

This month's Daf Digest is dedicated  
לכבוד the Wedding of Yosef and Shoshana Sokolin  
And לעלוי נשמת Israel Isser Ben Tzion ben Yaakov whose yahrtzeit is on 19 Iyar

## OVERVIEW of the Daf

1) **Mishnah (cont.)** The Mishnah continues to provide guidelines for determining the number of korbonos a person would be obligated to offer for violating Shabbos under different circumstances.

2) **Clarifying the phrase כלל גדול**

The Gemara explains that the term גדול was used in reference to Shabbos, sheviis and according to Bar Kapara, maaser, is to create a hierarchy of severity with regards to punishment. Shabbos is the most severe followed by sheviis, maaser and finally peah.

3) **Identifying the circumstances of the first case of the Mishnah**

Rav and Shmuel explained the first case of the Mishnah, which obligates the violator to offer but one chatas, as referring to one who was captured and raised amongst gentiles or a convert who never learned about Shabbos. However, one who learned about Shabbos and forgot would be obligated to bring a chatas for each Shabbos violated.

The Gemara refutes this position and explains that the Mishnah refers to the case of one who learned and forgot. The comment of Rav and Shmuel is that a child that was captured and raised by gentiles and a convert are treated the same as one who learned about Shabbos and forgot.

R' Yochanan and Reish Lakish dispute this ruling and main-

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## REVIEW and Remember

1. Why is the punishment for violating shevi'is more severe than the punishment for violating ma'aser?
2. How is it possible for a convert to be unaware of the prohibitions of Shabbos? (ע' תוס' ד"ה גר)
3. According to R' Yochanan and Reish Lakish, what classification is assigned to a person who violates a prohibition thinking that the act is permitted?
4. Did Munbaz present the primary source for his position to R' Akiva?

Today's Daf Digest is dedicated  
By Dr. and Mrs. Moshe Nitekman  
In loving memory of their father  
ר' ראובן בן ר' אברהם הלוי, ע"ה

## Distinctive INSIGHT

*Like Giving Candy to a Baby?*

רב ושמואל דאמרי תרווייהו אפילו תינוק שנשבה בין הנכרים וגר שנתגייר בין הנכרים כהכיר ולבסוף שכח דמי

There are many questions that arise regarding how to relate to and to deal with a non-observant Jew who is in the category of "Tinok Shenishbah." HaRav Moshe Feinstein was asked about offering food to such a person. The halacha is (O.C. 169:2) that it is prohibited to provide food to a person who will not recite a beracha upon it, or that they will not wash their hands before eating bread. Rema adds that there are those who hold that if the receiver is a poor man, we can be lenient, and offer him food as Tzedakah without ascertaining whether he will recite berachos. The Mishnah Berura points out that the words of Rema are only when we are in doubt whether he will say a beracha or not. In this case, we will not dispense with the mitzvah of Tzedakah based upon our uncertainty. However, if we know for sure that the person will not recite a beracha, then it is not allowed to offer food to this poor man, even if it is an opportunity to give Tzedakah.

Magen Avraham clarifies that our offering food to one who will neglect to say a beracha, we are in violation of "לפני עור" we are not allowed to assist another Jew to violate the halacha." Therefore, the mitzvah of giving Tzedakah does not outweigh our being in violation of לפני עור. However, this is only when the recipient will not recite a beracha due to his negligence, or due to evil or rebellious intent. Our providing food for him would be aiding his defiance. However, if the person does not say berachos due to his ignorance, then we can give him food even if we know he will not say a beracha.

Rav Moshe writes that offering food to a non-observant Jew would hinge upon the discussion in our Gemara. Rav and Shmuel consider such a person as an unintentional sinner, and it would therefore be prohibited to offer him food, because his lack of observance is still considered sinful, albeit unintentional. Rav Yochanan and Reish Lakish hold that such a person is אונס – acting out of "coercion", so to say, which is without guilt. Our assisting him would therefore not be an act of לפני עור. In conclusion, Rav Moshe tends to be stringent in this case. ■

Today's Daf Digest is dedicated  
Rabbi And Mrs. Ben-Zion Rand  
In memory of his father  
שמואל יהושע בן ישראל ז"ל

# HALACHAH Highlight

## Are Today's Non-observant Jews Defined as Tinok SheNishbah?

ורבי יוחנן ורבי שמעון בן לקיש דאמרי תרוייהו דוקא הכיז ולבסוף שכן אבל תינוק שנשבה בין הנכרים וגר שנתגייר לבין הנכרים פטור מיתבי כלל גדול אמרו בשבת כל השוכח עיקר שבת ועשה מלאכות הרבה בשבתות הרבה אינו חייב אלא אחת כיצד תינוק שנשבה לבין הנכרים וגר שנתגייר בין הנכרים ועשה מלאכות הרבה בשבתות הרבה אינו חייב אלא אחת אחת וחייב על הדם אחת ועל החלב אחת ועל עבודה זרה אחת ומונבז פטור:

R' Yochanan and R' Shimon ben Lakish both said: "...but a child who was captured among the non-Jews, or a convert who converted among the non-Jews, is exempt [from any atonement offering]." They challenged this view from the following Baraisa: "...a child who was captured among the non-Jews, or a convert who converted among the non-Jews who performed many forbidden activities over the course of many Shabbosos is only liable to bring one atonement offering [for all his Shabbos]... but Monbaz exempts [the 'child who was captured' from any atonement offering]."

Regardless of whether the Tinok Shenishbah, the "child who was captured" is exempt from an atonement offering altogether, or liable to bring at least one offering, his responsibility, and hence his guilt, is far less than that of a person who was brought up in a proper Jewish environment.

Contemporary Halachic literature explores the application of the principle of Tinok Shenishbah to modern times. Many of them follow the approach of the Rambam (Hil. Mamrim 3:3<sup>1</sup>), who categorizes children who were raised among elements of society that were heretical (viz., Karaites) as Tinok Shenishbah and worthy of kiruv.

R' Yaakov Ettlinger, the Aruch LaNer,<sup>2</sup> suggested that it is possible to extend this line of thinking in regard to Karaites, to Jews raised in modern non-observant environments. As a result, he suggests that the contact of modern non-observant Jews with wine may not render it forbidden to drink, as the contact of non-observant Jews who are not categorized as Tinok Shenishbah

(Insight...continued from page 1)

tain that one captured and raised by gentiles and the convert are altogether exempt from liability.

The Gemara questions the position held by R' Yochanan and Reish Lakish from a Baraisa. Their position, however, is not completely refuted because the Baraisa itself quotes a dissenting opinion that conforms to theirs.

### 4) Clarifying the dispute between Munbaz and the Rabbanan

A source for the opinion of Munbaz is presented as well as how the Rabbanan interpret that source differently. ■

would. (See also R' David Zvi Hoffman's comments on non-observant Jews in America.<sup>3</sup>) Nevertheless, R' Moshe Feinstein writes<sup>4</sup> that Jews who are not observant of Torah and Mitzvos in our day and age bear more responsibility than the Karaites that were the Rambam's concern. Unlike the Karaites who had no interaction with the observant community, many of today's non-observant Jews have had such interactions and are knowledgeable enough of Torah and mitzvos that they cannot be categorized as Tinok Shenishbah.

R' Shmuel HaLevi Vosner<sup>5</sup> writes in a similar vein, regarding non-observant Jews in the land of Israel, where contact with observant Jews is prevalent. In another responsum,<sup>6</sup> he defines anyone who was raised in a completely secular environment as a Tinok Shenishbah, and that the principle of diminished guilt even applies to heretical beliefs, not just to sins committed out of ignorance. Hence, many non-observant Jews in our day are in the category of Tinok Shenishbah, and it would behoove us to demonstrate love and kindness towards them, and through Kiddush Shem Shomayim bring them to Teshuvah. ■

1 רמב"ם הלכות ממרים פרק ג' הלכה ג':

2 שו"ת בנין ציון החדשות סימן כ"ג:

3 שו"ת מלמד להועיל חלק ב' (יו"ד) סימן נ"ב:

4 שו"ת אגרות משה חלק אה"ע ד' סימן נ"ט:

5 שו"ת שבט הלוי חלק ב' סימן קע"ב:

6 שו"ת שבט הלוי חלק ח' סימן קס"ה: שאלה א' וד' ■

## Gemara GEM

### What is a Jew?

גר שנתגייר בין הנכרים

Our Gemara introduces the concept of a convert who became Jewish on his own accord, without being informed of the mitzvah of Shabbos. We must understand, though, in what way can we consider this person to be a Jew, and responsible to bring a sin-offering for his unintentional violation of Shabbos, when he has no knowledge of mitzvos? How is this conversion valid?

Reb Tzadok HaKohen of Lublin points out that we see from here that one's basic identity as a Jew comes from his being known as "a Jew". The verse (Yeshayahu 44:5) states: "This one will say I belong to Hashem...and he will refer to himself as Yisroel". The very connotation of being called a Jew is tantamount to being associated with belonging to Hashem.

Accordingly, Reb Tzadok notes that if one is forced to accept Islam, he must resist to the supreme degree of **יהרג ואל יעבור**. Even though we might not consider Islam as being avoda zara, being that their basic belief is in monotheistic, nevertheless the very fact that the Jew is being coerced to

abandon his identity as being called a Jew is enough of a reason to resist, even if the consequences are severe (see Radva"z, Vol. 4 #92). Even in earlier generations, when a Jew would compromise his mitzvah observance, he nevertheless maintained his distinctive identity as being Jewish.

The verse (Hoshea 4:17) describes this condition, as we find, "Even as Ephraim is bound up (**חבור עצבים אפרים וגו'**), and he follows idols, let him alone." From here we learn that because they remained bound up with the nation, and they did not assimilate with the surrounding nations, this saved them despite the fact they were involved with idols. ■