An Index to Tractate Moed Katan
Pertaining to Mourning Practices

by Isaac Pollak

augmented by Dan Fendel

Submitted 2015 by Isaac Pollak
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Course 3: Education, Organizing, and Training
Table of Contents to
An Index to Tractate Moed Katan
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Table of Contents

About the Mishnah and Talmud ............................................................... 1
About Moed Katan .................................................................................. 1
On current practice ................................................................................. 2

CHAPTER 1: Activities permitted on Chol HaMoed ................................. 3
Digression on issues of graves ................................................................. 3
Marking graves ....................................................................................... 3
Minimum amounts .................................................................................. 4
The beit hapos and defilement ............................................................... 4
The conflict between joy and sadness ................................................... 6
Re-interment during Chol HaMoed ......................................................... 6
Lamentation prior to a festival ............................................................... 6
Other burial preparation ....................................................................... 7

CHAPTER 2 ............................................................................................... 7
Connecting Chol HaMoed and mourning .............................................. 8
What another may do for a mourner ...................................................... 8

CHAPTER 3 ............................................................................................... 9
Connecting Chol HaMoed and laws of mourning .................................. 9
Rending the garment of a minor ........................................................... 9
A festival takes precedence over mourning ......................................... 10
The excommunicate .............................................................................. 10
Rules for mourners .............................................................................. 11
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
The impact of Chol HaMoed on mourning – Simultaneous occurrence .................................................. 13
Cancelling of Mourning ..................................................................... 13
Why seven days? ................................................................................ 14
Special cases of mourning .................................................................. 15
Delayed news of a death .................................................................... 15
“Secondary” relatives ........................................................................ 16
Miscellaneous regulations ................................................................... 16
Standing while rending ...................................................................... 16
Exemption for “lecturers” ................................................................... 17
Wearing t’fillin ...................................................................................... 17
Working during mourning ................................................................ 17
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal interactions during mourning</td>
<td>18</td>
</tr>
<tr>
<td>Offering condolence to others</td>
<td>18</td>
</tr>
<tr>
<td>Greetings</td>
<td>18</td>
</tr>
<tr>
<td>Issues of timing</td>
<td>19</td>
</tr>
<tr>
<td>Commencement of shiva</td>
<td>19</td>
</tr>
<tr>
<td>For and against expedited burial</td>
<td>19</td>
</tr>
<tr>
<td>Digression: Death of a Patriarch or Head of Court</td>
<td>20</td>
</tr>
<tr>
<td>The separate weeks of shloshim</td>
<td>20</td>
</tr>
<tr>
<td>Marriage during mourning</td>
<td>21</td>
</tr>
<tr>
<td>Shabbat during mourning</td>
<td>22</td>
</tr>
<tr>
<td>Burial and mourning for a child under 30 days</td>
<td>22</td>
</tr>
<tr>
<td>Who mourns: how and when?</td>
<td>23</td>
</tr>
<tr>
<td>Mourning for a sage</td>
<td>23</td>
</tr>
<tr>
<td>If present at the time of death</td>
<td>23</td>
</tr>
<tr>
<td>More about scholars</td>
<td>24</td>
</tr>
<tr>
<td>Prohibitions on repairing a rent</td>
<td>24</td>
</tr>
<tr>
<td><strong>Behavior around the ill and the mourner</strong></td>
<td>25</td>
</tr>
<tr>
<td>Respect for the ill</td>
<td>25</td>
</tr>
<tr>
<td>Issues of decorum</td>
<td>25</td>
</tr>
<tr>
<td><strong>Household details</strong></td>
<td>26</td>
</tr>
<tr>
<td>Timing for overturning and righting of beds</td>
<td>26</td>
</tr>
<tr>
<td>Cleaning and washing dishes in a house of mourning</td>
<td>26</td>
</tr>
<tr>
<td><strong>The principles of equality and simplicity</strong></td>
<td>27</td>
</tr>
<tr>
<td><strong>More on Mourning Practices</strong></td>
<td>28</td>
</tr>
<tr>
<td>Mourner's blessings</td>
<td>28</td>
</tr>
<tr>
<td>Limitations on comforters</td>
<td>29</td>
</tr>
<tr>
<td><strong>Community Responsibilities</strong></td>
<td>29</td>
</tr>
<tr>
<td>First mention of a Chevrah Kadisha</td>
<td>29</td>
</tr>
<tr>
<td><strong>Grieving to excess</strong></td>
<td>30</td>
</tr>
<tr>
<td><strong>Biers and atonement</strong></td>
<td>30</td>
</tr>
<tr>
<td>The biers of women and prompt burial</td>
<td>30</td>
</tr>
<tr>
<td>Aaron and atonement</td>
<td>31</td>
</tr>
<tr>
<td>Varieties of death</td>
<td>31</td>
</tr>
<tr>
<td><strong>Eulogies and laments</strong></td>
<td>31</td>
</tr>
<tr>
<td>A limit on mourning behavior</td>
<td>32</td>
</tr>
<tr>
<td>Various laments</td>
<td>32</td>
</tr>
<tr>
<td><strong>On speaking to a mourner</strong></td>
<td>32</td>
</tr>
<tr>
<td>Departing from a mourner</td>
<td>33</td>
</tr>
<tr>
<td><strong>Sources utilized in compiling this index</strong></td>
<td>34</td>
</tr>
</tbody>
</table>
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 Steinsaltz1, 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 citations2 are also based on the ArtScroll edition.

About the Mishnah and Talmud

Some general context: The Mishnah3 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” (seder) 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

1 Rabbi Steinsaltz is a major present-day commentator on the Talmud.
2 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 includes its translation and commentary. For example, text, translation, and commentary of the Talmud’s page 2a are spread over pages 2a1 through 2a4.
3 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.⁴

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.

⁴ 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.”

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.

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].”

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”).]  

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

Adapted from Steinsaltz commentary; see, e.g., 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.8

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 baraita9 to explain what “sees a bone” means exactly.

<table>
<thead>
<tr>
<th>from 5b1</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 tumah by way of a roof10.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>from 5b2</th>
</tr>
</thead>
<tbody>
<tr>
<td>One who plows over a grave thereby renders [the field] a beit hapras.</td>
</tr>
</tbody>
</table>

A beit hapras11 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.

<table>
<thead>
<tr>
<th>from 5b2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does a beit hapras transmit tumah by way of a roof?</td>
</tr>
</tbody>
</table>

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8 Adapted from Steinsaltz commentary; see, e.g., https://www.ou.org/life/torah/masechet_moedkatan24/ (under Mo’ed Katan 5)
9 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.
10 “Roof [or “tent”] defilement” (tumat ohet) 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.
11 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
The Gemara above is concerned about whether there can be defilement without coming in direct contact with a body part or grave.

<table>
<thead>
<tr>
<th>from 5b3</th>
<th>בית הפרס שנידש טהור.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A beit hapras that was trampled is tahor.</strong></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>from 5b3</th>
<th>שלושה בית הפרס הם שדתם. שאנבד בר קבר ושדתה משחריו. בה קבר ושדתה bèכין.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>There are three [categories of] beit hapras: a field in which a grave was lost; a field in which a grave was plowed over; and a wailing field.</strong></td>
<td></td>
</tr>
</tbody>
</table>

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\(^ {12} \) suggests that the transmission may lead to carelessness about body integrity, resulting in parts of the body accidently ending up in this field.

<table>
<thead>
<tr>
<th>from 6a1</th>
<th>אמר רבי יהודה מۃא點 אבק מ酦יוןת תחתיה טמא שיתם. אם יש שני בנייה תפיהו. טמאلاح אפר סיד בנייה. בינייהו תהור.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rav Yehudah said: “If one found a single stone that is marked [with lime], [the area] beneath it is tamei. Two stones: if there is lime between them, [the area] between them is tamei. but if there is no lime between them, [the area] between them is tahor.”</strong></td>
<td></td>
</tr>
</tbody>
</table>

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.

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\(^ {12} \) 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.)

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.13

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:

13 Adapted from Steinsaltz commentary; see, e.g., 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.

<table>
<thead>
<tr>
<th>from Mishnah, on 8b1</th>
<th>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(^\text{14}) 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].</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ןיֵא \ןיִרְפֹוח \ןיִכוּכּ תֹורָבְקוּ,דֵעֹומַּבּ לָבֲא םיִכְנַּחְמ \תֶא יִכוּכַּה \דֵעֹומַּבּ...)</td>
<td>(ךל צורי חמת חויי בקזרו \שכריו ומכסיםכסהתו \ועושי לארור.)</td>
</tr>
</tbody>
</table>

\[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:

<table>
<thead>
<tr>
<th>from 8b2</th>
<th>We may perform all the needs of a corpse [on Chol HaMoed]. We may cut his hair, wash his shroud, and construct a casket…</th>
</tr>
</thead>
<tbody>
<tr>
<td>(כל צורי חמת חויי בקזרו \שכריו ומכסיםכסהתו \ועושי לארור.)</td>
<td>(כל צורי חמת חויי בקזרו \שכריו ומכסיםכסהתו \ועושי לארור.)</td>
</tr>
</tbody>
</table>

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.

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\(^{14}\) 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\textsc{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\textsuperscript{15}, 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.

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 Ha\textsc{moed} are forbidden during the days of one’s mourning.”

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.\textsuperscript{16}

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 Ha\textsc{moed}.

\textsuperscript{15} 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.

\textsuperscript{16} 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 HA МоED 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.

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:

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.

17 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:

<table>
<thead>
<tr>
<th>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 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 supersedes the positive commandment of the public.</th>
</tr>
</thead>
<tbody>
<tr>
<td>אבל אדם נוהג אביהות ברהל ש삼ר שמחת בתך. [דברים טו, ז] אワイ אביהות Demsikra nowa yah adati nesho Drimim drimi veshu Dvimim drimi veshu Dvimim drimi veshu Dvimim drimi veshu אמאי אביהות והשעתה והאלא אתי עשה דחיים דחיים עשה דחיים דחיים עשה דחיים דחיים עשה דחיים דחיים</td>
</tr>
</tbody>
</table>

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.

* 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 supersedied 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 who has been released from his ban. The Gemara cites a baraita concerning the excommunicate who dies before such release.

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18 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.

19 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.

20 The term used, m’udah, 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.
An excommunicate who dies [while still under his ban], the court places a large stone on his casket.

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.)

<table>
<thead>
<tr>
<th>from 15a1-15b3</th>
</tr>
</thead>
<tbody>
<tr>
<td>A mourner is obliged in wrapping the head, … is forbidden to put on <em>T’fillin</em>, … to greet others, … to study words of Torah, … or to engage in laundering, … and is obligated to rend [his garment] … [and] to overturn his bed. … 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>from 17b2</th>
</tr>
</thead>
<tbody>
<tr>
<td>[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.</td>
</tr>
</tbody>
</table>

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.

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21 *T’fillin* are phylacteries, worn daily during prayer.

22 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.

23 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. 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.

<table>
<thead>
<tr>
<th>from 17b3</th>
<th>תכפוהו אבלי או אחור או בכיבי שערו מייקל בתורה ומכבש כוסות כמים.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>from 17b4-18a1</th>
<th>שמואל אמר הלכה כרביעו נסי. באמר רבאברל אמר שמואל הלכה כדברי התקפותו אבלי أو אחור או</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shmuel says that the <em>halachah</em> follows Rabbi Yose, with regard to Chol HaMoed and a mourner, for Shmuel said: “The <em>halachah</em> follows the one who rules leniently in [disputes pertaining to] mourning.”</td>
<td></td>
</tr>
</tbody>
</table>

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*

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24 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. 25

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:

<table>
<thead>
<tr>
<th>from Mishnah, on 19a1-19a2</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 shiva had taken place], then the restrictions of thirty days [of mourning] are canceled. 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.”</td>
</tr>
</tbody>
</table>

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 26.

**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.

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25 Adapted from Steinsaltz commentary; see, e.g., https://www.ou.org/life/torah/masechet_moedkatan1319/ (under Mo’ed Katan 15b)

26 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:

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:

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)²⁷

The Aruch HaShulchan²⁸ 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:

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<table>
<thead>
<tr>
<th>from 20a2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[For] a current report, one observes [mourning] for seven [for <em>shiva</em>] and thirty [for <em>shloshim</em>]. [For] a delayed report: one observes [mourning] for only one day.”</td>
<td></td>
</tr>
</tbody>
</table>

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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 30th day, it is considered “current.”)

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²⁷ 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)
²⁸ 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 (re rendering 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 virgin29 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:

![Text from Gemara]

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

![Text from Gemara]

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 rendering**

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

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29 In talmudic discourse, the word often translated as “virgin” usually meant “not married.”
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]”

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:

If the public needs him [to lecture to them], he should not refrain from doing so.

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

[He may lecture] as long as he does not stand up as a speaker.

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.
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 | אבֶל יֵיכְמוֹנָה הָרָאשְׁוֹנָה אֶזְנוֹ הָאוֹלָד לֵבָט הָאָבֶל מַכָּא אֵילֶךְ הָאוֹלָד | 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. |

Greetings

Yet another baraita regarding the first three days:

| from 21b1 | אבֶל יֵיכְמוֹנָה הָרָאשְׁוֹנָה אָסָּר | 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. |

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.30

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 | כבוד רבי משנין. | Respect to the public is different. |

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.,

30 Adapted from Steinsaltz commentary; see, e.g., 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?

From 22a1

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 shiva].”

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:

From 22a3

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.

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.  

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.

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31 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:

<table>
<thead>
<tr>
<th>from 22b4</th>
<th>Ul hakam holam me'mun on ab bey 'd mishme'al ona ne'am makom.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For [a town’s primary] sage, one bares [the shoulder] on the right. For the Av Beit Din [head of the local Rabbinic court], on the left. For a Nasi [Patriarch], here and there (i.e., both on the right and on the left).</td>
<td>**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, chalitza katf was required. Chalitza katf 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.**³²</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>from 22b4</th>
<th>hakam shamit bita midrasho betal ab d'iz shamit kol bet tirshata shabura betilin... shema shamit beti midrashot kol betilin.</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a sage dies, his house of study ceases its sessions. If the Av Beit Din dies, all the houses of study in his city cease their sessions... If the Nasi dies, all houses of study [everywhere] cease their sessions.</td>
<td><strong>(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.”)</strong></td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>from 23a1</th>
<th>abal shabat rastonot aino yitz... mapha baite shetich yitz... yish b'mokom elishit yish.</th>
</tr>
</thead>
</table>
| 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 | **The separate weeks of shloshim**

³² 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].

(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):

<table>
<thead>
<tr>
<th>from 23a1-23a2</th>
<th>כל שלישים תחת עיניים מתה אשתה אסורה לישה אשתה עד שיעברו עליי שלשה ימים.</th>
</tr>
</thead>
<tbody>
<tr>
<td>[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.</td>
<td></td>
</tr>
</tbody>
</table>

(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.33

The *baraita* includes two interesting exceptions:

<table>
<thead>
<tr>
<th>from 23a2</th>
<th>לישא לאבלרה משלו ביטוי פריה ורביה.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 <em>mitzvah</em> of reproduction.]</td>
<td></td>
</tr>
<tr>
<td>If she left him with small children, he may remarry immediately because of their care.</td>
<td></td>
</tr>
</tbody>
</table>

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

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33 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 burial34), 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 | קלח ליום תינוק זכאי בהיקן |
| 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. | ונקרב באשה אתת ושני אישים אבד לא באניו אתת 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

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34 This period is called ani nut, 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.35

**Who mourns: how and when?**

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

| From Mishnah, 24b3 | }
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[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.</td>
<td>אֲנֵי קִרְצָאָי, וָלָא חוֹלֵצָאָי. אֲנֵי מַכְבַּרְיָא, וָלָא קִרְצָאָי שֶׁל מַכְבַּרְיָא. אֲנֵי מַכְבַּרְיָא וָלָא עַל מְשֶׁאָה יַכְפֵּהָא.</td>
</tr>
</tbody>
</table>

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 | }
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>חכֵם שְׁמַת הָכֵל קִרְצָבוֹ... הָכֵל קִרְצָבוֹ עַל הָכֵל חוֹלֵצָבוֹ עֲלֵי הָכֵל מַכְבַּרְיוֹ עֲלֵי בָרֹחְבוֹ.</td>
</tr>
</tbody>
</table>

**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 | }
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>רָבֵן שְׁמוּנָא בן לֶהָצָא אוֹמֵר הַעֲבֵרִים לִפְתַת בְּשִׁיתַה כְּסָאָא פְּתַת כְּסָא לִפְתַת. זֶה דֵּמְעָמִים לִפְתַת כְּסָא שֶׁלֶם וְשֶׁלֶם לִפְתַת.</td>
</tr>
</tbody>
</table>

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35 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.36

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.

<table>
<thead>
<tr>
<th>from 26a1</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 Nasi; over the Av Beit Din; over bad tidings; over a blessing37 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.</td>
</tr>
</tbody>
</table>

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.38

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36 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)

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

38 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.

<table>
<thead>
<tr>
<th>from 26b4</th>
<th>Holah Shemta le mat ayn modimuy atov. She'mta she'ma hadar ve'ata le'ali yatza makuruy benchi'im meshtekho at tanna'im.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>from 26b4</th>
<th>Abal le'inya tinnok behokh tinok. Mitnig shembe'ya le'diy shokh movaza matnana al ha'eritor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>from Mishnah, cited on 26b4</th>
<th>Ai'ik mebikha'alay ela musheh pokoh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>We do not serve the mourner’s meal except on upright beds.</td>
<td></td>
</tr>
</tbody>
</table>

The Gemara cites a *baraita* limiting this principle:

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39 See note 23.
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.

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.

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.
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.)

<table>
<thead>
<tr>
<th>from Mishnah, 27a4-a5</th>
<th>אֵין מָלִיקִין קְבִּית הָעַבֵּד לָא בְּעֵקֶבֶל, לָא בַּאֲשָׁכִיתֵלָא לָא בְּקָנֹנֶא, אֵלָא בְּסַלֶּמֶא.</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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 | ברארשונה היו מוליכין בביית הח النقد | 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. |
|-----------|----------------------------------------------------------------------------------------------------------------------------------|

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 | ברארשונה היהת הוראתהrimp נקטשה | 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 [a very small amount].” |
|-----------|----------------------------------------------------------------------------------------------------------------------------------|

40 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\textsuperscript{41} 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.

<table>
<thead>
<tr>
<th>from Mishnah, 27a5</th>
</tr>
</thead>
<tbody>
<tr>
<td>And we do not recite the mourner’s blessing\textsuperscript{42} on Chol HaMoed, but we do stand in a row\textsuperscript{43} 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.</td>
</tr>
</tbody>
</table>

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.\textsuperscript{44}

* 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…”).

\textsuperscript{41} 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.

\textsuperscript{42} It is no longer customary to recite the blessing referred to here.

\textsuperscript{43} 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 acknowledgment.

\textsuperscript{44} 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:

Rabbi Yochanan said: “A mourner, once he nods his head, the comforters are no longer permitted to sit beside him.”

Community Responsibilities

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

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].”

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:

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 [chavuratah] 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].”

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.”

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.”

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 adumah⁴５, and draws a conclusion from this:

from 28a1

Just as the parah adumah provides atonement, so do the deaths of the righteous provide atonement.

⁴５ 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:

<table>
<thead>
<tr>
<th>from 28a1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Just as the Priestly vestments provide atonement, so do the deaths of the righteous provide atonement.</td>
<td>מַה בְּנֵי הָכֹהֵנִים מַכְפֶּרֶת אָפַי מִיתוֹת. שָׁל הַקְּדִיקֵי מַכְפֶּרֶת.</td>
</tr>
</tbody>
</table>

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*[^46], a form of divine punishment.)

<table>
<thead>
<tr>
<th>from 28a1-28a2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If one died suddenly, that is an abrupt death. If he was sick for one day and died, that is a hastened death…</td>
<td>מַה פְּתַאֵמָו וּהִיא מִיתָה חֲסֵפָה. חָלָה יַמְעָדוּ וּהִיא מִיתָה. דְּחַפּוּה...</td>
</tr>
<tr>
<td>[If he was sick for] two days and died, that is a hurried death…</td>
<td>נֵעַ נֵיָם וּמִיתָה דְּחַפוּה.</td>
</tr>
<tr>
<td>Death at fifty years, that is death of <em>karet</em>. … At sixty, that is death at the hands of heaven.</td>
<td>מַה בְּרַפּוֹמִיס שְׁנֵה וּהִיא מִיתָה. כּרֵת... שְׁנֵים וּהִיא מִיתָה בְּדִי. שְׁמֵיס.</td>
</tr>
<tr>
<td>[Death at] seventy is old age. [Death at] eighty is death [in the age of] strength.</td>
<td>שְׁבַעִים שְׁנֵים שְׁמֵיס וּבְרֹיחוֹת.</td>
</tr>
</tbody>
</table>

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[^47] of the tractate offers guidelines on wailing, lamenting, and beating on Rosh Chodesh, Hanukkah, and Purim.

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[^46]: The term *karet* is used in this context to mean premature death decreed by heaven for certain kinds of transgressions.

[^47]: 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

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:

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:

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):

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.

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48 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:

<table>
<thead>
<tr>
<th>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.””</th>
</tr>
</thead>
<tbody>
<tr>
<td>אמרו רב לוי בר חיותו המטיר מנמי הלך אלה לך שלום אלא לבר שלום</td>
</tr>
</tbody>
</table>

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

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