



OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara clarifies the dispute in the Mishnah concerning taking prey caught by someone else's trap.

R' Chisda explains that even according to R' Yosi stealing an object found by a deaf-mute is theft Rabbinically but not Biblically.

The significance of categorizing this a theft Rabbinically is explained.

A Beraisa elaborates on the prohibition of taking olives knocked off the tree by a poor man.

A related incident is recorded.

A Beraisa presents many instances in which idolaters are treated the same as Jews.

2) MISHNAH: The Mishnah continues to present lenient rulings that are based on the principle of promoting peace (דרכי שלום).

3) Clarifying the Mishnah

The Gemara asks for the distinction between the first two cases; in one it is permitted to assist a suspected sinner whereas in the other it is prohibited.

Abaye and Rava suggest different distinctions to resolve the contradiction.

Rava's explanation is unsuccessfully challenged.

Another unsuccessful challenge to Rava's opinion is resolved by Abaye.

A Mishnah is cited that contradicts one of the earlier-cited Beraisos.

The Gemara resolves the contradiction and wonders why it was thought that there was a contradiction in the first place.

The contradiction was asked to introduce the Mishnah to the discussion in order to note a contradiction between that Mishnah and a second Mishnah regarding the question of whether an עם הארץ is suspected of exchanging objects.

The contradiction is resolved.

Two unsuccessful challenges to the resolution are presented. ■

Distinctive INSIGHT

Providing social services and charity to non-Jews

מפרנסין עניי נכרים וכו'

Tosafos notes that there is a well-known prohibition against giving free gifts to idolaters. This is based upon the verse in Devarim (7:2): "You shall not consider them favorably," which is understood to mean that it is prohibited to attribute any favor to idolaters, including granting them free services and gifts. Why, then, it is permitted to distribute charity to impoverished idolaters, even if there is an aspect of civility and promoting good relations among our communities?

שו"ת בית יהודה (Y.D. #4) explains that even according to the opinion of Rabbi Yehuda, that giving gifts to an idolater is a Torah-level prohibition, this is only true when there is no purpose to the giving of the gift. However, if there is a direct or indirect benefit for the Jews, for example in our case where we distribute charity in order to avoid creating animosity between our communities, this would be permitted.

שו"ת התעוררות לתשובה (1:166) notes that the halacha in this area is worded carefully. The rule is stated in terms of giving charity to non-Jews as being "permitted," rather than being stated in an objective manner, such as by saying, "Charity is to be given to non-Jews". The point is that the halacha merely recognizes that although we might have thought that providing social and communal services to non-Jews would be prohibited, we are nevertheless permitted to do so. Therefore, although outright gifts are not allowed, the consideration of דרכי שלום does permit all types of social interactions, such as visiting the sick, giving charity, burying the dead, etc., for non-Jews. One rationale is that these acts are mitzvos, and as such, we do not have to be reluctant when performing a mitzvah, even if the recipient is a non-

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REVIEW and Remember

1. Why did R' Kahana refer to R' Yoshiah as a tzaddik?

2. What are the two definitions of an עם הארץ?

3. What is טומאת היסט?

4. Why does an innkeeper have an interest in exchanging bread?

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HALACHAH Highlight

Is it permitted to officiate at the wedding of a non-religious couple?

וכולן לא אמרו אלא מפני דרכי שלום

And all of these leniencies were said in an effort to promote peace

Netziv¹ demonstrates from our Gemara that out of consideration of promoting peace and earning a living it is permitted to assist a sinner as long as one does not assist in the actual transgression. Accordingly, he permits a shadchan to arrange a match between two non-religious people even though they will violate the prohibition of niddah.

Shearim M'tzuyanim B'halacha² asserts that all opinions would agree, even those who permit arranging a shidduch for a couple that will not observe the laws of taharas hamishpacha, that it is prohibited to officiate at the marriage of such a couple. Chelkas Yaakov³ disagrees about this last point and maintains that if, as a result of refusing to officiate at the wedding, the couple will find someone to perform the wedding for them who is not concerned about halacha, it is permitted to officiate at their wedding. Teshuvos Har Tzvi⁴ writes that officiating at the wedding of a non-religious couple depends upon whether conducting the wedding will cause any further transgressions. If the wedding will cause them to commit transgressions that they would not have otherwise committed it is prohibited to officiate at the wedding. If, however, the wedding will not be the cause of further transgressions (e.g. they are committing those transgressions even before the marriage) it is permitted.

(Insight. Continued from page 1)

Jew. This is similar to the incident regarding Rabbi Eliezer who released his slave when the mitzvah of forming a minyan was accomplished, and Rabbi Eliezer was not concerned about the prohibition of releasing one's slave in a case where a mitzvah was fulfilled. Another rationale why helping non-Jews is permitted is that we aim to avoid animosity, and we must prevent our gentile host nations from taking revenge and withholding services from a Jew who might be in need. Therefore, in order to avoid any future harm to our own community, we also participate in this reciprocal arrangement, and we provide goods and services to the non-Jews when needed. ■

Rav Moshe Feinstein⁵ expressed great concern about officiating at the wedding of a woman who is promiscuous (אשה מופקרת) because of the potential harm that could result from providing a halachically valid marriage. Rav Feinstein was concerned that such a woman would not be particularly concerned about obtaining a גט and other activities that could possibly produce mamzerim. Therefore, he felt that it is preferable for the couple to not have a halachically sanctioned marriage. Although we normally require a couple that lived together to obtain a גט before remarrying, nonetheless, the couple is not considered married so as to produce mamzerim if they did not have a גט written on their behalf. ■

1. שו"ת משיב דבר ח"ב סי' ל"ב.
2. שערים מצויינים בהלכה ח"ד סי' קמ"ז סק"ה.
3. שו"ת חלקת יעקב ח"א סי' כ"ג.
4. שו"ת הר צבי אה"ע ח"א סי' ק"א.
5. שו"ת אג"מ אה"ע ח"ד סי' ק"ב. ■

STORIES Off the Daf

"Fortunate is He Who Looks upon a Poor Man"

"מפרנסין עניי עכו"ם עם עניי ישראל מפני דרכי שלום..."

The importance of tzedakah cannot be overstated. As the verse states:¹ "charity saves from death." In another verse we find: "Fortunate is he who looks upon a poor man."² The Midrash learns that even one who merely looks into how to help a poor man is fortunate.³ The Semichas Chachamim, ז"ל, explains that even merely accepting upon oneself to give charity immediately draws down great blessing.⁴

The Ahavas Yisroel of Vizhnitz, ז"ל, would give charity to Jews with an open hand. Whenever he noticed a non-Jew soliciting charity, he would give a coin to one of the people accompanying him to give the unfortunate man.

When asked why he gave a donation to non-Jews when Jewish poor abounded—wouldn't it be better to give more to Jews—he explained, "The Gemara in Gitin 61 states that one should give charity to non-Jews along with Jews to maintain peace."

The Rebbe added, "The truth is that I always give to non-Jews with a much lighter heart than when I am forced to give to a needy Jew. I empathize with the plight of our Jewish brothers in need much more than with indigent non-Jews.

If someone needs to take charity, I very much prefer that it should be a non-Jew rather than a Jew!"⁵

It is important to note that the precise definition of דרכי שלום depends on the context of time and place. If a Jew and non-Jew are soliciting in front of one another, it is obvious that one must also give the non-Jew because of darkei shalom. At times, even if the non-Jew solicits alone one should give because of דרכי שלום. Every case must be judged separately. ■

1. משלי י: ב.
2. תהלים מא: ב.
3. ויקרא רבה, פרשה ל"ד, א.
4. על משניות בפתחת מסכת מגילה.
5. כנסת ישראל, עמוד תמ"ה.
6. מהר"י קורקס, הלכות מתנות לעניים, פ"ז, ה"ז. ■