How little sense this scholar possesses!" [And a misfortune occurred to him on the way home -- Ms Munich].

[i.e., since Rabbah proceeded to sit on an upright couch, he was hinting to b. Marta that he did not consider him close.]

Analysis

The Mishnah deals with mourning procedures during the Festival. This is why the couch must be in an upright position. The Baraita (and the Amoraic precedent attached to it) deal apparently with a general situation of mourning. The variant reading in the Mishnah-text occurs because the Baraita is read back into the Mishnah or on the basis of the Rishonim.

Gemara

2 A. Our Rabbis taught (in a Baraita): "One who goes from place to place (on business and he suffered a misfortune), <b.M.Q.27a> if he is able to reduce his business (affairs in order to mourn), let him reduce (them); if not, let him participate (in his business affairs as best he can). (lit., "let him roll with them").

3 A. a) Our Rabbis taught (in a Baraita): "When do they overturn the beds? 'From the time that he (i.e., the dead body) goes out the door of his house,' These are

the words of Rabbi Eliezar. Rabbi Joshua says, '(They do so) from the time that the rolling stone covers (the tomb).'

- b) "Once, when Rabban Gamaliel the elder died, at the time his (corpse) left his house, Rabbi Eliezar said to them, 'Turn over your beds.' And when the rolling stone had covered (the tomb) Rabbi Joshua said to them, 'Turn over your beds'. They said to him, 'We have already overturned (our beds) by order of [the -- Ms Munich] elder (i.e., R. Eliezer).'
- 4 A. a) Our Rabbis taught (in a Baraita): "When do they return (their beds) to an upright position on Erev Shabbat? From mincha onwards."
- B. Rabba bar Huna said, "Even though (they may return their beds to an upright position after mincha) one does not sit upon it until dark. And even though he may have but one (more day to sit shiva) he agains overturns his couch on Motzei Shabbat.
- [i.e., since one hour of the last day of mourning constitutes a full day, the mourner is still obligated to turn the couches over for this hour.]*
- 5 A. a) Our Rabbis taught (in a Baraita): "One who overturns his bed does not overturn only his bed. Rather, he overturns all the beds which are in his house. Even if he should have ten beds in ten (different) places, he overturns all of them. Even if he had five brothers and one [of them -- Ms Munich] died, all of them overturn (all of their beds).
- b) "If there was a special bed for clothing (only), there is no need to overturn it.
- c) "(In the case of a) dargesh (i.e., a special,

elaborate couch) one need not overturn it (when in mourning). Rather, one (should) tilt it (up).

- d) "Rabban Shimon ben Gamaliel says, '(In the case of a dargesh, one loosens its inner bolster frame and (allows) it (to) fall on its own.'"

B. a) What is a dargesh? Ulla said, "It is a Couch of Luck."

- b) Rabba [b. Sanhedrin: The Rabbis. 'Rabbanan'] (then) said to him, "If that is so, in the case of a king, about whom we have we learned (Mishnah Sanhedrin 2:3): "All the people recline on the ground (except for the king) who sits on the dargesh," why have we not required him to sit there (in the dargesh) until now (and now that he is in mourning we require him to sit in it)?

- c) Rabbi Ashi [b. Sanhedrin: Rabba] raised an objection (and said), "What is the problem?! (For the king to be out of the ordinary is not unheard of.) This is like (the case) of eating and drinking (with the king), for until (such an occasion as mourning) we do not provide food for him or provide drink for him. Now, we give him both food and drink (when he is in mourning)!

[i.e., since we do what is out of the ordinary on such occasions, it may be that the king, too, does what is out of the ordinary for him including sitting on a dargesh.]

- d) Rather, if there is a difficulty (with the above explanation), the difficulty (arises from) that which is taught (in the Baraita): "(In the case of a dargesh, one need not overturn it but (need only) tilt it." Now, if (the dargesh) is a Couch of Luck, why is

there no need to overturn it? For it is taught (in the Baraita): 'One who overturns his bed does not overturn his bed alone. Rather, he overturns all the beds which are in his house.'"

[i.e., and a dargesh, if it were such a bed, would surely be overturned!]

- e) What is the problem? It is like a special bed for clothing, as it is taught (in the Baraita): "If one had a special bed upon which clothing (lays), there is no need to overturn it!"
- f) Rather, if there is a difficulty (with the explanation that the dargesh is a Couch of Luck), the difficulty (arises from) that which is taught (in the Baraita): "Rabban Shimon ben Gamaliel says, '(In the case of a dargesh, one loosens its binding and (allows it) to fall on its own.' Now if you think that (the dargesh is a) Couch of Luck -- what bindings does it have? (i.e., so there is a problem with this definition of a dargesh.)
- C. When Rabin came (from Palestine) one of our Rabbis, whose name is Rav Tachlifa bar Maarva (and) who frequented the leather marketplace, said to him, "What is a dargesh? It is a couch of hide."
- D. It has been said, as well: "Rabbi Jeremiah [b. Sanhedrin: 'in the name of R. Yohanan'] said, 'A dargesh has an interfacing of girths (i.e., weaving) on the inside (of the pole supporting the bed -- Rashi). A bed has a weaving on the outside (of the pole supporting the bed and the hide is doubled back over the wood -- Rashi).'"
- E. Rabbi Jacob bar Aha [Ms Munich -- Jacob bar Aydi], "Rabbi Joshua ben Levi said, 'The halacha is according

to Shimon ben Gamaliel (i.e., for mourning purposes, one may loosen the straps of the dargash that bind it and let it fall on its own).'"

- F. It has been said as well: "Rabbi Jacob bar Aha [b. Sanhedrin: 'Jacob bar Ami', with no Assi] said, 'Rabbi Assi said, 'A couch which has on it projecting lean-backs -- (when one is in mourning) he has fulfilled his obligation (if he merely) tilts it up.'"

["A couch that has on it something to lean upon": Hood that comes out at the top of the couch and at the bottom of the couch so they can place a long plank upon them and can place a net over them to guard from the flies. -- Rashi]

Analysis

The Beraitot in (2A-5A) propose additional rulings for mourning. Note that all of the Beraitot in this section deal with overturning the couch, except for (2)! (5B) commences an Amoraic attempt to define dargesh. Ulla's definition is questioned at (b). The objection is overruled in (c). Another objection occurs in (d) but, again, it is overruled by the Baraita in (e). In other words, twice the objection cannot be sustained. The third time, however, it is sustained by the Baraita in (f). Then a second definition (Tachlifa's) is proposed which accomodates Shimon b. Gamaliel's ruling. The Amoraic commentary in (E) and (F) address both concerns of the original Baraita (5Aa-d) about the dargesh, confirming the identification in (C) that the dargesh is a couch of hide. (F) though, actually seems to side with the anonymous opinion in the Baraita at (C) as opposed to Shimon b. Gamaliel's.

Genara

- 6 A. Our Rabbis taught (in a Baraita): "One who sleeps (during the seven days of intensive mourning) on a chair

(or) on a large urnarium (or) on the ground [everyone agrees -- Ms Munich] that he has not fulfilled his requirement (for mourning)."

- B. Rabbi Yohanan said, "(He has not fulfilled his requirement for mourning because he) has not observed the (law concerning) overturning of the bed."

Analysis

Another Baraita (A) is glossed by an Amoraic comment (B) that articulates the Baraita's rationale.

Gemara

- 7 A. Our Rabbis taught (in a Baraita): "They may sweep or soak (the floors) in the house of a mourner. They may (also) rinse dishes, cups, plates and goblets in the house of a mourner. (However), they do not bring in incense or spices to the house of a mourner."
- B. Is this (really) the case? For Bar Kappara teaches, "They do not recite a blessing either over the incense or over spices in the house of a mourner." Stating that the blessing is not recited implies that (spices and incense nonetheless) are brought into the house!
- C. This is no problem. The (second ruling refers to) the house of mourning (in which the corpse is laid out). The (first ruling refers to) the house of comforters (after the burial when incense is no longer needed).

Analysis

A final Baraita, which also does not deal with overturning the couch is present. It may have been edited here because there was no other context in which to edit it. However, it may also (possibly) be a transition to the first ruling of the next

Mishnah, which enumerates items that one can bring into a house of mourning. The Baraita would, in that case, be a typical seam in the text.

Since (B) contradicts (A), (C) is needed to harmonize them. The harmonization allows for spices to be brought into the house when the body is there (for purposes of fumigation). It is interesting to note that, in this case, no blessing is said.

This is because the spices are not being used for the pleasure derived from them. They are being used as a deodorant. A similar ruling can be found in b. Berachot 8, where one cannot recite the blessing over spices at a funeral.

Mishnah 3:7c

They do not bring (food into) the house of mourning on a serving tray, salver or reed basket. (They should bring food) only in (plain) baskets. They do not recite the mourner's benediction during the Festival (week). However, (even during the Festival week), they (i.e., the consolers) stand in line and comfort (the mourners). And (the mourners) allow the many (consolers) to leave (when they have fulfilled the mitzvah of comforting the mourners.) The (funeral) bier is not laid (down) in the street (during the Festival in order to eulogize the deceased) so as not to encourage the eulogy.

[i.e., to mourn excessively during the Festival is forbidden. At all other times it was customary to place the casket in the street and have a long period of lamenting.]

And (the funeral biers) of women are never (laid on the street) because of the honour (due to women).

Genara

1 A. Our Rabbis taught (in a Baraita): "At first they would

bring (food into) the house of mourning — the wealthy on platters of silver and gold; the poor on wickerwork baskets of peeled willow (branches). The poor were ashamed so (the Rabbis) decreed that everyone should bring (food) in wickerwork baskets of peeled willow (branches) because of the honour due the poor."

- B. Our Rabbis taught (in a Baraita) [cf. T. Niddah 9:17]: "At first they would serve drinks in the house of mourning — the wealthy in white crystal and the poor in coloured crystal. The poor were ashamed so (the Rabbis) decreed that everyone should serve drinks in coloured crystal because of the honour due to poor."
- C. [Our Rabbis taught -- Ms Munich] (in a Baraita): "At first they would uncover the face of the (deceased) rich and cover the face of the (deceased) poor. (This was so) because their (i.e., the poor's) faces were blackened (because of) drought. The poor were ashamed so (the Rabbis) decreed that everyone's face be covered because of the honour due the poor."
- D. [Our Rabbis taught -- Ms Munich] (in a Baraita) [cf. T. Niddah 9:16]: "At first they would bring out the (deceased) wealthy on a dargesh and the poor <b.M.Q. 27b> out on a common bier. The poor were ashamed, so (the Rabbis) decreed that everyone should be brought out (for burial) on a common bier because of the honour due the poor."
- E. [Our Rabbis taught -- Ms Munich] (in a Baraita) [cf. T. Niddah 9:16]: "At first they would place spices under (the bier) of the dead [who died— Ms Munich] of intestinal diseases. Those living who had intestinal diseases were ashamed, so (the Rabbis) decreed that they should place (spices) under everyone's (bier) because of the honour due the living (suffering from) intestinal diseases."

- F. "At first they would immerse the utensils (used) by deceased menstruants. The living menstruants were ashamed (that the utensils with which they came into contact remained impure), so (the Rabbis) decreed that they immerse (all utensils used) by all (dying woman) because of the honour due to living menstruants.
- G. "At first they would immerse (utensils used) by the dead (who died while) suffering from a flux. Those suffering from a flux who were alive were ashamed, so (the Rabbis) decreed that they should immerse all (utensils used) by everyone (dying) because of the honour due to the living who were suffering from a flux."
- H. a) [cf. T. Niddah 9:17] At first the removal of the dead (i.e., the expenses needed to bury the dead) was more difficult for his relatives (to bear) than his death, (so much so in fact) that his relatives would lay him (down) and flee! (This happened) until Rabban Gamaliel behaved modestly towards himself (at his own funeral) and came out (for burial) in flaxen garments.
- b) Afterwards, the people behaved like (Gamaliel), coming out (for burial) in flaxen garments."
- I. Rav Papa said, "In our time everybody (is buried in an inexpensive or shoddy shroud) -- even worth (as little as) a zuz.

Analysis

The first Baraita cited explains the reason for the ruling in the Mishnah. Other Baraitot indicating measures of equality due to the poor and sick not mentioned in the Mishnah are included in the Gemara because they follow the same style as the first Baraita in (1Aa).

This pericope is essential in understanding the Rabbis' desire for equality in death. As well, anything to avoid embarrassment to the living was avoided because "embarassing someone publicly was akin to murdering them". This pericope makes that statement quite forcefully.

Papa, an Amora, glosses the Baraita in (H), supplying contemporary custom which follows Gamaliel's paradigm.

Once again, note that this entire portion of the sugya is only tangentially related to the Mishnah. The Baraita relative to the Mishnah's first clause draws all the other Baraitot along with it. Nothing else in the Mishnah is even dealt with!

Mishnah 3:8

They do not set down the (funeral) bier in the street.

Gemara

1 A. Rav Papa said, "(With respect to the eulogy/lament), there is (no regard for the) Festival in the case of the scholar (who has died during the Festival) and much less (regard is paid to the holidays of) Hannukah and Purim (when a scholar has died)."

B. This ruling applies (only when) in (the scholar's) presence. However, when not in his presence, no (eulogy/lament takes place during the Festivals).

C. Is this really the case? Behold, Rav Kahana eulogized Rav Zavid from Nehardea at Pumbedra.

[i.e., this shows that a eulogy/lament occurred not in the presence of Rav Zavid, which contradicts (B).]

D. Rav Papi said; "(This seeming contradiction is resolved.

In the case above, eulogy/lamenting took place away from Rav Zavid because the news of his death had just been heard and this (situation) is deemed the same as being in his presence.

Analysis

The Mishnah indicates that no eulogy/public lament is to be made during the Festival week. This ruling is modified by the Amoraic comment at (1A) and this modification is accepted; namely, an exception is made for scholars. (1B) restricts 1A but the restriction is challenged by (1C's) precedent. (1D) harmonizes the two.

As we have seen before, the rules are modified when the deceased is a scholar. For the scholar is of such stature and has such honour due to him that the advent of the Festival cannot forestall public lament for him.

Gemara

2 A. Ulla said, "Lamenting (hesped) (is when a man beats) upon his heart. As it is written, ...*striking upon the breasts.* (Is. 32:12)

B. "Clapping (in mourning -- tipuach) (is clapping) with the hand. Tapping (killus) is (tapping) with the foot."

3 A. Our Rabbis taught (in a Baraita): "One who taps (his foot in mourning) should not tap (his foot while wearing) a [boot or a sandal -- Ms Munich] because of the danger." (For the sandal may double over and he may break his foot -- Rashi).

[Vilna has '...a sandal, rather with a boot.' This makes little sense. The Ms Munich is clearer and, in context, more correct.]

- 4 A. (i) Rabbi Yohanan said, "As soon as a mourner nods his head (indicating that he wishes the comforters to retire) the consolers are not permitted to sit with him."
- B. (ii) And Rabbi Yohanan said, "All are obligated to stand before a Nasi except a mourner and one who is ill."
- C. (iii) Rabbi Yohanan said, "To all (who are standing) they say to them 'Sit!', except a mourner and one who is ill."
- 5 A. Rabbi Judah said citing Rav, "On the first day (of mourning) a mourner is forbidden to eat of his own food (lit., bread). (We learn this) from that which the Merciful One said to Ezekiel, *And do not eat the bread of men* (Ez 24:17). (i.e., implying that mourners eat the food of others.)
- B. Rabba and Rav Joseph [would -- Ms Munich] provide food for one another (when in mourning).
- C. Rav Judah citing Rav also said, "(When) one dies in the city, all the city dwellers are forbidden from doing work."
- D. Rav Hammuna came to Darumata. He heard the sound of the (funeral) shofar (indicating that a death had taken place in the city). (Subsequently) he saw some people doing work. He said to them, "Let these people be put under a ban! Is there not a dead person in the city?!" They said to him, "There are burial societies in town." He said to them, "If this is so, you are permitted (to continue working)."
- E. Rav Judah citing Rav also said, "Anyone who grieves over his dead too much will weep for another."

F. There was once a woman in neighbourhood of Rav Huna who had seven sons. One of them died. She wept very much over him. Rav Huna sent (a message to her), 'Do not do thusly!' She paid no attention to him. He sent her (another message), 'If you heed my (warning) all will be well. But, if not, prepare burial shrouds for another dead one.' All of them died. In the end he said to her, '(Stop weeping so much. For, by weeping so much) you are preparing funeral burial shrouds for yourself.' (She paid no attention to his warning and) she died.

G. *Do not weep for the dead and do not bemoan him* (Jer. 22:10).

a) *Do not weep for the dead -- in excess.*

b) *And do not bemoan him -- more that the (proper) measure.* i) How is this (ruling) to be understood?

ii) Three days (are sufficient) for weeping and seven (days) for lamenting and thirty (days) for (refraining from) wearing polished clothing and hair cutting.

c) From this point onwards (i.e., from 31 days onwards) the Holy One, Blessed be He, said, "You are not being more compassionate towards him than I."

[i.e., 'you are commanded only these stages of mourning. These are sufficient for you.' This is to say that only God can provide the real compassion yet it is He who has ordained, through the Oral Law, the guidelines for *Imitatio Dei*.]

Genara

H. *Keep greatly for the one departed* (Jer. 22:10).

a) Rav Judah said, "(Weep for one greatly if) he departs without children."

b) Rabbi Joshua b. Levi would not go to the house of a mourner (to offer consolation) except for one who had departed without children, as it is written, *Keep greatly for the one departed for he will not return again and see the land of his birth* (Jer. 22:10).

[i.e., Rav Judah interprets the term 'for he will not return again' as meaning childless.]

c) Rav Huna said, "(The verse *for he will not return again and see the land of his birth* refers to) one who committed a transgression and repeated it (i.e., he has no more possibility of teshuvah)."

d) i) Rav Huna is consistent in his reasoning. For Rav Huna said, "When a man commits a transgression and repeats it, it has become permitted him."

ii) Can it be (that it really) becomes permitted him?! Say rather that it has become for him as if it were permitted.

I. Rabbi Levi said, "For the first three days (after a death) a mourner should see himself as if there is a sword resting between his thighs. From the third (day) to the seventh (day he should see himself) as if it were resting across from him in the corner. From this point onwards, (he should see it) as if it passes opposite him in the marketplace."

[i.e., there are various degrees of pain associated with mourning. The pain, symbolized by the sword, is very close in the early stages of mourning. On the later days the pain lessens but is never very far away.]

Analysis

The Mishnah dealt with lamenting and eulogizing. The Gemara includes other rules and guidelines associated with lamenting, etc. Most of the materials are Amoraic. Formally, this section is set up in the following way: In 2(A-B), Ulla offers definitions related thematically to the above materials. (3A) is a Baraita related thematically to Ulla's dictum. (4A-C) is a series of three Yohanan-sayings not related intimately to the above followed by (5A-E), a series of three 'Judah citing Rav' sayings also not related intimately to the above. Each of the 'Judah citing Rav' sayings is followed by an illustrative precedent. The prooftexts for (F) are provided in (G) and interpreted further there.

(H) is a continuation of the exposition of the verse. (Hc) offers an alternate interpretation of the verse, not directly related to mourning practices.

(I) relates back to the part of the prooftext offered in (G) and the stages of mourning in (H). In this particular section we have, for the first time, an indication of the psychological insight of the Rabbis. At other points this insight had been hinted at; but, here the insight is direct and clear.

Mishnah 3:B

(And the funeral bier) of women is never (set down in the street) because of the honour (due women).

Gemara

1 A. The Nehardeans say, "This (ruling) is taught <b. M.Q. 28a> only with respect to (a woman who died) in childbirth. However, (in the case of all) other women, they may lay it down (in the street)."

B. a) Rabbi Eleazar said, "(This ruling applies) as well to

(all) other women, (and not just the ones who died in childbirth. (We know this) from that which is written, *And there Miriam died and was buried there* (Num. 20:1).

- b) "(The repetition of the word "there" in the scriptural verse means that) the burial was near the place of her death."

[i.e., since Miriam was buried at the place where she died, it shows that at no point was she laid down in the street for the purpose of lamentation. This case, then, is the model for all deceased women.]

C. a) Rabbi Eleazar also said, "Miriam, too, died by a (Divine) kiss.

- b) (We can learn that Miriam died by a Divine kiss by means of a gezera shava: the term) "there" (used in the case of Miriam's death) is also used in the case of Moses' (death: and we know that he died by a Divine kiss).

- c) "Why, in the case of (Miriam) did (Scripture not specifically state that she died) by the mouth of God (as is the case for Moses)?

- d) "(It does not so specifically state thus) because it would be unseemly to say so."

[There may be a sexual issue of God kissing a woman. The image is perhaps a bit too erotic for the Rabbis' sense of propriety. Another possibility is that equating the death of Miriam with the death of Moses may be construed to be saying that she was as great as Moses. This is, of course, not true!]

D. Rabbi Ammi said, "Why is the death of Miriam (related

in Scripture) right next to the portion of the Red Heifer? (It is there) to teach you (that) just as the Red Heifer effects atonement (by its death) so the deaths of the righteous effect atonement."

- E. Rabbi Eleazar said, "Why is the death of Aaron (related in Scripture) right next to (the portion dealing with) priestly vestments?" (It is there) [to teach you -- Ms Munich] (that just as the vestments of the priesthood effect atonement so do the deaths of the righteous effect atonement).

Analysis

The Mishnaic ruling, concerning itself with the proper disposition of a funeral bier carrying a woman, is explored in the Gemara by the Amoraim. Although there are two conflicting opinions (Nehardeans, Eleazar), the Gemara does not decide between them. It is satisfied with Eleazar's scriptural proof to suggest that his position is correct (B).

At this point, further traditions attributed to Eleazar and concerning Miriam's death and the death of the righteous are included in the text. The secondary thematic link is evident.

Gemara

- 2 A. Our Rabbis taught (in a Baraita): "If one dies suddenly (who was not ill -- Rashi), this is a death by being 'grabbed away' (hatupha).

B.a) "If one is sick for one day and (then) dies, this is a death by being 'pushed along' (d'hupha).

- b) "Rabbi Hannina ben Gamaliel says, 'This is a death by 'pestilence' (magapha), as it is said, Son of man, behold I take from you the desire of your eyes with pestilence. And it is written (afterwards), So I

spoke to the people in the morning, and in the evening my wife died (Ez. 24:16-18).

[i.e., since someone died one day after the sickness was introduced and the disease was called a 'pestilence' Gamaliel calls all deaths one day after the sickness a 'pestilence'.]

- C. "(If one) died (after) two days (of illness), this is a death by being 'hurried' (dahuiyah).
- D. "(If one) died (after) three (days of illness), (this is a death of) 'rebuke' (g'arah).
- E. "(If one) died (after) four (days of illness), (this is a death of) 'anger' (n'zipha).
- F.a) "(If one) died (after) five (days of illness), this is the death of all men (i.e., this is common, not unusual)."
- b) Rabbi Hanin said, "What is the scriptural proof (for this statement)?"
- c) (The scriptural proof is), *Behold, your days to die are approaching* (Deut 31:14). *Behold [hen]* (counts as) one (day of sickness); *are approaching [karuv]* (counts as) two (more days of illness); *your days [yaacha]* (counts as) two (more days of illness). *Behold, (this adds up to) five (days of illness for the ordinary death of men). Behold (counts as) one because in the Greek language the word "one" is "hen".*

Gemara

- 6. (The Baraita resumes:) "If one died (under) fifty years (old), this is a death by karet.

H. "(If one died) at fifty-two years (old), this is the death of Samuel of Ramah.

I. "(If one died at) sixty (years old), this is a death by the hand of Heaven."

a) Mar Zutra said, "What is the scriptural (proof for this opinion)? From that which is written, *You shall come unto the grave in old age (b'kelach)* (Job 5:26).

b) In old age (b'kelach) in gematria is sixty."
[B=2, K=20, L=30, CH=8]

J. (The Baraita resumes:) "(If one died at) seventy (years old), this is the death at the age of) venerability.

K. "(If one died at) eighty (years old), (this is the death at the age of) strength. As it is written, *The days of our years are seventy or by strength, eighty.*"

L. Rabba said, '(If one died) between fifty (years of age and) sixty years (of age) this is the death of karet.' The (reason) that it (i.e., the ten year period) is not included (in the Baraita's consideration of karet) is because of the honour due Samuel of Ramah (who died at fifty two!)

[i.e., Samuel the prophet surely did not deserve karet. Yet, the fact is that he died at fifty-two years of age. The point Rabba makes is that, in actuality, those who died between fifty and sixty were deserving of karet. However, since one so prominent died in this period, only the lower age limit (50 years old) is mentioned as a death which occurred because of karet.]

M. a) When Rav Joseph was sixty (years old) he made (on

his birthday) a celebration for the Rabbis. He said, "I have gone (beyond the upper limit of) [the decree of -- Ms Munich] karet."

- b) Abaye said to him, "It is true that the Master has gone beyond the (upper limit of karet with respect to years. But [does my Master know -- Ms Munich] (if he has gone beyond the upper limit) of karet with respect to days (of illness)?!"

[i.e., perhaps the days of his death will be unannounced and come very suddenly. He really should not celebrate! -- Rashi]

- c) He said to him, "Retain for yourself that portion which is in your hand. (i.e., be satisfied with what you have and do not ask for more!)."

N. Rav Huna died suddenly (and) all the Rabbis were worried (because they said earlier in (G) that dying suddenly is a bad sign). Zuga of Hadayave (consoled them when he) taught them, "They taught us only (that to die suddenly was a bad sign) if one had not yet reached the 'age of strength'. However, if one reached the 'age of strength' (and one died suddenly), this is a death by 'Divine kiss'."

Analysis

A new Baraita is introduced which, in this case, signals a new topic under discussion. Again we see more aggadah dealing with death. The Baraita was edited at this juncture of the sugya because the previous section dealt with "death by the kiss of God", among other things. This pericope illustrates the various other classifications of types of death of which the Rabbis conceived.

It is interesting to note that the verse quoted and explicated

upon in (1Fc) deals with Moses' death. Rabbi Hanin seems to be saying that Moses died the death of ordinary men! However, since this verse is taken out of context, it can be argued that this is not the case and that the verse is independent of any person in particular.

Implicit in this categorization is a value judgement upon the deceased based on how and when he died. It is a generally held view that the Rabbis took this type of classification seriously. That is to say the length of one's days and the manner of one's death were considered either Divine punishment or a Divine gift. However, this view is not the only one advanced within Rabbinic circles as we shall see in the next section.

Genara

3 A. Rava said, "Life, children, and sustenance do not depend on merit. Rather, they depend on luck. For both Rabba and Rav Hisda were righteous Rabbis. (One) Master prayed and rain came. (The other) prayed and rain came. Rav Hisda lived to ninety-two years (of age. But,) Rabba lived (to only) forty (years of age). At Rav Hisda's home there were sixty wedding feasts (but at) Rabba's home, there were sixty tragedies. At the home of Rav Hisda there was the finest flour for the dogs and nothing was lacking. (But at) Rabba's home there was (only) barley flour for people and that could not be found."

B. Rava also said, "There are three things that I have requested from Heaven and two has (Heaven) given me but one (Heaven) has not given me; the wisdom of Rav Huna and the wealth of Rav Hisda has been given me. But the humility of Rabba the son of Rav Huna Heaven has not given me."

Analysis

This tradition immediately follows the previous section because it illustrates that one's age at death and one's good or ill fortune in life do not depend entirely on one's merit. In a sense, then, this pericope contradicts the previous one.

(B), although not dealing with merits and long life, is another saying of Rava which mentions Rav Hisda. This accounts for its inclusion in this part of the sugya.

Gemara

4 A. a) Rav Seorim, the brother of Rava, was sitting before Rava. He saw that he (Rava) was drowsy (i.e., dying -- Rashi).

b) He (Rava) said to him, "Let the Master tell him (the Angel of Death -- Rashi) not to afflict me."

c) He (R. Seorim) said to him, "Is not the Master acquainted with (the Angel of Death)?"

[i.e., Rava should know himself how to avoid suffering at the hand of the Angel of Death because he knows him personally.]

d) He said to him, "Since my fate (mazla) has been delivered over to him the (the Angel of Death) [does not take heed -- Ms Munich] of me."

(Vilna; "...has not taken heed.")

e) He (R. Seorim) said to him, "Let my Master show himself to me (in a dream). (After he died) he showed himself to him (in a dream). He (R. Seorim) said to him, "Did my Master have any pain (at the moment of death)?" He said to him, "(It hurt only as much as a) puncture made

by a lancet for bloodletting."

Analysis

Yet another Rava tradition follows here. Since Rava is a character in this ma'aseh and it deals with the death of an authority it was edited in at this point.

This is the first time that the Angel of Death has been mentioned and, therefore, the first time that we are exposed to some of the superstitions of the Rabbis on this topic. The subsequent ma'asim also include the character of the Angel of Death and so are placed alongside this one for that reason.

It is interesting to note the mention of Rava's mazla. The question of predestination and the Rabbi's thoughts about it is certainly worthy of study.

Gemara

5 A.a) Rava was sitting before Rav Nahman and saw that he was drowsy (i.e., dying).

b) He (Nahman) said to him, "Let the Master tell him (the Angel of Death) not to afflict me."

c) He (Rava) said to him, "Is the Master not an important man (and therefore able to command respect from the Angel of Death)?"

d) He (Nahman) said to him, "Who is important, who is respected, who is exalted (enough to make requests from the Angel of Death -- Rashi)?"

e) He (Rava) said to him, "Let my Master appear to me (in a dream." He appeared to him (in a dream after he died). He (Rava) said to him, "Did my Master have any pain?" He (Nahman) said to him, "(As little as a) hair

being plucked from milk. And were the Holy One, Blessed be He, to say to me, 'Go back to that world as you were [originally -- Ms Munich]', I would not wish (to do so) because the fear [of the Angel of Death -- Ms Munich] is so great (and I would not wish to experience that fear again.)"

6 A. a) Rabbi Eleazar was eating teruma and he (i.e., the Angel of Death) appeared to him (in order to take him).

b) He (Eleazar) said to him, "(You cannot take me yet) for I am eating teruma and is not teruma called 'holy food'?" The hour (of his death) was missed (by this act)!

B. He (i.e., the Angel of Death) appeared to Rav Sheshet in the market. He said to him, "(Are you going to take me) in the marketplace like a beast?! Come to my home (and take me from there)."

C. a) He (i.e., the Angel of Death) appeared to Rav Ashi in the marketplace (in order to take him). He said to him, "Give me (another) thirty days so that I may review my studies. As people say, 'Happy is he who comes here with his learning in in his hand.'"

b) He then came on the thirtieth day. He (Rav Ashi) said to him, "What's the big rush?!"

c) [He said to him -- Ms Munich], "The heels of bar Natan are chasing you (i.e., he wishes to be Rosh Yeshiva -- Rashi) and 'no reign overlaps another's (reign) even as much as a hair's breadth.'"

d) He (i.e., the Angel of Death) could not (take) Rav Hisda for his mouth was never silent of (his) rote learnings. (Once) he went and sat by the cedar of the

school. The cedar cracked and he became quiet (momentarily) and (at that point) he was able to (overcome) him.

- D. He (i.e., the Angel of Death) was not able to get near Rabbi Hiyya (because of his righteousness). One day he appeared to him as a pauper. He came to the gate and knocked. He said to him, "Bring me out some bread." They (i.e., others) brought it out for him. He said to them, "Does this Master not have compassion for the poor (himself)? Why does my Master not show compassion to this pauper?" (Hiyya then showed mercy to the pauper and) he revealed (himself) to him. (The Angel of Death) showed him a flaming rod and made him yield up his soul.

Analysis

These aggadot are included because of the character of the Angel of Death which was introduced in the previous section. This section is also included because its opening parallels that of the foregoing tradition and also pertains to Rava.

It is interesting to note how the Angel of Death appears to scholars and how he temporarily outwits them in order to take their souls. Of course, he cannot do so until the words of Torah cease from their lips; which is why it is so difficult for the Angel of Death to take the souls of the scholars!

<b.M.Q. 28b>

Mishnah 3:9

- A. During the Festival (week) women may lament but they may not clap (their hands). Rabbi Ishmael says, 'Those (women) who are close to the (funeral) bier may clap (their) hands.'

- B. On the New Moons or on Hannukah or Purim, (women may) lament and clap (their hands. However,) on neither these occasions (i.e., the Festival week) nor these occasions (i.e., New Moons, Hannukah or Purim) do they chant a dirge.
- C. (After) the dead has been buried (during the Festival week or on Purim and Hannukah) they may not lament or clap (their hands).
- D. What is (meant) by lamenting ('inui)? (It is) when everyone laments in unison.
- E. What is (meant by) a dirge (kinah)? (It is when) one recites and everyone laments after her. As it is said, And teach your daughters lamenting and one another dirges (Jer. 9:19).
- F. However, in the future, (Scripture) says, He will destroy death for ever and the Lord God will erase tears from all faces (Is. 25:8).

Gemara

1. A. a) What do (women) say (when they lament over the dead)?
 - b) Rav says, "(They lament): 'Woe to the departed! Woe to the wound (suffered)!'"
 - c) Rava said, "The women of Shokhen-Ziv (lament by) saying: 'Woe to the departed! Woe to the wound (suffered)!'"
 - d) Rava also said, "The women of Shokhen-Ziv (lament by) saying: 'Remove the bone from the pot and (let) the water return to the kettle.'"
 - e) Rava also said, "The women of Shokhen-Ziv (lament by)

saying: 'O mountains, be wrapped and covered, for the son of notables and the son of great ones is he.'"

- f) Rava also said, "The women of Shokhen-Ziv (lament by) saying: 'Borrow a Milesian shroud for a free man, for they have exhausted his sustenance.'"

[i.e., give the family the burial shrouds as tzedakah because they have no money.]

- g) Rava also said, "The women of Shokhen-Ziv (lament by) saying: '(A man) runs and he falls over the ferry-boat, still he takes out a loan.'"

- h) Rava also said, "The women of Shokhen-Ziv (lament by) saying: 'Our brother the travelling merchant (on crossing the frontier of life) is searched for goods (at the customs house).'"

[Note: This interpretation of the Aramaic comes from Ein Yaakov, a 15th Century, Spanish work of aggadot and commentary by Rabbi Jacob ben Rabbi Solomon ibn Habib.]

- i) Rava also said, "The women of Shokhen-Ziv (lament by) saying: 'This death is like that death (for all men are destined to die), and the sufferings are as interest (on the loan of life).'"

Analysis

The Mishnah speaks of dirges and laments. However, no specifics of a dirge or a lament are offered. The Gemara fills in these lacunae by giving copious Amoraic examples of lamentations and dirges. Note that all but one of the examples are attributed to Rava. Note also the repeated formulary about the women of Shokhen-Ziv.

Gemara

2 A. a) It is taught (tanya): "Rabbi Meir used to say, *It is better to go the house of a mourner (than to go to the house of) feasting for that is the end of all men and the living will lay it to heart* (Ecc. 7:2)."

b) i) [What is the meaning of -- Ms Munich] and the living will lay it to heart?

ii) [And the living will lay it to heart -- Ms Munich] means '(If one does) things concerning death.' (Namely), of one laments (for another), others will lament for him. If he bury (others), others will bury him. If he (helps) carry (the funeral bier), others will (help) bear him. If one raises (his voice in lamenting -- Rashi), others will raise (their voices) in lament for him.

iii) And there are those that say (that the last sentence refers to exalting himself above others as opposed to raising his voice, so the verse really means that if) he not exalt himself (above others in life), others will exalt him (in death). As it is said, *It is better that it be said to thee, 'come up', than that thou be humbled before a prince which your eyes behold* (Prov. 25:7).

[i.e., it is better to be invited to magnify oneself than to be so haughty as to be embarrassed by being humiliated in the presence of the prince. If one is humble then others will magnify the humble one.]

Analysis

A Baraita is cited which exhorts people to lament for others. Prooftexts are provided to support the Baraita. It is tangentially related to the Mishnah.

Gemara

- 1 A. a) [ed. Vilna:] Our Rabbis taught (in a Baraita) [A maaseh -- Ms Munich]: "When the sons of Rabbi Ishmael died, four elders came into (his home) to console him. (They were) Rabbi Tarfon, Rabbi Yosi the Galilean, Rabbi Eleazar ben Azariah, and Rabbi Akiva.

"Rabbi Tarfon said to them, 'Know that he is a great Sage, versed in aggadot. Let not any of you enter into (the) conversation while his fellow speaks.' Rabbi Akiva said, 'I shall be the last (to speak).'

- b) "Rabbi Ishmael opened (the conversation) and said, 'Many are his sins (and because of this) his bereavements are in immediate succession. He bothered his Master a first and second time!'
- c) "Rabbi Tarfon responded and said, *And your brothers, the whole house of Israel weeps on account of the burnings* (Lev. 10:6). Is there not even more (mourning due Ishmael's sons')? Now, if Nadav and Abihu, who had performed only one mitzvah, as it is written, *And the sons of Aaron brought the blood unto him* (Lev. 9:9) were mourned), how much the more so (should we mourn) the sons of Rabbi Ishmael (who have performed many mitzvot).'
- d) i) "Rabbi Yosi the Galilean responded and said, '*And all Israel lamented him and buried him* (I Kings 14:13) -- (In the case of Ishmael's sons), is there not more (honour due)? Now if Abiya the son of Jeroboam, who did but one good deed, as it is written concerning him, *Because there is found in him a good thing* (I Kings 14:13) (and there was great mourning for him), how much the more so (should there be great mourning for) the sons of Rabbi Ishmael (who have done many great deeds).'

- ii) What was 'the good thing' (that Abiya did)? Rabbi Zeira and Rabbi Hanina bar Papa (disagreed). One (of them) said (the good deed was) that he abandoned his watch and went up (to Jerusalem) for the Festival. The other said (the good deed was) that he removed guards which Jeroboam his father had posted on the roads so that Jews would not be able to go up (to Jerusalem) for the Festival.
- e) (The Baraita resumes:) "Rabbi Eleazar ben Azariah responded and said, *'You shall die in peace and with the burnings of your fathers, the former kings that were before you, so shall they make a burning for you (Jer. 34:5). (In the case of Ishmael's sons) is there not even more (honour due them)? Now if Zedekiah the king of Judah who performed but one mitzvah by lifting Jeremiah from the mud (received this much honour at his death), how much the more so (should we honour) the sons of Rabbi Ishmael (who have performed many mitzvot).*'
- f) i) "Rabbi Akiva responded and said, *'On that day there will be a great lamenting in Jerusalem as the lamenting of Hadadrimon in the valley of Meggido. (Zech. 12:11).*'"
- ii) And Rabbi Joseph said (in response to this verse), "Were it not for the Targum to this verse, I would not know what it meant: *'At that time, there will be great lamenting in Jerusalem as the lamenting of Ahab the son of Omri, who was killed by Hadadrimon the son of Tavrimon and as the lament for Josiah the son of Ammon who was killed by Pharoah the Lame (Necho) in the valley of Meggido.*'"
- iii) (The Baraita resumes:) "(Even though Ahab was so wicked, yet there was great mourning in Jerusalem upon hearing news of his death). Is there not even

more (honour due Ishmael's sons)? Now if Ahab the king of Israel, who did but one good deed, as it is written, *And the king was propped up in his chariot against the Arameans* (I Kings 22:35) (was mourned so greatly) how much the more so (should we mourn) the sons of Rabbi Ishmael (who did many good things)."

Analysis

This Baraita describing the honour due to the sons of Ishmael continues the theme of the previous material. There is no doubt that the consistent structure of each scriptural exposition was created by the editor.

Gemara

- 2 A. Rava said to Rabba bar Mari, "It is written concerning Zedekiah, *You shall die in peace* (Jer. 39:5). (However, later on) it is written, *He (Nebuchadnezzar) blinded the eyes of Zedekiah* (Jer. 39:7) (which contradicts the divine assurances -- namely, Zedekiah did not die in peace, but was blinded!)"
 - B. He (Rabba b. Mari) said to him, "Rabbi Yohanan explained this (seeming contradiction of verses thus) -- that Nebuchadnezzar died during his (i.e., Zedekiah's) lifetime."
- 3 A.a) Rava also said to Rabba bar Mari, "It is written concerning Josiah, *Therefore, behold I will gather you unto you fathers and you will be gathered unto you grave in peace* (II Kings 22:20). (Yet, in another place) it is written, *And the archers shot (arrows) at Josiah the king* (II Chron. 35:23)."
 - b) And Rav Judah citing Rav said, "(They shot him so many times) that they made him (look) like a sieve!"

- B. He (Rabba b. Mari) said to him, "Rabbi Yohanan explained this (seeming contradiction of verses thus) -- the Temple was not destroyed (as predicted) in his lifetime."

[i.e., Josiah died consoled by the knowledge that the Temple had not been destroyed. This is the sense in which he died in peace.]

Analysis

This small bit of exegesis is included here because it is a harmonization of two verses, one of which (*You shall die in peace*) was used in the previous pericope (1Ae). This explains the presence of (2A-B). The section (3Aa-B) is present because the verse quoted (*...I will gather you unto you grave in peace*) is similar in content to, and the exegesis is of the same structure as, the first exegesis of the verse quoted in (1Ae) and expounded in (2A-B).

Something fascinating is happening here. Namely, how can God's assurances be contradicted? In both cases where the Biblical verses seemed to contradict each other, the prophecies were wrong! Yohanan comes to the defence of God's justice here. It is a fascinating glimpse into the Rabbis' notions of theodicy.

Gemara

- 4 A.a) [Ms Munich: Rabbi Judah citing Rav (said), "The consolers are not permitted to sit upon anything except the ground. As it is written, *And they sat with him upon the ground* (Job 2:13)."]
- b) Rabbi Yohanan said [Ms Munich: Rabbi Judah citing Rav also (said)], "The consolers are not permitted to say a word until the mourner opens (a conversation). As it is said, *Afterwards Job opened his mouth* (Job 3:1) and afterwards, *And Eliahaz the Temanite answered.*

(Job 4:1)."

[Note: The Ms Munich extracted two halachot from the verses as opposed to only one that the Vilna extracts. This is the reason that (4Aa) is included in this translation.]

5 A. a) Rabbi Abahu said, "From where (in Scripture do we derive the practice that) the mourner reclines at the head (of the consolers)? From that which is said, *I have chosen their way and I sat at the head and I dwell as a king in an army as one comforts (YeNaHeM) mourners* (Job 29:25)."

b) (Does not) YeNaHeM denote that (he was at the head of consoling) others (and not at the head being consoled)?!

c) Rav Nahman bar Yitzhak said, "It is written YNHM (i.e., it can be read YiNaHeM in the passive sense. This means he was comforted)."

B. a) Mar Zutra said, "(The ruling that one reclines at the head of the comforters may be derived) from here, (*Assuredly, right soon they shall head the column of exiles and) they shall no more loll at feasting* (Amos 6:7)."

b) (And this verse is interpreted to mean) that one who is כר is כר and זח, that is bitter and distracted, is become a prince (at the head of those) who are stretched out on the mourning couch).

[Note: This is a very convoluted interpretation of the verse. The word כר is changed to זח and the word כר is divided into כר and זח. So the verse, instead of כר כר כר ('and they shall no more loll at feasting') is changed to זח כר כר ('the

one who is bitter (and) distracted, (the head of those who are) stretched out (on mourning couches)].

6 A.a) Rabbi Hama bar Hanina said, "From where (in (in Scripture do we that) the bridegroom reclines at the head (of the wedding feast)? As it is written, ...As a bridegroom adorned as to do priestly functions (Is. 61:10). Just as a priest is at the head (of the assembly), so too is the bridegroom at the head (of the wedding feast)."

b) And from where (in Scripture do we derive that we treat the) priest himself (in such a manner? From that which is taught (in a Baraita) of the School of Rabbi Ishmael: "And you shall sanctify him (i.e., the priest) (Lev. 21:8). This means that you should sanctify him) with everything that is sanctified--(such as allowing him) to open first (in the reading of the Torah) and to bless first (in the Birkat HaMazon) and to take a good portion (of food at a feast) first."

Analysis

Sections (1Aa-1Ae) dealt with comforters offering consolation to Rabbi Ishmael on the death of his sons. The series of traditions (4Aa-5Bb) deals with the proper behaviour comforters should exhibit when consoling mourners. Section (6A) is included as a second member of a pair with (5Aa) in both traditions someone is "reclining at the head of the assembly". Section (5Aa) deals with the mourner and so is directly relevant to the sugya while (6A) deals with the bridegroom and is related in content and structure to (5Aa) but not to the sugya at all.

Gemara

7 A.a) Rabbi Hanina said, "The departure of the soul from the body <b.M.Q. 29a> is as hard as whirling waters

passing through a bar." [Jastrow]

(Soncino: '...like the rigging at the edge of the mast.')

- b) Rabbi Yohanan said; "(The departure of the soul from the body is) like the water rushing through bars." [Jastrow]

(Soncino: '...like the top sail at the edge of the mast.')

- 8 A. a) And Rabbi Levi bar Hiyata said, "One who is departing from the dead should not say to him, 'Go unto peace'. Rather (one should say) 'Go in peace'.

- b) "One who departs from the living should not say to him, 'Go in peace'. Rather (one should say) 'Go unto peace'.

- B. "One who departs from the dead should not say 'Go unto peace'. Rather (one should say,) 'Go in peace'.' (How do we know this?) As it is said, *And you will go unto you fathers in peace* (Gen. 15:15).

- C. "One who departs from the living should not say 'Go in peace'. Rather (one should say), 'Go unto peace'.' (How do we know this? From) the case of David who said to Absalom, *Go in peace* (II Sam. 15:9). He then went and was hanged!! (On the other hand, there is the case of) Jethro who said to Moses, *Go unto peace* (Ex. 4:18) (and Moses) went and was successful."

- 9 A. a) And Rabbi Levi said, "All who leave from the synagogue to the Academy, or from the Academy to the synagogue earn merit and receive the presence of the Shechina. As it is written, *They go from strength* (i.e., Beit Midrash) *to strength* (i.e., Beit Keneset)

and they appear unto God in Zion (Ps. 84:8)."

- b) Rav Hiyya bar Ashi citing Rav said, "The students of Sages have no rest even in the world-to-come. As it is said, *They go from strength (i.e., in this world) to strength (i.e., in the world-to-come) and they appear unto God in Zion.*

**WE WILL RETURN TO YOU
V'EYLU MEGALCHIN
 AND THIS IS THE END OF
MASECHET MOED KATAN**

Analysis

(7) is a collection of Amoraic descriptions on what the moment of death is like. (8) is a collection of Amoraic descriptions of Rabbinic etiquette on taking leave of a dead or a living person. A prooftext is provided. (9A) is a characteristic ending of a Talmudic tractate. The Talmud tractate ends on a note that is specifically Rabbinic, namely, it ends with scholars and how their study will assure them of a place in the world-to-come. The Mishna tractate also ends on a messianic note but is not specifically Rabbinic in its application.

Outline of b.M.Q. 19a-29a

Throughout this work, we have presented a detailed line-by-line and argument-by-argument translation and analysis. This has afforded the reader the opportunity to examine individual seams in the text and some stereotype argumentative/rhetorical techniques utilized by the editors of the Talmud. However, in order to look at the flow of the entire text (Moed Katan 19a-29a), an outline is provided below.

This outline is not another detailed analysis of the arguments.

It is, instead, a series of terse statements summing up each component of the text. At times, more than one component is commented upon in one statement. The statements will enable the reader to see, very abstractly, the flow of the text. It may also be utilized in conjunction with the detailed translation/analysis in order more easily to place each individual component of the text in its context and in a proper perspective. The numbering of the statements below follows the numbering of the detailed translation/analysis of the thesis. Following each sugya, a short summation of the outline is provided which highlights issues of structure, theme, etc. in the sugya.

<19a>

Mishnah 3:5a

I. Mishnah commentary

- 1 A-C. Amoraic dispute as to the interpretation of the Mishnah. Restrictive vs. "conventional" reading of Mishnah-text. [Rav, Rav Huna vs. R. Sheshet].
- 2 A. Inquiry into meaning of (b) [restrictive position] in (1A-B) (i.e., 'the days are not nullified').

<19b>

- B-C. Example cited in order to provide a transition to the Baraita: juxtaposition of Amoraic interpretation with Tannaitic materials.
 - D. Juxtaposition of Mishnah with Baraita: discrepancy noted between Baraita and Mishnah.
 - E. Harmonization of Baraita (Abba Saul) with Mishnah.
- 3 A. Amoraic resolution of Tannaitic dispute in the Baraita: halacha follows Abba Saul.
- B. Juxtaposition of another Amoraic ruling with this Baraita.
 - C-E. Three-way Amoraic dispute as to determination of the halacha: generalized resolution of dispute in the Baraita.
- 4 A-E. Request for scriptural basis for thirty-day period of mourning; gezera shava offered.
- 5 A-C. Amoraic comments, variously transmitted, limiting leniency attributed to Abba Saul in previous Baraita.
- 6 A-B. Amoraic extension of case in the Mishnah--what if one buries during the Festival? [Abaye vs. Rabbah]

<20a>

- C. Juxtaposition of Amoraic opinion (Rabbah) with Tannaitic materials (Baraita).
- D-G. Amoraic opinion [Rabbah] confuted by a full citation of the Baraita: Amoraic extension of principle in the Mishnah conditioned by other Tannaitic material.

II Thematically relevant Beraitot

- 1 A. Baraita cited: deals with overturning of the couches.
- B. Amoraic opinion supporting 'one hour' ruling in the Baraita [Huna].
- C. Amoraic opinion supporting 'three days' ruling. [Rabba]

- D-E. Amoraic ruling supporting 'one hour' ruling. [Rabina]
- 1 A-B Amoraic request for scriptural basis of seven-day mourning period; Amos 8:10 cited.
- C. Applicability of proof-text questioned.
- D. Response to objection in (C); transition to subject of 'early' and 'late tidings'.
- 1 A. Baraita cited: deals with 'recent' and 'late tidings' of death.
- B. Amoraic comment deciding the dispute and resolving it with a standard rule-of-thumb. [R. Yohanan]
- 2 A-D Two Amoraic precedents in case of 'late tidings'.
- E. Attempt to limit general rule of (B). [Bar Ammi]
- F. Citation of Baraita supporting (E's) limitation, which is rejected: general ruling stands. [Rabba]

<20b>

- G. Objection to Ahiya's behaviour in (F) by citing a ma'aseh: objection attempts to identify Ahiya with Hiyya.
- H. Editorial gloss: three rulings can be derived from (G's) precedent.
- I. Objection in (G) fails: Hiyya and Ahiya are distinct persons.
- 3 A. Further Amoraic elaboration of issues related to 'early tidings' and 'late tidings' and Festivals. [Yosi b. Abin]
- B. Supported by second Amoraic statement. [Adda]
- 4 A. Question concerning rending the garments, 'delayed tidings' and Festivals.
- B. Response to (A). [Mani]
- C. Different response to (A). [Hanina]

- D-F Mani challenges logical consistency of Hanina's opinion; demonstration that Hanina's view is logically consistent; thematic transition to next Baraita.
- 1 A. Baraita cited: lists those relatives for whom one must mourn.
- B. Question whether Sages and Akiva in Baraita hold exactly the same position.
- C. Response offers differences between Akiva's position and Sages' position.
- 2 A-B Amoraic precedents dealing with question raised by Baraita in (1A). [Mar Ukba agrees with Akiba; Huna limits co-mourning]
- C-G Two conflicting Beraitot harmonized to support Huna's view.
- H. (Possible) Baraita [tanya nami hakhi] repeats (C).
- 3 A-C Amoraic precedent of rending garments for relative; supports (2H).
- 4 A. Scriptural proof requested for practice of standing while rending. [R. Ashi]
- B. Citation of Job 1:20. [Amemar]
- <21a>
- C. Objection raised to Job prooftext in light of Deut. 25:8.
- D. Baraita cited responding to objection in (C).
- E. Clarification of grammar in Deut. 25:8 versus Job 1:20 proving that the Job verse stands as the proof.
- 5 A. Another request for scriptural basis for standing while rending. [Rami b. Hama]
- B. Objection raised; alternate prooftext proposed from II Sam. 13:31.
- C. Objection raised to prooftext.

D. Baraita cited which contradicts II Samuel 13:31.

E-F Harmonization of (B) and (D).

1 A. Baraita cited: initiates a thematic sub-series of Beraivot; deals with those activities forbidden a mourner.

B. Amoraic precedent questioning how one of the activities is to be performed. [Rabbah b. Bar Hanah]

C-F Explanation of precedent set in Baraita by citing another Baraita.

1 A. Baraita cited: deals with use of tefillin while mourning; prohibited during the first three days of mourning. [begins formulary: "During the first three days, a mourner is forbidden..."]

B-I Amoraic authorities supply various prooftexts for the two disputants in the Baraita; each position then responds to the other's prooftext.

2 A. Amoraic resolution of the dispute; determination of the halacha.

3 A. Question pointing out difficulty with the resolution of dispute offered in (2A).

B. Response to objection

C. Baraita cited to support (B) [tanya nami hakhi].

D. Disputing Amoraic opinion. [Raba]

<21b>

E-F Raba inconsistent with his own opinion; harmonized.

1 A. Baraita cited: deals with a mourner and work; prohibited during the first three days.

- 1 A. Baraita cited: outlines the proper behaviour of a mourner in the presence of another mourner during the first three days of mourning and the fourth day onward.
- 1 A. Baraita cited: outlines the proper behaviour of a mourner with respect to greeting others and returning greetings.
- Ba) Conflicting Baraita cited illustrates how Akiva greeted people on the day of his sons' funeral.
- b) Explanation of Akiva's actions; the ruling in (A) stands.
- 2 A. Next clause of Baraita at (1A) taken up.
- B. Conflicting Baraita cited.
- C-3D Various harmonizations offered; Baraita still stands.
- 4 A-B Objection to Baraita cited at (2B) by yet another Baraita.
- C-D Harmonization of conflicting Beraitot: each Baraita refers to a different case.
- E-F Greater clarification of the proposed harmonization.
- 1 A. Baraita cited: deals with a mourner who comes home from somewhere else during the first three days and the appropriate mode of counting the days.
- B. Citation of the first clause of Baraita at (1A) for Amoraic comment.
- C. Amoraic gloss refining Baraita at (1A).
- <22a>
- D. Question raised as response to (C).
- E. Citation of Amoraic dictum in response to question posed at (D).
- F. Contradiction of (E) with another clause of the Baraita.
- G. Harmonization of (E) with Baraita; no contradiction.
- H. Amoraic precedent supporting ruling in (G).

- I. Amoraic precedent corresponding to the presuppositions of (E).
- 2 A. Citation of the final clause of the Baraita at (1A) for comment.
- B. Amoraic gloss refining Baraita at (1A).
- C. Question raised as a response to (B).
- D. Statement that (C) remains unanswered.
- 3 A. Amoraic resolution of dispute in Baraita at (1); halacha follows Shimon b. Gamaliel's rule-of-thumb.
- B. Clarification of the rule-of-thumb; (also redacted at b. Hullin 50a).
- C-H. Discussion as to whether or not (3A) is correct.

<22b>

- 1 A. Baraita cited: deals with different degrees of respect in mourning due parents versus other relatives.
- B-F Amoraic identification of the authorities in the Tannaitic precedent and discussion of the validity of those identifications.
- 2 A. Baraita cited in (1A) continues: deals with haircutting and rejoicing.
- B. Amoraic gloss: contradicts (2Ab).
- C. Objection to Amoraic gloss by citing another Baraita.
- D. Conflict remains unresolved.
- E. Rephrasing of conflict between Amoraic gloss in (B) and Baraita in (C). [Amemar]
- F-G Harmonization of conflicting Beraitot; each Baraita refers to a different case.
- 3 A. Baraita cited in (1A) continues: deals with the length of the rend.
- B. Amoraic gloss: request for scriptural basis for rending; II Samuel 1:11.

- 4 A. Baraita cited in (1A) continues: deals with which garments are to be rent and how the rent is to be made.
 B. Scriptural basis for position taken in Baraita requested; II Kings 2:12 cited.
 C-D Clarification of how this verse functions as a proof-text for (A).
- 5 A. Baraita cited in (1A) continues: deals with repairing rent.
 B. Amoraic ruling in same style as Baraita: deals with what one may rent with.
 C. Amoraic ruling in same style: deals with where one may rent for parents and other relatives.
 D. Amoraic gloss on (C): mourning for dignitaries same as for parents.
 E. Objection to (D) by citing another Baraita.
 F-G Response to objection.
 H. Amoraic precedent supporting position in (F-G).
- 6 A. Baraita cited in (1A-E) continues: deals with rents made for notables.
- <23a>
- B. Baraita cited: deals with what happens in the event of a notable's death; no Amoraic commentary.
- 1 A. Baraita cited: deals with proper behaviour for the weeks following death; no Amoraic commentary.
- 1 A. Baraita cited: deals with mourner and remarriage.
 B-C Amoraic gloss defining a term.
- 1 A. Baraita cited: deals with mourner and permitted clothing.
 B. Amoraic precedent supporting (1Ab). [Abaye]
 C. Additional Amoraic precedent supporting (1Ac). [Rabba]

The central argument in this sugya is how much mourning must be observed before the Festival in order for the Festival to cancel the remaining days of mourning after the Festival. Detailed Amoraic commentary on the Mishnah attempts to determine the meaning of the terms in the Mishnah. Tannaitic traditions are cited in order to support the positions of the various authorities.

Thematically relevant Beraitot are then introduced dealing with mourning in general. Prooftexts and harmonization of prooftexts are offered for the positions taken. Harmonization of seemingly conflicting Beraitot is frequent.

The issue of respect due to parents occupies a significant part of the latter Beraitot. Amoraic precedents frequently support these Beraitot.

Mishnah 3:5b

<23b>

I. Mishnah commentary

1 A-B Disagreement between Judeans and Galileans as to whether one mourns on the Sabbath.

C-G Attempt to root this disagreement in divergent readings of the Mishnah-clause.

2 A-C Attempt to align this disagreement with Tannaitic dispute in a Baraita.

D. Objection to this alignment in (A-C) on the basis of an alternative explanation of the Baraita's dispute; this is a special case and is not generalizable.

<24a>

E. Amoraic resolution of disagreement at (1A-B). [Samuel]

II. Amoraic materials

- 3 A. Another ruling of Samuel (Amora) on mourning.
- B. Revision of attribution and tradition cited in (3A); alternate ruling assigned to Samuel.

- 4 A-B Another ruling of Samuel: deals with obligatory and optional practices for the mourner on Shabbat.
- C. Divergent ruling of Rav.
- D-F Examination of Samuel's reasoning in light of Rav's divergent opinion: Samuel is consistent with himself.
- G. Amoraic precedent supporting reconciliation in (F).
- H. Refinement of (B).

- 5 A. Re-citation of Samuel's ruling at (4F).
- B. Samuel's actions contradict this ruling.
- C. Harmonization of (A) with (B); Rabbis are in a different category with respect to mourning practices.

- 6 A. Amoraic citation of thematically related Baraita: deals with re-rending of garments on Shabbat.
- B. Amoraic clarification of Baraita through restriction.

- 7 A. Question dealing with sewing up rents.
- B-C Divergent Amoraic opinions. [R. Oshaiah, Bar Kappara]
- D-E Clarification as to who held which opinion; ultimately unresolved.

- 8 A. Amoraic statement: deals with wearing rent garments at home on Shabbat.
- B-D Amoraic precedent supporting (A).

Amoraic commentary attempts to determine if there is mourning on the Shabbat. Only a few Tannaitic traditions are cited. The bulk of the materials are Amoraic. No biblical prooftexts are offered to support any position, Tannaitic or Amoraic.

Arguments move from mourning on Shabbat to the wearing and

sewing of rents on Shabbat.

Mishnah 3:6

I. Mishnah commentary

- 1 A. Amoraic determination of halacha in the Mishnah; resolution of Mishnaic dispute. [Giddal b. Menashia]

<24b>

II. Amoraic materials

- B-C Pairing of Giddal's gloss on this Mishnah with his gloss on a Baraita; deals with mourning for infants.
- 2 A. Amoraic tradition: deals with the 'day value' of Atzeret and the previous day. [R. Anani b. Sasson]
- B. Clarification sought as to the author of the teaching in (2A).
- C. Amoraic statement; same as (2A). [R. Isaac]
- D. Clarification as to the author of the teaching in (2C) and citation of the full tradition, correctly attributed, which provides scriptural proof.
- 3 A. Amoraic statement: deals with 'day value' of Rosh Hashanna and the preceeding day. [Rav Papa]
- B. Objection based on the 'day value' of Sukkot and Shmeni Atzeret.
- C-D Amoraic precedent supporting (3A).

Amoraic commentary seeks to determine the Mishnaic halacha, followed by a Baraita dealing with this subject on which there is an Amoraic gloss dealing with mourning on Atzeret. Various scriptural prooftexts are offered determining the 'day value' of Atzeret. All of the traditions cited are Amoraic.

Mishnah 3:7a

<25a>

I. Mishnah commentary

- 1 A-K Juxtaposition of the Mishnah with a series of three apparently contradicting Beraitot (B, F, and G) followed by harmonization in a number of stages.

II. Amoraic materials

- 2 A. Amoraic precedent: reiterates the status of scholars as similar to next-of-kin.
 B-E Material dealing with when rending should occur; two Baraitot (C, E) cited to prove only during lament.
- 3 A-M Amoraic precedent illustrating the honour due a deceased scholar exemplified by the events of R. Huna's funeral.
- 4 A-D Amoraic precedent parallel to (3), same theme: narrative of R. Hisda's funeral.

<25b>

- 5 A-G Amoraic precedent: narrative of Rabba b. Huna and Rav Hammuna's funerals; illustrates the great sanctity of these holy men.
- 6-7A-H Further examples of amoraic eulogies and rabbinic etiquette. Note the hyperbole in (H).

<26a>

- 1 A. Baraita cited: deals with which rents may be sewn back together after the mourning period is complete.

- B-D Scriptural proof cited to support ruling in first clause of Baraita.
- 2 A. Scriptural proof cited to support next ruling in (1A).
 B. Objection to validity of prooftext. [Rab b. Shabba]
 C. Response to objection; prooftext stands. [R. Kahana]
 D. Objection to ruling in the Baraita (1A) and response to objection.
- 3 A. Scriptural proof cited to support next ruling in (1A).
 B. Supporting Baraita cited: deals with details of rending when blasphemy is heard.
 a-b) Objection to Baraita and response to objection.
 C. Scriptural proof cited to support this ruling in (1A).
- 4 A. Scriptural proof cited to support next ruling in (1A).
 a-p Narrative illustrating how the scriptural proof applies.
 Ba Objection to interpretation of scriptural prooftext and (b) response to objection.
- 5 Aa Amoraic ruling similar to that in (4b's) prooftext supporting the ruling. [R. Helbo]
 B. Narrative illustrating how the Amoraic ruling was put into practice. [R. Abba and Huna b. Hiyya]
- 6 A. Scriptural proof cited for next ruling in (1A).
 Ba-c Amoraic gloss citing scriptural prooftext illustrating the correct practice in (6A)
 C. Objection to next clause of (1A) from another Baraita; harmonization of conflict.
- <26b>
- 1 A-B Baraita cited: deals with method of sewing rents together; Amoraic gloss.

- 2 A-B Baraita cited: deals with where on the garment one may sew the rent together; Amoraic gloss.
- 3 A. Baraita cited: deals with additional method of sewing rents together; no Amoraic comment.
- 4 A-B Baraita cited: deals with length of tear; Amoraic gloss.
 C. tanya nami hakhi; supports Amora Ulla's determination of halacha at (B).
- 5 A. Baraita cited: deals with adding on to already existing rents.
 B. Amoraic clarification of reasoning behind Baraita's ruling.
 C-D Amoraic determination of halacha; resolution of dispute.
 E. Baraita resumes: deals with length of rend.
 F. Amoraic dispute relevant to aspect of Baraita in (E).
 G. Amoraic objection to both positions at (F); both conflict with Beraitot; objection rejected.
- 6 A. Baraita cited: deals with rending in front of the dead; no Amoraic comment.
- 7 A-B Bariata cited: deals with informing an ill person of the death of a relative; includes Amoraic gloss.

Commentary on the Mishnah at the outset of this sugya proceeds by citing various Beraitot. Amoraic precedents are then forwarded to exemplify the honour due to scholars. The arguments return to the theme of rending (commented upon in the first Baraita) and sewing up rents while mourning for parents. Various scriptural prooftexts supporting the positions are offered and, when necessary, harmonized. Ultimately, Amoraic precedents determine the practice.

The theme of the sugya moves from rending for parents to sewing up rents in general. Various Beraitot are offered, some with no Amoraic gloss.

Mishnah 3:7b

I. Mishnah commentary

- 1 A-B Baraita cited: related thematically to Mishnah (overturning the beds) although applies to mourning not during the Festival; Amoraic precedent included.

<27a>

II. Series of Beraitot related to theme of the Mishnah

- 2 A. Baraita cited: deals with mourner and the problem of doing business; unrelated thematically to its context here; no Amoraic comment.

- 3 A. Baraita cited: deals with the correct time that the beds are overturned; no Amoraic comment.

- 4 A-B Baraita cited: deals with the correct time that the beds may be returned to upright position on Erev Shabbat.

- 5 A. Baraita cited: deals with which beds require overturning.

- Ba) Amoraic definition of term (dargesh) and (b-e) objection to definitions by citation of Beraitot; (f) alternate definition offered.

C-F Amoraic supports for alternate definition in (Bf).

- 6 A. Baraita cited: deals with mourner and where he may not sleep.

B. Amoraic explanation for rules cited in Baraita at (6A).

- 7 A. Baraita cited: deals with what others may do in a mourner's house and what they may bring in.

- B. Objection raised; Baraita contradicted by Amoraic dictum. [Bar kappara]
- C. Harmonization of Amoraic dictum and Baraita (1A).

Beraitot which are thematically related to the Mishnah-text are offered. Since the Mishnah deals with mourning during the Festival, the commentary offered by these Beraitot are only loosely related to the Mishnah.

Different Beraitot dealing with overturning the bed during mourning are included as part of the commentary on the Mishnah.

This leads into a discussion of one of the terms (dargesh). There follows a lengthy argument determining the definition of the dargesh. Both Tannaitic and Amoraic sources are cited for all the possible definitions offered.

Mishnah 3:7c

I. Mishnah commentary

- 1 A. Baraita cited: explains reason for ruling in Mishnah.

II. Additional Beraitot

- B-I Beraitot cited (formulaicly and thematically related to (1A)): all dealing with deference shown to poor, etc., during times of mourning.

Simple commentary explains the reasons for the ruling in the Mishnah which is followed by thematically relavane and formally parallel Beraitot. No Amoraic commentary, precedents or harmonization is forwarded. The entire sugya deals with honour due the poor.

Mishnah 3:8a

I. Mishnah commentary

1 A-D Amoraic comment which modifies ruling in Mishnah so as not to apply to scholars; contradicted by Amoraic precedent; harmonization. [R. Papa]

II. Mainly Amoraic materials thematically related to Mishnah

2 A-5I Amoraic dicta and one Baraita: definitions and rules for lamenting and eulogizing; some prooftexts offered for outlines of mourning.

Amoraic commentary on the Mishnah is offered which limits the ruling in the Mishnah concerned with eulogies. Once again, we have the recurrent theme of honour due scholars. Amoraic dicta support this idea. Subsequent dicta deal with eulogizing in general.

Mishnah 3:8b

<2Ba>

I. Mishnah commentary

1 A. Amoraic restriction of Mishnah. [Nehardeans]

B. Objection to restriction; plain sense of Mishnah supported [R. Eleazar]; prooftext offered to support Mishnah.

II. Aggadic Amoraic materials dealing with death

C-F Additional Eleazar traditions dealing with Miriam's and Aaron's deaths.

2 A-N Baraita cited: deals with type of death and retributive justice; includes Amoraic interpolations.

3 A-B Amoraic dicta offering different views of death and retributive justice from those propounded in (2).

- 4-6 Amoraic ma'asim dealing with the Angel of Death and its dealings with scholars.

Amoraic commentary on the Mishnah restricts the Mishnah's plain meaning. Prooftexts are offered to support the plain meaning of the text. The sugya then moves on to the theme of dying and its relation to relative merit. This introduces the character of the Angel of Death. Various ma'asim are forwarded in which the Angel of Death is a character. Again, the piety and righteousness of the Rabbis is exemplified.

Mishnah 3:9

<28b>

- I. Mishnah commentary
 - 1 A. Amoraic commentary on the Mishnah through copious examples.
- II. Mixture of Amoraic and Tannaitic materials
 - 2 A. Baraita cited: exhorts people to lament for others; tangentially related to the Mishnah.
 - 1 A. Baraita cited: deals with lamenting due Ishmael's sons.
 - 2A-3B Amoraic harmonization of biblical verses; issue of death and divine justice.
 - 4A-5B Amoraic rulings dealing with where consoler may sit, when he may talk, and where the mourner reclines; all provided with prooftexts.
 - 6 A. Parallel Amoraic gloss on bridegroom's reclining.

<29a>

7 A. Amoraic dicta: what departure of the soul is like.

8A-9C Amoraic rulings: dealing with what people should say when taking leave of a living or dead person; provided with prooftexts; exhortation to study Torah.

Thematically related Amoraic commentary on the Mishnah is offered. There is some Tannaitic material, but no harmonization of any type. There is some prooftexting and midrashic harmonization of conflicting texts.

The chapter concludes with materials articulating a Rabbinic understanding of what dying is like, some protocol for departing from a person, and of course, an exhortation to study Torah (implying that the study of Torah saves from death). No prooftexts or harmonizations are present. All of these arguments are only vaguely related to the theme of the Mishnah-text.

Through the course of this work, we have seen some good examples of Talmudic logic, concerns, sensitivities, folklore, and superstitions. As we have seen, there is a great deal of material related to all aspects of mourning. It would seem that there was an editorial decision to attach all this material (mainly Beraitot, many of which are paralleled in Tractate Semachot, and Amoraic dicta and precedents) to the Mishnaic rulings in Moed Katan, Chapter 3, even though many of them do not deal with mourning during the Festival per se. The aggregation of this material here makes this the Talmudic locus classicus on mourning. The presence of this material here also determines the shape of the sugyot. There are many series of rulings and traditions with little "hair splitting" dialectic. This is but one type of sugya construction. (The other type consists of more dialectic and fewer traditions.)

Throughout this work, we have analyzed and carefully examined some typical structures and hermeneutical techniques found in the Babylonian Talmud. It is my hope that the reader has gained some insight into the Talmudic enterprise.

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