The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קצ"ו סעיף ב'

Overview

Siman 496 Seif 2:

The only differences between the first day and the second day of Yom Tov relate to the deceased and providing medical treatment for someone who has an ailment in his eye or other medical condition that is not life threatening. **Even though on the first day medical treatment may only be administered by a gentile since the condition is not life threatening, on the second day of Yom Tov a Jew may also provide the necessary treatment. The exception to this rule is that the two days of Rosh HaShanah are treated as one long day.** Only a medical treatment that involves a Rabbinic prohibition may be administered by a Jew on the second day of Yom Tov but treatments that involve Biblical prohibitions may not be done by a Jew even on the second day of Yom Tov.

- Shulchan Aruch refers to where one's eye hurts but the rest of his body is healthy, meaning that his body is not weakened by his eye ailment. The novelty of this ruling is that on the second day the treatment may be administered with any deviation. (M.B. 5)
- Even if one's entire body aches he may not administer treatment that involves a Biblical *melacha* since his life is not in danger. (M.B. 8)

Stories to Share

The Mohel's Dilemma

ש"ע ס' תצ"ו, ב': "אין חילוק בין ראשון לשני ..."

A certain mohel from abroad spent a year in kollel in Eretz Yisrael. To his great joy, his wife had a baby boy about two weeks before yom tov. Unfortunately, the baby was slightly sick and the milah was somewhat delayed; the child was pronounced fit for milah on yom tov itself. Of course, on the first day it is forbidden to have a milah unless it is the eighth day. The father wondered about the second day of yom tov, however. As we find on today's amud, there are rare differences between yom tov rishon and sheini. Although some authorities permit milah, others prohibit it, and outside of Eretz Yisrael the halachah is not to do milah. Of course it struck the father that he should give the baby to another mohel to circumcise, but he wondered whether this is permitted.

When this question was brought to Rav Shlomo Zalman Auerbach he ruled that the father should appoint a mohel from Eretz Yisrael to do the milah. "Some poskim do hold that one should perform a milah under these circumstances;. although we cannot rely on them outside the land, we can in Eretz Yisrael."

יו"ט שני כהלכתה, פ"א, הע' א'*, ד'

When a similar question was brought before the Vaya'an Avraham, he added an important point: "Although an emissary can only do that which what the person who sent him may do, this is not a problem here. This is either because the prohibition is merely rabbinic and this requirement is only problematic if the person designates a messenger to do what he cannot do min haTorah, or because, if he did it, it would work despite transgressing the prohibition. In such instances, one may designate a messenger. It is only where if the person designating the messenger transgressed that his action would be ineffectual."

שו"ת ויען אברהם מובא בשדי חמד, מערכת יו"ט, ס' א', אות י'

Halacha Highlight

Burial of the deceased on the second day of Yom Tov

Shulchan Aruch Siman 496 Seif 2

אין חלוק בין ראשון לשני אלא לענין מת

The only difference between the first and second day is with regards to burial

Shulchan Aruch (סע' ב') writes that as a general principle there is no difference between the first day of Yom Tov and the second day of Yom Tov other than burial and treating non-life-threatening medical conditions. Mishnah Berurah (סק"ד) explains that out of concern for the honor of the deceased Chazal were more lenient regarding burials on the second day of Yom Tov. Shulchan Aruch (סי' תקכ"ו ברמ"א ומ"ב שם ס"ק כ"ח ובשעה"צ שם ס"ק ל"ג) explains that on the first day of Yom Tov, Chazal allowed burial arrangements to be made by gentiles. On the second day of Yom Tov, preparations needed to bury a person may be performed even by a Jew. Included in this leniency is the allowance to perform Biblical prohibitions such as digging a grave and sewing burial shrouds.

Rav Moshe Feinstein (שו"ת אג"מ או"ח ח"ג סי' ע"ו) argued that this leniency should no longer be implemented. One point he raised was that the allowance to bury a body was out of concern that the body would decompose and burial protects the dignity of the deceased. Nowadays, bodies could be kept cool in refrigeration units at a morgue and the body will not decompose; thus there is no necessity to allow desecration of Yom Tov in order to bury the deceased. Additionally, since many people are not properly mitzvah observant, there is a concern that if a funeral were to be held on Yom Tov it could lead to widespread desecration of Yom Tov. For example, there are people who would feel compelled to call others on the telephone to inform them of the funeral. Additionally, there are some who would drive to be able to attend the funeral. Since these concerns are likely to occur those who schedule funerals on the second day of Yom Tov may be in violation of לפני עור לא תתן מכשול-placing a stumbling block before the blind.