

OVERVIEW of the Daf

1) Onein (cont.)

R' Mari offers a third resolution to the contradiction between two rulings of R' Shimon related to whether an onein brings a Korban Pesach.

This resolution is successfully challenged.

Abaye suggests another resolution to the contradiction.

The proof Abaye cited for his explanation is unsuccessfully challenged.

Rava gives the final solution to this contradiction.

This resolution is challenged.

Ravina defends Rava's position and Rava confirms Ravina's explanation.

The Baraisa cited by Ravina that contains an internal contradiction leads the Gemara to the previously-referenced statement of Rabbah bar R' Huna.

R' Chisda offers one resolution to the internal contradiction.

Rabbah bar R' Huna offers a second resolution to the internal contradiction.

R' Ashi presents a third resolution to the contradiction.

A Baraisa is cited and explained that records the dispute between Tannaim referenced by R' Chisda.

The Gemara's initial understanding of the dispute is rejected and R' Sheishes suggests an alternative explanation of the dispute.

R' Yosef rejects this explanation and offers his own explanation.

R' Yirmiyah rejects this explanation and suggests an alternative explanation.

This explanation is unsuccessfully challenged. ■

REVIEW and Remember

1. How does Abaye resolve the contradiction between the two statements of R' Shimon?

2. What is derived from the word ולאחותו?

3. What is יום שמועה?

4. When does aninus end?

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Distinctive INSIGHT

The kohen defiles himself for the sake of a relative

לא רצה מטמאין אותו על כרחו

Abaye explained that according to R' Shimon, there is a difference between where a kohen becomes an onen before midday of erev Pesach or after midday of erev Pesach. Before midday, when the possibility of bringing a Pesach offering does not yet apply, the condition of becoming an onen can take effect. If midday comes first, and the possibility of bringing a Pesach applies, the condition of becoming an onen cannot override his requirement to bring the Pesach.

In order to prove the explanation of Abaye, the Gemara brings two Baraisos, one which states that if a kohen becomes an onen for a close relative, he has a mitzvah to become defiled and bury his relative. If he wishes to decline, we force him to perform the burial. The second Baraisa teaches that if a kohen is going to bring the Pesach offering and he becomes an onen, he must nevertheless complete his obligation and bring the offering. The resolution between these Baraisos is that the former ruling refers to where he became an onen before midday, while the second Baraisa which rules that he should not defile himself is where the incident of his relative's death occurred after midday, when the obligation to bring the Pesach had already begun.

The first Baraisa stated that a kohen may be forced to defile himself for the burial needs of his relative. Rambam writes (Hilchos Aveil 2:6), "The mitzvah of mourning is very strict. We see this from the law that a kohen may become defiled for his relative, to take care of him and to mourn for him, as it says, '...for her he shall be defiled.' This is a positive commandment, and if the kohen wishes to not do it, we force him to do so."

Radba"z wonders why Rambam calls this a strict law. It is still prohibited for a kohen to defile himself for anyone other than a relative (except for a meis mitzvah). And even for a relative, the general rule is that a positive mitzvah (להיטמא) overrides a negative commandment. Radba"z also notes that Rambam, who says that this is a positive commandment, does not list this mitzvah among his listing of the positive commandments.

Radba"z therefore explains that Rambam understands that the requirement for a kohen to defile himself for a relative is not a Torah mitzvah, but rather only rabbinic. The verse itself suggests that it is allowed for a kohen to care for his relative, but not that it is required for him to do so, and he is certainly not forced to do so. The rabbis came and said that a kohen must defile himself for a relative, and if he

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HALACHAH Highlight

Leaving one's home to fulfill a mitzvah

כאן שמת קודם חצות כאן שמת לאחר חצות

Here is where he died before chatzos and there is where he died after chatzos

Rema¹ writes that one who does not have an esrog or any other mitzvah object needed for a passing mitzvah must spend, according to Mishnah Berurah,² up to one-tenth of one's money, in order to fulfill the mitzvah. Chaye Adam³ raises the following related question. What happens if there is a passing mitzvah that a person will not be able to fulfill in the city in which he lives but if he uproots himself and goes to another city he will be capable of fulfilling the mitzvah? Is one obligated to put forward the necessary effort to go to that other city to fulfill the mitzvah or not?

In Chaye Adam's commentary, Nishmas Adam⁴, he further examines this issue and raises the following rationale to exempt a person from having to travel to another city to fulfill a mitzvah if the second city is outside of the techum of the first city. He explains that one is not obligated, on Yom Tov, to travel outside of the techum in order to fulfill a mitzvah. Additionally, one is not obligated to travel before Yom Tov to the second city since before Yom Tov the obligation to fulfill the mitzvah has not yet arrived and there is no obligation to take steps before Yom Tov to assure that one could fulfill a mitzvah on Yom Tov. A proof to this principle could

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chooses not to do so, we force him to become defiled, because of the severity of the situation. The reason the rabbis were able to demand that the kohen become defiled is that the Torah already ruled that it is permitted for the kohen to bury his relative. The rabbis came and made it into a mitzvah. ■

be traced to our Gemara. The Gemara teaches that one who became on onein before midday on Erev Pesach is exempt from bringing the Korban Pesach since he was already an onein when the obligation to begin the Korban Pesach began. If the obligation to fulfill a mitzvah begins even before the time to fulfill the mitzvah arrives it should be considered as though the obligation to bring the Korban Pesach has already begun and he should be able to bring the Korban Pesach similar to one who becomes an onein after midday where his aninus does not push away his existing obligation to bring a Korban Pesach. Teshuvos D'var Yehoshua⁵ rejects this proof. All that one could infer from the Gemara is that the obligation to fulfill the mitzvah does not begin before the time to fulfill the mitzvah but one cannot prove that one is not obligated to take the necessary steps to assure the fulfillment of the mitzvah once that time arrives. ■

1. רמ"א או"ח סי' תרנ"ו סעי' א'
2. מ"ב שם סק"ח.
3. חיי אדם ח"א כלל ס"ח סעי' י"ט.
4. נשמת אדם שם סק"ג.
5. שו"ת דבר יהושע ח"א סי' ב'.

STORIES Off the Daf

A Time to Mourn

"לה יטמא מצוה..."

The Sefer HaChinuch, zt"l, provides a very powerful explanation of the halachos of mourning. "If not for that which we have received from our sages, one might have thought that a kohen is given permission to defile himself for close relatives but need not do so. But our sages told us in Zevachim 100 that when Yosef HaKohein's wife died on erev Pesach he did not wish to defile himself so as not to lose out on bringing the korban Pesach. The other kohanim rejected this reasoning and forced him to defile himself. The Rambam explains that this is

part of the mitzvah of mourning, since a kohen is required to defile himself so as not to diminish in people's eyes the importance of the mitzvah of mourning for a close relative.

"The reason behind this mitzvah is what I have written in the past: that a person is affected by his actions. Human beings are material entities which are not moved inside until they act. This is why, when a person loses a close relative, he must think about his pain and understand that the pain has come to atone for sin, since pain is not given unless the sufferer must atone for some sin. This is an axiom of faith for believing Jews and when one internalizes this though action by mourning, he will do teshuvah and improve himself. We find that fulfilling the mitzvah of aveilus has a huge impact

on one's life, since it causes him to change his ways.

"Those who make themselves out to be wise but are really heretics, put iniquity in their evil hearts and believe that losing a close relative is merely some kind of cosmic accident. Such people put people in the same category as animals, since they treat a human death as that of an animal, whose death is truly due to happenstance.

"This is why according to their laws bodies should be cremated, a practice which would confound anyone who cares even slightly for the deceased. In order to uproot and remove from our hearts such beliefs, a kohen is commanded to defile himself for his close family member."¹ ■

1. ספר החינוך, מצוה רס"ד