

This month's Daf Digest is dedicated
l'ilui nishmas Yisrael Tzvi ben Zev, Mr. Israel Gotlib of Antwerp and Petach Tikva, 24 Av.
Yosef ben Chaim haKohen Weiss, Mr. Joseph Weiss 8 Elul &
Rivke Yenta bas Asher Anshel, Mrs Yenta Weiss 13 Elul
By the Weiss family, London, England

OVERVIEW of the Daf

1) Burials on Yom Tov

Rava rules that non-Jews should perform a burial on the first day of Yom Tov, but Jews may perform the burial on the second day of Yom Tov, even on the second day of Rosh Hashanah. This is a leniency that does not apply to eggs.

Nehardai maintain that the leniency does apply to eggs.

Mar Zutra and R' Ashi disagree whether Rava's lenient ruling concerning the second day of Yom Tov applies only when there is a concern the deceased may decay or perhaps it applies even without that concern.

Based on practical considerations, Ravina concludes that nowadays it is prohibited for a Jew to perform a burial on the second day of Yom Tov.

2) Making an eruv tavshilin on the first day of Rosh Hashanah

The Gemara records an incident where R' Ashi taught Ravina that although one may make a conditional eruv tavshilin on the first day of Yom Tov, one may not make a conditional eruv on the first day of Rosh Hashanah.

3) A chick that hatched on Yom Tov

Rav holds that a chick that hatched on Yom Tov is prohibited because it is muktza. Shmuel or R' Yochanan maintain that it is permitted because hatching removes its muktza status.

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REVIEW and Remember

1. Why, according to the Gemara, is it permitted for a Jew to perform burial on the second day of Yom Tov?
2. In what way is an unborn calf considered "prepared"?
3. Why, according to R' Eliezer ben Yaakov, is a newly hatched chick prohibited?
4. What type of egg cannot produce chicks?

Today's Daf Digest is dedicated
by Mr. and Mrs. Joey Zimmerman
In memory of their son
יחיאל דוב, ע"ה בן ר' יוסף יהודה

Distinctive INSIGHT

Burials conducted by non-Jews on the first day of Yom Tov
אמר רבא מת ביום ראשון יתעסקו בו עממין, מת ביום טוב שני יתעסקו בו ישראל. אמר מר זוטרא לא שנו אלא דאשתיה וכו

Rava clarifies the halacha of a body which must be buried on Yom Tov. If the need arises on the first day of Yom Tov, the burial must be done by non-Jews. The reference here is to **מלאכות** which are **דאורייתא** such as building a coffin and sewing the shrouds, which should only be done by non-Jews. **מלאכות** which are only rabbinic (such as heating water to wash the body, carrying the body in the street and placing the body into the ground) are allowed to be done even by Jews. If the need arises for a burial on the second day of Yom Tov, Jews may perform even those **מלאכות** which are Torah prohibitions.

Mar Zutra qualifies this halacha and he says that it is only true when the body cannot wait for burial, i.e., the death took place before Yom Tov and the body will deteriorate, or if the weather is very hot, and the burial must take place immediately. If however, the body can be held for a day, the funeral must be delayed. There is a **מחלוקת** among the Rishonim regarding the words of Mar Zutra. Some understand that he is referring only to the second case, where Jews are allowed to do **מלאכה** on the second day of Yom Tov. This must be avoided if possible. Accordingly, Mar Zutra allows non-Jews to do **מלאכה** on the first day of Yom Tov and there is no need to delay in such a case. Others (**ג', אור זרוע**) understand that Mar Zutra is speaking about even the first case of Rava, and the dispensation to allow non-Jews must be delayed if at all possible.

The halacha is according to the first view. Ramban (**תורת האדם**), Rambam (Hilchos Yom Tov 1:23), and Rosh (here, **סימן ה'**) rule that in a case of a body which is ready for burial for the first day of Yom Tov, non-Jews are directed to perform **מלאכות** which are even **דאורייתא**. Rosh adds that human dignity (**כבוד הבריות**) allows us to instruct the non-Jews and tell them to do the necessary **מלאכות**. We recognize that the relatives are in distress if we would wait, and even if the body is not in danger of deteriorating in the meantime, it is most appropriate to hasten the burial. This is also the ruling of Shulchan Aruch (526:1). ■

Today's Daf Digest is dedicated
In memory of
מרת עלקא בת ר' מנחם מנדל, ע"ה

HALACHAH Highlight

Burying the deceased on Yom Tov

אמר רבא מת ביום טוב ראשון יתעסקו בו עממים

Rava said: A body that awaits burial, if it is the first day of Yom Tov non-Jews should be involved.

There is a dispute amongst the Rishonim regarding which burial preparations should be performed by non-Jews. All opinions agree that those activities that involve Biblical prohibitions, such as digging the grave and filling the grave after burial must be performed by non-Jews. The disagreement revolves around those activities that involve only Rabbinic transgressions, such as heating water to clean the body or carrying the body to the cemetery. According to the Rosh¹, activities that involve only Rabbinic restrictions may be performed by Jews. Others² disagree and maintain that the language of the Gemara, “non-Jews should be involved,” indicates that all the activities are performed by non-Jews.

Shulchan Aruch³ rules in accordance with Rosh and permits Jews to perform all activities that do not involve Biblical prohibitions. The reason for this lenient ruling, explains Mishnah Berurah⁴, is that these activities are seen as a mitzvah because having them performed by a non-Jew is a disgrace (זילא בה מילתא) and are therefore categorized as a Yom Tov need which may be performed by a Jew. Mishnah Berurah⁵ proceeds to cite authorities who dispute the ruling of Shulchan Aruch and maintain the strict opinion of the other Rishonim should be followed. Mishnah Berurah concludes that it is not necessary to protest against one who wants to follow the lenient opinion of Shulchan Aruch, since many authorities follow this ruling.

Rav Moshe Feinstein⁶ adds that nowadays burials should not

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R' Kahana and R' Assi challenge Rav. Following their second challenge Rav remains silent.

Rabbah or R' Yosef suggest a response that could have been offered by Rav to refute the challenge, but Abaye rejects the suggestion.

Two Baraisos are cited, one in support of Rav and the other in support of Shmuel or R' Yochanan.

A Baraisa cites the opinion of R' Eliezer ben Yaakov who maintains that a newly hatched chick is prohibited even during the week if it has not opened its eyes.

Another Baraisa is identified as consistent with R' Eliezer ben Yaakov.

4) An egg becomes fully formed once it exits its mother

R' Huna in the name of Rav teaches that an egg is considered fully formed once it exits its mother.

The Gemara questions the meaning of this statement.

After two failed attempts, the Gemara explains that upon exit the egg is fully formed and if fertilized can produce a chick, as opposed to an egg taken from inside its mother that will not produce a chick. ■

be performed even on the second day of Yom Tov. His concern was that if a burial was to take place on Yom Tov it would invariably lead to a desecration of Yom Tov, e.g. people calling one another with information about the funeral or perhaps even driving to the funeral, and therefore, it is more kavod for the deceased to wait until after Yom Tov ■

1. רא"ש ביצה פ"ק סי' ה'
2. ר"ן ג: (בדפי הרי"ף) ד"ה ואמרינן ושו"ת הרשב"א ח"א סי' כ"ב וע"ע בב"י ריש סי' תקכ"ו ושו"ת יבע"א ח"ז י"ד סי' ל'
3. או"ח סי' תקכ"ו סע' א'
4. מ"ב שם סק"ט
5. שם סק"י"ב
6. שו"ת אג"מ או"ח ח"ג סי' ע"ו וע"ע שו"ת שבת הלוי ח"ד סי' קל"ה ■

STORIES Off the Daf

He who expends effort on Erev Shabbos...

מניח אדם עירובי תבשילין מיו"ט לחבירו

Today's daf discusses the use of an eiruv tavshilin to allow preparation from Yom Tov for Shabbos. Similarly, only one who prepares in this world with Torah and mitzvos, will have what to eat on Shabbos itself—will have something to sustain him in the World-to-Come. (Avodah Zarah 3a) Without making the extra effort, in our case symbolized by an eiruv tavshilin, one cannot prepare for Shabbos. If a person's whole life is like a Yom Tov, if it passes

easily and without challenges, it will hardly help him build עולם הבא for himself!

It is virtually impossible to achieve significant material comfort without real hard work even nowadays. During the time of the Ba'al Hafla'ah, zt"l, however, just making a simple living could consume all of a person's time and energy. Jews often worked in petty trade, and people would exert themselves for days on end riding through rain and snow to purchase merchandise in one place just so they could cart it somewhere else where they hoped to make a profit. Sometimes the merchandise would be stolen or destroyed, or would lose whatever value it had even before it got to market. Such a misfortune could bring on swift ruin.

Once, a traveling merchant who had been riding the whole night and was in dire need of refreshment found himself at the doorstep of the famous Ba'al Hafla'ah. The man was desperately in need of shelter from the blizzard that raged outside. He was graciously admitted to the house, and after some hot tea and cake warmed him up a bit, he posed a question to the gadol.

“The Rav can see for himself what my עולם הזה is like,” he began. “My question is, what will my עולם הבא look like?”

The Ba'al Hafla'ah gently answered, “My son, this is what your עולם הזה looks like after putting in so much effort. What makes you think that you'll merit a big portion in the next world without any toil at all!” ■

