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Moed Katan Daf 21

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Gemora cites a braisa which delineates the laws of the mourner. A mourner is forbidden to engage in labor; nor can he wash or anoint himself; he cannot have marital relations; he cannot wear leather shoes; he is forbidden from studying Torah, Prophets, Writings, Mishna, Medrash, halachos, Talmud and Aggadah. If the public needs him, he should not refrain from teaching them. There was an incident and the son of Rabbi Yosi from Tzipori’s son died and he went to the Beis Medrash and taught Torah to his students the entire day.

The Gemora states: Although we allow a mourner to teach Torah if the public needs him, he should not set up an interpreter (*to demonstrate that he is in mourning*). (21a)

The Gemora states: Rabbi Eliezer said: A mourner is forbidden to don tefillin the first three days of mourning. From the third day and on, he is permitted to don tefillin and even if a new person arrives (*and he might think that this is the mourner’s first day*), he is not required to remove the tefillin. Rabbi Yehoshua said: A mourner is forbidden to don tefillin the first two days of mourning. From the second day and on, he is permitted to don tefillin and even if a new person arrives, he is required to remove the tefillin. The

Gemora cites the Scriptural sources for these halachos.

Ula states: The halacha is in accordance with Rabbi Eliezer regarding the removal of the tefillin (*if a new person arrives from the third day and on, he is not required to remove the tefillin*) and the halacha is in accordance with Rabbi Yehoshua regarding the donning of the tefillin (*from the second day and on, he is permitted to don tefillin*). The Gemora concludes according to Ula: If a new person arrives on the second day, he is required to remove the tefillin.

Rava rules: Once he dons the tefillin on the second day, he is not required to remove them. The Gemora asks: Isn’t Rava the one who holds that the primary mourning period lasts three days? The Gemora answers: Since it is a mitzva to wear tefillin, we allow him on the second day of mourning to wear them and he is not required to remove them. (21a – 21b)

The Gemora cites several braisos that discuss the stringencies of the first three days of the mourning period: He is prohibited from working even if he is a poor person who is sustained through charity. Afterwards, he may work in private. A poor woman



mourner, after the third day, may spin with her spindle in private.

A mourner does not leave his house the first three days of mourning even to comfort another mourner. Afterwards, he may go out to comfort them, but he sits together with the mourners and not with the consolers.

A mourner during the first three days of mourning should not greet his friend and should not respond to his friends greeting. From the third day of mourning through the seventh day, he may respond to his friends greeting but he may not greet them. Afterwards, he may greet them in the usual manner.

The Gemora cites an incident with Rabbi Akiva where he greeted the public who attended the eulogy for his sons. The Gemora answers: This was permitted for he was displaying respect to the public. (21b)

The Gemora cites a braisa: After *sheloshim*, one can greet mourner in a regular way, but he should not console him. The Gemora cites another braisa which contradicts this: One may console a mourner during the first twelve months but he should not offer greetings, afterwards, he should greet him but he should not console him. The Gemora answers: The latter braisa is referring to a person who is mourning on the loss of his father or mother; the period of mourning lasts longer and the mourner should not be greeted until a year after the death. The former braisa is referring to a

person who is mourning on the loss of other relatives; he may be greeted in the regular way after the *sheloshim*. (21b)

## INSIGHTS TO THE DAF

### A MOURNER STUDYING TORAH

The Gemora states that a mourner is forbidden from studying Torah. Rashi explains: The studying of Torah makes one happy and a mourner is required to be in a state of anguish.

The Ramban asks: Doesn't every person have an obligation to learn everyday? He answers: One can fulfill this mitzva with the recital of *krias shema* in the morning and in the evening.

The Ritva is uncertain whether a mourner is permitted to learn those topics (*Iyuv*, certain parts of *Yirmiyah*) that one is allowed to learn on *Tisha b'Av*. He cites from *Rabbeinu Yitzchak* that he is permitted. *Tosfos HaRosh* writes that it is customary for a mourner to study *Moed Katan* where it discusses the laws regarding a mourner.

The Meiri cites an opinion that a mourner is forbidden from studying any Torah since he is required to remain silent and it is not dependant on learning which results in joy to the heart. He adds that it is also permitted for a mourner to glance at *seforim* which lead a person to repentance.

The Chacham Tzvi rules that if someone is



accustomed to reciting Mishnayos by heart and he is concerned that he will forget them if he interrupts this learning, he may continue to do so.

The Aruch Hashulchan cites a Yerushalmi: If someone is literally sick without studying Torah, he is permitted to learn. He concludes: the poskim do not bring this down because it is highly unlikely in our generations. The Rogatchover Gaon applied to himself.

It is said that the Chasam Sofer wrote his teshuvos regarding mourning while sitting shiva for his mother.

Chazal say that Esau was waiting for Yitzchak to die until he would kill Yaakov. The Keli Yakar explains: Esau understood that Yaakov will be protected by the studying of Torah; once Yitzchak dies, Yaakov will be mourning and will be forbidden to learn and this would be the opportunity he was anxiously awaiting for.

The Beis Yisroel asks: Couldn't Yaakov be protected with the learning of the topics that are permitted to learn? He answers: It is the joy from the learning that protects a person and a mourner doesn't have that joy.

### **DAILY HALACHAH**

**Question:** Can one fulfill mitzvas nichum aveilim over the telephone?

**Discussion:** The Rambam says that there are two facets to mitzvas nichum aveilim: The first is to

comfort the mourners who are distraught over the death of their loved one, and this is done by expressing one's sympathies and condolences. A personal visit to a house of mourning is a show of respect and a source of comfort to the mourners in their time of sorrow.

The second part of the mitzvah is for the sake of the deceased. By visiting the home of the deceased during the Shivah period and consoling the mourners who are sitting there, one is performing a chesed with the soul of the departed individual. [It is possible that the text recited in the house of mourning is worded in the plural—ha-makom yenachem eschem—even when consoling a single mourner, because one is consoling the soul of the deceased as well as the mourner himself]. ]

Rav M. Feinstein rules that while it is possible to console a mourner over the telephone, it is not possible to do chesed with the soul of the deceased unless one actually comes to the house of mourning. Nor does one accord the full honor due a mourner through a mere phone call. Thus, if one can, he must be menachem avel in person. If, however, he truly cannot come in person, he should still call the mourner on the phone to console him and thereby fulfill at least part of the mitzvah.

The mourner may come to the phone and accept a caller's words of condolence. He may not, however, speak about other matters or ask about the welfare of the caller, even if the caller is a child or close relative.