

Pesach and Succos begin and end with holy days, during which most forms of labor are forbidden. The intermediate days are called “Chol Hamoed” - literally, the ordinary part of the festival. These days have a lesser sanctity than the first and last day, but still have more sanctity than regular days. Therefore, some work restrictions apply. This volume is therefore, called Moed Katan - ‘minor festivals’ and it details the rules of conduct on those intermediate days.

The laws regarding work have the same prohibition as Shabbos and Yom Tov, with the following exceptions (Work toward these items is permitted):

- Davar Haavaid - Something that will be lost, i.e., loss of capital or damage to property, but not loss of an opportunity to make a profit.
- Ochel Nefesh - Food for human consumption.
- Poel she’ayn lo mah ochel - A laborer who has nothing to eat.
- Festival needs
- Communal needs

# וְעוֹשֵׂינָם כָּל צוּרְכֵי הָרִבִּים

And can do all work that the community needs.

Community needs may be met during Chol Hamoed, since it is a time when people are free of their own obligations and they can help the community. If they did not help, the community would lose those benefits. This is considered a Davar ha'aved, a loss of principle.

For example, fixing roads, irrigation canals, mikvah, grave marking, or transfer of property announcements are permitted, so people can object and avoid legal battles later.

It is a need of society to have laws, rules and a system of justice.

# וְיוֹצְאִין אֶת עַל הַכְּלָאִים

And they go out to inspect fields for kilayim.

Many activities are permitted on Chol Hamoed in order to prevent a loss.

However, mentioned in our Mishnah is an activity the bais din must perform. It must send out messengers to uproot kilayim. This is required activity, all the others are merely permitted.

If there are mixed seeds in a field, all Kohanim must stay out of it. It is considered to be like a cemetery which they are prohibited to enter. Mixed seeds is compared to the impurity of the dead. Our obligation to ‘place markers on a grave’, is listed in our Mishnah, adjacent to the Mitzvah ‘to uproot mixed seeds’ (so Kohanim would be allowed go there). Both create impurity.

וְיוֹצְאִין אֶף עַל הַכְּלָאִים

And they go out to inspect fields for kilayim.

We can use Shaatnes to cloth the dead. Since both are impure, no harm is done.

Usually we are told not to mock the dead. For example, we are not allowed to wear our tzitzis out in a graveyard. It is like showing the dead that we can do a mitzvah that they can no longer perform. Here, clothing the dead in Shaatnes could be considered mocking them.

This is not so. It is merely acknowledging the status of both as being impure.

## תולדות לא אסר רחמנא

Secondary acts (Toladot) are not biblically prohibited (as would be primary acts – Avos)

The Mishnah permits watering a thirsty field during a Shmittah year, as it does on Chol Hamoed. It is either planting or plowing that is prohibited on Shabbos and should also be prohibited on Shmittah.

All agricultural activities are prohibited on Shabbos. Avos and Toladot are all prohibited. On Shmittah, only Avos are prohibited.

Plowing is an AV for Shabbos, but is only a Toladah in regards to Shmittah.

## אִתְּמַר הַחֹרֵשׁ בְּשַׁבְּעִית

One who plows on the seventh year (Shmittah).

The punishment for plowing on Shmittah- One Rabbi says he incurs lashes and the other says he does not.

It is an important prohibition that people should be aware of.

There was a Rabbi in Tel Aviv who was very devout and scholarly. He had a garden built on his property containing fruit trees and flowers. This was entirely out of character for such a Talmid Chacham.

After a few years it became more clear. One day the Rabbi announced this year is Shmittah and I hereby declare these fruits ownerless. This publicized the rules of Shmittah and many who never learned to observed them, became aware and followed the halachahs of Shmittah.

אָמַר לִיה אֵימּוֹר כֶּךָ הִתְּנוּ בֵּינֵיהֶן

They stipulated between them.

We have a principle that a later court cannot abolish an edict of another earlier court, unless it is greater in wisdom and number. Yet we see in our Gemara that Rabban Gamliel overturned an enactment of Beis Shammai and Beis Hillel. For example, Pesach and Shavuot are the deadline for plowing grain fields and tree fields respectively. Rashi and R Gamliel permitted both up to Rosh Hashanah.

אָמַר לִיה אִימור כָּף הַתְּנוּ בִּינֵיהֶן

They stipulated between them.

When the court set up the enactment, they stipulated that future generations could overturn their enactment.

Such a stipulation to permit later generations to overturn it is very important, in case the enactment creates a stumbling block.

## בְּשֶׁלְמָא מִי קִילּוֹן

It is understandable that water from a well is forbidden for watering.

Two workers are hired to dig a ditch 4 feet deep and 40 feet long. They work at different times. The first worker digs 2 feet deep and 40 feet long. The second worker comes and claims that it is not fair; the first worker dug the easy part and now he must dig the deeper part and lift the dirt much higher. What is your opinion? Should the second worker earn more than the first?

Where do we learn that ‘deeper’ means ‘more exertion’?

From our Gemara: We cannot water from a well because it requires excessive exertion drawing the water up from deep, but we could water from a pond whose water level is on the surface.

## מְצִינֵין אֶת הַקְּבָרוֹת

One may mark the graves.

Where do we learn that we are to erect a monument, a ‘matzevah’?

Is it a tradition or is it from the Torah?

Rashi and Tosophos write that to erect a matzevah for a deceased is derived from halachah l’Moshe m’Sinai and its purpose is to:

1. Warn the Kohanim about the presence of Tumah.
2. To provide a seat and resting place for the nefesh.

It should be at least 3 x 3 x 1 tefach.

What should you do if a person specifically directs his family not to place a matzevah on his grave after he dies? The family should not adhere to his wishes.

Some erect a matzevah immediately after Shiva, others at a later date.

אַל תִּקְרֵי „וְשָׁם” אֶלָּא וְשָׁם דְּרַךְ אֲרָאָנוּ

Don't read it as 'V'sam' rather read it as 'V'sham'.

One who sets the way. One who appraises the way, “A person who appraises his way, God will show him salvation.”

This phrase was used in the discussion regarding donating a kidney or part of a liver as a live donor and weighing the risks to your health, versus the great Mitzvah of saving a life. You are to appraise the relative risks and HaShem will help.

דְּכָל יוֹמָא הָוָה מְקַשֵּׁי לֵיהּ  
בְּשַׁבְּתָא דְרִיגְלָא לֹא הָוָה מְקַשֵּׁי לֵיהּ

A pupil would ask questions daily, but on a Shabbos before a festival, he did not ask questions.

And his Teacher R Yannai applied the verse to him that “one who appraises the way will be shown the salvation of God” (Psalms 50:23).

Rashi says the student was praised for not challenging his teacher where so many people were present, for perhaps he might not have a ready answer and be embarrassed.

Maharsha finds it inconceivable that R Yannai would not be able to answer. Rather, he explains the concepts that R Yannai shared with the public, were not complex nor did they create contradictions that needed to be questioned. The student merited a reward for recognizing the venue he was in and conducting himself properly.

צורֶבֶת מִרְבֵּנוֹ דְּאִיִּקָּא בְּמִתָּא כָּל מִילֵי דְּמִתָּא עָלֶיהָ רַמְיָא

Where a scholar lives in a city, all local matters are referred to him.

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Eidnah Rabbathi - The true guardians of a city are her scribes and Torah Scholars.

R Bachya Ibn Paguda - One should not rely on his own efforts, but trust in God to elicit  
Divine aid.

Rabbeinu Yonah - Divine service endures by virtue of those who learn Torah.

## שְׁשָׁתוּ לְפָנַי הַמוֹעֵד

Plants that were watered before the festival.

Is it permissible to water a field by opening a water channel (or in our day setting a timer) to provide water during Shabbos? Or during Shmittah?

The prohibition against performing malachah on Shabbos is derived from the words “do not perform any work.” The prohibition is on the person. The activity may be done as long as it does not involve any activity on his part. Therefore, it is allowed to provide water without his actual ‘activity’.

During Shmittah we are taught that “the land should rest for HaShem.” The land should be allowed to rest. Therefore, it is not permitted to provide water, even if it requires no activity on the part of a person.

אֵין וְהִתְנַיֵּא

And it was taught in a Baraisa:

On a day in which you observe Tsaraas and a day that you do not observe Tsaraas. If a Kohen finds a Tsaraas affliction, he is not to declare the person Tomei during the festivals of Pesach, Shavuos or Succos, times of national celebration, or during the first 7 days of his marriage. The Kohen should wait until these days of simcha are over. Is it allowed to delay the announcement by the Kohen? Look at the Posuk in Leviticus (Vayikra 13:3) “and the Kohen shall look at the affliction on the skin of his flesh”....

The Kohen shall look at it and declare him impure. The two appear repetitious. No, the first time the Kohen concentrates on the lesion and the second time he looks at the person and considers the situation.

The fact that he is instructed in the Torah to “look” twice, suggests the Kohen is allowed to delay his declaration and avoid those times mentioned above.

## מִלֵּקֵט אָדָם עֵצְמוֹת אָבִיו וְאִמּוֹ

A person may gather the bones of his father and mother on Chol Hamoed.

Moed Katan is filled with rules related to mourning and people avoid learning it, so as not to be reminded of such prospects,. Once the Chafetz Chaim remarked that this Mesechta demands study. We will have to study it to know how to deal with conditions of mourning. It is better to study it intellectually, without necessity, than to do so when we must.

Studying it may makes it less necessary to practice it.

לֹא יַעֲזֹרֵר אָדָם עַל מֵתוֹ וְלֹא יִסְפִּידְנוּ קוֹדֵם לְרֶגֶל שְׁלֹשִׁים יוֹם

A person may not inspire eulogies or eulogize his relative for 30 days before a Yom Tov.

Because after the eulogy, the memory of the deceased will remain fresh in a person's heart for 30 days. A eulogy so close to Yom Tov will cause a person to mourn on Yom Tov.

However some say:

1. If the person died within 30 days of a Yom Tov, it is permissible to eulogize him. Perhaps this is because he will be mourned on Yom Tov anyway and a eulogy will be helpful to the mourning process. The dead person will have been warmly honored.
2. If he is not a relative and the eulogy is to extol the Torah Study of the deceased, it is permitted.
3. If he is a great Torah Scholar, eulogies are not permitted, because he is considered close, like a relative to everyone in his generation, if he is a great Tzaddik.

## וְקַבְרוֹת בְּבִנְיָן

And tombs are made by building above the ground.

May we bury Jewish people in a mausoleum?

Burial in a casket, in a grave below ground, is universally recognized.

However, alternative methods were commonly used in the past, as alluded to in our Mishnah.

Custom, status of the topsoil and water table may dictate the practices chosen.

Must we be buried in the ground without a casket or a casket with holes or with earth beneath our heads?

Shach - Need direct contact with the earth – drill holes.

Beer Hatev - It is permissible to provide a pillow of dirt under the head of the corpse.

Radbaz is more lenient. He suggests that everything, including the casket is from the earth and returns to it, therefore, no special additional contact with earth is needed.

It is permissible, though not common today, to use a mausoleum.

12 Moed Katan 8b3 line 32 A17  
Weiss #48  
Weinbach p 247  
Bleich 3:24

לְפִי שְׂאִין מְעַרְבִין שְׂמֵחָה בְּשִׂמְחָה

One may not mix one rejoicing with another.

- The dedication of the Temple was not done during the festival of Succos by King Solomon (Kings I 8:65) but several days before Succos.
- Regarding our forefather Yaakov: (Gen 29:27) Fulfill the week of this one (Leah) and then we will give you the other (Rachel).

Weddings are not held during Chol Hamoed :

- so as to not mix simcha with another simcha.
- so that the work of preparing a wedding not be expended during Chol Hamoed.
- so you can “rejoice in your festival” (Devarim 16:14) which implies an exclusion of “joy with your new wife.”

## כָּאֵן בְּמִצְוָה שְׂאֵפְשֶׁר לַעֲשׂוֹתָהּ עַל יְדֵי אֲחֵרִים

Here he speaks about a Mitzvah that could be fulfilled by others .

Here it refers to a mitzvah that cannot be fulfilled by others?

If you are engaged in Torah learning, can you delay getting married?

Rambam: Yes

Rav Wasserman: Yes, but only to delay marriage. You are not exempt from, “be fruitful and multiply”.

Rav Moshe Shik: The mitzvah to procreate is not incumbent on the individual, but is a community obligation, so as to inhabit the world. Therefore, if he studies he is exempt from marriage!

Someone else can do the Mitzvah for you.

Can you fulfill the Mitzvah of bikur cholim by telephone?

# אָמְרוּ לֵיהּ יְהֵא רַעְוָא דְתוֹרַע וְלֹא תְחַצֵּד

May it be his will that you sow, but do not reap.

That you sow your field  
but not harvest

-refers to having children who will survive  
- and not die in his life time

That you take in but  
not bring out.

-that his sons shall bring in daughters-in-law  
- to his house and never have to leave because  
Chas V'sholem, a son might die.

That you bring out but  
not take in

-i.e., marry off his daughters and never have  
- to bring them back, through death or divorce.

Let your house be destroyed  
(empty and your inn, occupied)

-i.e., your grave remain empty  
-and your place in olom habah be secure.

May your table be turned over  
and may you may see a new  
year

-i.e., surrounded with children  
- a new first year of marriage, as he enjoys a long  
life with his wife.

Just as Yaakov Avenu's sons understood the deeper meanings to his blessings, that might on the surface have sounded harsh (Gen 49:28).

וְאָמַר רַבָּא

Rava says.

Rava says any amount of business is forbidden.

Rabbi Yosi Bar Avin says in a case where one will suffer a loss, it is permitted.

The common practice is, however, that people generally do their work on Chol Hamoed.

The Chasam Sofer advised that Rabbi's not protest the prohibited practice. It is better if people violate inadvertently, rather than intentionally.

The purpose was to allow time for Torah study. However, since people don't study but usually waste their time, it is better to suspend the restrictions against work. A person with nothing to do, tends to sin. Just as we allow work to avoid a loss, we should allow work, to avoid a sin.

# רַב יְהוּדָה שָׂרִי לְמִישְׁקַל טוֹפְרִיהָ לְחַמְרָא דְרִיחִינָא

Rav Yehuda ruled it permissible to trim the hooves of a mill donkey.

The Halachas:

On Chol Hamoed work may be done to avoid loss of money:

-so he may not lose his job or lose his customers.

Working for new profit is not permitted.

If it does not jeopardize his job and is only a brief period of income loss, he is not justified in working on Chol Hamoed, unless he would lack the basic necessities by that loss of money.

Chaye Adom - A person needs work to be done and it would be cheaper now, on Chol Hamoed. This is considered an increase in profit and is not permitted. To get a bargain is considered profit, even if done by a non-Jew.

Any work I can't do myself, a non-Jew may not do for me either..

A person wants to buy wine cheaper during Chol Hamoed for an entire year. It is not permitted, (see Tosophos) unless he won't be able to buy it all. Then it is permitted to buy it during Chol Hamoed.

Necessity - The Rosh says (in Moed Katan) that if it is the time of harvest and it is cheaper, then he may buy it, even on Chol Hamoed.

רַב יְהוּדָה שָׂרִי לְמִישְׁקַל טוֹפְרִיהָ לַחֲמָרָא דְרִיחִיָּא

Rav Yehuda ruled it permissible to trim the hooves of a mill donkey.

The guidelines are more lenient in case of buying and selling, than for work by yourself or others, on your behalf.

There is a famous question at the end of the last chapter of Moed Katan :

Question: On Chol Hamoed, a river overflowed and there were a lot of fish available free of charge. Are you allowed to collect them and save them for the future?

Answer: If you could use some of the fish for Chol Hamoed, it is permitted, but if you can't use any of them for Chol Hamoed, you may not go out to gather and/or save them. It is considered lost profit from an unexpected opportunity

If a caravan comes 1-24/year and arrives on Chol Hamoed and you could buy cheaper, it is permitted, Why? You are not losing something you have, but lost profit? What is the difference. This is a Shionah, he depended upon it!

Work for business is more acceptable than work for personal use

Rosh: If he buy wine, he must store it, he must get barrels and fill them. He gives permission for this

Raavid - There is no difference between buying and selling (Pakamatria)

Why? Because the business man relies upon this caravan. Therefore, it is not mere profit.

It is, therefore, considered a Davar Avid.

# רַב יְהוּדָה שָׂרִי לְמִישְׁקַל טוֹפְרִיהָ לְחֻמְרָא דְרִיחִיָּא

Rav Yehuda ruled it permissible to trim the hooves of a mill donkey.

The difference is between a mitziyah (a found item), which is not permitted and Revach (profit) and a Shiorah (regular expectation, counted on it) which is permitted.

A sudden close out sale- You cannot take advantage of. It is unexpected profit.

You are permitted, however, to repair your barrels. This should not be permitted since it is a malachah gamura. However, since you are allowed to buy, you should be allowed to repair the barrels, especially if you did not know they were defective. The Rabbis says that it is still permissible to buy the wine, even if you know the barrels are defective!

Chol Hamoed is not a Yom Tov, but does have some Kedusha. Therefore, this is actually ‘by the way I have to fix my barrels’ and fixing is not the main task. Therefore, on Chol Hamoed it is permitted. This task is enabling and not the main Task.

You can’t take advantage of an unexpected bargain, like a clearance sale.

But if it is an expected reduction in price seasonal, i.e., (a mitziyah) a caravan coming – it is permitted.

## וְהוּא סֵבֵר אָדָם חָשׁוּב שְׂאֲנִי

However, he ruled that an important person is different.

An important person is one whom the community holds in esteem.

His behavior is to be on a higher plain than others, even going above the minimum requirements. He must be more stringent and distance himself from even the appearance of impropriety. An example used in the Gemara: You are not to work during your period of mourning. If your animals had been hired out before your mourning period, they may continue but Mar, the son of Rav Acha cancelled his agreement, so as not to permit the public to think that he may have created the contract during his period of mourning.

Contemporaneously is used to stress that prominent persons in the community or in the synagogue, serve as examples of congregational norms.

## אין מסנין מבית לבית

It is prohibited to move items from house to house .

It is prohibited to move items from house to house, in another courtyard or through the public domain.

People will see him carrying and may think he is engaging in weekday activities.

Carrying is considered a minor Malachah and is, therefore, argued by the Meiri that there is no restriction.

We can learn from our Gemara that carrying is permitted, since it specifies that moving items from house to house is prohibited. This implies that moving objects involving less exertion would be permitted, otherwise the Gemara would have specified that even less than “moving” would be prohibited.

Rambam and Tur do not list carrying as one of the activities prohibited on Chol Hamoed.

A common practice for generations is to be lenient in this regard.

### Introduction to Chapter 3

This chapter elaborates on the laws and practices of mourning. A person is obligated to mourn his 7 closest relatives (father, mother, brother, sister, son, daughter or spouse).

From the time of death until burial (or on the day he hears of the death, even if burial has occurred, until that night) he is in the “onein” state of mourning.

Shivah - Upon burial, the mourner enters a 7 day period of Shivah.

From 7 days until the 30<sup>th</sup> days is the Sheloshim period.

From 30 days until the end of 12 months, in the case of father or mother, he is a mourner, an “ovel” and is to say Kaddish until the end of the eleventh month.

The mourner is required to perform Kriyah- tear his garment at the time of death or before the burial.

Shivah customs- Not to have a haircut, wash his clothes, marital relations, wear shoes, work, learn Torah or greet others.

Sheloshim customs -Continue same as above, only regarding no haircut, no freshly laundered clothes, not to marry, not to attend celebrations and not to travel long distances on business.

Year customs- Some restrictions apply to a lesser degree for 12 months.

## מֵאֵי טְעֻמָּא

What is the reason?

In order that he not enter the holiday unkempt.

Do we permit a person to have a haircut on Chol Hamoed?

No, unless he had a haircut before Yom Tov and entered the holiday properly prepared. We permit him to have a haircut if he was preoccupied with a lost object (such an excuse is permitted, since it is a matter beyond his control). It is permitted especially if it is publically known that he was preoccupied or had extenuating circumstances. Those who see him later and note that he had a haircut or beard trim, will not mistakenly think it is a generally permitted activity. The extenuating circumstances may be such as, having just arrived from overseas or was just out of prison, or has come out of being a Nazir, etc.

## בְּעֵי רַבִּי זִירָא

### Rabbi Zaira inquired.

If a person was preoccupied looking for a lost object and failed to get a haircut before Yom Tov, he may do so on Chol Hamoed.

If a person forgot to recite Shemoneh Esrei, he can makeup for the missing prayer by reciting it twice at the next Tefillah, but only if the failure to pray was due to circumstances beyond the person's control.

What is the opinion if he missed saying the prayer due to monetary concerns?

We learn from our Gemara, that a person who is unable to get a haircut before Yom Tov, because he was searching for a lost object, i.e., of monetary value, is permitted to have a haircut on Chol Hamoed, because he missed due to circumstances beyond his control. We are able to learn from this that a person who missed saying the Shemoneh Esrei due to, i.e., negotiating a contract, etc., may consider that beyond his control and would be permitted to make up the prayer.

## וּמִנְלָן דְּאִי מִתְּפַקֵּר בְּשְׁלִיחָא דְּבֵי דִינָא

Where do we learn what is to occur if the defendant vilifies the court's agent...  
and the agent tells the court that it is not considered Lashon Hara?

Is it ever permitted to speak Lashon Hara?

Rava teaches a series of laws applying to how Bais Din summons a person to court, If the court appointed emissary is greeted with scorn and disrespect, the emissary is to report back to the court that the defendant resisted and was insulting. Though his words malign the defendant, they are not considered Lashon Hara. This is permitted to improve the power of the court to serve justice. A person may not vilify the court or its agents.

Proof that this is permitted comes from the Torah. When Dasan and Aviram refused to obey the messenger sent by Moshe, to come before him, the messenger repeated the disrespectful comments that Dasan and Aviram said. (Num 16:12, 14, 15)

A person may also speak Lashon Hara about a quarrel monger. This refers to the advice of Nosson Hanavi to Bathsheva, to tell David Hamelech about the rebellious behavior of Adoniyahu,. But only if it will help settle the quarrel.

## אָבֵל אָסוּר בְּשִׂאִילַת שְׁלוֹם

A mourner is forbidden to engage in greeting (others (for 30 days)).

There is a debate about whether greeting mourners is a biblical prohibition (i.e., you shall love your neighbor and Ex18:20) or Rabbinic (Rambam, Hilchos Avel 14:1, and Rashi, Sanhedrin 70b)

But there is no public mourning on Shabbos, how do we greet mourners on Shabbos?

## אַף דְּבַרֵי תוֹרָה בְּסֵתֶר

So too, the words of Torah, should be said in a private setting.

Another example when Lashon Hara it is permitted:

Rebbi instructed teachers not to teach in the streets or market places.

He quoted the Song of songs 7:2, “Your hidden thighs are like jewels”,  
i.e., thighs are to be kept private.

Nonetheless, Rav Chiya taught his two nephews Torah in the market place.

Rebbi called Rav Chiya and spoke disparagingly to him. This is not Lashon Hara.

A teacher is permitted to speak with strong language to reprimand.

R Chiya said, “I relied on the sentence, ‘Wisdom sings out in the streets (Proverbs 1:20).  
Therefore, I taught in the streets.’”

Rebbi told him, “You did not understand the sentence. The wisdom and learning you demonstrate in the privacy of the study hall, will be spoken of by your colleagues and thus, access the community. Not by your public teaching!”

אֲנִי מוֹשֵׁל בְּאָדָם מִי מוֹשֵׁל בִּי צַדִּיק

I rule over men. Who rules over me? A righteous person.

In the sense that a righteous person can, by his prayers, cancel a harsh decree that God Himself has imposed.

R Y P Berlin notes a similar idea (in B Metzia 85a) where a person who teaches Torah to the son of an ignorant Jew, has the power to cause Divine decrees to be annulled.

However, there is a difference in the two situations.

A Tzaddik has the ability to change a Divine decree only by appealing to God in his prayers to do so. Whereas the teacher who teaches those who had no opportunity to learn, has the merit to neutralize harsh decrees without an appeal to HaShem.

אִם הוֹמָה הָרַב לְמַלְאֲכֵי ה'

If the Rav is like an angel of the Lord of Hosts.

R Aaron Soloveitchik - To be like a messenger of the Lord of Hosts, a teacher should be:

1. Consistent in transmitting the full pattern of Jewish living.
2. Considering himself as a transmitter of the Divine word.
3. Able to communicate a sense of unlimited love for his students and fellow co-religionists.

לִּיהְיוּ הַהוּא גְבֵרָא בְּשִׁמְתָא דְקַעְבֵּר מִשּׁוּם „וּלְפָנַי  
עוֹר לֹא תִתֵּן מִכְשָׁל”

Let that man be excommunicated, for he has committed the sin of “don’t place a stumbling block”.

The maid servant of Rebbe pronounced a ban upon a man, as she saw him strike his son.

Is it still considered a sin if a person sets a stumbling block before someone (Lev 19:14) even if the other person does not falter and sins. For example, a father strikes an adult son. This might cause the son to respond by physically striking his father. The father had thus, set a trap for his son who might respond to the provocation in a sinful manner.

This seems to be sufficient to violate the negative commandment, as seen from our Gemara. It does not require that the other person actually stumble on the stumbling block and the sin is not contingent on the victim actually sinning. Others say the biblical prohibition of placing an opportunity for sin, is only transgressed when the victim in fact sins.

However, Rebbe’s maid servant teaches us that there is an additional Rabbinic injunction against being a quiet witness to the transgression.

לֹא תִתֵּן מִכְשָׁלִים

Don't place a stumbling block.

A stumbling block.

This refers to:

- Bad advice.
- Intellectual blindness.
- Moral blindness.
- Harsh demands on a child, which may lead to disrespect.

## אִם הוּמָה הָרַב לְמַלְאָךְ ה'

If your Rabbi is like an angel of God, request Torah from his mouth.

This phrase suggests that if your rabbi is not like an angel, do not request Torah learning from him.

Who has met an angel to know if his Rabbi is like one or not?

Some criteria of angels:

-Angels do not understand even Aramaic, only Lashon Hakodesh.

-The Rabbi should not impose his Torah learning on you, only if you request it.

Otherwise, he is quiet. An angel does not bombard his audience with unsolicited words of Torah.

-An angel does not think about himself at all, only of HaShem. An angel is not self absorbed. This is from whom you should learn.

-The angel Michael is made of snow and Gabriel, of fire, yet they stand next to each other and do no damage to one another. If your Rabbi is like an angel and he gets along peacefully with others, then that is a Rabbi from whom you should learn.

אִין אָדָם נְחָשֵׁד בְּדָבָר אֶלָּא אִם כֵּן עָשָׂאוּ

A person does not incur suspicion unless he has done the thing.

Either he did it, considered doing it, or permitted others to do it. This is at least a scintilla of involvement.

“Where there is smoke there is fire.”

## אֵין כּוֹתְבִין סְפָרִים תְּפִילִין וּמְזוּזוֹת בְּמוֹעֵד

We do not write Torah scrolls, Tefillin or Mezuzahs on Chol Hamoed.

We do not wear Tefillin on Shabbos or Yom Tov because the sign that Tefillin represents of the covenant, is taken over by the sign of Shabbos or the holiday. We do not need two signs.

Those who suggest that we should wear Tefillin on Chol Hamoed, point out that Chol Hamoed is not a day about which the designation “Shabbos” is mentioned and therefore, we need the sign-Tefillin.

Because of this uncertainty, those who believe we should wear Tefillin on Chol Hamoed, do so without a bracha. In Eretz Israel, the custom was not to don Tefillin on Chol Hamoed.

## שַׁבַּת עוֹלָה וְאֵינָהּ מִפְּסָקָת

In a period of mourning, Shabbos counts toward the completion of the days of mourning and does not interrupt the count.

On Yom Tov the Shiva (mourning) ends.

Yom Tov is a time of Simcha. Mourning, even privately, cannot be done.

Shabbos is a time of pleasure, a state of contentment and spiritual fulfillment.

This is not the same as Simcha. On Shabbos, mourning is conducted privately and it can, therefore, count toward the 7 days of aveilus, 'mourning'.

Simcha cancels aveilus.

If Shabbos interrupted aveilus, we could never have a week, i.e., seven days of Shiva. Rosh Hashanah and Yom Kippur are treated like Shabbos. Shavuos is treated like a Festival.

כָּל שְׁהוּא מְשׁוּם אָבֵל רְגַל מִפְּסִיקוֹ  
וְכָל שְׁהוּא מְשׁוּם עֶסְקֵי רַבִּים אֵין רְגַל מִפְּסִיקוֹ

Whatever pertains to the mourner is curtailed by the festival, while whatever pertains to the public's occupation with comforting him, is not curtailed by the festival.

It is appropriate to extend condolences on Shabbos and Yom Tov, but it is inappropriate to state the formulaic phrase on Shabbos. It is not permitted to mourn on Shabbos.

R Moshe Feinstein - The articulation of the words 'Hamakom Yinachem' on Shabbos is considered drawing attention to the mourner, so that the congregation will know and fulfill their personal obligation to console him later. However, if said right after 'L'cho Dodi', it is done before the onset of Shabbos.

דְּכַתִּיב,, וְהַפַּכְתִּי חַגֵיכֶם לְאֵבֶל׃

It is written, “I will transform your Festivals into mourning.”

How do we know that mourning should last for 7 days?

The Posuk says, “I will transform your Festivals into mourning.”

Just as a festival lasts for 7 days, so too, mourning is for 7 days.

Pesach and Succos (not counting Shemini Atzeres) are 7 days long.

## תְּנוּ רַבָּנָן שְׁמוּעָה קְרוֹבָה נוֹהֶגֶת

The Rabbis taught, if he receives a report of a relative's death in a timely fashion.

He receives a report of a relative's death in a timely fashion:

-He sits Shiva and sheloshim.

However, if he was informed late (i.e., after 30 days):

-He sits only one day- R Akiva

Chachamim( sages) say- Even if he learns about the death late, he should observe a full 7 days of mourning and a full 30 days for Sheloshim.

Whenever you find a single person ruling leniently and the majority stringently, we follow the majority, except regarding the laws of mourning.

So, in a delayed report of death, Shivah is only observed for 1 day, learned from the same posuk that teaches us that Shivah is 7 days.

However, regarding the death of a parent, even if notified 3 years later, the mourning period is 7 days and 30 for Sheloshim.

## אַבִּילוֹת שִׁבְעָה

### Mourning for seven days.

We learn that the source for a seven day period of mourning is derived from Amos equating festival with mourning. (Amos 8:10)

Tosophos asks- Why do we not learn it from Gen 50:10, when Joseph observed seven days of mourning for his father?

Talmud Yerushalmi - Because we only learn certain laws from that which took place before the Torah was given. We can learn laws that logic supports, such as not mixing one Simcha with another. Recall how Lavan insisted that Yaakov complete the 7 days of celebration after Leah's wedding, but it does not pertain to the laws that depend on Torah law.

## אָמַר לִיהָ צוֹדְנֵי תָא בְּעִית לְמִיכַל

Rav Huna asked him, “Do you really want to eat the meal served to mourners?”

Mar Ukva went to observe the laws of mourning for his brother-in-law even though he was not obligated to do so!

This exchange is used to teach a lesson; be certain that when you do a good or a pious deed, it is not for the ancillary benefit, i.e., a good meal, refreshments, etc.

However, we could discuss this. Is it not good to attract people with ancillary enticements, as long as a good and pious deed is actually accomplished?

# קְרִיעָה דְּמַעוּמָד מִנְּלָן

Where in the Torah do we learn that rending of a garment must be done while standing?

From the verse Job 1:20, where Job learns of the death of his children.

“And he stood up and tore his clothes.”

Just as one is required to mourn for a secondary relative, so too, one must rend one's garment upon learning of the death of a secondary relative.

# וְאִסּוּר לְקִרְוֹת בְּתוֹרָה וּבְנְבִיאִים וּבְכַתּוּבִים

A mourner is not allowed to study Torah, Prophets or Writings.

Why?

Rashi-Because it causes joy (Taanis 30a).

May a mourner study sad or tragic passages, as on Tisha B'Av?

Ritva, Rabbeinu Yitzchak, Tosophos, HaRosh – say yes.

However, Ritva limits his learning only the laws of mourning, to know how to follow them.

The reason not to study?

- Some say the mourner must remain silent and therefore, can't learn.
- Some say he is to avoid gladness and study brings gladness.

However, you may learn if:

- You are in pain if you don't learn. Just as a mourner may wash his body if he has sores on it.
- If you feel that learning will save your life. If you are so distraught by the death of a loved one that learning will save you.
- If you learn with no gladness.

## אַתּוֹן דְּלֵא אֲזַלִּיתוּ בְּתַר עֲרֶסָא

Those of you, who do not follow the coffin...

A person who does not attend the funeral, when should he start counting Shiva?

For example:

The deceased is sent to another city for burial:

-Commence as soon as body leaves their presence, since once the body leaves, the people remove their attention from the deceased. This is like closing the grave and Shiva starts.

-Do not commence Shiva until they receive word that the burial has occurred.

If a person is in another city and learns that a relative has died and he has no intention of attending the funeral, Shiva starts as soon as he hears of the passing of his relative. He is considered to have removed his attention from the deceased, as soon as he decides not to attend the funeral.

עַל אָבִיו וְעַל אִמּוֹ

(When mourning) for a father or a mother.

A person should not cut his hair after his mother or father dies, until his friends admonish him that his hair is too long. No matter how long this might take.

No matter how long this might take.

-The custom is to grow hair for 3 months

Rema says- No set time. Everyone is different and when an individual is uncomfortable, he may cut his hair, even if it is less than 3 months.

הַכְּנֻסָּת נִכְנָסִין לְבֵית הַכְּנֻסָּת

And the people of the synagogue, enter the synagogue.

Hearing the Torah reading:

If a person failed to hear a few words of the Torah reading, must he search for another minyan in order to fulfill his obligation to hear the Torah read?

-No Torah reading is the obligation of the community, not each individual. The reading is merely a Takanas Ezra and just being part of a minyan, is good enough. (Except in Moed Katan 22b, we are told that each individual has an obligation to hear the Torah read if a Nasi dies.)

# כָּל שְׁלֹשִׁים יוֹם לְנִישׁוּאֵין

A mourner is subject to the marriage restrictions for the entire 30 days.

At what point may remarrying be permitted to a mourner?

Gemara - After 3 festivals have passed.

Tosophos and Rabbeinu Tam - After 30 days, because the Simcha is for a mitzvah (Peru Urvu).

-Even if he already has children. If he has no children, perhaps he may marry even before 30 days.

-If he has small children, perhaps he may marry even before 30 days, since the children need attention.

Some suggest he may marry within 30 days, but only consummate the marriage after 30 days.

Rabbeinu Tam says – It is permissible even to consummate before the elapse of 30 days.

Time is needed for memory of the first wife to recede, so he does not think of her when he is with the second wife.

„רְאֵיכֶם אֶל-תְּפָרְעוּ וּבִגְדֵיכֶם לֹא-תִפְרְמוּ וְלֹא תִמָּתוּ וְגו' „

Do not grow your hair long and don't rend your clothes and you will not die.

God gave the above order to Aaron and his remaining son, regarding the mourning for Nadav and Avihu.

Rashi-This was ordered, not out of disrespect for them, but so as not to dampen the joy of the inauguration of the tabernacle.

This implies that in most circumstances, a mourner should rend his clothes and grow his hair long. If he does not do these things, he may be subject to the death penalty from Heaven, because anyone who deliberately violates a Rabbinic precept, is deserving of death by the hand of Heaven.

This applies also to marital relations. During the first 7 days, marital relations are forbidden, even on Shabbos.

## כָּל קָרַע שְׂאִינוֹ בְּשַׁעַת חֵימוּם אֵינוֹ קָרַע

Any rent of one's clothing not done at the moment of heated grief, is not a proper rent.

-If he has a shirt, he should rend it.

-If he has no shirt, but later gets one, he can tear it.

Then or anytime within the 7 days.

-If a person changes shirts in the 7 days, he should tear the second also.

-If a person can reignite his grief, he may tear at anytime.

Schmuel rent 13 silk robes in mourning over Rav's passing away, saying,  
"Away has gone the man of whom I was afraid, because of his penetrating questions.  
I crafted my rulings with care, knowing I would have to justify myself to him."  
(24a3 N30)

## כָּל שְׁלֹשִׁים יוֹם תִּינוּק יוֹצֵא בְּחֵיק

If he dies within 30 days, he is taken to the cemetery in the bosom.

He is not taken to the cemetery in a casket.

If a full term baby dies within 30 days of birth:

There is **Aninut**, **Keriah**, burial, Shiva and Shloshim. No eulogy is delivered and burial is performed only by immediate family members. The parents, if they wish, may say Kaddish for 30 days.

If an infant is premature, the above custom is practiced only if he lived more than 30 days.

If the premature infant dies in less than 30 days, he is to be considered a fetus and burial is performed. However, no other rituals are necessary.

## אֵין קוֹרְעִין

None may rend their garments....

except for the relatives of the deceased.

Is this also a true of a sage? It is taught that all are like his relatives.

- We are obligated to mourn any upright person.
- If we are actually standing there, at the departure of a soul, we are to rend.
- If a Torah Scroll is burning, i.e., being destroyed, we rend our clothes.

What is the rule regarding a sage from whom you learned nothing, but whose teachings are mentioned during your studies? You should mourn him.

If he hears of multiple deaths of his relatives, he may make one single tear and expand it. However, he should rend a separate cut for his mother and father.

סָבוּר דִּלֵּא לְמִישָׁלָל קְרַעֲיִיהוּ

They intended not to baste their torn garment.

One may baste the vent in the garments at 7 days and later repair it properly – after 30 days (26a1 N56).

One may not baste the tears in mourning garments for the following:

- Father
- Mother
- Teacher who taught him Torah
- Ruler of the Nation
- AV Beis Din
- Bad tidings on the majority of the congregation
- “Blessing” of God – blasphemy
- Burned Torah Scroll - 2 tears (1 for the parchment and 1 for the script)
- Burned City of Judah
- Ruins of the Temple
- Ruins of Jerusalem

(Moed Katan 26a1 line 1 A1)

## אין מוליכין לבית האבל

One does not deliver food to a mourners house.

One does not deliver food to a mourners house on a tray or large bowl or large basket,

-The rich delivered food on silver and in gold baskets. The poor delivered food in baskets of peeled willow twigs. The poor were ashamed. Therefore, all must bring in willow baskets.

-The rich drank in clear, plain glass, the poor in colored glass. Therefore, all should be served in colored glasses.

-The rich would have uncovered faces, while the poor covered their faces, since often, they died of famine. Therefore, all faces should be covered.

-Place incense under the body. The rich were clean and smelled good, but the poor were not so fresh and they were ashamed. Therefore, all to have incense under their bier.

-The rich buried in their family in expensive clothes. The poor were so ashamed that they left the dead and fled, finding it more expensive to bury them, then it had been before their death.

Therefore, all people are buried in plain clothes, worth no more than a zuz.

## הַתְּקִינוֹ שֶׁיְהוּ הַכֹּל מוֹצִיָּאִין בְּכִלְיָהּ

The Rabbis ordered that everyone should be taken out on a bier.

There was a case in Los Angeles. A law was proposed that all bodies brought to a mortuary had to be immediately washed. The deceased may be carrying bacteria or viruses and in this era of fatal infection, HIV, etc., mortuary personnel require this safety measure.

- Does this procedure interfere with the ritual washing by the Chevrei Kadishah?
- Can this immediate washing be done by a man or a woman for a deceased of the opposite sex?

Ans: One may do everything necessary for the dead, even on Shabbos (Shabbos 151a) including wash, rub with oil (out of respect. MK 27b says) and we should put on incense, so he will smell good. Therefore, washing is permitted.

The mortuary personnel feel that same gender restrictions, impugn their professionalism and therefore, object. However, Jewish law does not allow us to do to the corpse, that which he/she might not have chosen for himself. For example, if alive, a woman might choose to go to a female doctor and vice versa. Therefore, since they can't tell us themselves, we must protect their modesty. No matter the cost.

אַל-תִּבְכוּ לְמַת וְאַל-תִּנְדּוּ לוֹ,,

Don't cry for a deceased and don't shake your head for him

beyond proper measure.

Proper measure is:- 3 days for weeping

- 7 days for lamenting

- 30 days for refraining from pressing clothes and haircutting

For God says, “You are not more compassionate than I am!”

Thus, if God took that person prematurely, it was appropriate as only God knows and it is inappropriate to mourn the loss to excess.

Rashi (Ein Yaakov 27b4 N38)

בְּכֹוּ בְּכֹוּ לְהֵלֶךְ בִּי לֹא יָשׁוּב עוֹד וְרָאָה  
אֶת-אֶרֶץ מוֹלְדוֹתָיו׃

Cry intensely for one who leaves, because he will not return again to see the land of his birthplace.

Cry for a person who passed away. He will not return.

Rav Huna interprets this verse differently in keeping with his previous statement.

‘Once a person sins and repeats it. It becomes permitted to him.’

Is it really permitted to him? No, but in his own mind, he loses his inhibitions.

- “One who leaves” i.e., one who goes after his hearts desire.
- “Won’t return”, – won’t repent.
- “To see the land of his birth”, i.e., heaven, where his soul originated.

מֵה פָּרָה אֲדוּמָה מְכַפֶּרֶת

אֵף מִיְתָתוֹן שֶׁל צַדִּיקִים מְכַפֶּרֶת

Just as the Red Heifer effects atonement, so the death of the righteous effects atonement.

R Saul Weiss - It is paradoxical. A defiled person is made clean by the ashes of the Red Heifer, whereas all who participate in this purification rite are rendered “impure”.

The death of the righteous also produces a paradoxical effect. The terrible loss to mankind of a great Tzaddik, gives rise to a great gain to mankind, namely atonement for our sins.

## מֵת בְּחַמְשִׁים שָׁנָה זֶה הֵיא מִיתַת קָרָת

Death at 50 is Kares.

Death - at 60 is “at a mature age”.

- at 70 days of our years – normal.
- at 80 strength.

Sudden death is also Kares, but sudden death after age 80, is by “divine kiss”.

The length of a person’s life, number of children and his material sustenance are based on Mazel, but can be influenced by prayer of exceptional devotion and intensity.

חַיֵּי בְּנֵי וּמְזוֹנֵי לֹא בְּזָכוֹתָא תְּלִיָא מִיְלָתָא  
אַלָּא בְּמִזְלָא תְּלִיָא מִיְלָתָא

Length of life, children and sustenance depend not on merit, but rather on Mazal (luck).

Rambam - Denounces astrology (planetary positions), as an irrational illusion (Epistle to the Jews of Marseilles)

R Elimelech of Lizhensk - Mazal refers to the merit of the fathers (Zechus Avos).

Vilna Gaon - Divine providence (hashgacha pratis) conducts the destiny of the universe and since man does not understand it, it is called Mazal,