



OVERVIEW of the Daf

1. The status of a person's hand (cont.)

The Gemara finishes its discussion of the two Baraisos, leaving Abaye's question unanswered.

2. Removing dough from an oven before a Torah prohibition is violated

R' Bibi bar Abaye asked whether the sages permit a person to remove a baking dough from an oven before it is baked in order to avoid being obligated to offer a korban chatas. The Gemara questions the relevance of the question because seemingly the question does not exist if the original act was done unintentionally, and if it was done intentionally the punishment would be stoning rather than bringing a korban chatas.

R' Ashi explains that the question is relevant when the original act was done intentionally and the wording should be changed from a korban chatas to stoning. This is supported by a second version of R' Bibi bar Abaye's statement (עי רשיי).

5. Is there a minimum dimension for the place of removal or placement?

The Gemara questions how the Mishnah can hold a person liable for transferring an object if it is merely placed into another's hand. For the prohibition of transferring to take place the object must be removed from or placed onto an area of significance, i.e. a place that is minimally four tefachim by four tefachim.

Rabbah suggests that the Mishnah follows the view of R' Akiva. This approach is rejected because we can only demonstrate that R' Akiva is lenient regarding the placement of the object, but as far as the removal of the object he may agree that it must come from an area of significance.

R' Yosef suggests that the Mishnah follows the opinion of Rabbi. The Gemara searches until it finds a ruling of Rabbi that indicates that he does not have a requirement that the place contain a significant size for liability. ■

REVIEW and Remember

1. What part of a melacha must be done unintentionally to be obligated to bring a korban chatas?

2. If an object is handed from one private domain to another with a public domain intervening has a prohibition been violated?

3. According to Rabbi, if an object was thrown from one public domain to another, crossing a private domain in the middle, how many prohibitions were violated?

Gemara GEM

Add Salt to Taste

לכי תיכול עלה כורא דמילחא

Rava and R' Nachman were discussing the case where a person thrust his hand out of a רשות היחיד into the רשות הרבים. Rava first asked what the halacha would be if the person wished to return the object to the same yard in which the person was standing. To this, R' Nachman answered that it would be permitted. Then, Rava asked what the halacha would be if the person wanted to toss the fruit into a different yard. To this question, R' Nachman answered that it would be prohibited. When Rava asked for an explanation why the halacha was different in the two cases, R' Nachman first told Rava to measure out a kor of salt. This was a lighthearted remark, which Rashi explains in two ways. First, it could be that R' Nachman was asking Rava to "earn" the answer. We find similar cases in ש"ס where an Amora asks a student to show his appreciation and willingness to work to earn Torah (see Bava Kamma 20b). This is why R' Nachman asked Rava to measure out some salt for him.

Another explanation of R' Nachman's words may be that he was telling Rava that if he ate a kor of salt, he still would not realize the answer. Accordingly, R' Nachman was challenging his student to think harder, but be prepared for an insightful distinction between the cases. With that introduction, R' Nachman then told him the difference between returning the object to the same yard or to another yard.

A third approach is offered in the Hagahos R' Eliezer Moshe HaLevi Horowitz in his comments printed in the back of the ש"ס. It is noteworthy that the specific favor which R' Nachman requested was to have salt measured (or eaten). It is also clear from the flow of the Gemara, that Rava himself understood that there might be some difference between whether the item held in the רשות הרבים was to be tossed into the same yard or a different one. After all, it was Rava who led the line of questioning and suggested that there may be some change in the halacha, which R' Nachman confirmed. It was only that Rava did not know precisely what the reason was, or how to articulate it. R' Nachman told Rava that when different foods have similar tastes, it is possible to enhance their individual tastes with salt in order to then have their distinctive flavors more pronounced. So, too, said R' Nachman, here we have two cases, somewhat similar, yet different. Rava had difficulty distinguishing between them. R' Nachman told Rava to think about it and "salt them" to bring out the unique aspect which would account for the halacha permitting one, while prohibiting the other. ■

HALACHAH Highlight

Sinning to prevent someone else from a more severe transgression

מתקיף לה רב ששת: וכי אומרים לאדם "חטא כדי שיזכה חברך?"
 Rav Sheishes challenged this view: Do we say to someone "Sin, so that your comrade will benefit"? Of course we would not say this.

This topic received extensive consideration by the Rishonim since we find passages elsewhere that would seem to indicate that there are occasions when one would perform a sin in order to prevent a friend from a more severe sin.

Tosafos¹ questions our passage from apparently contradictory statements elsewhere, and presents various resolutions:

1. If one person's actions will lead another individual to sin, then the first person may transgress a lesser sin to prevent his friend from transgressing a more severe interdiction².
2. Here an act of prohibition has already taken place; therefore we do not tell someone to sin in order to save someone else from a transgression. However, if the other individual has not sinned yet, than we do say to someone to sin in order to prevent a friend from transgressing a more serious sin.
3. Only if a person transgressed a prohibition intentionally do we say "Do not sin in order for your friend to benefit." However, if the comrade sinned unintentionally, then a person does sin in order to prevent his friend from transgressing a more serious interdiction.
4. If the sin will permit a very significant mitzvah or a mitzvah of a multitude to be performed, then we do say to sin in order to benefit others.

The commentators question, challenge and/or support these answers of Tosafos. Others proffer different resolutions. Still, these answers of Tosafos provide us with sufficient basis to

explore an interesting application discussed by Rav Yitzchak Zilberstein³ שליט"א. Employees of an old age home forgot to unscrew the light bulb in a refrigerator before Shabbos. Being that many of the residents of the home are not observant, there exists a concern that possibly people will open the refrigerator, thereby turning on the light. Can an employee unscrew the bulb in an unusual way, a prohibition of Rabbinic origin, in order to prevent others from desecrating the Shabbos with their opening of the refrigerator door?

Rav Zilberstein explains that according to the first answer of Tosafos, the chief administrator, who is ultimately responsible to prevent such errors, would be permitted to unscrew the bulb in an unusual fashion. While according to the second answer of Tosafos, since no one has yet opened the door, anyone would be permitted to unscrew the bulb in an unusual fashion. According to the fourth answer of Tosafos, it could well be that this situation is considered a mitzvah regarding many people, and therefore it be permitted to unscrew the bulb. However, according to the third answer of Tosafos, these residents may fall into the category of intentional transgression, and therefore it would be prohibited to unscrew the bulb. In the end, Rav Zilberstein, based upon the view of some Poskim⁴, rules that it is permitted for anyone to unscrew the light bulb in an unusual fashion, since this constitutes only a interdiction of Rabbinic origin, and it is permitted to transgress such a prohibition in order to prevent many from transgressing a more severe prohibition. Surely, he writes, the chief administrator would be permitted to do so in an unusual fashion. ■

1. תוס' ד"ה וכי אומרים
2. עיי גם בס' הישר לר"ת (סי קצח) ובתוס', עירובין (לב ע"ב) והרמב"ן והרשב"א בחידושים לערובין שם, ובשו"ת הרשב"א ח"ז (סי רסז) וריטב"א ומעירי כאן, ובשו"ת תשב"ץ ח"ג (סי"ס לז) ועוד טובא.
3. חשוקי חמד כאן (עמ' נא)
4. עיי מג"א (סי רנד ס"ק כא) ושער הציון (סי שו ס"ק מו) ■

Distinctive Insight

Exceptions to the Rule

Our Gemara says that we would not allow one person to scrape the unbaked dough from the oven wall (which is a rabbinic transgression) in order to stop the baking process and thereby help the person who put the dough in the oven avoid being in violation of a Torah prohibition on Shabbos. The Rishonim note that this rule is not applied in all cases. There are situations where we do ask or recommend that one person violate a negative com-

mand in order for someone else to merit. For example, the Gemara in Eiruvim (32b) says that we suspect that a חבר will possibly provide fruit to an עם הארץ and designate ma'aser in a remote manner (which is a transgression) in order to help the עם הארץ not eat טבל. What are the guidelines of this rule?

One consideration is that the חבר who provided the basket of fruit will be responsible if the עם הארץ eats the fruit as טבל. Since he was irresponsible in the first place, we expect him to violate a smaller לאו to save the עם הארץ from a bigger sin. Here by the bread, however, the one who might scrape off the bread is not involved

with any degree of responsibility, and he should not do any איסור to prevent someone else's sin. Another difference is whether the first person has yet done anything wrong. In the case of the bread, the person who placed it in the oven has already performed his sinful act. Although the dough has not yet baked, no one else in expected to do even a small infraction to help to prevent what has already been put into action. However, by the עם הארץ and the basket of fruit, the עם הארץ has so far done nothing wrong. In this case, we try to jump in, and have the חבר separate ma'aser before anything goes wrong. ■

