

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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Preserving the Broader Interests of Shabbat

The previous shiur discussed a general phenomenon of sinning to rescue another from pending religious offense. It presented two vastly different approaches iterated by Tosafot about whether such intervention should typically be encouraged. The general sentiment of the gemara does suggest a policy against executing sins to avoid more severe ones. This policy would seemingly pertain to any scenario; the same parameters would govern any case in which one sin's commission could avert a greater sin. There is, however, the possibility that the gemara's conclusion pertains specifically to mandating an issur Shabbat to avoid a different issur of Shabbat.

In one of his responsa (7:167), the Rashba addresses a situation in which a young Jewish woman was apprehended on Shabbat and was feared to be exposed to forced conversion. The question arose as to whether her father could violate Shabbat (by traveling to the site of her captivity) to produce a letter in his possession by an authority, which would secure her release. The Rashba responded negatively, based on the gemara's opinion that an individual (father) may not typically commit a sin to prevent another person (daughter) from sinning. This ruling elicited much disagreement and, among the disputants, the Beit Yossef (Orach Chayim 306) offered the following intriguing logic. The gemara in Yoma (88) searches for pesukim which license the violation of Shabbat to save human life. Ultimately, it appears that the gemara settles upon the pasuk in Acharei Mot – "Va-chai bahem" – which dictates that Halakha is meant to support life, rather than suppress it. Thus, when the two conflict, life is prioritized over Halakha (with the notable exception of the three cardinal sins). The gemara notes an opinion cited by Rabbi Shimon ben Menasya who derived the warrant to violate

Shabbat from the pasuk, "Ve-shamru Benei Yisrael et ha-shabbat" – which he interprets to mean, "Protect the broader interests and integrity of Shabbat." He determines that in serving these broader interests, we should violate one Shabbat to save a life and thereby generate long-term Shabbat observance by the person whose life is saved. Although it is generally assumed that this dissenting opinion is not accepted, the Beit Yossef evidently believed that its logic could complement and expand the conventional warrant to violate Shabbat to save lives. In the above mentioned instance regarding the captured daughter, the Beit Yossef employed Rabbi Shimon's logic and sanctioned the father's violation of one Shabbat so that many Shabbatot would be preserved by the daughter currently vulnerable to conversion. Even though her life was not at stake, and the classic exemption of "va-chai bahem" would not apply, Rabbi Shimon's idea would allow intervention. Similarly, Rabbi Shimon's rule would supercede the conventional reluctance to sinning on another's behalf to prevent them from violation. Since the father's Shabbat violation would yield future Shabbat adherence, it is allowable. In fact, a subsequent statement by the Beit Yossef in Siman 328 prohibits Shabbat violation to prevent an isolated sin (in accordance with the gemara in Shabbat (4a) which seems to discourage such behavior). Shabbat violation may be tolerated to serve the broader interests of Shabbat, but it is not allowed to service the avoidance of other prohibitions.

A striking parallel to the Beit Yossef may be discerned in a statement by the Ramban in his work, *Torat Ha'adam* (a glossary of different halakhic aspects pertaining to death and sickness). He claims that a fetus less than forty days old may be saved through Shabbat violation, even though Halakha does not define a fetus of this age as a living creature. Rabbi Shimon ben Menasya's logic would allow such intervention since, ultimately, the fetus will live to honor future Shabbatot. Again, had intervention been based solely upon the dictates of "va-chai bahem," only halakhically viable beings would warrant such violation. Evidently, the Ramban agrees with the Beit Yossef, that Rabbi Shimon's logic is ultimately adopted and can serve as a supplementary motive for Shabbat violation in perseverance of Shabbat needs.

An interesting structural parallel may be noted in the gemarot in *Menachot* (48) and *Kiddushin* (55). In each instance, the gemara implies that certain leniencies may be adopted in the processing of *korbanot* to 'protect' the validity of related *korbanot*. For example, if four,

rather than two, sheep were offered along with the shetei ha-lechem offering on Shavuot, two may be sacrificed with disqualifying intent, so that the remaining two will remain valid. Even though the disqualifying intent (*machshava shelo lishma*) entails a violation, it may be committed since this violation preserves the validity of related *korbanot* (by reducing the viable candidates to two sheep). Very few Rishonim question this statement based upon the gemara's instruction in Shabbat (4a) that willful violations should not be committed to protect against *aveirot*. (The Ravva, in his commentary to Shabbat, does strike such an equation.) Evidently, the basis of this halakha is independent of the concerns in Shabbat (4a).

Possibly, this situation is more akin to Yoma and Rabbi Shimon ben Menasya than to Shabbat (4a). Just as Shabbat consists of a system of integrated laws, so does the realm of *korbanot* entail an incorporated structure of various *korbanot*. With regard to Shabbat, the broader objective of each specific *issur* is to preserve the sanctity of the overall experience. Therefore, a willful violation can be endorsed if it serves Shabbat's broader interests. If this isolated *issur* will facilitate numerous additional Shabbat observances, it may be committed. Similarly, if the intentional malperformance of a *korban* will contribute to greater integrity of *korbanot*, it may be authorized. In each instance, committing a particular *aveira* serves as a barricade against the violation of the overall sanctity of the system (system of Shabbat laws, or system of *korbanot*). If, in a particular context, commission of an *aveira* will actually service the SYSTEM, it may be sanctioned.

Of course, this partial consent to Rabbi Shimon's concept begs an interesting question. Why was the aforementioned gemara in Shabbat (4a) unwilling to allow a less severe *aveira* to be committed by Shimon to avert the emergence of Reuven's *aveira*? If Shabbat's broader interests warrant its own violation, and Rabbi Shimon's logic is retained, why should it not apply here? Why did the gemara conclude its discussion by exclaiming, "*Ve-khi omrim lo le-adam chatei bishevil she-tizkeh chavirkha*" ("Of course we do not mandate illegal intervention to protect another")!!

The most obvious response is that Rabbi Shimon's criteria are more limited and do not apply to our gemara. In each of the preceding instances, Shabbat's broader interests were

numerically enhanced. By saving a life or traveling on Shabbat to prevent coerced conversion, numerous additional Shabbatot would be observed at the cost of a current singular Shabbat violation. This obvious mathematical ratio does not exist on Shabbat (4a), where intervention will avert only a single Shabbat violation – at the cost of a single (albeit less severe) violation. Only numerical enhancements to Shabbat may serve as warrant for its violation.