



ERETZ HEMDAH

ASK THE RABBI SERVICE

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Taking a Bus Instead of Driving

Question: A not yet fully Shabbat observant Jew regularly drives to (near) my shul because it is difficult for him to walk the distance. Can I suggest to him that it is better for him to go by bus, or is that fundamentally wrong or too slippery a slope to permit?

Answer: It is not possible to answer this crucial question unequivocally. Let us see basic sources and distinctions. We will indeed assume that taking public transportation is a less severe violation of Shabbat than driving, although the extent to which this is true could depend on different factors (*eiruv*, type of car, etc.).

The most direct source in favor of trying to lighten the level of violation is the *gemara* in Sota (48a). The *gemara* says that one type of male/female joint singing is worse than another and that this is notable because of

“cancelling this in place of that” (*l’v’tulei ha...*). Rashi explains that if we can only convince them to stop one, we should stop the more problematic one. Some understand Rashi as not allowing a rabbi to recommend replacing the bigger *aveira* with the smaller but just choosing on which to focus the criticism. But major *poskim* understand Rashi more broadly (see Igrot Moshe, Yoreh Deah I:53 and Yabia Omer VI, YD 3 regarding *hashgachot* that do not prevent “minor” kashrut problems but cover the main halachic issues when without the *hashgacha* people will eat full-fledged *kashrut* violations). Rabbeinu Yona (Berachot, 21b in the Rif’s pages) is a *Rishon* who explicitly allows a rabbi to allow the more lenient violation to prevent the bigger violation.

Another focal *gemara* is Chagiga 16a. It says that if someone is not able to control his *yetzer hara*, he should go to a distant place, dress in black, and sin privately rather than desecrate Hashem’s Name in public. Tosafot (ad loc.) offers two explanations whether this is the *gemara*’s advice to the would-be sinner (lessen the *aveira*’s damage) or whether it is giving a plan how to avoid the *aveira* totally.

On the other hand, a *gemara* (Shabbat 4a) could be grounds for a counterargument – we do not tell someone to do a small *aveira* in order to save another from a bigger *aveira*. Very likely, “encouraging” the smaller *aveira* is itself an *aveira* (see Yabia Omer *ibid.*).

There are different “currents” in *Rishonim* on whether to apply *l’v’tulei ha*, and while there could be some *machloket*, some discrepancies can be explained by distinctions. One is

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that *l'v'tulei ha* is more likely when it involves an individual or small group as opposed to a large group (see Sha'arei Chayim (Rotter) 42). Another is that it should not look as if the rabbi is permitting the small *aveira*, but only that it is better to choose the lesser evil (see Igrot Moshe, OC IV:35). Another major factor is that allowing the smaller violation should not cause people who keep *mitzvot* to mistakenly sin (see Meishiv Davar 42-43; Igrot Moshe, YD I:53). It is also better if the allowance is temporary, not an ongoing rule (see Rav Asher Sabag in Hama'ayan #246, p. 85). We will leave for now some other possible distinctions.

If you word things correctly, you will not tell him it is permitted to go by bus or that he may use it as a permanent practice, but that he should know that it is preferable. If so, your case comes up on the right side of these distinctions. On the other hand, as *poskim* point out (see Meishiv Davar *ibid.*), one should be very careful about if, when, and how to employ *l'v'tulei ha*. When you are talking about someone whose concepts of Halacha are very limited, to say that some things are important and some are less so, within the same *aveira* of violating Shabbat, you raise the possibility of confusing him and giving him the wrong impression (e.g., there is no need to do things correctly, as long as it is not "too far off"). You, as the rabbi, can also get into serious communal problems if you think it is a good idea for one and not for another; what often happens is that community members compare notes.

We wish you *hatzlacha* in inspiring and

guiding your "flock" on the path to full *avodat Hashem*. ■

Having a dispute?



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