

OVERVIEW of the Daf

1) Rending a garment (cont.)

R' Ashi unsuccessfully challenges Ameimar's source for the obligation to rend a garment while standing.

Another challenge to Ameimar is presented and accepted.

An alternative source for this halacha is offered.

This source is unsuccessfully challenged.

2) The restrictions of mourning

A Baraisa lists the restrictions that apply during mourning.

The Gemara elaborates on the leniency to allow teaching Torah when the mourner is needed by the public.

A Baraisa records the dispute between R' Eliezer and R' Yehoshua concerning a mourner wearing tefillin while mourning.

The source for each position is identified and each position explains how to interpret the other's source.

Ulla rules in accordance with R' Eliezer on one point and like R' Yehoshua on a second point.

The exact meaning behind Ulla's ruling is explained, i.e. on the second day of mourning the mourner removes his tefillin when a new person arrives and then puts them on after that person leaves, and supported by a Baraisa.

Rava disagrees and maintains that once the mourner put on his tefillin they are not removed.

Rava's ruling is unsuccessfully challenged.

3) The first three days of mourning

Three Baraisos are cited that distinguish between the first three days of mourning and the remaining four days.

4) Greetings

The ruling of the last Baraisa, i.e. a mourner may not greet others is unsuccessfully challenged.

The Baraisa's ruling that after shiva the restrictions against greeting cease is challenged and it emerges that one should not greet a mourner until after thirty days.

The statement in the Baraisa that after thirty days words of comfort are not offered to the mourner is challenged.

The Gemara distinguishes between one who is mourning for a parent and one who is mourning for other relatives.

5) Arriving late to the Beis avel

A Baraisa spells out the mourning guidelines for one who arrived at the Beis avel after shiva has begun.

R' Chiya bar Abba asserts that the Baraisa's ruling that one who arrives at the Beis avel within the first three days counts with the others refers to where the leader of the household is present. ■

Distinctive INSIGHT

Torah study for a mourner

ואסור לקרות בתורה

The Gemara teaches that a mourner is not allowed to study Torah. Ritva deals with the question whether a mourner may study sad or tragic passages of Torah, as we find is permitted on Tisha B'Av, when everyone is in a state of mourning for the destruction of the Beis Hamikdash (see Ta'anis 30a). On the one hand, we find that there are aspects of Tisha B'Av which are more stringent than a mourner. On Tisha B'Av no washing is allowed at all, including with cold water upon one's hands, which is allowed a private mourner. From this perspective, we could argue that learning sad passages of Torah should be allowed for a mourner. On the other hand, a private mourner has certain stringencies not found on Tisha B'Av. He must cover his head (עטיפת הראש), collapse the tables in his house, and he may not leave his house. Perhaps, therefore, his study of Torah should also be more curtailed more than we find on Tisha B'Av.

Ritva (and תד"ה ואסור) rules according to Rabeinu Yitzchok, that a mourner may learn Torah subjects which contain sad or tragic content, just as is allowed on Tisha B'Av. Tosafos HaRosh also rules leniently, and he adds that the custom was that mourners studied the halachos of mourning featured in Massechta Moed Katan.

As far as the rationale for the opinion which prohibits a mourner from learning even these Torah topics, Tosafos and Meiri explain that a mourner is supposed to be silent

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REVIEW and Remember

1. What is the source that one must rend his garment while standing?
2. When is a mourner permitted to wear tefillin?
3. Is a mourner permitted to perform work?
4. At what point should words of consolation not be offered to a mourner?

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HALACHAH Highlight

Is a mourner obligated to study Torah?

ואסור לקרות בתורה ובנביאים ובכתובים ולשנות במשנה במדרש ובהלכות ובהש"ס ובאגדות.

The mourner is forbidden to study the Torah, the Prophets or the Writings. Nor may he learn the Mishnah, the Midrash, the Braisos, the Talmud or the Agadah.

This prohibition for the mourner to engage in Torah study is indeed codified¹; however, an exception is made for the laws of mourning and topics of a similarly sorrowful nature, such as *Iyov*². In this matter, the Poskim disagree whether a mourner is obligated in the Mitzvah to study Torah for the permitted areas of study or not.

Rav Yehuda Ayash³ opines that a mourner is פטור (fully exempted) of the obligation to study Torah. Thus, if he desires he may study the permitted areas of learning, but if he does not desire to do so, his inactiveness of study is not deemed a transgression. Rav Ovadiah Yosef⁴ advances an interesting proof to this view based on the singular opinion of the Geonim⁵ that on any day during which one may not study Torah, such as a mourner or Tishah B'Av, it is forbidden to recite Birkas HaTorah (the blessings over the Torah). Rav Yosef questions this being that there are Torah topics that may still be studied, thus why aren't Birkas HaTorah recited⁶? It must be that the Geonim maintained that in those circumstances one may study the permitted Torah topics, but one is not obligated to do so, and therefore one does not recite Birkas HaTorah⁷. However, both Rav Yikusiel Yehuda Halbershtam⁸, the Klausenberger Rav, and Rav Ovadiah Yosef⁹ write at length to chal-

(Insight. Continued from page 1)

lenge point by point the view of Rav Yehuda Ayash, and conclude that the requirement to study Torah exists even in these conditions¹⁰, but is limited to the Torah topics permitted. ■

There is a difference of opinion among the Rishonim whether a mourner may study the halachos of mourning, or if he may only study the sad and tragic topics which are specified for study on Tisha B'Av. Ritva writes that it is permitted for a mourner to study halachos of mourning "in order to know what to do." This suggests that regular study of these halachos is not allowed, even though these are unhappy topics, unless it is for a practical purpose for him to know how to conduct himself. Tosafos and Ravva seem to hold that study of tragic topics and the halachos of mourning are in the same category, both being permitted. ■

1. שו"ע יו"ד (סי' שפד ס"א)
 2. ע"י שו"ע שם (סעיף ד)
 3. שבת יהודה (יו"ד שם). ובעקבותיו כ"כ רבי מנחם עזריה מאיר קאסטילנובו בסי' מסגרת השלחן (יו"ד שם)
 4. שו"ת יביע אומר ח"ב (חיו"ד סי' כז אות ב)
 5. תשובת הגאונים הוב"ד בשבלי הלקט (הלי שמחות סי' כו, עמ' קעז)
 6. ואכן כן העיר בשבלי הלקט גופא (סדר תענית ר"ס רסט, עמ' קכט)
 7. וכן הסבירו המו"ל של חידושי הר"ן למוע"ק כאן (הערה 10, עמ' נג)
 8. שו"ת דברי יציב (חאו"ח סי' רמ)
 9. שו"ת יביע אומר ח"ח (חיו"ד סי' לה)
 10. ע"י בדי השלחן (סי' שפד בביאורים לס"ד ד"ה מותר לקרות) שיש להחמיר מדין ספיקא דאורייתא לחומרא. [נראה גם לרי"ח סופר בסי' כרם יעקב (סי' ו', עמ' נב ואילך)] ■

STORIES Off the Daf

Learning the Laws of Mourning

"ואסור לקרות בתורה..."

As we see on today's daf, a mourner is not allowed to learn.

When the Rogatchover Gaon, zt"l, was in mourning he didn't stop talking in learning. When he was asked how he could act against the Gemara in Moed Katan 21a and the Shulchan Aruch and all mefarshim, he explained, "It says in the Yerushalmi that a mourner is permitted to wash if he has sores on his head since he is anyway in pain. I am literally in pain without learning!"

When Rav Tzvi Pesach Frank, zt"l, lost his sister, they had the levaya and then the Rav of Yerushalayim did a very unusual thing. He took out a Gemara and started learning for an extended period of time. Eventually, he stopped learning and put the Gemara away.

When asked to share the basis of his acting leniently, he said, "Pikuach nefesh overrides anything with very rare exception. I felt like I was in this situation, so I learned until I recovered sufficiently from the shock so I could bear it. I then stopped because it is forbidden to learn!"

The Chida, zt"l, tells about a certain Rav who would learn the laws of mourning alone when he was mourning. He would learn in depth with a lot of alacrity

and would jot down any chiddush that came to him. Eventually he printed this in a sefer.

The Chida writes that this is prohibited since there is no greater joy for a baal Torah than this! The heter to learn the laws of mourning is only to study the simple meaning, as the poskim write about learning on Tisha B'av.

Even so, the Maharsham, zt"l, writes that the Chasam Sofer, zt"l, clearly learned the laws of mourning in depth while in mourning.

The Beis Yisrael, zt"l, said, "It is forbidden to learn while in mourning because this brings one to joy. We see from here that learning without joy is not really learning!" ■

