28.12.2

99b (ואינו חולק לאכול) ← 101a (וחכמים עשו חיזוק לדבריהם יותר משל תורה)

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1. וְלַאֲחֹתוֹ הַבְּתוּלָה הַקְּרוֹבָה אֵלָיו אֲשֶׁר לֹא הָיְתָה לְאִישׁ **לָהּ יִטַּמָּא**: *ויקרא כא, ג*
2. **לְאָבִיו וּלְאִמּוֹ לְאָחִיו וּלְאַחֹתוֹ** לֹא יִטַּמָּא לָהֶם בְּמֹתָם כִּי נֵזֶר אֱלֹהָיו עַל רֹאשׁוֹ: *במדבר ו, ז*
3. כָּל יְמֵי הַזִּירוֹ לַה' עַל **נֶפֶשׁ** מֵת לֹא יָבֹא: *במדבר ו, ו*
4. וְהָפַכְתִּי חַגֵּיכֶם לְאֵבֶל וְכָל שִׁירֵיכֶם לְקִינָה וְהַעֲלֵיתִי עַל כָּל מָתְנַיִם שָׂק וְעַל כָּל רֹאשׁ קָרְחָה וְשַׂמְתִּיהָ כְּאֵבֶל יָחִיד **וְאַחֲרִיתָהּ כְּיוֹם מָר**: *עמוס ח, י*
5. וַיְדַבֵּר אַהֲרֹן אֶל מֹשֶׁה **הֵן הַיּוֹם** הִקְרִיבוּ אֶת חַטָּאתָם וְאֶת עֹלָתָם לִפְנֵי ה' וַתִּקְרֶאנָה אֹתִי כָּאֵלֶּה וְאָכַלְתִּי חַטָּאת הַיּוֹם הַיִּיטַב בְּעֵינֵי ה': *ויקרא י, יט*

I   Continued discussion of status of אונן vis-à-vis קדשים

   a   *Implication (of ruling that he may not take part in division)*: he may eat קדשים that night if offered

   b   *Challenge*: ruling that an אונן may go to the מקוה (as above) and eat his פסח (only!) that night, not other קדשים

     i   *Answer1 (ר' ירמיה מדיפתי)*: in our case, it refers to פסח night; since he may eat פסח, he's allowed to eat all קדשים

       1   *Read*: כל הקדשים refers to other nights

     ii   *Answer 2 (ר' אסי)*: in our case, the death and burial weren't on the same day

       1   *Therefore*: אנינות of that day is מדרבנן, it doesn't extend to night; if on same day, אנינות is מה"ת, extends (מד"ס)

       2   *observation*: authority who holds that אנינות לילה is מד"ס is ר"ש, per explicit statement in ברייתא (*contra* ר' יהודה)

         (a)   *proof*: an אונן can eat פסח that night

         (b)   *challenge*: ר"ש states that an אונן cannot send a קרבן to be offered

           (i)   *assumption*: this includes פסח

           (ii)   *rejection*: besides פסח

         (c)   *challenge*: ר"ש interprets "שלמים" to mean that the donor must be שלם – not an אונן

           (i)   *then*: he extends it to תודה then חטאת ואשם, then all gifts – by analogy/language

           (ii)   *point*: he includes פסח in his (exhaustive) list of excluded קרבנות

             1. *defense1*: פסח was added "by habit" with בכור ומעשר and doesn't really belong there

             2. *defense2*: פסח means שלמי פסח (חגיגה) that accompanies (קרבן פסח)

               a. *challenge*: already listed שלמים

               b. *justification*: סד"א that since it accompanies פסח it would be like פסח and be brought קמ"ל

             3. *defense3 (ר' מרי)*: פסח isn't brought if the relative died on י"ד, if it was only יום קבורה – brought

             4. *challenge (ר' אשי)*: ר"ש's proof to ר"י fails if he only "proves" אנינות לילה מד"ס from יום קבורה – קשיא

     iii   *answer3 (אביי)*: prohibited if relative died before midday; permitted if s/he died after חצות

       1   *reason*: before חצות, he is defined as an אונן before חיוב קרבן פסח sets in; afterwards חיוב ק"פ "defines" him

         (a)   *support (for distinction between before/after חצות)*: resolution of contradiction between ruling that one must engage in burial, even if it means becoming טמא and being unfit for קרבן פסח (v. 1 and story w/יוסף הכהן) against interpretation of v. 2 – that only for מת מצוה do we "endanger" ק"פ by engaging in burial

           (i)   *proposed resolution*: if he died before/after חצות

           (ii)   *challenge*: perhaps both are after חצות and it is ר"ע/ר' ישמעאל

             1. לה יטמא ד"ע: is an obligation

             2. לה יטמא ד"י: is a permission/רשות

           (iii)   *block*: ברייתא of נזיר is authored by ר"ע (signaled at beginning – he interprets נפש and מת and then proceeds to justify mention of each relative in spite of ק"ו from father

     iv   *answer4 (רבא)*: both are after חצות, but if the relative died before שחיטה וזרק"ד, he doesn't eat; if after – he eats

       1   *question (ר' אדא בר מתנה)*: once there's been זרק"ד, who cares what happens – he's already fulfilled ק"פ

         (a)   *interjection (רבינא who is a student of רבא and teacher of ר' אדא)*: we know from רבה בר ר' הונא that eating the פסח is מעכב → he isn't "done" and without eating afterwards isn't יוצא (comment of רבא – listen to רבינא!)

         (b)   *background (רבה בר ר' הונא)*:

           (i)   יום שמועה *ברייתא* (i.e. hearing about a death in family within 30 days of the event) is akin to יום קבורה for 7/30 – must keep שבעה/שלשים from that day;

             1. *but*: for eating פסח, we treat it like יום ליקוט עצמות (re-interment – only practiced that day);

           (ii)   *and*: for both of them, he goes to the מקוה and then eats פסח that night

             1. *observation*: there is a tacit contradiction here;

               a. *רישא*: implies that for יום קבורה, one may not eat פסח that night (else why classify יום שמועה differently to allow him to eat פסח?)

               b. *סיפא*: "for both of them" – we assume means both יום שמועה and יום קבורה – he may eat

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2. *solution1 (ר' חסדא)*: it is a dispute between תנאים
    a. *ברייתא*: אנינות lasts the entire day; רבי – until he is buried
    b. *analysis*: cannot be the day of death – all agree that that day extends, מד"ס into night; in addition, רבי couldn't permit it immediately after burial per v. 4
    c. *ר' ששת*: יום קבורה must be
        i. *challenge (רב יוסף)*: by implication of יום שמועה being allowed to eat that night, יום קבורה isn't permitted – but which authority is this?
    d. *rather*: means – חכמים prohibit entire day and night of יום המיתה, רבי allows that night if he was buried that day
        i. *ר' ירמיה*: astonished at רב יוסף's answer – all know that רבי is more stringent in this regard, as we see from his ruling that אנינות could last days, חכמים only allow for one day
    e. *rather*: חכמים enforce אנינות the whole day, רבי extends until he is buried – and then that day and night
        i. *students to רבא*: מה"ת (יום מיתה) implies that רבי holds that לילה is included (if
        ii. *challenge*: רבי explicitly (in disagreeing with רבי יהודה) from v. 5 – night is מד"ס
        iii. *answer (רבא)*: רבי holds that אנינות לילה is מד"ס – but חכמים made this ruling stronger than a דאורייתא ruling
    f. *solution2 (רבה בר ר' הונא)* : if he heard – or buried – before sunset – eats פסח that night
        i. *but*: if he heard – or buried – after sunset, doesn't eat (same day → אונן מה"ת)
        ii. *challenge*: after sunset – he's already brought פסח, no need for anything else
        iii. *rather*: this proves that eating פסח is indispensible (מעכב)
    g. *solution3 (ר' אשי)*: "both of them" refers to יום שמועה and יום ליקוט עצמות
        i. *rejection*: if so, no need to state אחד זה ואחד זה, could've stated זה וזה → errant report