

CHAPTER III.

REGULATIONS REGARDING MOURNING ON FESTIVALS, REGARDING THOSE WHO ARE UNDER THE BAN, AND WASHING.

MISHNA: The following may shave (trim their hair) on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; or one who was absolved by the sages from the ban, or from his vow (not to cut his hair for a certain period of time); also a Nazarite and the leper who is restored to cleanness. The following may wash their garments on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; and one whom the sages have absolved from the ban, or from his vow. Towels, barbers' napkins, and bathing towels (may be washed). Men and women who have had a running issue, women after their courses or lying-in, and all persons who from uncleanness are restored to cleanness, are permitted to wash their garments; but all other persons are forbidden.

GEMARA: What is the reason for not permitting other persons? As we have learned in the following Mishna (Taanith). "The priests of the weekly watch and the standing Israelites are prohibited from shaving their beards and washing their clothes; but on Thursday they are allowed to do so in honor of the Sabbath." And Rabba bar bar Hana in the name of R. Elazar said: "The reason why they are prohibited to do so the whole week is in order that they shall not enter upon the fulfilment of their duties when they are filthy (if they would be allowed to do so during the days of their duty)." The same reason applies to the festival (if they will be allowed to do so in the middle days they will not shave themselves before the festival).

"*Who arrive from the sea countries.*" Our Mishna is not in accordance with R. Jehudah of the following Boraitha: R. Jehudah said: "One who returns from the sea countries may not shave, for he went to sea of his own accord." Said Rabha: "If he went to sea for adventurous purposes, all agree that he may not; if to earn his bread, all agree that he may. They only

differ in case he went to sea to accumulate profits (*i.e.*, one who was well provided with an income, but went to sea to increase his riches). One equals it to the case of adventurous purpose; and the other, to that for the purpose of earning his bread. Samuel said: "A minor (child) may be shaved on the middle days, and it makes no difference whether he was born on or before the middle days." Said R. Pin'has: "We also have a Mishna to the same effect: All those who were permitted to shave on the middle days may also do so during their mourning." From this we must assume that those prohibited to shave on the middle days are also prohibited from doing so during their mourning? Now, if a minor would be prohibited, then mourning would be customary to a minor also, but the following Boraitha states: "The garments of a minor mourner are rent for the purpose of moving others to mourn?" Hence we see that to a minor himself

mourning is not customary? Said R. Ashi: Does, then, the Mishna state "those who are prohibited"? (It only states "those who are allowed") and possibly some are prohibited who are not mentioned in the Mishna.

A mourner must not observe mourning on festivals, for it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." Then, if the mourning commences before the festival the positive commandment of the rejoicing of the feast which relates to the whole public is relieving from the positive commandment of mourning of an individual; and in case it began on the festival, the commandment of mourning to an individual cannot relieve from the commandment (of rejoicing) to the public. What is the law of one who is under the ban as regards the festival? Said R. Joseph: Come and hear: "Cases involving capital punishment or stripes, or civil cases, may be tried (on the middle days), and if one (of the parties) is in contempt he may be put under the ban." Now then, if you should think that if one who was *already* under the ban the festival comes and postpones it, how could we put one under the ban *originally* on the festival? Said Abayi to him: "Perhaps the Boraitha meant, by 'tried,' the examination only (but not the result)?" Therefore said Abayi: This can be decided from our Mishna, which states: "One whom the sages absolved from the ban." And if the festival would postpone it, why then the absolving by the sages?

Said Rabha: Does, then, the Mishna state: The *sages have absolved* the ban? It states: "Who was *absolved by the sages* from the ban," which means that he has previously arrived at an

p. 27

understanding with his opponent and then come to ask the rabbis that they should absolve him. (Hence the question remains undecided.)

Is the law of leprosy customary on the festival? Said Rabha: "Come and hear: It is written [Lev. xiii. 45]: "And the leper." That means to include even if it was the high-priest. Now, it is certain that as to the high-priest all the week-days are considered feast-days, as we have learned in a Mishna (Sebo'him): "The high-priest may sacrifice in his mourning before the interment of the corpse, but not to eat of it." Infer from this that the law of leprosy is customary on festivals. [1](#)

Rabha said: Whence do we know that the court has power to summon one to appear before them; to appoint a time for the trial before the chief of the court; and to fix a time for the appearance of both parties? It is written [Num. xvi. 12-16]: "And Moses sent to call Dathan and Abiram, the sons of Eliab," etc. "And Moses said unto Korah, thou and thy company be ye before the Lord," etc. "Thou and they and Aaron to-morrow." And whence do we know that the court has power to postpone the trial to another day? It is written [Jerem. xlvi. 17]: "They called out there," etc., "he hath let the time appointed pass by." And whence do we know that the report of the court messenger, that the summons is disobeyed, is not considered slander? From the report of the messengers to Moses [Num. xvi. 114]. And whence do we know that a great man has the power to put one under the ban? From [Judges, v. 23]: "Curse ye Meroz, said the messenger of the Lord." [It means that he was a great man.] And whence do we know that the court has power to excommunicate him and to prohibit to eat or drink in his company, or to stand near him within a distance of four ells? From the passage [ibid., ibid.]: "Curse ye bitterly, curse its inhabitants." And whence, that his disobedience is made public? From [ibid., ibid.]: "Because they came not to the help of the Lord." And whence, that his property may be confiscated (made ownerless)? From [Ezra, x. 8]: "And that whosoever should not come within

three days," etc., "all his substance should be forfeited 2 and himself separated from the congregation

p. 28

of the exiles." Whence, that he may be cursed, beaten, his hair plucked, and made to swear? From [Nehem. xiii. 25]: "And I contended with them, and cursed them, and smote certain of them, and plucked out their hair, and made them swear," etc. Whence, that his hands and feet may be bound, and he may be tied to the whipping post, and prosecuted? From [Ezra, vii. 26] Whether it be unto death, or to banishment, or to a fine on goods, or to imprisonment." What is meant by "banishment"? Said Ada Mari in the name of Ne'hemiah bar Baruch in the name of R. Hyya bar Abin, quoting R. Jehudah: "It means, prosecution." What kind of prosecution? Said R. Jehudah, son of R. Samuel bar Shilath, in the name of Rabh: "It means that he is put under the ban at once, and if he does not repent within thirty days the ban is continued; and if he still continues to be disobedient, he is excommunicated after the lapse of sixty days." Said R. Huna bar Hinna to him: "But has not R. Hisda stated: He is first warned on a Monday, Thursday, and the following Monday"? This relates only to cases involving money; but if he is accused of having denounced the authorities, he is at once put under the ban. A certain butcher was disobedient to R. Tubi bar Mathna, and he was put under the ban by the concurrence of Abayi and Rabha. Subsequently he came to an understanding with his opponent. Said Abayi: "What shall be done in such a case? Shall we absolve him? Thirty days have not passed yet? Shall we not? The rabbis need him?" And he turned to R. Idi bar Abin and asked him: "Do you know anything about such a case?" And the latter answered him: "R. Ta'hlipha bar Abimi said in the name of Samuel: 'The horn that announced that he was placed under the ban, may announce that he was absolved.'" And Abayi rejoined: "This is only in cases involving money; but in the case of denouncing the authorities, the ban must continue for thirty days." Ameimar said: "The Halakha prevails, that if scholars declare the ban over a person, he may be absolved therefrom by three other scholars." Said R. Ashi to Ameimar: Have we not learned in a Boraita: R. Simeon b. Gamaliel said: If one of the scholars who declared the ban over a person died, his part cannot be absolved from? Shall we not assume that it cannot be absolved from at all? Nay; that means, only until other three absolve him.

The rabbis taught: The ban is declared for not less than thirty days; rebuke, however, is only for seven days; and although

p. 29

there is no explicit proof for that, there is a hint [Num. xii. 14]: "If her father had spit in her face, would she not be ashamed seven days?" R. Hisda said: "Our (Babylonian) ban equals in point of time their (Palestinian) rebuke; and their rebuke is only for seven days." Is that so? Has it not happened that R. Simeon bar Rabbi and Bar Qappara have been studying together, and they came across a difficult question? Said R. Simeon to Bar Qappara: "This question must be solved by Rabbi (my father)." And Bar Qappara answered him: "What could Rabbi say to this?" 1 R. Simeon reported this statement to his father, and he became angry. Subsequently Bar Qappara came to visit him, and Rabbi said to him: "Bar Qappara, I have never known thee." Bar Qappara understood this reproach, and he reprimanded himself for thirty days? It also happened that Rabbi ordered not to teach disciples in the public streets. R. Hyya disregarded the order, and did teach his two nephews, Rabh and Rabba bar bar Hana, in a public street. When Rabbi heard of it, he was angry. Subsequently R. Hyya came to visit him, and Rabbi said to him: "Eyya, you are

wanted in the street." R. Hyya understood what was hinted at, and he reprimanded himself for thirty days.

[On the thirtieth day Rabbi sent a message to him to come; and a short while after he sent him another message not to come. Subsequently R. Hyya came. Said Rabbi to him: "Why didst thou come?" He answered: "Because the Master sent for me to come." Said Rabbi: "But did I not subsequently send thee not to come?" And he replied: "The first message I received, the second one I did not." And Rabbi applied to him the following passage [Proverbs, xvi. 7]: "When the Lord receiveth in favor a man's ways, he maketh even his enemies to be at peace with him."] Hence we see from this that the rebuke of the Palestinians is for thirty days? The rebuke of a prince is different.

For how long, however, is *our* rebuke? For one day only, as seen from the following: Samuel and Mar Uqba, *studying* together, the latter used to sit (out of respect to Samuel) four ells distant from the former; but when sitting as a court, the reverse used to be the case, and Mar Uqba used to sit on a low platform (near the candelabrum [2](#)) in order that his voice might be heard

p. 30

well. Mar Uqba was in the habit of accompanying Samuel every day to his residence. One day he was so engrossed in a case that he forgot to do it, and the latter, instead, followed *him* to his house. When they reached the house, Samuel said to him: "Is this sufficient for thee? May I now return?" And Mar Uqba understood that Samuel was angry, and he reprimanded himself for one day. There was a woman who was sitting in a pathway, and was in the habit of stretching out her foot to pick up the barley. A young scholar happened to pass by and she paid no attention to him, and he remarked: "How insolent this woman is!" The woman came before R. Na'hman and he asked her: "Did he utter the ban?" And she answered: "Nay." He then ordered her to be reprimanded for one day. Zutra bar Tubiah was once arranging biblical passages before R. Jehudah. When he came upon the passage [II Sam. xxiii, 1]: "And these are the last words of David," he said to him: "If these were the last, what were the first words of David?" R. Jehudah remained silent. But when he (Mar Zutra) repeated the question, R. Jehudah said: "Art thou of the opinion that if one cannot explain this he is no more a great man?" And Mar Zutra understood that R. Jehudah was angry, and he reprimanded himself for one day. How is this passage, however, to be explained? It plainly reads "the last"; then there must be the first words? [Ibid. xxi. 1]: "And David spoke unto the Lord the words of this song, on the day that the Lord had delivered him out of the hand of all his enemies, and out of the hand of Saul." This passage was expounded thus: The Holy One, blessed be He, said unto David: "David, thou singest songs over the downfall of Saul; if thou wert Saul and he were David, I would annihilate many a David for his sake." And this is meant by [Psalms, vii. 1]: "A Shiggayon of David [1](#) which he sang unto the Lord, concerning the affairs of Cush (the Ethiopian) the Benjamite." Was then his name Cush? It was Saul, but as an Ethiopian is distinguished from others by the color of his skin, so was Saul distinguished from others by his good deeds. Likewise [Num. xii. 1]: "On account of the Ethiopian woman which he had married." Was then her name Ethiopian? Was it then not Ziporah? But it is to state, that as an Ethiopian is distinguished by the color of his skin, so was she distinguished by her kind deeds. Likewise [Jerem. xxxviii. 7]: "Now when the slave of the king, the Ethiopian,"

p. 31

etc. Was then his name Ethiopian? 1 Was it then not Zedekiah? But as it is stated above. Likewise [Amos, ix. 7]: "Are ye not like the children of the Ethiopians, O children of Israel?" Was then their name Ethiopians? Was it then not "Israel"? But as the Ethiopians differ from others in the color of their skin, so does Israel differ from all idolaters by their good deeds.

R. Tan'hum said in the name of R. Huna, and according to others R. Huna himself said it: A disciple who put one under the ban for disobedience to himself, the ban is valid, as we have learned in a Boraitha: "One who is put under the ban by the Master is considered so also towards the disciple; but if put by a disciple, is not so towards the Master." Hence towards the Master he is not so, but as towards the general public he is so. Now, then, let us see: To what case is this applicable? Shall we assume that it applies to Heavenly things? Is it not written [Psalms, xxi. 30]: "There is no wisdom nor understanding nor counsel *against the Lord*"? Hence it must be assumed, even for the disobedience to himself. R. Joseph said: "Even a young scholar, if only he is certain that his demand against another is just, may render judgment in his own favor." There was one young scholar concerning whom evil rumors were current. Said R. Jehudah: "What shall be done in this case? Shall we put him under the ban? The rabbis need him. Shall we not? The name of Heaven will be profaned." And he asked Rabba bar bar Hana: "Do you know anything about such a case?" He answered him: So said R. Johanan: "It is written [Malachi, ii. 7]: 'The priest's lips are ever to keep knowledge, and the law are they to seek from his mouth, for he is the messenger 2 of the Lord of hosts.' That means: If the Master is equal to an angel, law may be sought from his mouth, but not otherwise." Thereupon R. Jehudah put him under the ban. Subsequently, R. Jehudah was taken ill and the rabbis made him a sick-call, among whom was also that young scholar. When R. Jehudah beheld him, he smiled. Said he to R. Jehudah: "Is it not enough that you put me under the ban, that you still laugh at me?" R. Jehudah answered him: "I do not laugh at you, but in the world to come I will be proud to say that I was not biased even towards so great a man as you."

p. 32

When R. Jehudah died the young scholar came to the college and asked to be absolved from the ban, and the rabbis answered him: "There is not here a man equal in esteem to R. Jehudah to absolve you. Go to R. Jehudah the Second, and he may absolve you." He went to him. Said the Nasi to R. Ami: "Go and examine his case, and if found favorable, absolve him." R. Ami did so, and was about to absolve him when R. Samuel bar Na'hmeni arose and said: "Even when the maid-servant of the house of Rabbi declared one under the ban the sages did respect it for three years, and so much the more we must respect Jehudah our colleague." Said R. Zera: "How did it happen that this old man came to-day to college after an absence of several years? It is a token that the young scholar is not to be absolved." He left weeping, and on the way he was stung by a bee and he died. He was brought to the vaults of the Pious, and was not accepted; he was then removed to those of the Judges, and was accepted. Why so? For he acted as R. Ilai of the following Boraitha: "If one cannot withstand the temptation, he shall go to a place where he is not known, and shall dress in black and wrap himself in black and do as he pleases, but shall not profane the name of Heaven openly."

What was the occurrence with the maid-servant of the house of Rabbi? The maid-servant of the house of Rabbi saw once one beating his grown-up son, and she said: "Let that man be under the ban, for he has transgressed the commandment [Lev. xix. 14]: 'Thou shalt not put a stumbling-block before the blind.'" And the following Boraitha states that this passage relates to one who beats his grown-up son. Resh Lakish was watching an orchard, and there came a certain man

and ate of the figs. Resh Lakish shouted to him not to do it, but he paid no attention to him. Resh Lakish then said: "Let this man be under the ban." And the man answered him: "On the contrary, let *that* man be under the ban; for if I am responsible to thee in damages, am I then liable to be put under the ban?" When Resh Lakish came to the college, he was told: "His placing you under the ban is valid, but not yours." "How can it be corrected?" "Go and ask his pardon." "But I do not know where to find him?" And he was told: "You have to go to the Nasi in order to be absolved, as we have learned in a Boraitha: 'One who was put under the ban and he does not know the person, he must go to a Nasi in order to be absolved.'"

p. 33

R. Huna said: It was enacted in Osha that if the chief of tile court should be delinquent, if for the first time he should not be put under the ban, but should only be told: "Be dignified and stay at home." But if for the second time, he should be put under the ban, lest the name of Heaven be profaned. This is not in accordance with the following statement of Resh Lakish: A scholar who is delinquent is not put under the ban publicly, for it is written [Hosea, ii. 5]: "Therefore shalt thou stumble in the day-time, and the prophet also shall stumble with thee in the night," which means: See that he is devoid of publicity, as the night is devoid of daylight.

Mar Zutra the Pious, when a young scholar was delinquent and deserving to be reprimanded, first reprimanded *himself* and then the young scholar. When he entered his residence, he first absolved *himself* and then the young scholar. R. Giddel said in the name of Rabh: "A scholar may first put himself under the ban (for a certain period of time) and afterward absolve himself therefrom." Said R. Papa: "I may be rewarded; for, as a matter of fact, I have never put a young scholar under the ban."

"*And the Nazarite and the leper,*" etc. R. Jeremiah questioned R. Zera: "Does it mean in the case when they had no opportunity to do so before, or even when they had?" And he answered him: "We have learned this in the following Boraitha: All those who were said to be permitted to shave on the middle days, may do so only when they had no opportunity to do it before, but not otherwise. A Nazarite, however, may do so, although he had the opportunity to do so before, in order that his sacrifice be not delayed.

The rabbis taught: "All those who were said to be permitted to shave on the middle days, may also do so in their mourning." But have we not learned in another Boraitha that they may not? Said R. Hisda in the name of R. Shila: "The first Boraitha relates to a case where the mournings succeeded one another." If this is the case, why only "those who were said," etc.? Why not every one? As we have learned in a Boraitha: "When one mourning succeeds the other, and so on for a long time, and his hair has become heavy, it may be made light by a razor, and he may wash his clothes in water?" Yea, but as to this, it was taught that R. Hisda said: The Boraitha means by a razor only, but not by scissors; in water, but not with Spanish chalk (which was used then instead of soap) or lye. Said R. Hisda:

p. 34

[paragraph continues] "From this it may be inferred that a mourner must not wash his clothes."

The rabbis taught: "As it is not allowed to shave on the middle days, so also is it not allowed to

trim the nails. Such is the dictum of R. Jehudah. R. Jose, however, permits it." And the same is the case in regard to mourning. Said Ula: "The Halakha prevails according to R. Jehudah in regard to mourning, and according to R. Jose in regard to the middle days." Samuel, however, said: "The Halakha prevails according to R. Jose in regard to both mourning and the middle days." As Samuel said elsewhere: The Halakha prevails according to the one who is lenient, in regard to mourning. R. Shaman bar Aba said: I was present once on the middle days in the college of R. Johanan, and saw him trimming his nails with his teeth and throwing the parings away. And from the above occurrence three things were inferred: that the nails may be trimmed on the middle days; that there is no aversion to trimming them with the teeth; and that the parings may be thrown away. 1 R. Itz'hak bar Jacob bar Geurah in the name of R. Johanan sent the following message: "Flaxen garments may be washed on the middle days."

MISHNA: The following documents may be written on the middle days: contracts of betrothing, bills of divorce, and receipts in discharge of debts; also wills or codicils; deeds of gift; premonitions; and deeds of maintenance, certificates of Halitza, and certificates of refusal; arbitration bonds; decrees of the Beth Din; and powers of attorney.

GEMARA: Samuel said: "One is permitted to become betrothed to a woman on the middle days, for fear that he may be preceded by another one." Rabh said in the name of R. Reuben b. Atztrubli: It appears from the Law, the Prophets, and the Hagiographa that the union of a woman to her husband comes from God himself. The Law [Gen. xxiv. 50]: "Then Laban and Bethuel answered and said: The thing hath proceeded *from the Lord*," etc.; the Prophets [Judges, xiv. 4]: "But his father and his mother knew not that it was from *the Lord*"; the Hagiographa [Prov. xix. 14]: "Houses and wealth are an inheritance from fathers; but from the *Lord* cometh an intelligent wife." 2 Rabh further said in the name of the same authority; and according to others this was learned in a Boraitha:

p. 35

[paragraph continues] "R. Reuben b. Atztrubli said: 'No one is suspected of having done something (wrong), unless he has really done it; and if he has not done it all, he has done part of it; and if not even that much, he at least had in mind to do it; and if not even that much, he probably approved of it when it was done by others.'" An objection was made: Come and hear [Psalm cvi. 16]: "Moreover, they envied Moses in the camp and Aaron the holy one of the Lord." And R. Samuel bar Itz'hak said: "From this it is inferred that every one suspected his own wife of having relations with Moses?" (Hence we see that one may be suspected although there is no particle of foundation for it?) In that case it was different, for it was done out of hatred. Another objection was made: Come and hear: R. Jose said: "May my share in the world to come be with those who were *groundlessly* suspected." And R. Papa said: "I was once suspected without any ground whatever?" This presents no difficulty. The one is the case when the suspicion has ceased; the other is, when it has not. What is meant by not having ceased? Said Abayi: My mother told me: 'A town rumor is for a day and a half.' The case is only if it has not ceased at intervals, but if it has it does not matter; and if, however, it has ceased out of fear, it is not taken into consideration; and even if it was not out of fear, the case is when it was not circulated again more vigorously. All this, however, is the case when the person suspected has no enemies; but if he has, the latter circulated it.

MISHNA: Bonds of debts must not be written on the middle days; but if the lender does not otherwise want to trust the borrower, or the latter has nothing to eat, they may be written. Holy

Scrolls, Phylacteries, or Mezuzoth must not be written on the middle days, and not a single letter may be [corrected](#)--even in the Book of Ezra. 1 R. Jehudah, however, says: "One may write Phylacteries and Mezuzoth for his own use, and he may also spin sky-blue wool for show-threads in his garment."

GEMARA: The rabbis taught: One may write Phylacteries and Mezuzoth for his own use and may spin sky-blue wool for show-threads in his garment; but for others he may do it as a favor only (without compensation). Such is the dictum of

p. 36

R. Meir. R. Jehudah, however, said: "One may connive and sell his own, and then write another one for his own use." But R. Jose said: "He may write and sell in the usual way as much as necessary for his living expenses." Rabh, and according to others Rabba bar bar Hana, rendered his decision to R. Hananel: "The Halakha prevails, that one may write and sell in the usual way as much as necessary for his living expenses."

MISHNA: One who buried his dead three days before the commencement of the festival is freed from the observance of the seven (days of deep mourning); if eight days before the festival, he is freed from the observance of the thirty days; for the sages hold: "The Sabbath enters into the computation, but does not supersede the mourning, whereas the festivals supersede the mourning, but do not enter into the computation." R. Elazar said: "Since the destruction of the Temple, Pentecost is to be considered (in respect to mourning) like the Sabbath." R. Gamaliel said: "The New Year and the Day of Atonement are to be considered like festivals; the sages, however, say that it is neither as the one nor as the other, but hold that there is no distinction between the Pentecost and any other festival, but the New Year and the Day of Atonement are like the Sabbath."

GEMARA: Rabh said: "Only the *observance* of the thirty days is dispensed with, but not the days themselves." So also said R. Huna. R. Shesheth, however, said: "Even the days are dispensed with." In what case may it happen that the days shall still not be dispensed with? If (the observance of the thirty days being dispensed with) one had not shaved himself on the eve of the festival, he may not do so after the festival (during all the thirty days). We have so also learned in a Boraitha: One who buries his dead three days before the festival is freed from the observance of the seven days; if eight days, he is freed from the observance of the thirty days, and he may shave himself on the eve of the festival; if he, however, failed to do so on the eve of the festival, he must not do so after the festival. Abba Saul, however, said: "He may do so, for as the observance of the three days frees from the observance of the seven days, so also does the observance of the seven days free from the observance of the thirty days. "Seven days? Have we not learned eight? Abba Saul is of the opinion that a portion of a day counts for a whole day, and the seventh day enters into the computation of both. Said R. Hisda in the

p. 37

name of Rabina bar Shila: "The Halakha prevails according to Abba Saul, and even the sages concede to Abba Saul that in case the eighth day falls on a Sabbath which is incidentally the eve of a festival, he may shave on the eve of Sabbath." According to whom is the statement of R. Amram in the name of Rabh: "A mourner, as soon as his condolers have left him, is permitted to

wash himself"? It is according to Abba Saul. Said Abayi: The Halakha prevails according to Abba Saul in regard to the seventh day; and the sages concede, in regard to the thirtieth day, that a portion of a day counts for a whole day. Rabha said: The Halakha prevails according to Abba Saul regarding the thirtieth day, but not regarding the seventh day. But the sages of Nehardea maintained that the Halakha prevails according to Abba Saul in both cases, as Samuel said: "The Halakha prevails according to the one who is lenient in regard to mourning." Abayi inquired of Rabba: "If one buried his dead on the festival, does, or does not, the festival enter into the computation of the thirty days? Certain it is to me that it does not enter in regard to the seven days, for the observance of the seven is not customary on the festival; but my question is in regard to the thirty days, because the observance of the thirty days is customary on the festival?" And he answered him: "It does not enter." Abayi raised an objection based on the following Boraitha: The festival enters into the computation of the thirty days. How so? If the burial took place in the beginning of the festival, the observance of the seven days begins after the festival, and his work may be done by others, and his male and female servants may do their work privately, and the public need not condole with him during the seven days, for they have already done so on the festival; and the festival enters into the computation of the thirty days? This objection remains unanswered. When Rabbin came from Palestine he said in the name of R. Johanan: "Even if he was buried on the festival" (the festival enters into computation). So also has R. Elazar decided to his son R. Padath.

The rabbis taught: If one has observed the lowering of the couch for three days prior to the festival, he need not observe it any more after the festival. Such is the dictum of R. Eliezer. The sages, however, hold: "Even one day, and even one hour." Said R. Elazar b. R. Simeon: These are, respectively, the decrees of the school of Shammai and the school of Hillel. For the school of Shammai decrees: "Three days"; and the school

p. 38

of Hillel decrees: "Even one day." Said R. Huna in the name of R. Hyya bar Abba, quoting R. Johanan, and according to others R. Johanan said to R. Hyya bar Abba and R. Huna: "Even one day, and even one hour." Rabha said: "The Halakha prevails according to our Tana (of the Boraitha), who holds three days."

Rabina happened to be in Sura of Euphrates. Said R. Habibha to him: "What is the Halakha?" And he answered him: "Even one day, and even one hour." R. Jose bar Abin said: "One who receives information which is recent on the festival, but becomes remote after the festival, the latter counts, and mourning is observed only one day." Rabbi Ada of Kisri taught before R. Johanan: "One who receives information which is recent on the Sabbath but becomes remote thereafter, must mourn one day only." Must he rend (his garments) or not? R. Mani said: "He may not." R. Hanina, however, said: "He may." Said R. Mani to R. Hanina: "As to my statement, it is correct, because rending is customary only together with the observance of the seven days; but as to your statement, is then there a case in which one must rend although there is no mourning of the seven days?" Is there not such a case? But has not R. Isi the father of R. Zera, and according to others the brother of R. Zera, taught before R. Zera: "One who has no garment to rend and he becomes a mourner, if within the seven days, he must rend; if after the seven days, he may not"? And R. Zera rejoined: "This is the case only in the five cases of relatives whom one is bound to bury, but over his father and mother he must rend notwithstanding (the lapse of the seven days?). In this case it is only out of respect to his father and mother."

"Because the sages held that Sabbath enters into computation," etc. The inhabitants of Judea and the inhabitants of Galilea: Those hold that the law of mourning applies on Sabbath (to things done privately), because the Mishna states: "It enters into computation"; and these hold that it does not apply, because the Mishna states: "But it does not supersede."

But does not the Mishna state that it enters into computation? It is only because it has to state in the latter part, that it does not enter, he uses also in the first part "enter." But did not the Mishna state plainly "it does not supersede"? This is for the same reason, as it has to state in the latter part "it does supersede" it uses the same term in the first part also.

p. 39

Raphram bar Papa said: "We have learned in Tract 'Great Mourning': 'A mourner is prohibited to have sexual intercourse during his mourning. It happened once that one did have sexual intercourse with his wife during his mourning, and his corpse was dragged about by hogs.'" Samuel said: "To remove the wrapping from the head, the rent from the front to the back, and to put the couch in proper condition (on the Sabbath) is obligatory; but to wear shoes, to have sexual intercourse, and to bathe the hands and feet in warm water on Friday evening is optional." Rabh, however, said that even removing the wrapping is also only optional.

Abayi found R. Joseph during his mourning walking around in the house with his mantle wrapped around his head (on the Sabbath), and he said to him: "Does not the Master hold that mourning is not customary on the Sabbath?" And he answered him: "So said R. Johanan: 'Things of a private nature are permitted.'"

"R. Elazar said: Since the destruction of the Temple," etc. R. Giddel bar Menasiah said in the name of Samuel: "The Halakha prevails according to Rabban Gamaliel (Berachoth), who said that a mourner on the Sabbath is bound to observe all the commandments."

R. Anni bar Shashan lectured in front of the house of the Nasi: "If (the mourning is) observed one day before Pentecost and on Pentecost, it is considered to have been observed fourteen days." (For Pentecost counts for seven days, and so also does the day preceding it, as stated above.) When R. Ami heard of this he was angry, and said: "Is this then his own? This was stated long ago by R. Elazar in the name of R. Oshiya." The same thing was stated in a lecture by R. Itz'hak of Naph'ha in Babylon at the cottage of the Exilarch, and R. Shesheth became angry because R. Elazar in the name of R. Oshiya, the author of this statement (Hagiga, 40), was not mentioned. R. Papa, accompanying R. Avia the elder, lectured: "One day (of observance of mourning) before the New Year and the day of New Year count for fourteen days." Said Rabina: "Therefore, one day before the Tabernacles, the Tabernacles, and the eighth day (which counts for a separate festival) count (regarding mourning) twenty-one days." Rabina happened to be in Sura of Euphrates. Said R. Habibha of same place to him: "Do you, Master, hold: 'If observed one day before the New Year and on the New Year it counts fourteen

p. 40

days'?" And he answered him: "I have only stated that it seems to me that the Halakha prevails according to R. Gamaliel."

MISHNA: The garments are not rent, nor the shoulders laid bare, nor the funeral meal eaten (on the middle days), unless by the near relatives of the deceased. The funeral meal is not to be taken except on a couch standing up properly.

GEMARA: Does this apply to a scholar also? Have we not learned in a Boraitha: "When a scholar dies, all must rend their garments, bare their shoulders, and partake of the funeral meal served in the public thoroughfare, for all are considered as his relatives"? Nay, this Mishna refers to one who is not a scholar, but an upright man over whom also rending is obligatory, as we have learned in the following Boraitha: "Why do little children die? Because their parents failed to weep (mourn) over the death of an upright man; to one who does so, all his sins are forgiven, for the honor he has done to the deceased." In the case of the death of an ordinary person, however, rending is obligatory only on the one who is present at the time of the death, as we have learned in the following Boraitha: "R. Simeon b. Elazar said: 'One who is present at the time when the death occurs is bound to rend his garments, for it is similar to the case of one who is present at the time the Holy Scrolls are burned, in which case he is bound to rend his garments.'" When R. Saphra's soul passed unto rest, the rabbis intended not to rend their garments, for they said: "We received no teachings from him." Said Abayi to them: "Does, then, the Boraitha treat of a rabbi? It treats of a scholar, and still more so in the present case, when his Halakhas are always on our lips in the college?" Still they were inclined not to rend, for they said: "The time for doing so has already passed." Said Abayi to them: "We have learned: In the case of a scholar, so long as the funeral orations are still going on, one is bound to rend." They then wanted to rend at once (without holding funeral orations). Said Abayi to them: "There is a Boraitha that states that the honor paid to the remains of a scholar lies in the funeral oration." When R. Huna departed, it was intended to place the Holy Scrolls on his bier. Said R. Hisda to them: "Shall we now act against his will? Has not R. Ta'hlipha said: 'I was once present when R. Huna wanted to sit down on a cot on which the Holy Scrolls were lying, and he first removed the latter and then sat down'? Hence we see that he was of the

p. 41

opinion that one must not sit on a cot on which the Holy Scrolls are placed?" When the cot was to be removed from the house, it was found out that it could not pass through the door; and it was about to be removed through the roof opening, when R. Hisda remarked: "We have a tradition from him that the honor to a deceased scholar demands that he be removed through the door opening." They then wanted to place him on a cot of smaller dimensions, but R. Hisda again remarked: "We have a tradition from him that the respect to a deceased scholar demands that he be removed in the cot he died on." Then they broke away the door-posts, and passed him out. Then R. Abba began the following eulogy: "Our rabbi was worthy that the Shekhina should rest upon him, but Babylon prevented it." When his corpse arrived in Palestine, R. Ami and R. Assi were informed that "R. Huna had arrived." And they said (under the impression that he was alive): "When we were in Babylon we could not raise our heads on account of him (for his great learning), and now he has followed us here." And they were then told: "His *coffin* has arrived." R. Ami and R. Assi went out (to pay their respects). R. Aila and R. Hanina remained in the house. Others, however, said that only R. Hanina remained. What was the reason of those who went out? The following Boraitha: "When a coffin is being removed from one place to another, those present must stand in a row and must pronounce the mourning benediction and the words of consolation." The reason, however, of those who did not go out is the follow me, Boraitha: "When a coffin is being removed from one place to another, those present need not stand in a row," etc. But do not these Boraithas contradict each other? Nay, the one relates to a case where

the skeleton is still in good condition; the other where it is not. But R. Huna's skeleton was still in good condition? They were not aware of that. They then began to deliberate where to place his remains, and concluded to place them alongside of those of R. Hyya. For they said: "R. Huna diffused the Torah among Israel as much as did R. Hyya." The question then came up as to who should do the placing. Said R. Haga to them: "I will do it, for I was his disciple since the age of eighteen. I never had a wet-dream, and I have served him since then and knew his ways: once it happened that one of his phylactery fillets turned over, and he fasted forty days." When R. Haga brought in the coffin into the arch, he noticed that Jehudah was sleeping at the right of his father and

p. 42

Hezekiah at his left. He heard Jehudah say to his brother: "Rise, for it would not be correct not to pay respect to R. Huna." When he arose, a pillar of fire arose with him. R. Haga became frightened and, lifting up the coffin of R. Huna, left the arch.

When R. Hisda died they wanted to place the Holy Scrolls on his bier. Said R. Itz'hak: "A thing which was not approved by his Master (R. Huna), we must not do to him." They also intended to leave their rent garments unmended, when R. Itz'hak bar Ami said to them: "In case of a scholar, the rent may be sewed together as soon as those who follow the coffin turn away their faces from the latter." When Rabba bar Huna and R. Hamnuna had died in Babylon, their bodies were brought on camels to Palestine. Arrived at a narrow bridge, where the two camels could not pass at once, both remained standing. An Ishmaelitic merchant present, surprised at the interruption of the journey, asked for the reason, and was told that each of the deceased wished to give the other the preference of the way. "If I were to give my view of the matter," the Arab said, "I should decide in favor of Rabba bar Huna (as he was known to me as a venerable man)." The Arab had hardly concluded his remarks, when the camel bearing Rabba passed the bridge. (As a punishment for not paying proper respect to R. Hamnuna), the molars and front teeth of the Arab fell out. A disciple declaimed the following elegy:

A learned scion of an ancient race
Upward to Sacred Palestina draws,
And bears into illimitable space
The code of battles, the great book of laws.
The cormorant and the hedgehog nightly gloat
Upon destruction spreading far and wide;
For God His wrath upon the earth has hurled,
Our pious sage His voice has called away;
And God is glad that from this sinful world
His dearest servant has come home to stay. [1](#)

When Rabina died, the funeral orator held the following oration:

Bend, ye majestic palms, in grief sincere
O'er one who like a palm had flourished here
Nor cease your mourning when the moon's soft ray
Changes to shadowy night the brilliant day. [p. 43](#)
For moon's broad glare had oft to midnight waned
Ere slumber o'er his studious eyelids reigned.

R. Ashi said to Bar Kipuk (the funeral orator): "What oration will you make on that day (of my death)?" And he answered him: "The following.

How can the lowly hyssop still survive,
When with devouring flames the cedars strive?
With huge Leviathan the angler's prey,
What have the fishes of the pond to say?
If the dry torrents shame the fisher's hook,
How fares it with the waters of the brook?

Said Bar Abhin to him: "Heaven forbid that 'net' and 'flame' be used in orations over the righteous." "What, then, would *you* say?" "I would say: 'Weep for the losers but not for the lost (deceased), for *he* passed into rest but we into grief.'" R. Ashi felt discouraged (for one orator used the words "net" and "flame," and the other the word "lost"), and their (of the orators) feet upturned. When he died, neither of the orators came to hold orations. And this was meant by R. Ashi when he said: "Neither Bar Kipuk nor Bar Abhin would be bound to perform the ceremony of Halitza." (*Vide* Yebamoth, 103a, where it is stated that those who have deformed feet are not bound to perform Halitza.)

When Rabha came to Hiddekel, he said to Bar Abhin: "Pronounce an (appropriate) prayer," and the latter began: The major part of Israel went through water; remember, and have mercy. We went astray from Thee as a woman goeth astray from her husband; do not cast us off, for it may have the same indication as that of the bitter-water." [*Vide* Num. v. 11-28.]

R. Hanin, the son-in-law of the Nasi, had been for a long time childless; he prayed and was answered. On the day of the birth of the child he died. The funeral orator on this occasion declaimed the following elegy:

Parental joy was changed to hopeless pain
Where bliss had entered, grief was doomed to reign
For in the moment of his hope fulfilled,
The joyful beating of that heart was stilled.

The child was named Hanin after his father. When R. Johanan died, R. Itz'hak b. Elazar began the eulogy as follows: "This day is as momentous to Israel as the day of which the prophet

p. 44

spoke [Amos, viii. 9] 'And it shall come to pass in that day that I will cause the sun to go down at noon,'" which R. Johanan explained to have reference to the day of the death of the King Josiah. When R. Johanan departed, R. Ami observed both the seven and the thirty days (of mourning). Said R. Abba the son of R. Hyya bar Abba: "R. Ami stands alone in his action, for so said my father in the name of R. Johanan: 'Even over an instructor in science one need not mourn more than one day.'" When R. Zera departed, the funeral orator delivered the following oration:

In Babylon this noble sage was born,
In Palestine he was admired and cherished;

"Woe unto me!" doth Reketh [1](#) sadly mourn,
"For my most precious jewel now has perished."

When R. Abuhu died, the pillars of Kisri shed tears; when R. Jose died, the gutters of Sepphoris were overrun with blood; when R. Jacob died, the stars were seen in the day-time; when R. Assi, all the trees were rooted out; when R. Hyya, fire-balls fell from heaven; when R. Mena'ham (ben R. Simai), all the images became obliterated and as smooth as if passed upon with a roller; when R. Tan'hum bar Hyya died, all the impressions upon the images were effaced; when R. Eliashib, seventy burglaries were committed in Nehardea; when R. Hamnuna, hailstones fell from heaven; when Rabba and R. Joseph died, the bridge-arches of Euphrates collapsed; when Abayi and Rabha, the bridge-arches of Hiddekel collapsed; when R. Mesharshia died, the trees were laden with thorns (instead of fruit). [2](#)

MISHNA: The food for the funeral meal is not placed before the mourners on a table, nor in a silver tureen, nor in a dish, but in wicker baskets. The mourning prayers must not be pronounced on the middle days, but the rows are formed and the consolation is pronounced and the people assembled are at once dismissed. The bier must not be set down in any public place, that the mourning may not spread (in the middle days). The bier of women must at *no* time be there set down, on account of respect (to the sex of the deceased). [3](#)

"The bier must not be set down in any public street." Said R.

p. 45

[[paragraph continues](#)] Papa "No middle days are considered in regard to a scholar (Talmid-Hakham), and so much the more so the half-feast of Hanuka or Purim. This, however, is the case only in the presence of the corpse." This is not so? Has not R. Kahana lamented over the death of R. Zbhid of Nehardea on the banks of the river (and surely the corpse was not there)? Said R. Papa: "That was on the very day he received the information, which is equivalent to the presence of the corpse."

MISHNA: The mourning women may wail during the middle days, but not clap (their palms together). R. Ishmael said: The nearest to the bier may clap. On the days of the New Moon, on the half-festivals of Hanuka and Purim, they may wail and clap, but must not sing lamentations; but when the corpse is interred, they must neither wail aloud nor clap.

What is meant by wailing? When all of them join in one chorus. What is meant by lamentation? When one recites and the others respond, as it is written [Jer. ix. 20]: "Teach your daughters wailing and every one her neighbor lamentation." But of the age that is to come it is written [Isa. xxv. 8]: "He will destroy death to eternity; and the Lord Eternal will wipe away the tear from off all faces."

GEMARA: R. Levi bar Hitha said: One who takes leave of the dead shall not say, "Go *in* peace," but "Go *with* peace," as it is written [Gen. xv. 15]: "But thou shalt come to thy fathers *with* peace" (*Besholom*); but the contrary must be said when taking leave of the living. When David said to Absalom: "Go *with* peace" [II Sam. xv. 9], the latter hanged himself; while, when Jethro said to Moses [Exod. iv. 18]: "Go *in* peace" (*Lesholom*), Moses went and was successful. R. Levi further said: One who goes from the college to the prayer-house, and *vice versa*, is

rewarded by receiving the appearance of the Shekhina, as it is written [Psalms, lxxxiv. 8]: "They go from strength (college) to strength (the prayer-house); each of them appeared before God in Zion." R. Hyya bar Ashi said in the name of Rabh: "Scholars (Talmide-Hakhamim) have no rest even in the world to come, as it is written [ibid.]: "They go from strength to strength; each of them appeareth before God in Zion."

END OF TRACT MOED KATAN (MINOR FESTIVALS).

Footnotes

[27:1](#) All the laws of mourning not belonging to festivals we transfer to Tract Ebel Rabbathi (Great Mourning) as the proper place, and they will be published in the next volume, which will complete this section.

[27:2](#) Leeser translates "devoted."

[29:1](#) Rashi explains this to mean: "There is no scholar who could answer this." But our explanation seems to us more proper.

[29:2](#) For Mar Uqba was an Exilarch.

[30:1](#) The root of Shiggayon is ••• meaning "error."

[31:1](#) The Talmud translates the meaning of the words literally. Hence our translation.

[31:2](#) The text reads "Malach," which means a messenger, and also an angel.

[34:1](#) This subject will be explained in Tract Niddah.

[34:2](#) See our "Maamar Ha'ishuth," Wien, 1887, p. 6.

[35:1](#) It means the first Pentateuch which Ezra wrote. Rashi, however, says that he heard that it should not be read "Ezra," but, ••••, which means the Temple; as to his knowledge, there was a correct copy of the Holy Scrolls, from which all the others are corrected.

[42:1](#) From "The Poetry of the Talmud," by Sekels, with metrical corrections, as also the verses following.

[44:1](#) Reketh is Tiberias. (Rashi.)

[44:2](#) All this must not be understood literally but allegorically.

[44:3](#) The Gemara belonging to this Mishna, which properly does not come in here, will be found in its proper place.