



OVERVIEW of the Daf

1) A Mourners exemption from mitzvos

R' Papa resolves the apparent contradiction between our mishnah and the Mishnah in Moed Koton by interpreting the exemption from mitzvos mentioned in Moed Koton to be referring to the case where the mourner is in the same room as the deceased.

R' Ashi answers the question by suggesting that any time it is incumbent upon the mourner to bury the deceased it is as if the deceased is in front of them exempting the mourner from mitzvos.

The Gemara further clarifies that a shomer is exempt from mitzvos even if it is not a relative and anyone in a cemetery who is within four amos of a grave is also exempt.

2) A shomer's exemption from mitzvos

There is a disagreement between tanaim whether the concern for mice while guarding a body creates an exemption.

3) Guidelines for transporting a body and a Sefer Torah are noted.

4) The concept of mocking the dead is mentioned.

A lengthy discussion develops regarding whether the deceased have knowledge of what happens in this world with the gemara concluding that they do. ■

REVIEW and Remember

1. What are the different circumstances that exempt a person from davening?

2. The baraisa equates the respect one must have for a dead body with something lese. What is that other thing? What lesson can be learned from this comparison?

3. What prevented the young girl's neshama from being able to fly around in the world?

4. How did Shmuel use his influence to help Levi?

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 In loving memory of our father
 Yeshaya ben Yaakov, olov HaShalom,
 by his children Mr. and Mrs. Alan Haarbarger

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 מרת חי' בת ר' יוסף ע"ה

Distinctive INSIGHT

The Body and the Soul After Death

קשה רמה למת כמחט לבשר החי

Tosafos Yom Tov (Avos 2:7) explains that there is no pain per se to the dead body as it rots, but the pain described in our Gemara is referring to the anguish of the soul as it sees the body deteriorating (or if it is defiled, ח"ו). The Gemara therefore does not say "rot is painful for the flesh of the dead," because the flesh itself experiences no pain at that point, but it is rather the soul which suffers by noticing the condition of the body which it occupied. Tosafos Yom Tov points out that this explains why Rashba (שו"ת שס"ט) allows the body to be coated with lime to accelerate its decay when there is no question of disgrace for the dead (for example when the body has to be re-interred in a family plot). In this circumstance, there is no anguish for the soul, even though the body is decaying quicker, because it is done for a respectful reason.

Sh'vus Yaakov (2:97) and Sf'as Emes (to Shabbos 13b) both hold that our Gemara can be taken literally, and that there is pain to the body of the dead upon the body's decay. In the case of the ruling of the Rashba, however, it would be permitted to smear the lime on the body, even though this causes discomfort to the body, because this results in added honor for the dead in this case. ■

Gemara GEM

The Sensitivities of the Dead

עובר משום לועג לרש חרף עושהו

The Alter of Slabodka (brought in the ספר המאורות הגדולים) elaborates and derives a powerful lesson from our Gemara. The verse in Mishlei (17:5) states: "One who mocks a pauper insults his Maker." The Gemara, and the poskim, rule that when walks within 4 amos of a grave, a person must hide his tzitzis. If he leaves them exposed, he is mocking the dead who can no longer fulfill the mitzvah of tzitzis.

This is quite a fascinating halacha. The truth is that most visitors to a cemetery usually come in Elul, the month of introspection and teshuva. We petition that the merit of the departed be considered for our credit as we are about to enter the days of judgment with broken hearts. We turn to the souls of the righteous which have become purified in judgment.

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 Mr. & Mrs. S.Y. Meystel
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 ר' יהודה בן ר' אליעזר ע"ה

HALACHAH Highlight

Attending to the Needs of the Deceased

"אמר רחבה אמר רב יהודה: כל הרואה המת ואינו מלוהו - עובר משום (משלי י"ז) לעג לרש חרף עשהו. ואם הלוחו מה שכרו? אמר רב אסי, עליו הכתוב אומר: (משלי י"ט) מלוה ה' חונן דל, (משלי י"ד) ומכבדו חנן אביון."

"Rachavah said in the name of Rav Yehudah: Anyone who sees a deceased person being transported and does not accompany them transgresses 'One who mocks the dead is blaspheming his Maker.'"

Rabbeinu Yonah¹ learns that this exhortation is for the transporting of a deceased person from one place to another, but not to his burial. Even though the person is not being moved to his final resting place, still there is an obligation to accompany him for at least 4 amos² (approx. 8 feet). The Ma'adanei Yom Tov³ explains how Rabbeinu Yonah concluded that the reference here is not to transporting the deceased to their grave. In Moed Katan⁴ we learn that not escorting the dead to their grave is an offence deserving of excommunication. Therefore, here where excommunication is not mentioned, we must be discussing escorting the dead elsewhere than their place of burial.

Beis Yosef⁵ understands that the Tur disagrees with Rabbeinu Yonah, and explains this obligation of escorting the dead as referring to the funeral procession to the graveyard. Rav Yehudah does not mention excommunication here because it was understood that such behavior is deserving of excommunication⁶.

The Shulchan Aruch⁷ rules that one must escort the deceased for 4 amos. However, the Yad Eliahu⁸ interprets the Shulchan Aruch to be referring to a case where the deceased has sufficient people to accompany him. If not, than one is obligated to escort the deceased till his grave. The Netziv, Rav Naftali Zvi Yehuda Berlin⁹ dissents. He understands the Shulchan Aruch to refer to a deceased who does not have a sufficient accompaniment, and still the requirement is to escort at least 4 amos, but one would not be required to escort the deceased till the cemetery. He notes that this is the common practice. The Tzitz Eliezer also references such a custom. ■

(Gem...continued from page 1)

ment above to be summoned on our behalf. Can this moment be one during which our wearing tzitzis can be viewed as mockery? The very consideration of our mitzvah observance being a sign of disrespect is beyond reason. Yet, the halacha recognizes the wearing of tzitzis to be inappropriate, because it may be an insult to the dead. To whatever extent the dead are aware of our presence, they should also realize that our actions are not meant as an affront or as our being insensitive. What is the meaning of this Gemara?

The lesson is that there are no excuses when it comes to being sensitive or insulting others. Even though the dead understand that we mean no harm, we are still prohibited from acting callously.

Now, if this is the case in terms of our actions toward the dead, how much more so should we be careful when dealing with those who are still alive! We must exercise utmost care to avoid any possible infraction which may cause others pain or embarrassment. We must hide anything which may contribute to the discomfort of others, just as we hide our tzitzis to avoid them being noticed by the dead. The living carry with themselves the image of Hashem, and we are obligated to honor and respect them with the utmost regard. ■

1. דף יא ע"א בדפי הרי"ף ד"ה כל הרואה
2. שיעור זה של ליווי ד' אמות כתבו גם הרא"ש (פ"ב סי' ח').
3. פ"ג סי' ח' אות ב'
4. כז ע"ב
5. בית יוסף יו"ד סי' שסא. וכ"כ בדברי חמודות (פ"ג אות יט) בהסבר דעות רבינו יונה והטור.
6. דברי סופרים על הלכות אבלות (סי' שסא בעמק דבר ס"ק קלט)
7. יו"ד סי' שסא ס"ג
8. סי' נד הוב"ד בפתי"ש (יו"ד שם ס"ק ב) ויש לתקן בפתי"ש את הציון לשו"ת יד אליהו (<)
9. העמק שאלה על השאלות (שאלתא יד אות ג. וראה עוד שאילתא לד אות ב).
10. שו"ת צ"ץ אליעזר (קונט' אבן יעקב סי' יט) בשם סי' ח' ח'נא וח'סדא. ■

STORIES Off the Daf

The Fate of the Dead is Determined on Rosh HaShana

והלך ולן בבית הקברות ושמע וכו'

R' Shalom Mordechai Shwadrom, ז"ל (the grandfather of the maggid, R' Shalom Shwadron ז"ל) was known as the Gadol Hador. When he was a very young boy, he went to study from R' Shalom of Belz. There, he learned and

developed a quiet, yet intense, approach toward the service of Hashem. In addition, his observations and experience being by R' Shalom of Belz taught him how to deal with many delicate halachic issues. After the death of his rebbe, R' Shalom Mordechai went to continue his studies by R' Avrohom of Straton.

Once, R' Shalom Mordechai was sleeping in a room above the beis midrash on the night of Rosh Hashana when he dreamt that he was being awak-

en by a person who asked him to come along with him. He offered to show R' Shalom the Sefer Hazichronos, where the records of the dead and the living were recorded. He was given permission to look at what was written, but only for a moment. During that moment, he was able to look at the Book of the Dead, and he saw several names of people who he knew. That year, just as was recorded, those people unfortunately departed from this world. ■