



לעי"נ ברוך בענדיט ובורה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE SEVENTH PEREK OF YEVAMOS IS DEDICATED:

עבֵי אַרְיָה ז"ל בֶּן נַחֻם אֲהָרֵן ג"י

Yevamos Daf 68

Aninus

Discussing halachos of terumah, the Gemara teaches us that an onein may eat terumah. What is an onein? Let us see.

Aninus is the first stage of aveilus, mentioned in many places throughout Shas. (We explored some ramifications in the article on daf 29.) One is Shabbos 25a, that maaser sheni and kodshim are forbidden to an onein, as opposed to terumah. Rashi comments, "An onein is [a mourner's status] until burial."

This implies that once the niftar is buried, aninus ends and regular aveilus sets in, even if he's buried the same day he died (as is the custom in Eretz Yisroel). The problem with this, asks Turei Even on Chagiga 21, is that although Rashi is quoting a Beraisai in Zevachim, that is not the entire picture. The Gemara there asks that nobody permits kodshim the day a relative passes away. How could the mourner be allowed it after the levaya? The Gemara says it's referring to a case when the burial is on a later day than the petira. So why does Rashi simply state that aninus ends with burial – it's not always true?

Actually, the Sefas Emes offers that Rashi, in his brief quote of the other Gemara, may intend the conclusion there. When the burial is on a day later than the petira, aninus would last only until the burial.

The Rambam clearly words this halacha as the Turei Even puts it. "What is an onein? It's when a relative died... on the day of death. That is an onein min haTorah; the following night, he's an onein midirabonon. If the burial is delayed, the entire time prior to burial he continues to be an onein midirabonon, and the rest of the day of the burial, as well" (Biyas Mikdash 2:9-10).

On the other hand, Rashi is not alone, either. The Shulchan Aruch (Y.D. 341) echoes Rashi's wording, and the Shach notes that indeed, right after the kevurah, aninus finishes. He cites the Smag and Bach likewise. But what of the Gemara in Zevachim?

We may resolve this problem with a fundamental insight from Rav Shlomo Zalman Auerbach zt"l. He says that when the Shulchan Aruch talks about aninus, it's actually a borrowed term! The sources in Shas about aninus relate to kodshim and

maaser, the Torah's form of aninus. But the poskim use the term to mean those halachos relevant to us, today. For example, the onein cannot eat together with other people, he can't eat meat or drink wine, and he doesn't make any berachos. However, if it's Shabbos or Yom Tov, he may – "our" aninus is suspended until afterwards. The aninus of the Torah applies on Shabbos just like on weekdays (Minchas Shlomo 98:25).

With this distinction we can explain the Shulchan Aruch that aninus concludes with burial because he refers to the modern expression of it. The conduct and customs of aninus apply only until burial. This is because they are based on the concept of "one who is busy with a mitzvah is pattur from other mitzvos" (Sukkah 25), and out of respect to the deceased. Thus, on Shabbos, when burial isn't feasible, they do not apply. The aninus of the Torah, however, is decreed by the pesukim and is due to the mourner's dispirited state, which continues all day, regardless if it's Shabbos or weekday.

The Aruch Hashulchan (Y.D. ibid) also discusses the two types of aninus. There's a machlokes Rishonim if aveilus is midioraisa or midirabonon. Aninus is mentioned explicitly in the Torah, while our form of aninus is certainly midirabonon. If so, he wonders, why didn't Chazal employ the rule, "Everything the Rabbis instituted was similar to the Torah law it stemmed from"? Why is the dioraisa aninus all day but the dirabonon aninus only until burial?

He answers with a simple logic. The aninus of today was formulated by Chazal, and includes not making any berachos – even birchas hamazon, which is midioraisa. They didn't want to extend it any more than necessary, because it would reduce dioraisa mitzvos! "A

chumrah that leads to a kulah," as he puts it. And once they ended the aninus with regards to making berachos, they lifted it totally, so that the avel is allowed to eat meat and wine, as well. It wouldn't make sense to split it and keep only some of the minhagim.