

A Different Choice

To save a life, we must violate Shabbos or any of the Torah's *mitzvos*, except for the three sins of idol worship, sexual immorality and murder. This rule is stated in this week's *gemara* section.

If a life-threatening illness requires a person to eat, he is fed even on Yom Kippur; if no kosher food is available, he is fed non-kosher food. If different categories of forbidden food are available, we must choose that category which has the least severe degree of prohibition. Where there is the meat of a *neveilah* (a kosher species which died without proper *shechita*), it should be offered rather than untithed produce. This is because the punishment for eating *neveilah* is only lashes, while eating untithed produce carries the punishment of premature death.

The *gemara* continues with other such examples, explaining how to decide, on the basis of lesser gravity, which of two categories of forbidden food should be given to save a life.

An interesting problem arises based on a *gemara* on the flip side of this page. The *gemara* declares that the failure of a Jew to wash his hands before eating bread led to his eating swine meat. Rashi (*Mesechta Chullin 106a*) explains this: There was once a Jewish restaurant owner who used to serve kosher meat to his Jewish customers and non-kosher meat to his non-Jewish ones. A client whom he did not know entered his restaurant and did not wash his hands before eating bread. Thus, the owner assumed he was not Jewish and served him non-kosher meat.

What kind of non-kosher meat did he serve him? Our *gemara* mentions swine meat, but in *Mesechta Chullin* there is a difference of opinion. Rabbi Dimi says it was swine meat; the Sage Ravin states that it was *neveilah*.

What difference does it make whether he ate swine or *neveilah*, since both are forbidden? Rashi there points out that eating swine meat is a more serious sin than eating *neveilah*, because he not only violates a negative command but transgresses a positive command as well. That is, he violates the prohibition against eating swine, plus he transgresses the positive command to eat only animals which have split hooves and chew their cud.

It should therefore follow that if, in a life-threatening situation, there be a choice between *neveilah* and swine, *neveilah* is preferred. This example is, however, not mentioned either in the *gemara* or in *Shulchan Aruch*. (Comments are invited.)

Yoma 83a/b

Soul Food

Included in the cases of life-saving taking precedence over the laws of Yom Kippur is that of an expectant mother whose unborn child smells food. If the resulting desire to taste that food is not satisfied, the lives of both mother and child are in danger. The *mishna* therefore tells us that she must be given to eat from that food until she recovers.

The Sages nevertheless attempted to satisfy the hunger of such a woman without violating the ban of eating on Yom Kippur. Two incidents are recounted by the *gemara*.

When such a case came before Rebbi (Rabbi Yehuda Hanasi) he instructed his disciples to whisper to the expectant mother that "Today is Yom Kippur." This was done and the unborn child's hunger ceased. Rebbi then quoted this passage regarding that child: "Before I formed you in the belly, I knew you, and before you went forth from the womb I sanctified you." (*Yirmiyahu 1:5*) That child grew up to be the great sage Rabbi Yochanan.

A similar incident with a different result involved Rabbi Chanina. He gave the same instructions as did Rebbi but the unborn child did not respond until his mother was actually fed. Rabbi Chanina quoted the words of King David in regard to this child: "The wicked are estranged (from Hashem) in the belly." (*Tehillim 58:4*) The child turned out to be a notorious grain hoarder by the name of Shabtai.

The sense of smell, explains Maharsha, is a spiritual one, as the *gemara* says (*Berachos 43b*): "What is it that the soul derives pleasure from but not the body? Fragrance!" The sense of taste, on the contrary, is a physical one. This is why smelling fragrances is permitted on Yom Kippur while tasting food is forbidden. For Yom Kippur is a microcosm of the World to Come in which there is no eating or drinking.

This unborn child whose hunger was satisfied by the soulful experience of merely smelling food, a pleasure permitted on Yom Kippur, turned out to be the great man of soul, Rabbi Yochanan. The other child whose hunger could not be satisfied with smell alone, but rather required the physical experience of eating which is forbidden on Yom Kippur, was destined to be a coarse individual with a material appetite for monetary gain at the expense of others.

Yoma 82b

Prepared by Ohr Somayach in Jerusalem, Israel

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