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**Tzvi Gershon Ben Yoel (Harvey Felsen) o"n**

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## ***Burying, Watching and Guarding***

The *Gemora* infers from our *Mishna* that this is the rule for a dead relative (*that when he is occupied in burying him, he is exempt from the Shema and other mitzvos*), but not for one (*a different dead body*) whom he is merely watching (*to protect it from mice*). [*In such a case, he will not be exempt from mitzvos!*]

The *Gemora* asks: But it has been taught in a *braisa*: One who watches a dead body, even if it is not his own relative, is exempt from reciting the *Shema*, praying (*the Shemoneh Esrei*), donning *tefillin* and from all the *mitzvos* stated in the Torah?

The *Gemora* answers: [*Both halachos are true, and the Mishna and the braisa are complementing each other.*] The *braisa* is teaching us that he who watches the dead, even if it is not his own relative, is exempt, and the *Mishna* is teaching us that if one has a relative who needs to be buried, even if he is not watching the body, he is exempt.

The *Gemora* infers further that if one is merely walking in the cemetery, he is not exempt from the performance of *mitzvos*.

The *Gemora* asks from that which was taught in the following *braisa*: A man should not walk in a cemetery with *tefillin* on his head, or when reading from a Torah scroll under his arm, and if he does so, he has violated the verse: *He that mocks a pauper blasphemes his Maker (for it is as if he is mocking the dead, for they cannot perform mitzvos any longer)!*?

The *Gemora* answers: In that case, the act is forbidden within four *amos* (*cubits*) of the dead, but beyond four *amos*, one is obligated to perform *mitzvos*, for a master has said: A corpse

affects four *amos* with respect to the recital of the *Shema*, but in this case (*when a close relative dies, or when he is watching a dead body*), he is exempt even beyond four *amos*.

The above text stated: One who watches a dead body, even if it is not his own relative, is exempt from reciting the *Shema*, praying (*the Shemoneh Esrei*), donning *tefillin* and from all the *mitzvos* stated in the Torah. If there were two people watching, one continues watching while the other recites (*the Shema*), and then the other watches while this one recites. Ben Azzai says: If they were coming in a ship, they put the body in a corner and both pray in another corner.

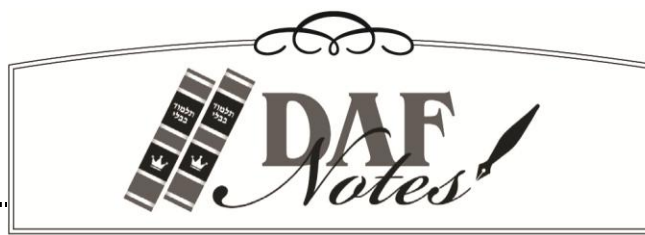
The *Gemora* asks: What is the explanation for the difference of opinion here?

Ravina answers: They differ on the question whether there is any concern for mice (*on a ship*); the *Tanna Kamma* maintains that there is concern for mice (*even on a ship*), and Ben Azzai held that there is no fear of mice. (18a)

## ***Disrespectful to Bones***

The *Gemora* cites a *braisa*: A man who is carrying (*human*) bones from place to place should not put them in a sack and place them on his donkey and ride on them, because this is a disrespectful way of treating them. But if he was afraid of (*attacking*) idolaters or robbers (*and he needs to run away*), it is permitted. And the rule which they established for bones applies also to a Torah scroll as well.

The *Gemora* explains the last ruling: To what does this last statement refer? It cannot be referring to the first clause (*that one should not ride on the donkey with the Torah scroll*), for this



is obvious: Is a Torah scroll inferior to bones? Rather, it refers to the second clause (*that when an element of danger exists, it is permitted*).

Rechavah said in the name of Rav Yehudah: Whoever sees a corpse (*on the way to burial*) and does not escort it violates the verse: *He that mocks a pauper blasphems his Maker*. And if he does escort it, what is his reward? Rav Assi says: To him applies the verse: *He lends Hashem, whoever is gracious to the poor*, and it is written: *and he honors Him, whoever is gracious to the destitute*. (18a)

## **Do the Dead Know Matters of this World?**

Rabbi Chiya and Rabbi Yonasan were once walking about in a cemetery, and the *tzitzis* of Rabbi Yonasan was trailing on the graves. Rabbi Chiya said to him: Lift it up, so that they (*the dead*) should not say, "Tomorrow they are coming to join us and now they are mocking us!" Rabbi Yonasan said to him: Do they know so much (*regarding matters of this world*)? Is it not written: *But the dead know nothing at all*? Rabbi Chiya replied to him: If you have read (*that verse*) once, you have not repeated it; if you have repeated it, you have not reviewed it a third time; if you have reviewed it a third time, you have not had it explained to you, for [*the verse means as follows*]: *The living know that they shall die (the first part of the verse in question)* - these are the righteous who even after their death are called living as it is written: *And Benayahu the son of Yehoyada, the son of a living man, who had done mighty deeds, from Kavze'el, he smote the two commanders of Moav; he went down and also slew a lion in the midst of a pit on a snowy day. The son of a living man* - are all other people then the sons of dead men? Rather '*the son of a living man*' means that even after his death he was called living. *Who had done mighty deeds, from Kavze'el*; this indicates that he increased and gathered numerous workers for the Torah. *He smote the two commanders of Moav*; this indicates that he did not leave anyone of his stature either in the first Temple or in the second Temple. *He went down and also slew a lion in the midst of a pit on a snowy day*; some say that this means that he broke blocks of ice and went down and immersed himself (*due to a seminal discharge – in order to study Torah*), and others say that he went through the Sifra of the School of Rav (*the Toras Kohanim*

– *halachic expositions based on Leviticus*) on a winter day. [*And the verse concludes:*] *But the dead know nothing at all* - these refer to the wicked people, who even in their lifetime are called dead, as it is written: *And you, corpse of wickedness, the prince of Israel*, or if you prefer, I can derive it from here: *By the testimony of two witnesses or three witnesses shall the dead man be put to death*. The *Gemora* asks: But he is still alive! Rather, it means that he is already regarded as dead (*on account of his wickedness*).

The sons of Rabbi Chiya went out to the villages (*to cultivate their property*) and they began to forget their learning (*due to the amount of time that they stayed there*). They tried very hard to recall it. One said to the other: Does our father (*who was no longer alive*) know of our trouble? The other replied: How should he know (*since he is dead*), seeing that it is written: *His sons come to honor and he will not know it*? The other asked him: But does he not know? Is it not written: *But his flesh will pain him, and his soul will mourn over him*, and Rabbi Yitzchak said: The worm is as painful to the dead as a needle in the flesh of the living (*and accordingly, they are aware, as well, regarding matters in this world*)? The *Gemora* disagrees, for they said: They know of their own pain, but they do not know of the pain of others.

The *Gemora* asks: Is that so (*that they do not know about matters in this world*)? Has it not been taught in the following *braisa*: There was once an incident that a certain pious man gave a *dinar* (*coin*) to a poor man on Erev Rosh Hashanah in a year of famine, and his wife scolded him (*for they hardly had any money themselves*), and he went and he slept that night in the cemetery, and he heard two spirits (*from two young girls who had died*) conversing with one another. One said to her companion: My friend, come and let us roam about the world and let us hear from behind the curtain (*screening the Divine Presence*) what misfortune is coming on the world (*this year*). Her friend replied to her: I am not able, because I am buried in a matting of reeds, but you go, and whatever you hear, tell me. So the other went and roamed about and returned. Her friend said to her: My friend, what have you heard from behind the curtain? She replied: I heard that whoever plants (*during the winter*) after the first rainfall (*the seventeenth of Cheshvan*) will have his crop destroyed by hail. The man (*who was listening*) went and planted after the second rainfall (*the twenty-third of Cheshvan*), with the result that everyone else's crop was



destroyed, and his was not destroyed. The next year, he again went and slept the night in the cemetery, and heard the two spirits conversing with one another. One said to her companion: My friend, come and let us roam about the world and let us hear from behind the curtain what misfortune is coming on the world (*this year*). Her friend replied to her: Did I not tell you that I am not able, because I am buried in a matting of reeds, but you go, and whatever you hear, tell me. So the other went and roamed about and returned. Her friend said to her: My friend, what have you heard from behind the curtain? She replied: I heard that whoever plants (*during the winter*) after the second rainfall will have his crop blasted (*by a dry wind*). The man went and planted after the first rainfall, with the result that everyone else's crop was blasted, and his was not blasted. His wife said to him: How is it that last year everyone else's crop was destroyed and yours was not destroyed, and this year, everyone else's crop was blasted and yours was not blasted? So he related to her the entire episode. They said that shortly afterwards a quarrel broke out between the wife of that pious man and the mother of the child, and the wife said to the mother: Come and I will show you your daughter buried in a matting of reeds. The next year, the man again went and slept the night in the cemetery and heard those spirits conversing together. One said: My friend, come and let us roam about the world and let us hear from behind the curtain what misfortune is coming on the world (*this year*). The other said: My friend, leave me alone; our conversation that was spoken in the past years has already been heard among the living. This, the *Gemora* notes, would prove that they (*the dead*) know (*matters that happen in this world*)!?

The *Gemora* answers: Perhaps some other man, after he died, went and told them.

The *Gemora* attempts to prove this from the following: Zeiri deposited some money with his landlady, and while he was away studying at the academy, she died (*without telling him where the money was placed*). So he went after her to the courtyard of death (*cemetery*), and said to her: Where is my money? She replied to him: Go and take it from under the pivot of the doorpost in such and such a place, and tell my mother to send me my comb and my tube of eye paint with So-and-so who (*after she dies*) is coming here tomorrow (*to be buried*). Evidently, they know (*what happens in this world*)!?

The *Gemora* answers: Perhaps Dumah (*an angel presiding over the dead*) announces to them beforehand (*who will die*).

The *Gemora* attempts to prove this from the following: The father of Shmuel had some money belonging to orphans deposited with him. When he died, Shmuel was not with him (*for his father to tell him where the money was kept*), and they called Shmuel "The son of someone who consumes the money of orphans." So he went after his father to the courtyard of death (*cemetery*), and said to them (*the dead*). I am looking for Abba (*the name of his father*). They said to him: There are many Abbas here. He replied: I want Abba ben Abba (*for his grandfather was named Abba as well*). They said to him: There are also many Abbas bar Abbas here. He then said to them: I want Abba ben Abba, the father of Shmuel; where is he? They replied: He has gone up to the Academy of the Heaven. Meanwhile he saw Levi sitting outside (*the circle of the other dead*). He said to him: Why are you sitting outside? Why have you not ascended? He replied: It is because they said to me: For as many years as you did not go up to the academy of Rabbi Afeis and hurt his feelings, we will not allow you to ascend to the Academy of the heaven. Meanwhile, his father came. Shmuel observed that he was both crying and laughing. He said to him: Why are you crying? He replied: It is because you (*will die and*) are coming here soon. Shmuel asked: And why are you laughing? He replied: It is because you are highly esteemed in this world. Shmuel said to him: If I am so esteemed, then let them take up Levi; and they did take up Levi. Shmuel then said to him: Where is the money of the orphans? He replied: Go and you will find it in the bed of the millstones. The money at the top and the bottom belongs to us, and that in the middle belongs to the orphans. Shmuel asked him: Why did you do it like that? He replied: I did that because if thieves would come, they would take mine (*from the top*), and if the earth destroyed any, it would destroy mine. Evidently, they know (*what happens in this world, for Shmuel's father knew how esteemed Shmuel was regarded*)!?

The *Gemora* answers: Perhaps Shmuel was different, as he was so esteemed, they proclaimed beforehand: Make way (*for him*)!

The *Gemora* notes that even Rabbi Yonasan also retracted his opinion, for Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: From where do we know that the dead



converse with one another? It is because it is written: *And Hashem said to him: This is the land which I swore to give to Avraham, to Yitzchak, and to Yaakov, saying.* What is the meaning of the word 'saying'? The Holy One, Blessed be He, said to Moshe (at the time of his death): Say to Avraham, Yitzchak and Yaakov: The oath which I swore to you (that I will give the land to your descendents), I have already fulfilled to your children. Now, if you would maintain that the dead do not know, what would be the use of his (Moshe) telling them?

The Gemora counters: And you infer then that they do know. In that case, why should he need to tell them?

The Gemora answers: It is so that they might show gratitude to Moshe (for all that he has done). (18a – 19a)

## INSIGHTS TO THE DAF

### *The Difference Between Positive And Negative Commands*

By: Meoros HaDaf HaYomi

The 613 mitzvos include positive and negative mitzvos. We tend to assume that the positive mitzvos are those whereby Hashem commanded us to observe His will by some action and that the negative mitzvos are those whereby He commanded us to refrain from some action. However, the Maharal established a profound and important principle to understand the difference between positive and negative mitzvos.

**Observing Hashem's will and a spiritual gain for the soul:** The Maharal repeats this principle in many of his works (*Gur Aryeh, parashas Vayigash, s.v. Zo Dinah; Derech Chayim* on Avos, 2:1; *Chidushei Agados*, Kidushin 39b and Chulin 91a; *Tiferes Yisrael*, Ch. 20) and asserts that positive mitzvos comprise serving Hashem and were given to us as tools by which we can attain a higher level while the essence of negative mitzvos is observing Hashem's will, who warned about the prohibition but they don't contain a spiritual gain for the soul. To sharpen the difference between positive and negative mitzvos, the Maharal continues to explain that there are two sorts of rewards, one for the good deed that a person did and the other for the effort that a person devoted to observe Hashem's command. With positive mitzvos, a person earns both rewards, for the good act

itself and for his effort to observe the mitzvah. On the other hand, when observing a negative mitzvah, there's only a reward for the effort to observe Hashem's will but the act itself, the act of refraining from a transgression, is no "good deed" in itself and bears no spiritual content (see *Sha'arei Teshuvah* by Rabeinu Yonah, *sha'ar 3, os 9*).

**The difference between the mitzvah of tzitzis and the prohibition on sha'atnez:** The Maharal bases this distinction on a halachah we have learnt in our *sugya*. In the vicinity of the deceased one mustn't perform deeds that emphasize his inability to fulfill mitzvos, because of *lo'eg larash* ("mocking the poor") and therefore we don't cover the deceased in a four-cornered garment without *tzitzis*. But to our great wonder, in 'Avodah Zarah 65b the Chachamim permitted burying the deceased in shrouds containing *sha'atnez*! What, then, is the difference between *tzitzis* and *sha'atnez*? Tosfos address this question (ibid, s.v. *Aval*).

The Maharal continues to explain that only the non-observance of a positive mitzvah like *tzitzis*, which bears positive content in itself, disgraces the deceased, who cannot make spiritual progress any more. On the other hand, the non-observance of a negative mitzvah is not regarded as disgracing the deceased as this mitzvah bears no positive content in itself and doesn't elevate a person's level and therefore the deceased is not disgraced at all by being wrapped in a *sha'atnez* garment.

**Why don't women commit themselves to observe certain negative mitzvos?** According to his principle, the Maharal also explains why women, who are exempt from certain negative mitzvos such as "...you shall not eliminate the hair of the corners of your heads", don't commit themselves to observe these prohibitions whereas positive mitzvos caused by time such as *lulav* and *sukkah*, in which they aren't commanded, they still tend to observe. When they observe a positive mitzvah from which they are exempt, they attain the spiritual gain of the mitzvah. But, as we said, a negative mitzvah bears no spiritual content in itself and is only incumbent on someone commanded thereby (see *Kli Chemdah, parashas Vayigash*).