

OVERVIEW of the Daf

1) Making tefillin, mezuzos and tzitzis on Chol Hamoed

A Baraisa records a dispute whether it is permitted to make tefillin, mezuzos and tzitzis on Chol Hamoed.

Rav ruled that it is permitted to write and sell tefillin, mezuzos and tzitzis in order to generate needed income.

Two versions of a dispute regarding the permissible way to make tzitzis are recorded.

Shmuel and R' Yochanan are cited as ruling that one can spin tzitzis with a stone or spindle, and write and sell tefillin, mezuzos and tzitzis in order to generate needed income.

2) MISHNAH: The Mishnah discusses the effect that Yom Tov has on shiva and shloshim. The Mishnah also discusses which Yomim Tovim are included in this law.

3) Clarifying the Mishnah

Rav and R' Huna rule that a Yom Tov cancels the restrictions but not the days of mourning, but R' Sheishis maintains that it cancels the days as well.

The ramification of the days not being cancelled is that if one did not cut his hair before Yom Tov he may not cut his hair until the complete thirty days have passed.

A Baraisa also presents a dispute about whether Yom Tov cancels the days of shloshim.

The Gemara clarifies that according to Abba Shaul's opinion cited in the previous Baraisa, the principle of "part of the day is like the whole day" allows the seventh day to count toward both shiva and shloshim.

R' Chisda in the name of Ravina bar Shila rules in favor of Abba Shaul and notes a case where Chachamim would agree that a mourner may cut his hair on the seventh day.

Another ruling that requires the principle of "part of the day is like the whole day," is recorded.

Three opinions are recorded concerning when we apply the principle "part of the day is like the whole day," and the reason Nehardea follows this principle in all cases is because the halacha follows the lenient opinion concerning issues of mourning.

The source for the restriction against cutting hair during shloshim is identified.

R' Huna the son of R' Yehoshua rules that if Yom Tov cancels mourning on the third day one may not bathe before Yom Tov begins and the principle "part of the day is like the whole day" is not applied.

Two versions of an incident that support this ruling are

Distinctive INSIGHT

Shabbos does not interrupt Shiva

שבת עולה ואינה מפסקת רגלים מפסיקין ואינם עולין

The Gemara teaches that when a period of mourning is in progress, and Shabbos arrives, the day of Shabbos counts towards the completion of the number of days of mourning, and it does not interrupt the count. If a Yom Tov occurs in the middle of a period of mourning, the mourning is interrupted and ended, and the Yom Tov, obviously, does not count toward the grand total of days being observed.

The Rishonim list three contrasts between Shabbos and Yom Tov which account for this halachic distinction. Tosafos (23b, ד"ה מאן) notes differing opinions whether mourning is observed on a private basis on Yom Tov or not. According to one opinion, because Yom Tov is a time of simcha, the necessity to be in a festive mood means that no aspects of mourning are to be observed, not even on a private basis. Shabbos is a time for עונג, a state of contentment and spiritual fulfillment. This is not the same as simcha. On Shabbos, mourning is conducted privately, and the day can therefore count toward the seven days of אבלות.

Meiri is of the opinion that mourning is observed privately on Yom Tov as well as on Shabbos. Yet he writes that nevertheless, the fact that the Torah commands us to be in a state of simcha on Yom Tov results in the ability of Yom Tov to cancel official אבלות, and the days do not count towards the mourning period. ■

REVIEW and Remember

1. Is it permitted to write and sell tefillin on Chol Hamoed?
2. Are Rosh HaShanah and Yom Kippur treated like a festival concerning matters of mourning?
3. According to Abba Shaul, how long must one mourn on the seventh day of shiva?
4. Under what conditions is a person credited with days of shloshim before shiva commences?

HALACHAH Highlight

Part of the day is like the entire day when the seventh day of shiva falls on Shabbos

קסבר אבא שאול מקצת היום ככולו

Abba Shaul holds that part of the day is like the whole day

The Bach¹ was asked whether it is permitted to call a mourner whose last day of shiva occurred on Shabbos for an aliyah at Shacharis or Mincha. Bach replied that it is prohibited for a mourner to receive an aliyah in this situation. Although our Gemara states that we apply the principle of, “part of the day is like the whole day” for the last day of shiva, nonetheless, that is true only when the last day occurs during the week, but not if it occurs on Shabbos. The reason for this distinction is that by observing some mourning practices one can be credited with an entire day even though he only mourned part of the day. On Shabbos only private mourning practices are observed. One cannot be credited with a full day of mourning since he doesn’t observe anything that could be considered as if he mourned for part of the day. Consequently, he must keep those private mourning restrictions that apply on Shabbos, including Torah study; thus he may not receive an aliyah even during Mincha. Other Poskim², however, disagree with the Bach’s conclusion and maintain that even on Shabbos we apply the principle of “part of the day is like the whole day” and the

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presented.

4) Observing shloshim during Yom Tov

Abaye asked Rabbah whether Yom Tov counts towards shloshim in a case where the burial occurred during Yom Tov and shiva will not commence until after Yom Tov.

Rabbah ruled that those days do not count towards shloshim.

The beginning of Abaye’s first unsuccessful challenge is presented. ■

mourner completes shiva on Shabbos morning.

The Taz³ follows the lenient position and maintains that an hour after sunrise shiva is considered complete and it is permitted for the mourner to receive an aliyah. The Sha’arei Ephraim⁴ on the other hand, maintains that shiva is not completed until after the time that mourners come during the week, i.e. after davening. Accordingly, the mourner should not receive an aliyah in the morning but is permitted to receive an aliyah during Mincha. Rav Yechiel Michel Tikochinski⁴, the Gesher HaChaim, writes that if the mourner has an obligation to receive an aliyah one can be lenient and permit him to receive an aliyah even during Shacharis. ■

1. שו"ת הבי"ח החדשות סי' נ"ג.

2. עי' שדי חמד אסי"ד מערכת אבלות אות כ"ט.

3. ט"ז יו"ד סי' ת"יב סק"ה.

4. שערי אפרים שער ח' סעי' ט'.

5. גשר החיים פכ"א סי' י"ד אות ב'. ■

STORIES Off the Daf

A Question of a Rabbinic Obligation
 "דאמר שמואל הלכה כדברי המקיל באבלי"

Someone once asked the Sdei Chemed, zt”l, “What does the statement really mean that we go after the lenient opinion in the halachos of mourning (Moed Katan 19)? After all, the halachos of mourning are Rabbinic in origin, and the general rule is ספק דרבנן לקולא. Isn’t that essentially what we do anyway— go after the lenient opinion if we are not sure how to rule?”

The Posek responded, “Actually

the Chachmei Yerushalayim asked a similar question of Rav Dovid Pardo, zt”l, about the laws of berachos. There too, we say ספק ברכה להקל. Why do we need to say this? After all, the general rule is ספק דרבנן לקולא?”

He continued, “This is different than any other questionable d’Rabanan about which we say that if we have a doubt we are lenient. In all other cases, one has the option of being lenient, but if one wishes, one can be strict. However, in the case of blessings, it is forbidden to recite one if you have a doubt. Even a safek s’feka doesn’t allow one to say a blessing. This is also true of the laws of mourning. If one is in doubt if they are obligated in these halachos, it is forbidden

to observe them out of doubt, since this means they are prohibited to study Torah or fulfill the mitzvah of עונה. Furthermore, the Panim Meiros, zt”l, brings the midrash which learns seven days of mourning from Yosef who observed seven days of mourning. The midrash asks: how we can learn halachah from something that transpired before Matan Torah? The Panim Meiros explains that we actually learn many things from before Matan Torah. However, in the case of Yosef’s mourning, we cannot do so. In a way, doing so would lead to a leniency, since one is discharged from their obligation to learn for seven days. We cannot learn a kula from before Matan Torah.” ■