

OVERVIEW of the Daf

1) Eulogy (cont.)

The Gemara continues to determine whether a eulogy is to honor the living or the deceased.

The final conclusion is that the eulogy is to honor the deceased.

2) Burial of those who were executed

The reason someone who was executed was not buried in his family's gravesite is based on the principle that we do not bury the wicked near the righteous.

This principle is based on an exposition of R' Acha bar Chanina.

R' Acha bar Chanina's exposition is unsuccessfully challenged.

The reason there are two cemeteries for people who were executed is explained.

3) The korban of one who became an apostate

R' Yochanan ruled that someone who separated an animal for a korban, became an apostate and then repented may not bring that designated animal as a korban since it was disqualified during the time he was an apostate.

A similar ruling from R' Yochanan is cited regarding a person who went insane after designating an animal as a korban.

The reason both rulings are necessary is explained.

R' Yosef cites a Baraisa as proof to R' Yochanan's ruling.

Abaye rejects the proof from this Baraisa.

Rava and Abaye debate whether Abaye's rejection was correct.

R' Ada bar Ahava successfully challenges the earlier assumption that death and burial provide atonement.

A Mishnah is cited as proof that a convict achieves atonement when his body decomposes.

R' Ashi offers an alternative explanation why relatives do not mourn an executed convict.

This explanation is unsuccessfully challenged.

4) Using a grave for other purposes

Shmuel ruled that it is permitted to take dirt from a grave to use for other purposes since it is just dirt.

Three unsuccessful attempts are made to refute Shmuel's ruling.

A ruling cited in one of the Baraisas is further clarified.

5) A garment prepared for burial

Abaye and Rava disagree whether a garment that was made for burial is prohibited.

The rationale and source for each position is presented.

The Gemara begins to explain why Rava rejects Abaye's gezeirah shavah. ■

Distinctive INSIGHT

When do Abaye and Rava disagree regarding הזמנה?

איתמר האורג בגד למת אביי אמר אסור, ורבא אמר מותר

Abaye and Rava discuss the halacha of הזמנה – where an object is designated to be used for a mitzvah, i.e., for the burial of the dead. The specific example given is where, after someone died, a garment was woven to be used for the burial. According to Abaye the garment is thereby prohibited to be used for anything else, while Rava contends that it may be used for other purposes. ר"י cites Ramban who holds that this dispute refers to mere designating of the object without any further action. Abaye holds that even before the body is wrapped in the garment it is already limited and restricted from any other use. ר"י himself holds that the case only refers to where the designation was made with a formal action, such as a purchase, collection of funds from one person to another, or placing the object on the body or in the grave. If it was only done verbally, even Abaye would say that it is not yet binding, and the object may be reassigned for another purpose. Tosafos (48a) presents a middle-ground approach to the case, and explains that Abaye and Rava disagree in a case where the person made a verbal designation, but reinforced his words by holding the object in his hand as he made his declaration.

The בעל המאור holds that even according to Abaye, if the designation is in regard to land, for example where someone declares that a certain plot will be used for a particular grave, the designation is only valid if the verbal statement is accompanied by an action. If the item being referred to is a moveable object, for example, a garment for the dead or a bag used

(Continued on page 2)

REVIEW and Remember

1. According to the Gemara's conclusion, what is the purpose of a eulogy?

2. Explain הואיל ונדחה ידחה.

3. When does an executed person achieve atonement?

4. What is the point of dispute between Abaye and Rava?

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מרת חנה בת ר' דוד, ע"ה רובין

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HALACHAH Highlight

Using a tefillin bag for other objects

רבא אמר מותר הזמנה לאו מילתא היא

Rava rules that designation is not significant

The Gemara presents the dispute between Abaye and Rava whether designation of an object is significant and makes something prohibited even before it was used or not. The Gemara's final conclusion is that designation is not significant and objects designed for mitzvah use do not become prohibited until they are used for the mitzvah for which they were designated. One of the cases discussed in the course of this debate is the bag made for placing tefillin inside. According to the Gemara's conclusion a tefillin bag is not prohibited for general use until one places his tefillin into the bag but once the bag is used to store tefillin the bag is prohibited.

Mishnah Berurah¹ indicates that in our times that we place our tefillin into a box in addition to being stored in the bag it is the box that is considered the object that serves the tefillin (תשמיש דקדושה) and the bag is something that serves something that serves the tefillin (תשמיש דתשמיש דקדושה). As such it is not prohibited to place mundane objects in our tefillin bags. There are, however, opinions² which maintain that since the knots of the tefillin are not covered by the tefillin boxes the bag retains its status of something that serves a sacred object and mundane objects should not be placed into the tefillin bag. There are those³ who maintain that according to all opinions one could be lenient and place a siddur, tehilim or a gartel in his tefillin bag and they base this lenient approach on a ruling of Be'er Heitev that the part of the bag that extends beyond the tefillin is not considered to be serving the tefillin and thus permitted for mundane use. Since tefillin

(Overview...continued from page 1)

for tefillin, a verbal declaration is adequate without any action.

This halacha also applies to designating materials to be used for tefillin or a sefer Torah. For example, if someone designates a bag to be used to store his tefillin, may he use it for other mundane purposes instead? Another issue which is related to this is whether the materials to be used for a sefer Torah must be designated for that purpose ahead of time or not.

There are other places in shas where the issue of הזמנה is discussed, and the disagreement between Abaye and Rava applies in those cases as well. In Menachos (34b) the case is presented where someone declared a new box for tefillin to be for the tefillin shel rosh. At that point, according to Abaye, it may no longer be used for tefillin shel yad, which has a lower level of kedusha than the shel rosh. Once the designation is valid it is prohibited to lower the kedusha of the item.

Another example where this discussion is relevant is found in Berachos (26a). It is prohibited to daven the amidah in a room which is used as a privy. The Gemara discusses davening in a room designated as a privy, but never used yet as such. The issue hinges upon the dispute between Abaye and Rava. ■

bags in our times are manufactured to be larger than the tefillin it is as if it was stipulated that the part of the bag that extends beyond the tefillin was never intended to be sanctified. Nevertheless, the best approach is to stipulate before using the bag the first time that it will be used for these types of objects and by doing so one satisfies all opinions. ■

1. עי ביה"ל סי' ל"ד סעי' ד' ד"ה שתי הזוגות ופסקי תשובות דלקמן.
2. עי שו"ת מנחת אלעזר ח"א סי' כ"ז.
3. עי פסקי תשובות סי' מ"ב אות ד' ■

STORIES Off the Daf

A good sign

"סימן טוב למת שלא נספד כהלכה..."

When Rav Meir Hakohein Rappaport of Krakow once eulogized an askan who helped many people during his long life he explained a statement on today's daf in a very novel manner. "In Sanhedrin 47 we find that if the deceased is not נספד כהלכה, which literally means eulogized properly, this is a good sign for him and the reverse is also true.

Most people who pass away have not really fulfilled their potential in life. This makes the person who must eulogize him feel somewhat at a loss to know what to say. The best way around this is to begin his eulogy with some halachah and refer to the few positive attributes the deceased possessed. What else is he to do? Should he then spend an inordinate amount of time on the positive attributes of the deceased when there are sadly not that many? The main points of his derashah are generic which could apply to almost anyone, peppered with the little that should be said. This is the

meaning of that which is implied by the sages in Sanhedrin 47, that if one is נספד כהלכה, eulogized using a halachah, it is a bad sign for him.

"But if the deceased lived a full life, one need not use derashos and pilpulim to fill the time for a respectable eulogy. We can just focus on his many, many good deeds and attributes and we have much more than enough material to give a very inspiring hesped. The meaning of the statement of our sages, 'סימן טוב למת' can be understood in this manner.¹ ■

1. אוצר שיחות צדיקים, עי קצ"ה ■