

## OVERVIEW of the Daf

### 1) A garment prepared for burial (cont.)

Abaye explains why he rejects Rava's gezairah shavah.

Three unsuccessful challenges to Rava's position that designation is not significant are presented.

An unsuccessful attempt to support Rava's position is recorded.

In the Gemara's second attempt to support Rava's position it emerges that the Baraisa is not fully consistent with either Abaye or Rava.

Abaye and Rava explain the Baraisa according to their respective positions.

Another unsuccessful attempt to prove that designation is not significant is recorded.

An unsuccessful attempt to support Abaye's position that designation is significant is presented.

Another attempt to resolve this dispute is recorded and the Gemara concedes that there is a dispute amongst Tanaim on the matter.

Meraimar and Rabanan disagree about which opinion to follow and the Gemara's final conclusion is to follow Rava's position that designation is not significant.

### 2) The property of the executed convict

A Baraisa records a dispute between Rabanan and R' Yehudah whether the property of someone executed by the king goes to the king or to the deceased's heirs.

Two unsuccessful attempts are made to support Ra-

*(Continued on page 2)*

## REVIEW and Remember

1. When does a tefillin pouch become sanctified?  
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2. What is done with leftover funds that were collected for a burial?  
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3. According to the Gemara's conclusion, is designation significant?  
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4. What is the point of dispute regarding the property of one executed by the king?  
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This week's Daf Digest is dedicated by  
 The family of  
 מרת חנה בת ר' דוד, ע"ה רובין  
 Mrs. Ann Ruben o.b.m.

## Distinctive INSIGHT

*What to do with extra money that was collected for the dead*  
 מותר המתים למתים, מותר המת ליורשי

The Gemara brings many proofs to show whether designating an item for a mitzvah purpose is binding or not. One of the proofs is from a Mishnah in Shekalim (2:5), where we find the following halacha: "If funds were collected for burial of the dead (for the poor or for the needs of מצוה) and some extra money remains, the extra money must be used for other burials. If money was collected for the needs of burying a specific person who had died, and extra money remains, it may be given to his heirs." This seems to be a clear proof for Rava, who had said that designating an object or money is not binding. According to Abaye, who says that הזמנה is binding, we would expect that money collected for burial could not be released to the heirs to be used for other purposes.

The Gemara answers that Abaye understands that the Mishnah is dealing with a case where the money was collected for the burial purposes of a person while he was still alive. This designation, even according to Abaye, is premature and not binding.

Tosafos analyzes the case presented in the Mishnah in Shekalim. If the collection for the deceased was for money, then no one would say that the designation is significant, and the extra money should be released for any use even in the first case where the money was collected for general needs of all burials. Collecting money is too far removed from the actual mitzvah purpose, and it is similar to the case previously mentioned in the Gemara that designation of thread to be used for weaving for the needs of the dead has no meaning even according to Abaye. The case can also not be where actual garments were collected for the dead, as the Gemara in Yevamos (66b) states that once a garment is used for the dead it cannot be reassigned for any other use, and Rava would not argue against this.

Tosafos provides two approaches to resolve his question. We can either say that our case could be, in fact, where garments were collected, but the Gemara in Yevamos is speaking about where the garment was actually placed on the body of the deceased, whereas in our case the garments were collected but not yet placed on his body. In our case it is possible that Rava would not yet consider the designation as limiting. Alternatively, Tosafos says that although there is no significance when designating thread for the dead where the thread will later be used to weave a garment, donating money is different. The association between thread and the needs of the dead is too remote, whereas money can be used immediately to purchase any item needed for the dead. Therefore, it is possible that Abaye would consider the designation of money collected for the dead to have significance and to be limited to be used for their needs. ■

# HALACHAH Highlight

## Is an ohel prohibited from benefit?

א"ר שמעון בן גמליאל בד"א שלא נגע במטה אבל נגעו במטה אסורין  
 R' Shimon ben Gamliel said: When is this true? If the objects did not touch the coffin but if they did they are prohibited

The author of the sefer Geshet Hachaim<sup>1</sup> was asked whether the ohel (the structure that surrounds a grave) is prohibited from benefit since it surrounds the grave which is itself prohibited from benefit. He responded that it is clear that Biblically the ohel is not prohibited from benefit. Obviously, the ohel is not a grave that contains the body of the deceased; it is the structure which contains the grave and as such it is not categorized as a grave that is prohibited. Additionally, the ohel should not even be categorized as a monument (מצבה) for the deceased which itself is subject to debate whether it is prohibited. According to Rabbeinu Yishaya a monument is prohibited from benefit whereas according to Rosh it is not prohibited from benefit. The reason this dispute has no bearing on an ohel is that the monument debated by Rabbeinu Yishaya and Rosh refers to a monument that is attached to the grave but an ohel rests completely around the grave and thus even according to Rabbeinu Yishaya is not prohibited.

Geshet Hachaim also emphasizes that the walls of the ohel will not be sanctified regardless of whether they are within four amos of the grave or not. He raises a challenge to this position from the Yerushalmi<sup>2</sup> that rules that objects that are thrown in front of the casket of the deceased and land within four amos are prohibited but if they land outside of four amos

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 banan's position that the property goes to the king.

## 3) Yoav's execution

The Gemara expounds on verses related to Yoav's execution.

R' Yehudah in the name of Rav teaches that all the curses that Dovid Hamelech put on Yoav were fulfilled in his own descendants.

R' Yehudah in the name of Rav notes that this is consistent with the saying that one should rather be cursed rather than curse others. ■

they are permitted. Korban Ha'edah<sup>3</sup> explains that objects that land within four amos are prohibited because a corpse occupies four amos and it is as if the objects are on the deceased. Accordingly, if the wall of the ohel is within four amos of a grave it should be prohibited. Geshet Hachaim offers two explanations why this is not so. Firstly, in our Gemara R' Shimon ben Gamliel says the status of objects thrown in front of the casket depends on whether they touched the coffin and not whether they landed within four amos of the coffin. When a matter is debated by the Bavli and Yerushalmi halacha will follow the Bavli. Secondly, the discussion of the status of objects thrown at a casket refers to objects that were thrown at the casket before the burial since people, in their distress, intend to prohibit their possessions. Once the deceased is buried all opinions would agree that objects in the vicinity of the corpse do not become prohibited. ■

<sup>1</sup> גשׁר החיים ח"ב פרק ד' אות ד'.

<sup>2</sup> ירושלמי רפי"ג דמגילה.

<sup>3</sup> קרבן העדה שם. ■

# STORIES Off the Daf

## An undeserved curse

כל קללות שקילל דוד את יואב נתקיימו  
 בזרעו

Today's daf discusses the curses Dovid leveled at Yoav.

One woman got so upset at her neighbor that she pronounced some hair-raising curses. Her neighbor was very upset even though she had done nothing to deserve such curses. Despite her blamelessness, she felt very uncomfortable and wondered if it was merely superstition or if there was any basis to being afraid of such a curse.

When Rav Yitzchak Zilberstein, shlit"א, was consulted about the matter, he explained that an undeserved curse was definitely nothing to worry about. "This is clear from Rashi in Sanhedrin who writes that an undeserved curse becomes manifest for the person who wrongly did the cursing. Yet this seems to contradict the Gemara in Gittin (35a) regarding Rabbah bar Rav Huna. There we find that a widow asked him to allow her to collect her kesubah. When he said that this was impossible, she asked him to fix the amount she was entitled to receive to pay for her upkeep from her deceased husband's estate. He said, 'Now that you have asked for your kesubah, you are no longer eligible to

receive anything from his estate.' The distressed woman cursed him, and he was always weak after that episode. According to Rashi, though, we should ask why wasn't she cursed rather than him, since the curse was undeserved?"

"My brother-in-law, Rav Chaim Kanievsky, shlit"א, explained that she had a bona fide claim on Rabbah bar Rav Huna. Although he was halachically correct, he should have realized that he was dealing with a broken-hearted widow and treated her accordingly. In such cases it is incumbent on a dayan to explain the halacha clearly and gently, to ensure that she understands it and can accept it."<sup>1</sup> ■

<sup>1</sup> עלינו לשבח, ח"א, ע"י שצ"א-שצ"ב ■