

OVERVIEW of the Daf

1) The leader of the household

The Gemara inquires whether the leader of the household who went to the burial must begin counting shiva from the time he returns, or perhaps he may join the count of days in progress with the mourners who remained behind.

R' Yochanan is cited as ruling that even if the leader of the household went to the burial he will count with the other mourners.

This answer is unsuccessfully challenged.

2) The onset of mourning

Rava ruled that mourners who will not travel to the burial begin mourning as soon as they take leave of the deceased.

3) The leader of the household (cont.)

Rebbi is cited as ruling that the leader of the household counts with others only if he arrives while they are still in shiva.

R' Anan inquires about the halacha if the other mourners stirred to rise but did not yet rise and the question is left unresolved.

R' Yochanan was cited as ruling like R' Shimon concerning mourning (i.e. this halacha that if the leader of the household went to the burial he will count with the other mourners) and like R' Shimon ben Gamliel concerning a matter related to treifos.

Upon inquiry, R' Abba stated that he cited R' Yochanan as ruling against R' Shimon ben Gamliel and that there is a dispute concerning R' Shimon's ruling.

The Gemara concludes that the halacha does not follow R' Shimon ben Gamliel, but it does follow R' Shimon.

4) Mourning a parent

A Beraisa distinguishes between burial and mourning practices that are observed differently for a parent than for other relatives.

The Beraisa is interrupted for Abaye to identify some of the rabbis mentioned in the Beraisa.

Rabbah bar bar Chanah interrupts the Beraisa to qualify one of the rulings, but his qualification is challenged.

A second version of this discussion regarding this qualification is cited.

R' Avahu identifies the source that the garment must be rent a tefach.

R' Avahu explains why, according to R' Yehuda, the rent must go through the hem.

Two more distinctions are cited in the name of R' Yochanan.

R' Chisda rules that everyone must rend his garment on the outside when mourning the Nasi.

This ruling is unsuccessfully challenged.

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Distinctive INSIGHT

When may a mourner have his hair cut?

על כל המתים כולן מסתפר לאחר ל' יום על אביו ועל אמו עד שיגערו בו חבריו

One who is mourning for his parent may not cut his hair until his friends admonish him about the length being too long. Tosafos (ד"ה עד שיגערו) adds, based upon the Yerushalmi, that the guideline for rebuke from one's friends is "until his friends admonish him and tell him to leave their company." This suggests that no matter how long this may take, the mourner must continue to grow his hair until he is reprimanded. Nevertheless, Rema (Y.D. 390:4) explains that there is a מחלוקת among the poskim regarding this issue, and the custom is to grow one's hair for three months.

R' Moshe Feinstein explains (Igros Moshe Y.D. 3:156) that although our Gemara and the Yerushalmi indicate that one may only cut his hair when he is criticized by his friends and they request that he distance himself from them, Rema fixes a time limit for this law. Rema reasons that the sages did not want to trouble a person excessively. The level of discomfort of not cutting one's hair is not the same for everyone. Some people are uncomfortable when they cannot get a haircut for even a short period. The standard was set at when a person's close friends notice that he has suffered enough, and they realize that he is uncomfortable. This is the limit of discomfort which a mourner must bear, and no more.

R' Moshe explains that the case in which Rema rules that the limit is three months is if a person has no close friend looking out for him. We can assume that the average person has suffered enough due to the growth of his hair, and he can then groom himself. However, a person who has close friends who admonish him earlier than three months may cut his hair immediately. This is also the ruling of Mishnah Berura (#548, note 34), and Kitzur Shulchan Aruch (211:12).

There are some Achronim who hold that a mourner for a parent may not have his hair cut within three months even if his friends castigate him within this period. ■

REVIEW and Remember

1. When do mourners who do not travel to the burial begin observing shiva?
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2. Why is it improper to rush to bury a parent?
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3. When is a mourner for a parent permitted to cut his hair?
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4. What is the correct length for the rent in the garment?
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HALACHAH Highlight

Beginning shiva for those who will not attend the funeral

אתון דלא אזליתו בתר ערסא מכי מהדריתו אפייכו מבבא דאבולא אתחילו מנו

Those of you who do not follow the coffin should begin counting [shiva] when you turn your faces away from the gates of the entrance to the city.

The case of the Gemara is where the deceased is sent to another city for burial and Rava rules that the mourners who will not travel to the burial commence their mourning as soon as they take leave of the body. Rishonim disagree whether this same halacha applies when the deceased will be buried just outside of town and some of the relatives will not attend the burial. When does their shiva begin? Ramban¹ explains that Rava's ruling applies only when the deceased is going to be transported to a distant city because the family members who remain behind remove their attention from the deceased (נתייאו) which is equivalent to closing the grave. If, however, the deceased will be interred nearby the relatives who do not attend the burial do not remove their attention from the deceased until they receive word that the burial has occurred, thus shiva does not begin until that time. Ba'al Halachos Ge-

dolos² holds that there is no difference between a case where the burial will take place far away or close by; as soon as the relatives take leave of the deceased shiva begins.

An extension of this debate relates to a case where the mourners and deceased did not begin in the same city. For example if one receives a telegram or phone call that a relative died in another city and he has no intention to travel to the other city for the burial, when does shiva begin? Rav Naftali Tzvi Yehudah Berlin³, the Netziv, ruled that the leniency to begin shiva before burial applies only when the relatives were involved with the deceased in some way, e.g. they accompanied the deceased part of the way to burial, but if they were never involved they do not begin shiva until the burial takes place. Rav Shalom Mordechai Schwadron⁴, the Maharsham, disagrees and maintains that anytime the relative will not attend the burial, shiva begins as soon as he receives the report of the passing of his relative. The primary trigger for shiva is when the mourner removes his attention from the deceased which occurs as soon as the decision is made not to attend the burial.

1. תורת האדם שער האבל ענין ההתחלה.
2. הובא דעתו בתורת האדם הני"ל.
3. שו"ת משיב דבר ח"ב סי' ע"ה.
4. שו"ת מהרש"ם ח"ב סי' ר"ס. ■

STORIES Off the Daf

Hearing the Torah Reading

"יבני הכנסת נכנסין לבית הכנסת וקורין..."

Someone once asked Rav Moshe Sternbuch, shlit"a, "If a person failed to hear a few words from the Torah reading, does he have to hear in another place which is leining later?"

Rav Sternbuch responded, "The Arizal spent a long time in galus, and he davened with his own minyan without hearing krias haTorah since he didn't carry around a sefer Torah with him in his wanderings. He held that only a tzibbur is obligated to read publicly, and a tzibbur not in its place is not obligated in this. (See Magen Avraham 69:9 and Birkei Yosef 144:2). Anyone who is together with the community when the Torah is read fulfills his mitzvah, but the obligation is on the tzibbur.

He continued, "Even though every-

one has to become part of a tzibbur to hear the reading on Monday and Thursday (and this is actually more stringent than davening with a minyan), someone who didn't hear every word on those days doesn't have to exert himself to hear it again. The reading is merely a takanas Ezra and just by being part of the minyan and making an effort to hear, one discharges his obligation. There is no duty to make an effort that goes beyond the norm to hear. An exceptional proof that every individual has an obligation to hear the leining is in Moed Katan, at the end of 22b, where we find that if the Nasi dies, the people must enter the synagogues to hear the reading. Despite the fact that, as Rashi points out, everyone has already prayed at home, the people must nevertheless gather together to hear the reading in shul!

"The Biur Halacha proves this from the fact that those who live in the villages would come into town on Monday

and Thursday to hear the reading. Anyone who joins with the tzibbur fulfills his obligation even if he didn't hear every word provided that he doesn't allow himself to be distracted purposefully. In that case, it is as if he isn't joined with the tzibbur to hear the reading and he must find another tzibbur with whom he can join.

Rav Sternbuch concluded, "I believe that this is the custom even on Shabbos. One who missed words unintentionally doesn't make them up." ■

(Overview...Continued from page 1)

A related incident is cited.

5) Mourning a leader

The Gemara elaborates on where the garment should be rent for different leaders.

A Beraisa begins to discuss how followers should mourn the passing of different leaders. ■