

CHAPTER XII.

A. Renting on a death, the mourning of seven and thirty days, begin from the day of burial, or from the day he was informed, if he was not present. For whom one is obliged to rend at the time of death, he is also obliged when gathering his bones from one grave to be put into another. Also the law of sewing together the rent applies to that for gathering bones; the mourning, however, is only for one day, and the night belonging to that day does not belong to the day of mourning.

The rabbis taught: A recent information makes customary both the seven and the thirty days; a remote information, however, makes customary only one day's mourning. What is a recent, and what a remote information? A recent--if within thirty days; a remote--if after thirty days. Such is the dictum of R. Aqiba. The sages, however, hold either case makes customary both the seven and the thirty days. Said Rabba bar bar Hana in the name of R. Johanan: "Whenever it is found that the majority is rigorous and the individual is lenient, the Halakha prevails according to the majority, with the exception of this case here, in which, although the majority is rigorous, still the Halakha prevails according to the individual" (R. Aqiba). As Samuel stated: "In the case of mourning the Halakha prevails according to the one who is lenient." R. Hanina received information of the death of his father from the city of Husai, and he consulted R. Hisda. The latter said to him: "A remote information causes mourning for one day only." R. Nathan bar Ami received information of the death of his mother from the same place, and he consulted Rabha, who said to him: "Are you not aware of what was said in regard to a remote information?" And the former objected: "Have we not learned that this is so only in regard to the five cases of relatives whom one is bound to bury (son, daughter, brother, sister, and wife); but as regards father and mother, the seven and thirty days must also be observed?" And he answered him: "The Tana of the Boraitha is an individual (in his opinion), and we do not concur with him." As we have learned in the following: It happened that the father of R. Zadok died in the city of Ginsak, and he was informed after three years, and he went and asked Elisha b. Abajah and the Elders who were with him, and they told him he shall keep seven

and thirty. The same occurred when the son of R. A'hiya died in exile, and his father has performed for him the mournings of seven and thirty (hence the above Boraitha is in accordance with the individual, and not according to R. Aqiba. And from the following we can see also that the Halakha does not prevail according to Elisha b. Abajah, namely,) Rabh was the son of the brother of R. Hyya on his father's side, and also the son of his sister on his mother's side. And when Rabh came to Palestine, R. Hyya asked him: Is thy father alive? And he answered: My mother is alive. Then R. Hyya asked again: Is your mother really alive yet? And he answered: My father is alive. [A1](#) Then R. Hyya told his servant: Take off my shoes; but a little later you shall take my garments in the wash-house. From this we have learned three things: First, that a mourner must not wear shoes; second, that a remote-in formation mourning is customary for only one day; and, third, that a part of the day is considered as a whole day. [A2](#)

B. There were different societies in Jerusalem, and each of them had to attend to different things. One was to attend mourners; one to attend marriages; one to attend circumcision or redeeming of a first-born male child, and one for removing the bones from one grave to another. The attendance to a bride's house precedes a mourner's house; circumcision or the redeeming of a first-born male child precedes the removal of bones. The ancient pious, however, preferred to go to a house of mourning instead of the house of a bride, as it is written [Eccl. vii. 2]: "It is better to go to the house of mourning than to go to the house of feasting; inasmuch as that is the end of all men, and let the living lay it to his heart," as whoever follows the bier, knows that this will happen also to him.

[B1](#) We have learned in a Boraitha: R. Meir used to say: It is written [Eccl. vii. 2]: "It is better to go to the house of mourning

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than," etc., "and let the living lay it to his heart," which means, let the living lay to his heart matters connected with one's death--viz., when he laments over him, that he will also be lamented over; when he buries him, that he will also be buried; when carrying him, that he will also be carried; and when eulogizing him, that he will also be eulogized. According to others one who is modest, and troubles himself with burying the dead, will be elevated by Heaven, as it is written [Prov. xxv. 7]: "For better it is that it be said unto thee, Come up higher, than that thou shouldst be put lower in the presence of the prince, which thy own eyes have (often) seen." [B2](#)

The rabbis taught: When the sons of R. Ishmael died, four elder sages came to console with him; viz., R. Tarphon, R. Jose the Galilean, R. Elazar b. Azariah, and R. Aqiba. Said R. Tarphon to the other three: "You must know that he (R. Ishmael) is very wise and he is well versed on Agada, and therefore none of you must intrude when the other will be speaking." Said R. Aqiba: "And I will be the last one." R. Ishmael began: "His sins have increased, his mournings have succeeded one another, and he has inconvenienced his instructors once and twice." R. Tarphon then arose and said: "It is written [Lev. x. 6]: 'But your brethren, *the whole house of Israel*, may bewail the burning,' etc. If this was ordered over the death of Nadob and Abihu, who have observed only one commandment, as it is written [ibid. ix. 9]: 'And the sons of Aaron brought the blood unto him,' etc., so much the more so over the death of the sons of R. Ishmael." R. Jose then followed and said: "It is written [I Kings, xiv. 13]: '*And all Israel* shall mourn for him, and bury him.' If so much was done for Abiyah the son of Jeroboam, who has performed one kind deed only, as it is written [ibid., ibid.]: 'Because there had been found in him some good thing,' so much the more so over the death of the sons of R. Ishmael." [What was the good thing? R. Zera and R. Hanina bar Papa: one says that he suspended his office and made a pilgrimage to Jerusalem on the feasts; the other says: he has abolished the guards which were established by his father to prevent the pilgrimage to Jerusalem.] R. Elazar b. Azariah then began: "It is written [Jerem. xxxiv. 5]: 'In peace shalt thou die; and as burnings were made for thy fathers,' etc., if so much

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was done for Zedekiah the king of Judah, who performed only one meritorious thing in that he ordered to bring up Jeremiah from the pit filled with mire, so much the more so over the sons of

R. Ishmael." Finally, R. Aqiba began: "It is written [Zech. xii. 11]: 'On that day will the lamentations be great in Jerusalem like the lamentation at Hadadrimmon in the valley of Megiddon.' [And R. Joseph said: If not the translation of Jonathan of this passage, namely: On that day will the lamentations be great in Jerusalem, like the lamentation for A'hab bar Omri, who was killed by Hadadrimmon bar Tabrimmon, and like the lamentations for Josiah bar Amon, who was killed by Pharaoh the Lame in the valley of Megiddon, I would not know its meaning.] If so much over A'hab the king of Israel, who has done only one good thing, as it is written [I Kings, xx. 35]: 'And the king was stayed up in his chariot against the Syrians' (to prevent the defeat of Israel), so much the more for the sons of R. Ishmael." Rabha said to Rabba bar Mari: Zedekiah was promised that he would die in peace, and still it is written [Jerem. xxxix. 7]: "And the eyes of Zedekiah did he blind?" (How was the promise to die in peace fulfilled?) He answered him: "So said R. Johanan: (It was fulfilled) that Nebuchadnezar died in his time." Rabha further said to Rabba bar Mari: Josiah was promised [II Kings, xxii. 20]: "Therefore, behold, I will gather thee unto thy fathers, and thou shalt be gathered unto thy grave in peace." And still it is written [II Chron. xxxv. 23]: "And the archers shot the king Josiah?" And he answered him: "So said R. Johanan: (The promise was fulfilled in that) the Temple was not destroyed during his life-time."

[B3](#)R. Johanan said: "The consolers are not permitted to speak consolation before the mourner engages in conversation, as it is written [Job, ii. 13]: "But no one spoke a word unto him," etc.; [ibid. iii. 1]: "After this time Job opened his mouth," etc.; and only [ibid. iv. 1]: "Then answered Eliphaz," etc. (These quotations are according to Na'hmanidus.) R. Abbuhu said: Whence do we know that the mourner takes his seat at the head of the consolers? It is written [ibid. xxix. 25]: "I chose their way for, them, and sat as chief," etc., "as the mourners being comforted" (read YiNâXêm) Mar Zutra said: "From the following passage [Amos, vi. 7]: 'And the noisy banquet of those who were

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stretched out shall pass away?' [B4](#) R. Hama bar Hanina said: Whence do we know that a bridegroom takes his seat at the head of the guests? It is written [Isa. lxi. 10]: "As a bridegroom decketh himself with elegant attire." (The Hebrew reading: "Ke'hathan yechaehn pêêar," "Hathan" meaning a bridegroom, and "yechaehn" having the same letters as "cohen," a priest), as a priest sits at the head, so also does a bridegroom. R. Hanina said: "The separation of the soul from the body is as difficult as the removal of a knotty rope from the mast." R. Johanan said: "It is as difficult as the removal of a knotty rope holding the masts of two ships together."

The bones and the veins must not be taken apart when gathering them; it must not be feared, however, that this will happen while gathering them. All bones one may handle while gathering, except that of his parents, which must be handled by others. Such is the decree of Rabbi Johanan b. Nuri; R. Aqiba, however, said: As the bones are not allowed to be gathered till the flesh is all destroyed, and the form is not recognized any longer, it does not matter even if they are his parents'.

C. The bones of two corpses may be gathered together, but he shall keep them separate in a casket; he shall put one's in one corner, and the other's in another. So is the decree of R. Aqiba. R. Johanan b. Nuri, however, said: There is not any need for keeping the bones separated, as the basket in which they will be buried will finally be rotten, and the bones will be mixed again; if, however, he desires that they shall be separate, he shall bury them in caskets of cedar. [C1](#)

D. The bones may be sprinkled with wine or oil, according to R. Aqiba; with oil and not wine, because wine destroys them, according to Simeon b. Nanes; the sages, however, maintain that they may not be sprinkled with any of these, but cover with dust.

E. Said R. Eliezer b. Zadok: So my father commanded me: When I will die, you shall first bury me in a valley, then gather my bones, and put them in a cedar casket; but you shall not handle them yourself, and so I did. Johanan entered the grave and gathered (the bones) and spread over them a chest protector, and then I entered, rent my garments over them, and covered them with a sheet. I did to my father as he has done to his. It is not allowed for a man to wrap and tie up the corpse of a woman; a woman, however, may do so to a man. [E1](#) The same is the case when a woman suffers in her intestines, a man must not examine nor attend her; a woman, however, is allowed to do so to a man.

F. Abba Saul b. Botnith said in his will to his sons: Bury me at the feet of my father, and take off the Tzitzith [F1](#) from my *palium*.

[G1](#)G. With all relatives one is allowed to bathe, except with his father, father-in-law, his stepfather, the husband of his sister, and the instructor from whom he received his wisdom. R. Jehudah, however, said: If his father was old or sick he may enter the bath-house and bathe him, for it is in his honor.

A hearse is not used unless the head and the greater part of the corpse are there. R. Jehudah said: The backbone and the skull are considered as the greater part of the body.

H. It happened with the son of R. Hanina b. Teradion, who associated with bad company and became a robber and was executed, when, after three days, he was found all swollen, his remains were put in a cage and that in a hearse, and was brought

in the city. They wanted to lament him for the sake of his parents, but the father did not let them do so; he instead exclaimed on him the following [Prov. v. 11-14]: "While thou moanest at thy end, when thy flesh and thy body are coming, to their end, thou sayest: 'How have I hated correction, and how hath my heart rejected reproof, while I hearkened not to the voice of my instructors, and to my teachers I inclined not my ear; but little more was wanting and I had been in all (kinds of) unhappiness in the midst of the congregation and assembly.'" His mother also exclaimed over him the following passage [ibid. xvii. 25]: "A foolish son is a vexation to his father, and bitterness to her that hath borne him." His sister also exclaimed the following [ibid. xx. 17]: "Bread of falsehood is pleasant to a man, but afterward his mouth will be filled with gravel stones."

CHAPTER XII.

A. In the ancient times one was very careful not to bring a bad message; and even when asked, as the Talmud prohibits it, he would give evasive replies.

[52:A2](#) This is inferred from what R. Hyya told his servant-to bring his garments into the wash-house, that, after he had mourned a part of the day, on the remaining part he might do all he liked.

[52:B1](#) B. *Gemara* from Moed Katan.

[53:B2](#) We must leave this without any explanation, as there are no commentaries for this besides Eidlis in his "Hidushe-Agadoth," and it is too complicated to be translated here.

[54:B3](#) B. *Gemara* from Moed Katan.

[55:B4](#) The Hebrew text reads: "Vesor mirsah seru'him." The letter Samech has the same sound as the left-pointed Shin, and therefore "vesor" has the same meaning as if written with a left-pointed "Shin," viz., "a chief." "Mirsah" is given the same meaning of "Mirseah" [Jer. xvi. 5], a mourner--*i.e.*, the mourner became chief of the seru'him, those who were stretched out (the comforters), by taking his seat at the head.

[55:C1](#) C. There is difficulty in understanding the meaning of R. Johanan b. Nuri, as there are many errors in the text, which were corrected by different commentators. What we understand is, that in their time they had different baskets or coffin-like boxes, *Aphikarsin*, in which bones were gathered and buried with them; and R. Aqiba maintains that although it is allowed to put together the bones of two bodies in one basket, they must nevertheless not be mixed together; and R. Johanan b. Nuri maintains that it is no use separating them, and advises what one shall do when he wishes them to be kept separate.

[56:E1](#) E. Because a man is more excitable than a woman.

[56:F1](#) F. Tzitzith--the fringes (see Numb. xv. 38)--and *Palium* in our times is called Tallith, in which the show-fringes are put in, and are worn during prayer.

[56:G1](#) G. Speaking above of men who must not see the body of a woman, the Mishna tells also that it is not customary for a son to see his father or his father-in-law, whom he must respect, naked. As to the husband of his sister, however, there must be another reason--lest he see some deformity in his body, and inform his sister of it.

