

**An Index to Tractate Moed Katan  
Pertaining to Mourning Practices**

**by Isaac Pollak**

**augmented by Dan Fendel**

**Submitted 2015 by Isaac Pollak  
in partial fulfillment of  
requirements of the Gamliel Institute's  
Course 3: Education, Organizing, and Training**

**Table of Contents to  
An Index to Tractate Moed Katan  
by Isaac Pollak  
augmented by Dan Fendel**

**Table of Contents**

<b>About the Mishnah and Talmud .....</b>	<b>1</b>
<b>About Moed Katan .....</b>	<b>1</b>
<b>On current practice.....</b>	<b>2</b>
<b>CHAPTER 1: Activities permitted on Chol HaMoed.....</b>	<b>3</b>
<b>Digression on issues of graves .....</b>	<b>3</b>
Marking graves .....	3
Minimum amounts .....	4
The <i>beit hapras</i> and defilement .....	4
<b>The conflict between joy and sadness.....</b>	<b>6</b>
Re-interment during Chol HaMoed .....	6
Lamentation prior to a festival .....	6
<b>Other burial preparation .....</b>	<b>7</b>
<b>CHAPTER 2 .....</b>	<b>7</b>
<b>Connecting Chol HaMoed and mourning .....</b>	<b>8</b>
What another may do for a mourner .....	8
<b>CHAPTER 3 .....</b>	<b>9</b>
<b>Connecting Chol HaMoed and laws of mourning.....</b>	<b>9</b>
Rending the garment of a minor .....	9
A festival takes precedence over mourning .....	10
The excommunicate .....	10
<b>Rules for mourners .....</b>	<b>11</b>
Is part of a day like a whole day? .....	11
A grooming leniency for successive periods of mourning .....	12
Shmuel's general principle of leniency .....	12
Law or custom? .....	12
<b>The impact of Chol HaMoed on mourning – Simultaneous occurrence.....</b>	<b>13</b>
Cancelling of Mourning .....	13
Why seven days? .....	14
<b>Special cases of mourning.....</b>	<b>15</b>
Delayed news of a death .....	15
“Secondary” relatives .....	16
<b>Miscellaneous regulations .....</b>	<b>16</b>
Standing while rending.....	16
Exemption for “lecturers” .....	17
Wearing <i>t'fillin</i> .....	17
Working during mourning .....	17

Personal interactions during mourning .....	18
Offering condolence to others .....	18
Greetings .....	18
Issues of timing .....	19
Commencement of <i>shiva</i> .....	19
For and against expedited burial .....	19
Digression: Death of a Patriarch or Head of Court .....	20
The separate weeks of <i>shloshim</i> .....	20
Marriage during mourning .....	21
Shabbat during mourning .....	22
Burial and mourning for a child under 30 days .....	22
Who mourns: how and when? .....	23
Mourning for a sage .....	23
If present at the time of death .....	23
More about scholars .....	24
Prohibitions on repairing a rent .....	24
<b>Behavior around the ill and the mourner .....</b>	<b>25</b>
Respect for the ill .....	25
Issues of decorum .....	25
<b>Household details .....</b>	<b>26</b>
Timing for overturning and righting of beds .....	26
Cleaning and washing dishes in a house of mourning .....	26
<b>The principles of equality and simplicity .....</b>	<b>27</b>
<b>More on Mourning Practices .....</b>	<b>28</b>
Mourner's blessings .....	28
Limitations on comforters .....	29
<b>Community Responsibilities .....</b>	<b>29</b>
First mention of a Chevrah Kadisha .....	29
<b>Grieving to excess .....</b>	<b>30</b>
<b>Biers and atonement .....</b>	<b>30</b>
The biers of women and prompt burial .....	30
Aaron and atonement .....	31
Varieties of death .....	31
<b>Eulogies and laments .....</b>	<b>31</b>
A limit on mourning behavior .....	32
Various laments .....	32
<b>On speaking to a mourner .....</b>	<b>32</b>
<b>Departing from a mourner .....</b>	<b>33</b>
<b>Sources utilized in compiling this index .....</b>	<b>34</b>

# An Index to Tractate Moed Katan Pertaining to Mourning Practices

This paper is intended as a guide to those aspects of Babylonian Talmud tractate Moed Katan that inform mourning and burial practices. It builds on a Gamliel Institute project of Isaac Pollak, submitted and approved in 2015 as part of the requirements for Course 3—Chevra Kadisha: Education, Organizing, and Training. Dan Fendel of the Gamliel Institute faculty has expanded that paper.

The original work by Isaac Pollak was primarily a list of topics, by location within the tractate, and also included commentary taken or adapted from the work of Rabbi Adin Steinsaltz<sup>1</sup>, with the Yachin Boaz Mishnayot and the Kahati commentary as other important sources. That original work was augmented by Dan Fendel, primarily by including excerpts from Moed Katan to illustrate the issues identified by Isaac Pollak, and by providing transitional text, along with subheadings and occasional footnotes, to make for clearer readability and easier use. Also, a small number of additional topics were included. David Zinner and Rabbi Stuart Kelman added substantial additional insights and suggestions.

The material in this paper based on Rabbi Steinsaltz’s commentary is shown in indented, italicized paragraphs. The translation of the Talmud text is primarily adapted or taken from the ArtScroll edition; page citations<sup>2</sup> are also based on the ArtScroll edition.

## About the Mishnah and Talmud

Some general context: The Mishnah<sup>3</sup> is a document of Jewish law, compiled roughly 200 CE by Yehudah HaNasi (“Judah the Prince”). Over the next several centuries, in both Babylonia and Jerusalem, groups of rabbis discussed and debated the meaning of passages in the Mishnah. These discussions were codified in the form of commentary, in two distinct, but similar, documents, known as the Babylonian Talmud and the Jerusalem Talmud. The portion added – the commentary – is referred to as the Gemara, as distinct from the original Mishnah, so that Talmud = Mishnah + Gemara, with each individual mishnah followed by its commentary.

The Mishnah itself is structured into six sections, each called an “order” (*sefer*) and each order contains a collection of subsections, each called a “tractate” (*masechet*). The tractate Moed Katan is in the order Moed, which mostly treats issues relating to Shabbat, holidays, and such.

## About Moed Katan

Tractate Moed Katan (which could be translated as “Small Holidays”) deals primarily with the laws pertaining to the intermediate days of festivals, also known as Chol HaMoed. The

---

<sup>1</sup> Rabbi Steinsaltz is a major present-day commentator on the Talmud.

<sup>2</sup> There is a fairly standard printing format for the Babylonian Talmud in which the pages are numbered, with each “page” (*daf*) comprised of an “a” and a “b” side (with each “side” called an *amud*). The pagination of each tractate itself always begins with page 2a (with “page 1” presumably used as a title page). The ArtScroll English translation edition shows each *amud* spread over several “subpages” in order to include its translation and commentary. For example, text, translation, and commentary of the Talmud’s page 2a are spread over pages 2a1 through 2a4.

<sup>3</sup> We will use the phrase “the Mishnah” (upper-case) to refer to the document as a whole, and the phrase “a mishnah” (lower-case) to refer to a single component – generally a few sentences – within the overall document. The plural of “mishnah” in this sense is “mishnayot.”

discussion of these laws leads to a comprehensive treatment of two other areas of the law: laws of mourning and the laws of one who is a Nazarite or is separated from the community.

*While combining laws of a festival and those of mourning (and of a Nazarite) may seem contradictory, there does exist a two-fold (or perhaps three-fold) connection between the two topics.*

*First, the practical aspects: the labors that are prohibited on the intermediate days of a festival are similar to the labors that are prohibited during the period of mourning.*

*Second, there is an intrinsic connection between the laws of the intermediate days of a festival and the laws of mourning as they are derived in a parallel manner. The essential elements of both the intermediate days of a festival and the period of mourning are mentioned in the Torah; however, they do not appear as explicit commandments or obligations, and consequently are treated in Talmudic literature as rabbinic commandments that are part of the oral tradition. The laws discussed in this tractate and referenced in the following pages are not based on the objective categories that characterize Torah laws, but, like most rabbinic commandments, are dependent on circumstances and often relative to the situation*

*A third connection may be that the common denominator of the laws of these days is to preserve the unique nature of the day and to ensure that it is not treated like an ordinary day. That is, a Nazarite, a mourner, and what work or labor is or isn't permitted on the intermediate days – all of these have a common denominator, which is that we treat certain days differently.<sup>4</sup>*

Moed Katan is organized into three chapters: Chapter 1 - pages 2a-11a; Chapter 2 - pages 11b-13b; and Chapter 3 - pages 13b-29a.

## **ON CURRENT PRACTICE**

Although the Talmud is certainly a foundational text for Jewish law, current practice does not always accord with its teachings. Occasionally, this paper notes such distinctions, but statements cited here from the Talmud should not be taken as authoritative present-day rulings. Much of what is done in the area of mourning is as much a matter of custom as it is of law.

---

<sup>4</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatanintro/](https://www.ou.org/life/torah/masechet_moedkatanintro/).

## CHAPTER 1: Activities permitted on Chol HaMoed

The opening mishnah of the chapter discusses various activities one may or may not do during Chol HaMoed. One permitted task is the marking of graves. They are marked with lime to warn passers-by against “defilement<sup>5</sup>.”

from Mishnah, on 2a1:	
Rabbi Elazar ben Azaryah says: “One may not dig an irrigation canal during Chol HaMoed or during <i>shemittah</i> <sup>6</sup> .” But the Sages say: “One may dig a new irrigation canal during <i>shemittah</i> and one may repair damaged ones during Chol HaMoed... And one may mark the graves.”	רבי אלעזר בן עזריה אומר, אין עושין את האמה בתחלה במועד ובשביעית, וחקמים אומרים, עושין את האמה בתחלה בשביעית, ומתקנין את המקללות במועד... ומצינין את הקברות.

*The Mishnah tells us that Chol HaMoed was a time during which public work projects could take place for the betterment of public facilities. Included was marking graves so that the people who are coming to bring sacrifices to the Temple will not inadvertently become ritually defiled by contact with a grave and be unable to enter the Temple.<sup>7</sup>*

The act of marking graves is “for the betterment” because the markings will deter a Priest from walking on or near a grave and thereby becoming defiled. (Were he to become defiled, he would not be able to carry out Priestly duties, and society would be worse off.)

### DIGRESSION ON ISSUES OF GRAVES

As part of its discussion of this mishnah, the Gemara digresses to address a variety of issues about the marking of graves and issues of “defilement.” (Though this digression is not directly about mourning, its connection with graves merits its inclusion here.)

#### Marking graves

from 5a2	
Rabbi Shimon ben Pazi said: “Where do we find that the marking of graves [is required by] the Torah? For Scripture states: ‘and when one sees a human bone, he will build a marker near it.’ [Ezekiel 39:15].”	אמר ר"ש בן פזי רמז לציון קברות מן התורה מנין תלמוד לומר וראה עצם אדם ובנה אצלו ציון [יחזקאל לט, טו].

<sup>5</sup> The concept of *tumah*, translated here as “defilement,” is a fundamental concept in ritual law. The primary sources of defilement are various kinds of direct and indirect contact with dead bodies. Hence, passing through a graveyard, even inadvertently, could cause *tumah*. The opposite of *tumah* is *taharah*, which will be translated as “purity.” The adjectives for these concepts are *tamei* (“defiled”) and *tahor* (“pure”).]

<sup>6</sup> “*Shemittah*” (lit., “release”) is the Sabbatical year of rest, imposed on the land every seven years. The basic ideas are found in Leviticus.

<sup>7</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan24/](https://www.ou.org/life/torah/masechet_moedkatan24/) (under the heading Mo’ed Katan 5)

The Gemara here brings a proof text from the prophet Ezekiel (39:15) that describes the war of Gog and Magog, and how it will take seven months for all the dead to be properly buried so that the land of Israel will once again be ritually pure. The prophet describes the method that is to be used to carefully mark the graves.<sup>8</sup>

Although the Gemara cites other sources as well, the Ezekiel text is the primary source (according to most) that graves must be marked with a tombstone. Though the custom was to mark the graves on the fifteenth day of Adar (see Shekalim 1:1, referenced in Moed Katan 6a2, col 2), our mishnah is referring to a case where the lime had been washed away by unseasonal rains.

Minimum amounts

The Gemara cites a *baraita*<sup>9</sup> to explain what “sees a bone” means exactly.

from 5b1	
We do not make a marker, neither for an olive’s volume [of flesh] from a corpse nor for a bone the size of a barley grain, nor for anything that does not transmit <i>tumah</i> by way of a roof <sup>10</sup> .	אין מצינין לא על כזית מן המת ולא על עצם כשעורה ולא על דבר שאינו מטמא באהל.

The Gemara here discusses the situation where the body parts are so small that they can be ignored without risk of defilement, as well as the case where “roof defilement” does not apply. (It then goes on to talk about specific bones, as well as the number of bones involved, that do require a marker.)

The *beit hapras* and defilement

The Gemara next examines details of how a grave might cause defilement.

from 5b2	
One who plows over a grave thereby renders [the field] a <i>beit hapras</i> .	החורש את הקבר הרי הוא עושה בית הפרס.

A *beit hapras*<sup>11</sup> is a field that may be *tamei*, but whose status is in doubt. This concept is important in the discussion of defilement from a grave, which continues below.

from 5b2	
Does a <i>beit hapras</i> transmit <i>tumah</i> by way of a roof?	ובית הפרס מי מטמא באהל?

<sup>8</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan24/](https://www.ou.org/life/torah/masechet_moedkatan24/) (under Mo’ed Katan 5)  
<sup>9</sup> A *baraita* (pl., *baraitot*) is a Rabbinic source from the same period as the Mishnah that was not included when the Mishnah was codified. The plural is *baraitot*.  
<sup>10</sup> “Roof [or “tent”] defilement” (*tumat ohel*) involves being “under the same roof” as a corpse or body part. There is concern that walking over a grave might defile an individual based on this concept.  
<sup>11</sup> The term might be translated as “place of spreading,” because it involves *tumah* that may have been dispersed throughout the field. For more information on the concept, see, e.g., [www.mishnahyomit.com/issues/Vol6Iss28.pdf](http://www.mishnahyomit.com/issues/Vol6Iss28.pdf)

The Gemara above is concerned about whether there can be defilement without coming in direct contact with a body part or grave.

from 5b3	
A <i>beit hapras</i> that was trampled is <i>tahor</i> .	בית הפרס שנידש טהור.

The particular detail suggests that bodies were buried in very shallow graves, so that “trampling” would turn any body parts into tiny fragments.

The Gemara gives some examples of a *beit hapras*:

from 5b3	
There are three [categories of] <i>beit hapras</i> : a field in which a grave was lost; a field in which a grave was plowed over; and a wailing field.	שלשה בית הפרס הן שדה שנאבד בה קבר ושדה שנחרש בה קבר ושדה בוכין.

The Gemara then goes on to clarify that a “wailing field” (*s’deih bochin*) is the place where a body being transported from one town to another is handed over to the new group. Rashi<sup>12</sup> suggests that the transmission may lead to carelessness about body integrity, resulting in parts of the body accidentally ending up in this field.

from 6a1	
Rav Yehudah said: “If one found a single stone that is marked [with lime], [the area] beneath it is <i>tamei</i> . Two stones: if there is lime between them, [the area] between them is <i>tamei</i> , but if there is no lime between them, [the area] between them is <i>tahor</i> .”	אמר רב יהודה מצא אבן מצויינת תחתיה טמא שמים אם יש סיד ביניהן ביניהן טמא ואם אין סיד ביניהן ביניהן טהור.

In other words, a single stone is understood to be an isolated grave, and only the area immediately beneath its immediate vicinity is *tamei*. But if there are two stones with lime between them (with lime suggesting the presence of a grave), then the whole area is considered *tamei*. If there is no lime between them, they are both considered “isolated” and the area between them is *tahor*.

In its continued exploration of the issue of the presence of graves, the Gemara asks whether a single stone covered in lime indicates a grave underneath. This issue is the subject of considerable discussion.

<sup>12</sup> Rashi (Rabbi Shlomo Yitzchaki; 1040-1105) was a medieval French rabbi, and his commentary on the Talmud is generally considered the most authoritative source for understanding its meaning.

## THE CONFLICT BETWEEN JOY AND SADNESS

After the digression on graves, and some other issues, the Talmud addresses a question directly concerned with mourning.

### Re-interment during Chol HaMoed

The custom in Mishnaic times was to bury the corpse in a temporary grave, and then, after the flesh had been fully decayed, to collect the bones and bury them in an ossuary in the family plot. This re-interment usually took place a year after the burial. The question arises as to whether this activity is permitted during Chol HaMoed. (This could be a problem because Chol HaMoed is supposed to be a time of joy.)

from Mishnah, on 8a2	
And Rabbi Meir said further: “A person may gather the bones of his father and mother [and re-inter them on Chol HaMoed] because it is joy for him.” Rabbi Yose said: “It is mourning for him [and therefore he may not do it during the festival].”	וְעוֹד אָמַר רַבִּי מֵאִיר, מְלֶקֶט אָדָם עֲצָמוֹת אָבִיו וְאִמּוֹ, מִפְּנֵי שְׂשֻׁמְקָהּ הִיא לוֹ. רַבִּי יוֹסֵי אוֹמֵר, אֲבָל הִיא לוֹ.

*Rabbi Meir argues that re-interment is allowed for the Intermediate days, as it is a joyous day for the person. It is a relief to the individual who successfully brings a relative to his/her final resting place. In addition, there is joy in seeing that the flesh has decomposed, as this implies that the person has now been forgiven. The flesh has sinned and now that the flesh is gone (and recitation of Kaddish as well ceases), the sins of this person are no more. Rabbi Yose disagrees and argues that the person will be sad at the reburial, and the joy of the festival will be overcome by the requirement to mourn for one day when reburial takes place. Therefore, he argues, re-interment should be delayed until after the festival.<sup>13</sup>*

The discussion suggests that Rabbi Me’ir meant that the joy of the festival would overcome the anguish caused by the re-interment. The conflict between mourning and the festival obligations is addressed directly later in the tractate (see 14b1, where the Gemara gives the source of the principle of joyfulness on the festivals).

### Lamentation prior to a festival

Although Moed Katan is mostly concerned with the intermediate days of festivals, it also addresses the time leading up to a festival. The same mishnah just cited continues as follows:

from Mishnah, on 8a2	
A person may not appeal [for lamentations] for his deceased or eulogize him during the thirty days preceding a festival.	לֹא יַעֲוִיר אָדָם עַל מֵתוֹ וְלֹא יִסְפִּידְנוּ קִדְּם לְרִגְלֵי שְׁלֹשִׁים יוֹם.

<sup>13</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan612/](https://www.ou.org/life/torah/masechet_moedkatan612/) (under Mo’ed Katan 8a-b)

By way of explanation of this time-frame restriction, the Gemara relates an anecdote in which a man had saved money to go to Jerusalem for a festival, but shortly before he was to leave, his wife gave away his savings to a man giving a eulogy, and her husband could no longer afford to go to Jerusalem. One sage contends that this prohibition only applies if the death itself occurred more than 30 days before the festival.

## OTHER BURIAL PREPARATION

The issue of “construction” during Chol HaMoed was raised in the tractate’s opening Mishnah. The tractate now returns to that subject.

from Mishnah, on 8b1	
We may not hew burial niches nor build tombs during Chol HaMoed, but we may adapt burial niches during Chol HaMoed ...and [construct] a casket <sup>14</sup> with the deceased in the courtyard. Rabbi Yehudah forbids [constructing a casket] unless there are boards with him [i.e., unless the wood was previously prepared].	<p>אֵין חוֹפְרִין כּוּכִין וּקְבָרוֹת  בְּמוֹעֵד, אֲבָל מְחַנְכִים אֶת הַכּוּכִי  בְּמוֹעֵד ... וְאָרוֹן עִם הַיָּת בְּחֶצֶר.  רַבִּי יְהוּדָה אוֹסֵר, אֲלֵא אִם כֵּן יֵשׁ  עִמּוֹ נְסָרִים.</p>

[The Gemara goes on to explain that a “niche” (*kuch*) is made “by digging” (into the walls of a crypt), while a “tomb” (*kever*) is made “by building” (of an above-ground structure over the grave).]

After some further elaboration, the Gemara states a broad conclusion, quoting from a *baraita*:

from 8b2	
We may perform all the needs of a corpse [on Chol HaMoed]. We may cut his hair, wash his shroud, and construct a casket...	<p>כּל צוּרְכֵי הַמֵּת גּוֹזְזִין לוֹ  שַׁעֲרוֹ וּמַכְבְּסִין לוֹ כְּסוּתוֹ  וְעוֹשִׂין לוֹ אֲרוֹן.</p>

The *baraita* cites a disagreement about whether the boards for the casket need to have been prepared before the festival, with Rabban Shimon ben Gamliel ruling leniently.

## CHAPTER 2

Chapter 2 continues the discussion about restrictions on Chol HaMoed. The Talmud is concerned here, in part, about the financial loss that may occur to an individual if a task is not completed, but it does treat other issues.

<sup>14</sup> The Hebrew *aron* designates, in this context, the “box” in which a person was buried. In English, the word “coffin” is often used instead of “casket” but “coffin” has sometimes come to mean more specifically a non-rectangular casket.

## CONNECTING CHOL HA MOED AND MOURNING

Although the opening mishnah is primarily about interruptions of work caused by a festival, the case of interruption due to mourning is noted first.

from Mishnah, on 11b1	
If one turned over his olives <sup>15</sup> , and mourning befell him, or an unavoidable mishap occurred, or his workers deceived him [right before a festival], he may load the beam [onto the olives] a first time.	מִי שֶׁהִפִּךְ אֶת זֵיתוֹ וְאַרְעוֹ אָכַל אוֹ אָנָס, אוֹ שֶׁהִטְעוּהוּ פּוֹעֲלִים, טוֹעֵן קוֹרָה רֵאשׁוּנָה.

The Gemara comments directly on the fact that the mishnah opens with the issue of mourning, then goes into the question of a festival, and does not return to the case of mourning. One point of view draws a conclusion from this failure to re-connect to mourning:

from 11b2	
Rav Shisha, son of Rav Idi, said: “That is to say, things that are permitted during Chol HaMoed are forbidden during the days of one’s mourning.”	אמר רב שישא בריה דרב אידי זאת אומרת דברים המותרין במועד אסורים בימי אבלו.

In other words, Rav Shisha uses the fact that the later part of the mishnah does not mention mourning to suggest that its principles do not apply to mourning. A dispute on this issue ensues between Rav Ashi and Rav Shisha.

### What another may do for a mourner

In connection with the dispute between Rav Ashi and Rav Shisha, the Gemara cites a *baraita* on the question of actions that may not be done by a mourner himself during the intermediate days but that others may do for him.

from 11b2	
These are the things that [others] may do for a mourner during the days of his mourning: If his olives are turned over, they may load for him, and his barrel may be sealed, and his flax may be raised from the retting pool. <sup>16</sup>	אלו דברים העושין לאבל בימי אבלו זיתו הפוכין טוענין לו וכדו לגוף ופשתנו להעלות מן המשרה.

This is cited in support of Rav Shisha. Since it says that “they may load for him,” it suggests that the mourner himself may not do so, even though a non-mourner can do this during Chol HaMoed.

<sup>15</sup> Before pressing, olives were placed in a vat to soften, and after softening, were turned over in preparation for placement of the beam (i.e., the olive-press) on them.

<sup>16</sup> The “retting” of flax is the process of immersing it in a pool of water to allow the inner stalk to rot away, leaving the outer parts intact.

*Note:* Chapter 2 later addresses further the issue of interruptions caused by either mourning or a festival, but the relationship between the two cases is left unresolved. The issue is taken up in greater detail in Chapter 3.

## CHAPTER 3

Chapter 3 opens with a mishnah that discusses certain exemptions from various prohibited kinds of work during Chol HaMoed. In particular, haircutting is generally prohibited, but several categories of people are permitted to cut their hair, such as a person who has just arrived from overseas, or one just released from captivity or prison.

### CONNECTING CHOL HAMOED AND LAWS OF MOURNING

In the analysis of some fine points of this discussion about prohibited activities, the issue is connected to mourning, because haircutting is an activity generally prohibited to mourners.

from 14a4	
Rav Pinchas retorted [citing a <i>baraita</i> ]: “All those [categories of people] whom the Rabbis said are permitted to cut their hair during Chol HaMoed are permitted to cut their hair during their days of mourning.” [Rav Pinchas then deduces]: “One forbidden to cut his hair during Chol HaMoed is forbidden to cut his hair during his days of mourning.”	מתיב ר' פנחס כל אלו שאמרו מותר לגלח במועד מותר לגלח בימי אבלו הא אסור לגלח במועד אסור לגלח בימי אבלו.

This seems to suggest a broader principle (beyond just haircutting): not only does Chol HaMoed have the same set of *haircutting* prohibitions and exemptions as mourning, but perhaps other restrictions during mourning are similar to those during Chol HaMoed. (*Note:* The principle asserted by Rav Pinchas is disputed just a bit later in the Gemara.)

#### Rending the garment of a minor

In the course of its discussion of the haircutting issues, the Gemara mentions the case of an infant, and then cites, in passing, a *baraita* that addresses an issue about mourning:

from 14b1	
We rend <sup>17</sup> [the garment of] a minor because of grief.	מקרעין לקטן מפני עגמת נפש.

This is interesting not simply because of the assertion that we rend the garment of a minor, but because of the reasoning stated. Rashi indicates that the phrase “because of grief” (*mipnei agmat nefesh*) means that the rending is not on behalf of the minor’s own mourning, but because seeing the rent in a minor’s garment will move onlookers to tears, thus creating greater honor for the deceased.

<sup>17</sup> The tearing (*kri'ah*) of a garment upon learning of a death is a long-standing practice, and it continues to this day. (In many communities, this is now done symbolically by tearing a special ribbon, often at the funeral itself.)

## A festival takes precedence over mourning

Having discovered the broad principle mentioned just above, connecting mourning laws and festival laws, the Gemara addresses the issue of mourning during a festival:

<p>from 14b1-14b2</p> <p>A mourner does not conduct his mourning during the festival, for it is stated “You shall rejoice on your festival.” [Deut. 16:14] If it is a preexisting<sup>18</sup> mourning, the positive commandment of the public [to rejoice on the festival] comes and supersedes the positive commandment of the individual [to mourn], and if it is a contemporaneous mourning, the positive commandment of the individual does not come and supersede the positive commandment of the public.</p>	<p>אבל אינו נוהג אבילותו ברגל שנאמר ושמחת בחגך. [דברים טז, יד] אי אבילות דמעיקרא הוא אתי עשה דרבים ודחי עשה דיחיד ואי אבילות דהשתא הוא לא אתי עשה דיחיד ודחי עשה דרבים.</p>
--	---

There are several interesting aspects of this ruling:

- \*Both the rejoicing and the mourning are described as “positive commandments.” For mourning, this is a matter of considerable post-talmudic discussion, since Rashi cites a verse from Jeremiah, rather than from Torah, to establish this principle.<sup>19</sup>
- \* The Gemara makes an interesting distinction between the obligation of rejoicing at a festival and the obligation of mourning: the former is incumbent upon the Jewish people as a whole, while the latter applies only to certain individuals.
- \* In both cases discussed here (“preexisting” and “contemporaneous”), the community obligation prevails. The two cases are only distinguished by which came first. If the death occurred before the festival started, then the mourning has already begun, and then must be superseded by the community obligation of the festival. If the death occurred after the festival started, the community obligation is already in place, and the Gemara is telling us that the individual’s obligation simply cannot begin.

### The excommunicate

In the mishnah at the start of Chapter 3, one of the categories of individuals allowed to cut their hair during Chol HaMoed is the excommunicate<sup>20</sup> who has been released from his ban. The Gemara cites a *baraita* concerning the excommunicate who dies before such release.

<sup>18</sup> A “preexisting mourning” is that which comes from a death that occurred prior to the festival; a “contemporaneous mourning” is that which comes from a death that occurred during the festival.

<sup>19</sup> The issue of whether a verse quoted from Writing or Prophets has the same strength as a citation from Torah is complex and beyond the scope of this paper.

<sup>20</sup> The term used, *m'nudah*, is a person under a specific type of ban (*nidu'i*), which normally would be rescinded after 30 days. Another category connected with this discussion is the *m'tzora*, who is one who has contracted a certain type of skin affliction (once thought to be leprosy, but now understood differently.) The last category is the *nazir*, who is one who has taken a (voluntary) vow to abstain from cutting his hair, drinking wine or eating grapes, or coming into contact with a corpse. The status of both the *nazir* and the *m'tzora* was generally time-limited.

from 15a1	An excommunicate who dies [while still under his ban], the court places a large stone on his casket.	מתנדה שמת ב"ד סוקלין את ארונו.
-----------	--	--------------------------------

Rashi understands the purpose of this act to be to impress upon onlookers the seriousness of the offender's act.

## RULES FOR MOURNERS

The Gemara notes several other rules about mourners in addition to the prohibition on haircutting, and gives rationales for each case. The Gemara also inquires whether these rules apply to excommunicates or to the other exempted categories discussed in the mishnah. (We omit here those discussions.)

from 15a1-15b3	A mourner is obliged in wrapping the head, ... is forbidden to put on <i>t'fillin</i> <sup>21</sup> , ... to greet others, ... to study words of Torah <sup>22</sup> , ... or to engage in laundering, ... and is obligated to rend [his garment] ... [and] to overturn his bed. <sup>23</sup> ... A mourner is prohibited to do work, ... to bathe, ... to wear shoes, ... to engage in marital relations, ... [and] a mourner does not send offerings to the Temple.	אבל חייב בעטיפת הראש ... אסור להניח תפילין ... בשאילת שלום ... בדברי תורה ... בתכבוסת ... אבל חייב בקריעה ... בכפיית המטה ... אסור בעשיית מלאכה ... ברחיצה ... בנעילת הסנדל ... בתשמיש המטה ... אבל אינו משלח קרבנותיו.
----------------	--	---

### Is part of a day like a whole day?

Various Talmudic rules, including those about mourning, follow a strict duration, which makes "counting days" crucial. The Gemara addresses an aspect of this.

from 17b2	[One view] explains it according to Abba Shaul, who says that [for mourning] part of a day is like the whole day...[but another] explains it according to the Sages, who maintain that we do not say that part of a day is like the whole day.	...סבר לה כאבא שאול דאמר מקצת היום ככולו ... סבר לה כרבנן דאמרי לא אמרינן מקצת היום ככולו.
-----------	--	--

<sup>21</sup> *T'fillin* are phylacteries, worn daily during prayer.

<sup>22</sup> The ban on studying Torah is based on the idea that such study would make would bring joy to the mourner, thus transgressing a commandment that the days of mourning should be a time of sadness. Similar restrictions apply to holidays of mourning, such as Tisha b'Av. The Gemara later notes that this ban does not apply to the excommunicate, but some commentators say that the excommunicate can only study new (and therefore difficult) materials, which will not bring him joy.

<sup>23</sup> There was, in earlier times, a custom of turning the bed upside down following a death. This is no longer practiced. The current custom of sitting on low benches may be related to this practice, in that both bring the mourner "low" – i.e., closer to the deceased (or perhaps, make the mourner more "grounded"). It should also be noted that the bed itself, whether upright or overturned, was often used as a dining table.

This argument occurs in the context of determining the applicability of the ban on haircutting to an individual during *shloshim*.<sup>24</sup> Though the second opinion is seen by the Gemara to concur with our mishnah, a final ruling is stated on 19b2, in which the Sages yield to Abba Shaul's opinion, based on the general leniency principle of Shmuel, stated below, following a specific leniency around grooming.

### A grooming leniency for successive periods of mourning

The Gemara cites a *baraita* offering special considerations when a person suffers two losses in succession.

from 17b3	
If his mourning periods occurred in succession, one after the other, then if his hair became burdensome, he may lighten it with a razor, and he may wash his tunic in water.	תכפוהו אבליו זה אחר זה הכביד שערו מיקל בתער ומכבס כסותו במים.

### Shmuel's general principle of leniency

There is a dispute in a *baraita* as to whether nail cutting is prohibited (like haircutting), either in the case of Chol HaMoed or for a mourner. One authority splits the two cases, saying the nail cutting is prohibited to a mourner but permitted during Chol HaMoed. But the Gemara gives an alternate opinion:

from 17b4-18a1	
Shmuel says that the <i>halachah</i> follows Rabbi Yose, with regard to Chol HaMoed and a mourner, for Shmuel said: "The <i>halachah</i> follows the one who rules leniently in [disputes pertaining to] mourning."	שמואל אמר הלכה כרבי יוסי במועד ובאבל דאמר שמואל הלכה כדברי המיקל באבל.

The Gemara understands Shmuel's quoted opinion, which only mentions mourning, to apply as well to the case of Chol HaMoed. A similar discussion occurs concerning trimming nails and "the lips" (i.e., mustache hair) during mourning.

### Law or custom?

*Many of the laws that apply to a mourner are mentioned in the Tanach. Over time, these laws have developed into a code of accepted tradition. However, given that these laws are not formally listed in the Torah, many practical questions arise as to what is required and what is simply tradition; what must be done and what may be done. Many of our traditions derive from that text in Ezekiel where the prophet is informed by God that his most beloved will be taken away in a plague, yet he should not behave as a mourner ordinarily does. He is told that while remaining silent, he should keep his head normally attired, continue*

<sup>24</sup> Normally, the term *shloshim* refers to the first 30 days of mourning following burial. Here, the Gemara is using it to refer to that part of the 30 days that follows *shiva*, the first seven days.

wearing his shoes, refrain from covering his mouth and not accept meals from others.<sup>25</sup>

The ensuing Gemara discusses proof texts on each category.

## THE IMPACT OF CHOL HAMOED ON MOURNING – SIMULTANEOUS OCCURRENCE

After two more mishnayot that deal only with Chol HaMoed, the tractate returns to issues that arise when mourning occurs during (or would overlap with) a festival. Earlier (14b1), the Gemara established the general principle that simultaneous observance of both the joy of a festival and the sadness of mourning are impossible. When mourning coincides with a festival, says the Gemara, the obligation of rejoicing on the festival overrides the commandment of mourning.

The next mishnah looks at details of how this works:

from Mishnah, on 19a1-19a2	
<p>One who buries his dead three days before a festival, the restrictions of seven days [of mourning] are canceled for him. [If the burial was] eight days [before a festival, so that at least one day beyond <i>shiva</i> had taken place], then the restrictions of thirty days [of mourning] are canceled.</p> <p>For [the Sages] said: “Shabbat is included [in the seven days] and does not cut them short [but] the festivals cut them short and are not included.”</p>	<p>הַקּוֹבֵר אֶת מֵתוֹ שְׁלֹשָׁה יָמִים קִדְמָה לְרִגְלָהּ, בְּטֹלָה הַיָּמִינוּ גְזֵרַת שְׁבַע־יָמִים. שְׁמוֹנָה, בְּטֹלָה הַיָּמִינוּ גְזֵרַת שְׁלֹשִׁים יָמִים.</p> <p>מִפְּנֵי שְׁאֵמְרוּ, שֶׁבֶת עוֹלָה וְאֵינָהּ מִפְּסֻקָּה, וְרִגְלִים מִפְּסֻקִין וְאֵינָן עוֹלִין:</p>

The mishnah goes on to clarify that, although there is a difference of opinion, the Sages rule that “festivals” here means the three holidays of Pesach, Shavuot, and Sukkot, while Rosh Hashanah and Yom Kippur are treated like Shabbat<sup>26</sup>.

### Cancelling of Mourning

The discussion immediately after the mishnah seeks to clarify what is meant by “canceled.” The answers given at first (see 19a3) are later overruled (see 20a). The view of the mishnah is understood to be as follows:

- \* When Shabbat (or Rosh HaShanah or Yom Kippur) occurs in the middle of mourning, that day counts toward either *shiva* or *shloshim*, and the counting of days continues beyond the holiday.

<sup>25</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan1319/](https://www.ou.org/life/torah/masechet_moedkatan1319/) (under Mo’ed Katan 15b)

<sup>26</sup> This is different from current practice, in which the onset of Rosh Hashanah or Yom Kippur cancels the remainder of *shiva* observance.

- \* When one of the three festivals (Pesach, Shavuot, and Sukkot) occurs in the middle of mourning, the days of the festival do not count toward either *shiva* or *shloshim*, and the counting of days resumes (where it left off) after the festival.

*Note:* Even if mourning is formally cancelled, some aspects remain. For example, one doesn't go back to his original seat during a festival that has cancelled *shiva* nor (according to most) does he get called to the Torah for an *aliyah*. Many private aspects and symbols of mourning remain.

But this is not the end of the issue. In the course of a discussion about “overturning the bed,” we find this exchange, from a *baraita*:

<p>from 20a1-20a2</p> <p>If he fulfilled “overturning the bed” for three days before the festival, he is not required to overturn it after the festival. These are the words of Rabbi Eliezer. But the Sages say, “even a day or an hour.”</p>	<p>קיים כפיית המטה שלשה ימים קודם הרגל אינו צריך לכפותה אחר הרגל דברי רבי אליעזר וחכמים אומרים אפי' יום אחד ואפי' שעה אחת.</p>
--	--

In other words, if even “an hour” of *shiva* has taken place (i.e., if the burial took place before the festival), then no further *shiva* observance is required after the festival (and certainly, none takes place during the festival).

The same principle holds for *shloshim*: that is, if the post-*shiva* portion of *shloshim* was begun prior to the festival, then *shloshim* is considered concluded with the onset of the festival. (However, if eighth day of mourning had not begun when the festival started, then *shloshim* continues after the festival.)

### Why seven days?

The Sages all knew the practice that the primary period of mourning is seven days (the word *shiva* means “seven”). But they ask for the source for this practice:

<p>from 20a2</p> <p>[A group of several rabbis were sitting] and the matter came up between them: From where [do we derive that the primary period of] mourning is seven days. [They answered]: “For it says: ‘I will turn your festivals to mourning.’ [Amos 8:10]. Just as a festival is seven days, so mourning is seven days.”</p>	<p>נפק מילתא מבינייהו מנין לאבילות שבעה דכתיב והפכתי חגיכם לאבל [עמוס ח, י] מה חג שבעה אף אבילות שבעה.</p>
--	--

*In response to the subsequent query that one holiday – Shavuot – is only celebrated for a single day, the Talmud responds that there is also a one-day mourning period and that is one who hears of his loss thirty days or more after the person has died (see below). This is called a shmu'ah rechokah, a “distant tidings,” and shiva is only required for one day.*

*The Jerusalem Talmud considers a wide variety of biblical passages that could also be considered the source for seven days:*

- \*The waters of the flood engulfed the world after seven days, which is understood as God's mourning period on the occasion of the destruction of the world. (Genesis 7:10)*
- \*Joseph declared a seven-day mourning period when his father Jacob dies. (Genesis 50:10)*
- \*When the sons of Aaron – Nadav and Avihu – are killed for bringing an improper sacrifice, their brothers remained in the Tabernacle for the next seven days. (Leviticus 10:1-2)*
- \*Miriam was struck with skin lesions, which Moses likened to death, and the community waited seven days before continuing their trek through the desert. (Numbers 12:12)<sup>27</sup>*

The Aruch HaShulchan<sup>28</sup> gives possible reasons why the Babylonian Talmud doesn't list these additional sources, explaining that although these sources discuss seven days, they either involve situations where the body has not yet been buried (in the cases of Jacob, the sons of Aaron, and Miriam) or involve circumstances that occurred before the giving of the Torah at Mount Sinai (in the cases of the flood and Jacob's death).

## **SPECIAL CASES OF MOURNING**

In passing, the Gemara considers some special situations.

### **Delayed news of a death**

As just noted, in its discussion of the principle of seven days for mourning, the Gemara brought up the case of a delay in the news of a death (*shmu'ah rechokah*). It turns to a *baraita* on the issue:

from 20a2	
[For] a current report, one observes [mourning] for seven [for <i>shiva</i> ] and thirty [for <i>shloshim</i> ]. [For] a delayed report: one observes [mourning] for only one day.”	שמועה קרובה נוהגת שבעה ושלשים שמועה רחוקה אינה נוהגת אלא יום אחד.

A “delayed report” is defined by the Gemara as one that arrives after 30 days from the time of death. (Even if the report arrives near the end of the 30<sup>th</sup> day, it is considered “current.”)

<sup>27</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 20a-b)

<sup>28</sup> Compiled and written by Rabbi Yechiel Michel Epstein (1829–1908), the work attempts to be a clear, organized summary of the sources for each chapter of the Shulchan Aruch and its commentaries, with special emphasis on the positions of the Jerusalem Talmud and Maimonides.

There is some dispute about the principles stated in the *baraita*, with some arguing for a full *shiva* and *shloshim*, but ultimately, Shmuel's leniency principle prevails. The Gemara also addresses the issue of whether *kri'ah* (rending of one's garment) is observed.

### “Secondary” relatives

Torah states a priest (*kohen*) should “contaminate himself” (e.g., enter a cemetery to attend the funeral) for a specific set of relatives, namely, his wife, his father or mother, his paternal brother or virgin<sup>29</sup> paternal sister, or his son or daughter. From that passage, the Rabbis deduce that these relationships are the ones for whom any individual is ritually obligated for mourning. The Gemara cites a *baraita* that mourning (by a non-priest) extends to other relatives:

from 20b2	
They [the Rabbis] added these: his maternal brother and maternal virgin sister and his married sister, either paternal or maternal.	הוסיפו עליהן אחיו ואחותו הבתולה מאמו ואחותו נשואה בין מאביו בין מאמו.

And then, after some preliminary opinions, the *baraita* adds:

from 20b2	
But the Sages say: “He mourns along with any for whom he himself would mourn.”	והחכמים אמרים כל שמתאבל עליו מתאבל עמו.

Thus, for example, since a person would mourn for his wife, he also mourns for any person for whom his wife would mourn, such as her parent (his parent-in-law). Similarly, this principle includes grandparents and grandchildren. The Gemara states this to be an obligation, and not simply permission to mourn.

The Gemara goes on to limit this principle, stating that his mourning for his wife's relatives (which is out of respect for his wife) extends only to her parents, and not to the other relatives for which she must mourn (such as her sister). This is consistent with the rules that make any individual's mourning for a parent stricter than mourning for the other categories.

## MISCELLANEOUS REGULATIONS

The Gemara next considers various details about mourning practice.

### Standing while rending

The topic of *kri'ah* (rending of a garment as part of mourning) has come up several times, and the Gemara asks whether one must stand when doing so.

<sup>29</sup> In talmudic discourse, the word often translated as “virgin” usually meant “not married.”

from 21a1	
Rami bar Chama said: “From where do we derive that rending must be while standing? For it is written: ‘And Job arose and tore [his coat].’ [Job 1:20]”	אמר רמי בר חמא מנין לקריעה שהיא מעומד שנאמר ויקרע [איוב א, כ].

### Exemption for “lecturers”

The Gemara cites a *baraita* that lists many things that are forbidden to a mourner (adding “anoint himself” to the list given on 15a1-b4). The list includes various forms of study. But the *baraita* gives an exemption to this item:

from 21a2	
If the public needs him [to lecture to them], he should not refrain from doing so.	אם היו רבים צריכין לו אינו נמנע.

The Gemara adds two examples of where a mourner actually did teaching, but adds a detail from another *baraita* to explain the seeming contradiction:

from 21a2	
[He may lecture] as long as he does not stand up as a speaker.	ובלבד שלא יעמיד תורגמן.

The Gemara explains how this is done, by citing an incident in which the mourner had a colleague sit beside him, whispered the lecture to the colleague, and the colleague delivered the lecture to the public.

### Wearing *t'fillin*

The Gemara provides considerable discussion [on 21a2-21b1] on the issue of a mourner’s prohibition on wearing *t'fillin*. The primary issues under consideration are how many days this prohibition should last and whether an individual should remove them and put them back on if a new person arrives to visit during mourning.

### Working during mourning

The Gemara cites a *baraita* that provides some exemptions for the prohibition on work during mourning, after first emphasizing the importance of the first three days.

from 21b1	
A mourner during the first three days is forbidden to perform work, even if he is a pauper who lives on charity, From then on, he may work discreetly in his home. And a woman spins with her spindle within her home.	אבל ג' ימים הראשונים אסור במלאכה ואפילו עני המתפרנס מן הצדקה מכאן ואילך עושה בצינעא בתוך ביתו והאשה טווה בפלך בתוך ביתה.

## Personal interactions during mourning

### Offering condolence to others

Another *baraita* provides a similar severity during the first three days concerning a mourner providing condolence to other mourners, and then sets guidelines for after the third day:

from 21b1	
A mourner during the first three days may not go to [another] house of mourning. From then on he may go, but he should not sit together with the consolers but rather together with those being consoled.	אבל ג' ימים הראשונים אינו הולך לבית האבל מכאן ואילך הולך ואינו יושב במקום המנחמין אלא במקום המתנחמין.

### Greetings

Yet another *baraita* regarding the first three days:

from 21b1	
A mourner during the first three days is forbidden to greet [others]. From the third day until the seventh, he may respond [to a greeting] but may not be the first to greet. From then on, he may greet others and may respond in kind in his normal fashion.	אבל ג' ימים הראשונים אסור בשאילת שלום משלשה ועד שבעה משיב ואינו שואל מכאן ואילך שואל ומשיב כדרכו.

*The issue of greetings is taken very seriously by the Sages. In tractate Brachot, the Talmud emphasizes the importance of returning greetings. This sensitivity is what encourages the Sages to permit returning a greeting even at a time when greetings are forbidden. Even during the first three days of mourning, when the mourner is not supposed to respond to a greeting, he should not simply ignore the greeting, but rather should explain that in his present situation he cannot follow the normal behaviors of polite interaction.<sup>30</sup>*

In discussing the issue of greetings, the Gemara reports a poignant eulogy that Rabbi Akiva gave upon the death of his son. Immediately after the burial, he addressed those who came to console him, attributing their honor to him as giving honor to the Torah. In closing, he offered a parting greeting, seemingly in contradiction to the prohibition on greetings. In explanation of Rabbi Akiva's action, we have:

from 21b1	
Respect to the public is different.	כבוד רבים שאני.

The Gemara continues with other details concerning the issue of greetings to a mourner, including making the distinction between “offering condolences” (*m'daber imo tanchumim* – lit.,

<sup>30</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 21a-b)

“speaking with him condolences”) and “greeting” (*sho’eil bishlomo* – lit., “asking after his well-being”).

## Issues of timing

### Commencement of *shiva*

If a mourner does not actual attend the burial (such as if the body is taken for burial to Israel), when does *shiva* begin?

<p>from 22a1</p> <p>Rava told the people of Mechoza: “Those of you who do not follow the casket [to its burial place], when you turn your faces away from the gates of the entrance to the city, begin to count [the days of <i>shiva</i>].”</p>	<p>אמר להו רבא לבני מחוזה אתון דלא אזליתו בתר ערסא מכי מהדריתו אפייכו מבבא דאבולא אתחילו מנו.</p>
--	---

Apparently, mourners would accompany the body to the gates (from which it would proceed on its journey). When they would turn away, that’s when they would begin their period of *shiva*.

### For and against expedited burial

Torah requires prompt burial, but apparently there is such a thing as “too prompt,” as explained in this *baraita*:

<p>from 22a3</p> <p>For all deceased relatives [other than a parent], if one expedites the bier, he is praiseworthy [but] for one’s father or mother, he is condemned. [However,] if it was Friday or erev Yom Tov [the day before Shabbat or a holiday], he is praiseworthy, for he is doing so only for the honor of his father or mother.</p>	<p>על כל המתים כולן מדחה מטתו הרי זה משובח על אביו ועל אמו הרי זה מגונה היה ערב שבת או ערב יום טוב הרי זה משובח שאינו עושה אלא לכבוד אביו ואמו.</p>
--	---

In other words, for a parent, don’t rush to get the burial done the same day (apparently since that limits opportunities for eulogies and mourning), but if the delay will postpone the burial for more than a day (since it cannot take place on Shabbat or a holiday), then it is important to expedite the process.<sup>31</sup>

The Gemara continues with discussion of other distinctions in mourning for a parent compared with another relative. For example, when mourning a non-parent, one can trim one’s hair after thirty days, but following the death of a parent, one should wait “until his friends reproach him” (for looking unkempt). Similarly, for a non-parent, one can rend one’s garment using an instrument, but for a parent, one must use one’s own hand.

<sup>31</sup> Here, as with other issues, modern practice may differ from what the Gemara suggests. There are many considerations in the question of whether or not to delay a burial.

### Digression: Death of a Patriarch or Head of Court

The Gemara digresses from issues of timing related to mourning to identify some special actions taken by all members of the community upon the death of public personages. For example:

from 22b4	על חכם חולץ מימין על אב ב"ד משמאל על נשיא מכאן ומכאן.
For [a town's primary] sage, one bares [the shoulder] on the right. For the <i>Av Beit Din</i> [head of the local Rabbinic court], on the left. For a <i>Nasi</i> [Patriarch], here and there (i.e., both on the right and on the left).	

*During the time of the Talmud, people would show signs of mourning over the passing of others aside from immediate relatives, such as when members of the leadership of the Jewish people – the (primary) local sage, the Av Beit Din, or the Nasi – died.. When any of these important community personages died, chalitzat katef was required. Chalitzat katef is the removal of one's garment from one's shoulder. The more severe the mourning, the more severe the mourning symbol; and the greater desire to show respect to the deceased, the more the garment is removed. For example, as just noted, if the Nasi dies, the garment is removed from both shoulders.<sup>32</sup>*

The Gemara also cites a *baraita* on what happens within the study halls (during mourning) in the case of the death of one of these special individuals:

from 22b4	חכם שמת בית מדרשו בטל אב ב"ד שמת כל בתי מדרשות שבעירו בטילין... נשיא שמת בתי מדרשות כולן בטילין.
If a sage dies, his house of study ceases its sessions. If the <i>Av Beit Din</i> dies, all the houses of study in his city cease their sessions... If the <i>Nasi</i> dies, all houses of study [everywhere] cease their sessions.	

(The *baraita* elaborates on what all of those students do during the week of *shiva*, including the opinion that they should “sit [at home] in silence.”)

### The separate weeks of *shloshim*

The next *baraita* cited by the Gemara returns to issues around timing during mourning, and takes up one aspect of how a mourner's behavior progresses over the course of *shloshim*:

from 23a1	אבל שבת ראשונה אינו יוצא מפתח ביתו שניה יוצא ואינו יושב במקומו שלישית יושב
A mourner does not go out of the door of his house the first week. The second week, he may go out, but he does not sit in his regular place [in the synagogue]. The third week, he may sit in his regular place, but he does	

<sup>32</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 22a-b)

not speak. The fourth week, he is like any other person [with regard to where he sits and to whom he speaks].	במקומו ואינו מדבר רביעית הרי הוא ככל אדם.
---	--

(There is a dissenting opinion from Rabbi Yehudah, varying the week-by-week rules.)

### Marriage during mourning

The Gemara turns to a *baraita* on the question of when a mourner may marry (or re-marry):

from 23a1-23a2	
[A mourner is subject] all thirty days to marriage [restrictions]. And if it is his wife [who died], he is forbidden to marry another until three festivals have passed.	כל שלשים יום לנישואין מתה אשתו אסור לישא אשה אחרת עד שיעברו עליו שלשה רגלים.

(Again, there is a dissenting opinion from Rabbi Yehudah, this time allowing marriage after just two festivals.)

The first part of this statement applies to any mourner. For example, if a single man's father dies, the surviving son cannot marry for at least 30 days. The second part imposes a greater restriction on a widower.

*Tosafot* (a group of medieval commentators on the Talmud) with great sensitivity suggest three explanations for this unique law of waiting until three holidays have passed. The sages felt it inappropriate to forget one's wife so quickly; when being intimate with his new wife, memories of his first wife would be bound to intrude, which the Sages viewed as morally inappropriate; and remarrying so quickly would lead the husband to mention to his new wife the activities of his first wife, which would not be beneficial to the building of a solid marriage.<sup>33</sup>

The *baraita* includes two interesting exceptions:

from 23a2	
If he does not have children, he may remarry immediately on account of the cessation from being fruitful and multiplying. [That is, he may resume his attempt to fulfill the <i>mitzvah</i> of reproduction.]	ואם אין לו בנים מותר לישא לאלתר משום ביטול פריה ורביה.
If she left him with small children, he may remarry immediately because of their care.	הניחה לו בנים קטנים מותר לישא לאלתר מפני פרנסתן.

The *baraita* even cites an example of someone who, at the cemetery after his wife's burial, essentially proposed to (or perhaps, according to Rashi, married) his late wife's sister, with the

<sup>33</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 23a-b)

statement to her, “Go and care for your sister’s children.” (The Gemara is careful to note that the widower and his late wife’s sister did not have relations until after *shloshim*.)

### Shabbat during mourning

The mishnah on 19a had said “Shabbat is included [in the seven days] and does not cut them short.” The Gemara now turns to an exploration of what exactly this means. There is a somewhat intricate dispute about whether a mourner observes various *mitzvot* and abstains from various practices on Shabbat, including whether or not a mourner can engage in sexual relations on Shabbat. This discussion is complicated by reference, in a *baraita*, to the situation where “his dead lies before him” (i.e., he is in the period between the death and the burial<sup>34</sup>), during which the rules might be different from the period of *shiva*. It isn’t entirely clear, when the *baraita* makes certain rulings, which period it is referring to.

### Burial and mourning for a child under 30 days

The Gemara cites a *baraita* that describes special rules for the burial of a child who dies before the age of 30 days.

from 24a4	
[If a death occurs] any time within 30 days [of birth], an infant is taken out [to the cemetery] in the bosom [i.e., simply carried, without need of a casket] and is buried by one woman and two men but not by one man and two women.	כל לי יום תינוק יוצא בחיק ונקבר באשה אחת ושני אנשים אבל לא באיש אחד ושתי נשים.

The last part of this statement tells us two things:

- \*It is not necessary to have a large group of people to accompany this burial—three will suffice.
- \*Having one man and two woman isolated together in a cemetery is prohibited (because of their danger that they will “come to sin”).

(It appears to tell us as well that burial only by women or only by men is not an option.)

*In addition to the above, the Talmud tells us that, for a child under 30 days, statements of consolation are not uttered. Public eulogies are done over a child who is older. Rabbi Meir suggests age three for poor people and age five for rich people, while Rabbi Yehuda quotes him as ruling age five for poor and age six for rich. Why this distinction? Rashi explains that that poor people have no pleasure in life aside from their children so their bonding and mourning over a lost child is*

<sup>34</sup> This period is called *aninut*, and a person in this status is called an *onein*.

greater; alternately, poorer people rely on their children for sustenance and support and therefore there is a greater sadness when losing them.<sup>35</sup>

### Who mourns: how and when?

The next mishnah turns the focus to limitations that might apply during Chol HaMoed.

From Mishnah, 24b3	
[On Chol HaMoed], none rend [their garments] or bare [their shoulders] except for the relatives of the deceased. Nor do we serve the mourner's meal except on an upright bed.	אין קורעין, ולא חולצין, ואין מברין, אלא קרוביו של מת. אין מברין אלא על מטה זקופה.

In the overall Mishnah itself, this text immediately follows other discussion of mourning in connection with holidays, so this seems to refer to the period of Chol HaMoed. That is, it seems to be saying that, ordinarily, anyone may choose to carry out the given signs of mourning, but during Chol HaMoed, only the (immediate) relatives of the deceased, who are required to do so, are permitted to do so. Others are prohibited lest it interfere with their joy of the holiday. [There are other interpretations about the meaning of this mishnah.]

### Mourning for a sage

The Gemara cites a *baraita* suggesting that this mishnah might not apply if the deceased is a scholar or other type of worthy individual.

from 25a1	
A sage who died, all are his relatives.... All rend [their garments] over him, all bare their shoulders over him, all are fed the mourner's meal in the street over him.	חכם שמת הכל קרוביו... הכל קורעין עליו והכל חולצין עליו והכל מברין עליו ברחבה.

### If present at the time of death

The Gemara cites another *baraita* limiting the mishnah's scope, and then makes an interesting analogy:

from 25a1	
Rabbi Shimon Ben Elazar said: One who stands by a dead person at the time of the departure of the soul is obligated to rend. To what is this analogous? To a Torah scroll that was burned, where [one who witnesses this] must rend.	רבי שמעון בן אלעזר אומר העומד על המת בשעת יציאת נשמה חייב לקרוע למה זה דומה לספר תורה שנשרף שחייב לקרוע.

<sup>35</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 24a-b)

## More about scholars

The Gemara continues with various funeral eulogies and miraculous events recorded during the death of prominent Rabbis.

*The most basic statement of mourning that is required by Jewish law is kri'ah – tearing one's clothing as a sign of loss. The Mishnah teaches us that, during Chol HaMoed, kri'ah is only done by immediate family members, but the Talmud extends the requirement to other cases, such as for a great sage or by anyone who is present when the soul leaves the body, comparing it to being in the presence of a burning Torah scroll. Rashi explains (there are different Rashi versions) that both a Torah scroll and a human soul are referred to as “the candle of God” and the loss of either one deserves a show of mourning. Another version: it is the potential Torah study that is lost with someone's death that is comparable to a burning Torah scroll. Nachmanides explains the analogy by saying that just as a burning scroll loses its writing, the dying person loses his soul.<sup>36</sup>*

### **Prohibitions on repairing a rent**

As a follow-up to the mishnah, the Gemara cites a *baraita* about whether a garment torn in mourning is repaired.

from 26a1	
These are rents that may not be mended: one who rends over his father or mother; over his teacher who taught him Torah; over the <i>Nasi</i> ; over the <i>Av Beit Din</i> ; over bad tidings; over a blessing <sup>37</sup> of the name of God; over a Torah scroll that was burned; over [the ruins of] the cities of Judah; over [the ruins of] the Temple; and over [the ruins of] Jerusalem.	ואלו קרעין שאין מתאחין הקורע על אביו ועל אמו ועל רבו שלימדו תורה ועל נשיא ועל אב ב"ד ועל שמועות הרעות ועל ברכת השם ועל ספר תורה שנשרף ועל ערי יהודה ועל המקדש ועל ירושלים.

The Gemara that follows discusses sources for some of these rulings.

*The Talmud brings a passage (Samuel II 1:11-12) that describes King David's reaction to the news that King Saul and his son Jonathan had been killed and that the army of the Israelites had been defeated. From the fact that David and his men tore their clothes, mourned, and fasted, the Sages deduce that one is obligated to do kri'ah when hearing of the death of a King or the Av Beit Din (Jonathan was head of the Beit Din) and when hearing the news of a tragedy – here, the defeat of the Israelite army.<sup>38</sup>*

<sup>36</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 25a-b)

<sup>37</sup> The word “blessing” is used here as a euphemism for “curse.” One is required to rend if one hears a Jew blaspheme God.

<sup>38</sup> Adapted from Steinsaltz commentary; see, e.g., [https://www.ou.org/life/torah/masechet\\_moedkatan2026/](https://www.ou.org/life/torah/masechet_moedkatan2026/) (under Mo'ed Katan 26a-b)

The Gemara goes on to clarify what is meant by “bad tidings”; offers some forms of mending that are permitted (such as basting); discusses the required size of the rent; and examines the issue of making single or multiple rents for multiple deaths that occur in close time proximity.

## BEHAVIOR AROUND THE ILL AND THE MOURNER

### Respect for the ill

The Gemara cites a *baraita* about the special concerns for mourning in the presence of an ill person.

from 26b4	An ill person whose relative died: We do not inform him, lest his mind become muddled, and we do not rend in his presence. And we silence the women from lamenting in his presence.	חולה שמת לו מת אין מודיעין אותו שמת שמא תטרף דעתו עליו ואין מקרעין בפניו ומשתקין את הנשים מפניו.
-----------	---	--

The *baraita* also notes that “we rend for a minor because of grief.” (See discussion of this phrase in regard to a statement cited from 14b1.)

### Issues of decorum

Another *baraita* discusses an aspect of decorum, once again bringing up the conflict between joy and sorrow.

from 26b4	A mourner should not place a child in his lap, because this can bring him to laughter and he will thus be disgraced before people.	אבל לא יניח תינוק בתוך חיקו מפני שמביאו לידי שחוק ונמצא מתגנה על הבריות.
-----------	--	--

Thus, the child might cause the mourner to violate the obligation of sorrow, which might be considered a disgrace.

Another aspect of decorum comes directly from the mishnah on p. 24b, which is cited again now by the Gemara for discussion:

from Mishnah, cited on 26b4	We do not serve the mourner’s meal except on upright beds. <sup>39</sup>	אין מְבַרֵין אֶלָּא עַל מְטָה זְקוּפָה.
-----------------------------	--	---

The Gemara cites a *baraita* limiting this principle:

<sup>39</sup> See note 23.

from 26b4	
One who goes to the house of a mourner [at the time of the mourner's meal], if he feels close to the mourner, then they serve [the visitor] on overturned beds, but if not, they should serve him on upright beds.	ההולך לבית האבל אם היה לבו גס בו יברוהו על מטות כפויות ואם לאו יברוהו על מטות זקופות.

Thus, one who is more intimately connected with the mourner shares the eating practice of the mourner.

## HOUSEHOLD DETAILS

The next items addressed relate to issues around household maintenance.

### Timing for overturning and righting of beds

The Gemara cites two *baraitot* on the timing of overturning of beds and setting them back upright.

from 27a1	
From when do [the mourners] overturn the beds? From when [the body] leaves the door of his house.	מאימתי כופין את המטות משיצא מפתח ביתו.
From when may [the mourners] right the beds on Friday? From <i>minchah</i> [afternoon prayer] and onwards.	מאימתי זוקפין את המטות בערב שבת מן המנחה ולמעלה.

Both rulings are subject to some dispute and qualification. The second takes for granted the principle that beds must be set right before Shabbat, and goes on to assert that, if there even one more day of mourning after Shabbat, the beds must be overturned when Shabbat ends.

The Gemara continues with further details concerning the overturning of beds, including discussion of an exemption for a bed-like piece of furniture called a *dargash*.

### Cleaning and washing dishes in a house of mourning

The Gemara even deals with details of housekeeping during mourning, citing another *baraita*.

from 27a4	
We may sweep and sprinkle water on the ground [to settle the dust] in a house of mourning, and rinse plates and cups and jars and bottles in a house of mourning, but we may not bring incense and spices to a house of mourning.	מכבדין ומרביצין בבית האבל ומדיחין קערות וכוסות וצלוחיות וקיתוניות בבית האבל ואין מביאין את המוגמר ואת הבשמים לבית האבל.

There follows a dispute on the last part of this, which leads to the conclusion that it is only in the mourner's own room or house that incense and spices are prohibited, but if the mourner is accepting condolences elsewhere, incense and spices are permitted (but no blessing is recited).

## THE PRINCIPLES OF EQUALITY AND SIMPLICITY

The beginning of the next mishnah, and the subsequent Gemara, asserts a very important principle on equality and simplicity in funerals. (We will cite more of this mishnah later.)

from Mishnah, 27a4-a5	
One does not deliver to a house of mourning either on a tray or in a large bowl, or in a large basket, but in [plain] baskets.	אין מוליכין לבית האבל לא בטבֵּלָא ולא באַסקוטלָא וְלֹא בְקַנּוֹן, אֶלָּא בַּסְלִים.

The manner of food presentation may seem like a minor detail, but the *baraita* cited in amplification clarifies the significance of this issue:

from 27a5	
Originally, they would deliver to a house of mourning, the wealthy in baskets of silver and gold and the poor in baskets of peeled willow twigs, and the poor would feel ashamed. [The Rabbis] instituted that all should bring in baskets of peeled willow twigs, out of concern for the honor of the poor.	בראשונה היו מוליכין בבית האבל עשירים בקלתות של כסף ושל זהב ועניים בסלי נצרים של ערבה קלופה והיו עניים מתביישים התקינו שיהו הכל מביאין בסלי נצרים של ערבה קלופה מפני כבודן של עניים.

A second *baraita* is cited that elaborates on this principle with other examples (e.g., the type of glass used in drinking vessels, the issue of covering the faces of the dead, and type of bier on which the dead were carried), with each example closing with the statement that the Rabbis instituted that simplest method be used “for the honor of the poor.” The list of examples in this *baraita* culminates in one the most oft-cited passages in the tractate:

from 27b1	
Originally, the expense of taking out the deceased was even harder on his relatives than his death, to the point that his relatives would leave him and flee, until Rabban Gamliel came and treated himself lightly by going out [i.e., being buried] in [plain] linen garments. Following his example, the people went out in [plain] linen garments. Rav Pappa said: “Nowadays, it is the custom of the people [to dress the dead] even in canvas <sup>40</sup> worth a <i>zuz</i> [a very small amount].”	בראשונה היתה הוצאת המת קשה לקרוביו יותר ממיתתו עד שהיו קרוביו מניחין אותו ובורחין עד שבא רבן גמליאל ונהג קלות ראש בעצמו ויצא בכלי פשתן ונהגו העם אחריו לצאת בכלי פשתן אמר רב פפא והאידנא נהוג עלמא אפילו בצרדא בר זוזא.

<sup>40</sup> It is not entirely clear what material is meant here. The Hebrew term is *tsarda*.

Our modern principle of burying the dead in “a plain pine box” (i.e., an unadorned, simple wooden casket) is an extension of the example set by Rabban Gamliel.

The minor tractate<sup>41</sup> *Evel Rabbati* (“Major Mourning”, also euphemistically called *S’machot* -- “Joys”) focuses exclusively on issues around death and mourning. In Chapter XIV, the tractate mentions a series of cups of wine consumed in a house of mourning, one of which is in honor of Rabban Gamliel. This is understood to be in commemoration of his great reform of burial practice.

## MORE ON MOURNING PRACTICES

### Mourner’s blessings

The mishnah on 27a also discusses issues related to a funeral held during Chol HaMoed.

from Mishnah, 27a5	
<p>And we do not recite the mourner’s blessing<sup>42</sup> on Chol HaMoed, but we do stand in a row<sup>43</sup> and console. We do not set the bier down in the street [on Chol HaMoed] so as not to encourage eulogies. Nor are [the biers of] women ever set down, for the sake of dignity.</p>	<p>וְאֵין אוֹמְרִים בְּרַפְתְּ אֲבָלִים בְּמוֹעֵד, אֲבָל עוֹמְדִין בְּשׁוּרָה וּמְנַחֲמִין וּפּוֹטְרִין אֶת הָרַבִּים: אֵין מְנִיחִין אֶת הַמָּטָה בְּרַחוּב, שְׁלֹא לְהַרְגִיל אֶת הַהֶסְפֵּד, וְלֹא שֶׁל נָשִׁים לְעוֹלָם, מִפְּנֵי הַכְּבוֹד.</p>

The issues raised in this mishnah may require some explanation:

- \*The “mourner’s blessing” referred to here, which is no longer customary, was recited at the mourner’s meal following the burial, which was served in the street.
- \*Eulogies are prohibited on Chol HaMoed, because they are seen as interfering with the joy of the holiday.<sup>44</sup>
- \*The final statement (which applies all the time, not just on Chol HaMoed) is based (according to one Rashi manuscript) on the fear that blood might flow from the women’s bodies, staining their shrouds, which would be an embarrassment. Another opinion (see later) suggests that this applies to women who died in childbirth.

There is dispute on the issue of eulogies, with discussion [on 27b1] of whether this applies in the case of a deceased Torah scholar. The issue of the biers of women is also addressed later in the Gemara (see below, “The biers of women...”).

<sup>41</sup> The “minor tractates” are not part of the main body of either the Babylonian or Jerusalem Talmud, and are generally thought to be of later composition.

<sup>42</sup> It is no longer customary to recite the blessing referred to here.

<sup>43</sup> This appears to refer to having consolers stand in a single row, and the mourner would pass by them. Today, the term used here, *shura*, is used in the plural, *shurot*, to refer to a pair of parallel rows, with the mourner passing between them to receive acknowledgement.

<sup>44</sup> Chol HaMoed is not the only occasion on which eulogies are prohibited.

## Limitations on comforters

Even at the time of the Talmud, there was concern about comforters overstaying their welcome:

from 27b2	
Rabbi Yochanan said: “A mourner, once he nods his head, the comforters are no longer permitted to sit beside him.”	אמר רבי יוחנן אבל כיון שניענע ראשו שוב אין מנחמין רשאין לישב אצלו.

## COMMUNITY RESPONSIBILITIES

The Gemara asserts that the obligations concerning a death extend beyond the immediate family, and states a principle on this issue:

from 27b3	
And Rav Yehudah said in the name of Rav: “[If there is a] dead person in a town, all the residents of the town are forbidden to engage in work [until after the funeral].”	ואמר רב יהודה אמר רב מת בעיר כל בני העיר אסורין בעשיית מלאכה.

Later commentators suggest that an exception may be made for those who are engaged in the study of Torah.

### First mention of a Chevrah Kadisha

Rav Yehudah’s teaching is followed by the telling of a related incident that reflects the oldest known mention of something resembling a Chevrah Kadisha:

from 27b3	
Rav Hamnuna arrived in Darumata, and heard the sound of a shofar [announcing] a death. He saw certain people engaged in work. He said to them: “May they be excommunicated! Is there not a dead person in the town [who needs to be buried]?” They replied “There are societies [ <i>chavuratah</i> ] in the city [who take care of the deceased].” He then said to them, “If so, then it [the excommunication] is canceled for you [and you are permitted to work].”	רב המנונא איקלע לדרומתא שמע קול שיפורה דשכבא חזא הנך אינשי דקא עבדי עבידתא אמר להו ליהווי הנך אינשי בשמתא לא שכבא איכא במתא אמרו ליה חבורתא איכא במתא אמר להו אי הכי שריא לכו.

That is, the town had an organized group of people with responsibilities similar to those of our modern Chevrah Kadisha, and so the rest of the townspeople were relieved of their obligation to cease work.

## GRIEVING TO EXCESS

Another teaching of Rav Yehudah in the name of Rav cautions against excessive grieving:

from 27b3	
And Rav Yehudah said in the name of Rav: “Anyone who grieves over his dead to excess will weep for another deceased.”	ואמר רב יהודה אמר רב כל המתקשה על מתו יותר מדאי על מת אחר הוא בוכה.

The Gemara follows this by relating a specific incident and citing scriptural sources for the principle.

## BIERS AND ATONEMENT

The issue of the biers of women is addressed, and that discussion leads to two conclusions about death and atonement.

### The biers of women and prompt burial

The Gemara [on 27b5-28a1] discusses the issue of whether the bier of a woman may be set down, with one opinion contending that it applies only to women who died in childbirth. In connection with that dispute, the Gemara makes a connection to the death of Miriam to argue that the principle of not putting down the bier was more general:

from 28a1	
Rabbi Elazar says: “Even [the biers of] other women are not put down. For it is written: ‘Miriam died there and was buried there.’ [Numbers 20:1] [Thus we see that] soon after her death was her burial.”	ר' אלעזר אמר אפילו שאר הנשים דכתיב ותמת שם מרים ותקבר שם [במדבר כ, א] סמוך למיתה קבורה.

This is also understood by the Gemara to reinforce the principle of quick burial.

The Gemara also notes the juxtaposition in Torah of the passage about Miriam’s death and the discussion of the concept of *parah adumah*<sup>45</sup>, and draws a conclusion from this:

from 28a1	
Just as the <i>parah adumah</i> provides atonement, so do the deaths of the righteous provide atonement.	מה פרה אדומה מכפרת אף מיתתן של צדיקים מכפרת.

<sup>45</sup> The *parah adumah*, or “red heifer,” was used in the ritual for creating a mixture for purifying individuals who had come into contact with the dead.

## Aaron and atonement

The Gemara then notes that the passage about Aaron's death is juxtaposed with discussion of the Priestly vestments, and reaches a conclusion like that for the passage about Miriam:

from 28a1	
Just as the Priestly vestments provide atonement, so do the deaths of the righteous provide atonement.	מה בגדי כהונה מכפרין אף מיתתן של צדיקים מכפרת.

## Varieties of death

In connection with its mention of the deaths of Miriam and Aaron, the Gemara cites a *baraita* about types of deaths that can occur. (Some of the discussion involves determining which deaths are seen as *karet*<sup>46</sup>, a form of divine punishment.)

from 28a1-28a2	
If one died suddenly, that is an abrupt death. If he was sick for one day and died, that is a hastened death...	מת פתאום זו היא מיתה חטופה חלה יום אחד ומת זו היא מיתה דחופה...
[If he was sick for] two days and died, that is a hurried death...	שני ימים ומת זו היא מיתה דחויה.
Death at fifty years, that is death of <i>karet</i> . ... At sixty, that is death at the hands of heaven.	מת בחמשים שנה זו היא מיתת כרת... ששים זו היא מיתה בידי שמים.
[Death at] seventy is old age. [Death at] eighty is death [in the age of] strength.	שבעים שיבה שמונים גבורות.

The discussion goes on to give examples of the deaths of various sages, including ways in which their study of Torah protected them from the Angel of Death and ways in which the Angel of Death foiled them.

## EULOGIES AND LAMENTS

The final mishnah<sup>47</sup> of the tractate offers guidelines on wailing, lamenting, and beating on Rosh Chodesh, Hanukkah, and Purim.

<sup>46</sup> The term *karet* is used in this context to mean premature death decreed by heaven for certain kinds of transgressions.

<sup>47</sup> This is the final portion of the Mishnah as included within the standard edition of the Gemara. It actually also contains part of the next-to-last mishnah as organized within editions of the Mishnah text itself.

## A limit on mourning behavior

from Mishnah, on 28b1	
Women may chant a eulogy on Chol HaMoed, but they may not clap. <sup>48</sup>	נָשִׁים בַּמּוֹעֵד מְעַנּוֹת, אָבֵל לֹא מְטַפְחוֹת.

This statement is disputed within the mishnah (by Rabbi Yishmael). The mishnah goes on to discuss issues of mourning on Rosh Chodesh, Chanukah, and Purim, and to distinguish between types of eulogies. It ends on an upbeat, perhaps Messianic, note:

From Mishnah, on 28b1	
But concerning the future to come, it says “God will eliminate death forever, and God will erase tears from all faces, etc.” [Isaiah 25:8]	אָבֵל לְעֵתִיד לְבוֹא הוּא אוֹמֵר, בְּלֵע הַמָּוֹת לְנֶצַח, וּמָחָה ה' אֱלֹהִים דִּמְעָה מֵעַל כָּל פָּנִים וּגו'. [ישעיה כה]

## Various laments

The mishnah’s mention of eulogies leads to a series of examples from the women from the town of Shechantziv. Here is a sample:

from 28b1	
Rava stated: “The women of Shechantziv said thus: ‘Woe to the journey, woe over the security.’ ... ‘Cut bone from tooth, bring water to the kettle.’ ... ‘One death is like another; suffering is the interest payment.’”	אמר רבא רבא נשי דשכנציב אמרן הכי ויי לאזלא ויי לחבילא ... גוד גרמא מככא ונמטי מיא לאנטיכי ... מותא כי מותא ומרעין חיבוליא.

(The intended meaning of these statements from the women of Shechantziv is not clear.)

## ON SPEAKING TO A MOURNER

After some further examples and discussion about eulogies, the Gemara offers this piece of etiquette for the house of mourning (which is still considered standard practice):

from 28b5	
Rabbi Yochanan said: “Those who console [a mourner] are not allowed to speak until the mourner begins.”	א"ר יוחנן אין מנחמין רשאין לומר דבר עד שיפתח אבל.

Rabbi Yochanan cites Job 2:14 and 4:1 as his proof text, as these passages show that Job’s friends did not begin speaking until after Job himself had spoken.

<sup>48</sup> This refers to the beating of hands together in sorrow.

The passage that follows offers differing opinions on where the consolers should sit relative to the mourner.

### DEPARTING FROM A MOURNER

The final passages of the tractate deal with departures, including this rule:

from 29a1	
Rabbi Levi bar Chayata said: “One who parts from a dead person should not say to him ‘Go to peace’ but ‘Go in peace.’ One who parts from a living person should not say to him ‘Go in peace’ but “Go to peace.”	ואמר רבי לוי בר חיתא הנפטר מן המת לא יאמר לו לך לשלום אלא לך בשלום.

The Gemara cites as sources passages related to the deaths of Abraham and Absalom.

We close by echoing the words of the great Rabbi Akiva, who concluded the funeral of his son (see 21b1) with the words, *L'chu l'vateichem l'shalom*. “Go to your homes in peace.”

## **Sources utilized in compiling this index**

Talmud Bavli - with accompanying Rashi and Tosafot

Talmud Yerushalmi

Mishnah - Yachun Boaz - with Bartenura commentary

Mishnah - Kahati

ArtScroll Mishnah Series

ArtScroll Talmud

Steinsaltz Talmud

Maimonides - Hilchot Aveiluth

Aruch HaShulchun - Hilchot Aveiluth