

OVERVIEW of the Daf

1) An idol that broke on its own

R' Yochanan and Reish Lakish disagree whether an idol that broke on its own is prohibited for benefit and each Amora explains the rationale behind his position.

Reish Lakish unsuccessfully challenges R' Yochanan's position that it is prohibited.

Tangentially, the Gemara records a discussion regarding the status of chicks and eggs on a hekdesh tree or asheirah.

2) MISHNAH: The Mishnah discusses the case of hekdesh trees purchased from an unconsecrated forest.

3) Beis HaMikdash construction

Shmuel rules that construction in the Beis HaMikdash is done with nonsacred materials and then they are sanctified. The reasoning behind this ruling is explained.

This ruling is unsuccessfully challenged.

R' Pappa offers another explanation for Shmuel's ruling.

This explanation is unsuccessfully challenged. ■

הדרן עלך ולד חטאת

REVIEW and Remember

1. What is the point of dispute between Reish Lakish and R' Yochanan?

2. Why was construction in the Beis HaMikdash done with non-sacred materials?

3. What was done with leftover incense every year?

4. According to R' Pappa, why was construction done with non-sacred materials?

Distinctive INSIGHT

When does an idolater lose hope in his idol?

רבי יוחנן אמר אסורה דלא בטלה עובד כוכבים

The Mishnah (13b) taught that a bird's nest that is built in a consecrated tree may not be used for benefit, but the law of me'ilah does not apply to it. A nest in an idolatrous tree may be knocked down with a stick and then used.

In anticipation of a reference to our Mishnah, the Gemara on our daf introduces a related discussion between R' Yochanan and Reish Lakish. Is an idol which broke on its own no longer prohibited? R' Yochanan says that it remains prohibited, because the idolater never officially rendered it meaningless. Reish Lakish says that after the idol breaks on its own it is permitted, because the gentile would certainly feel that if the idol cannot fend for its own self, it obviously has no power to protect and save others. The Gemara proceeds to bring our Mishnah as a proof for Reish Lakish. We assume that the bird's nest in the idolatrous tree was made from branches broken from the tree itself. Here, the bird snapped branches from the idol, which parallels the case of an idol which became broken on its own. Yet, we find that even though the nest came from an idolatrous tree, it may be knocked down and used for benefit. This seems to prove that an idol which breaks on its own is permitted.

R' Yochanan first responds by saying that the nest referred to in the Mishnah is permitted because it is dealing with branches which the bird brought from other sources, and not from the idolatrous tree itself.

Regarding the disagreement between R' Yochanan and Reish Lakish, ר"א (to Avoda Zara 41b) explains that if the idol broke while the idolater was watching, and the idol cannot be fixed, even R' Yochanan agrees that the idol is considered null, and it is permitted to be used. The disagreement is in one of two cases. One is where the idol broke while the gentile is watching, but it can be fixed. R' Yochanan holds that the idolater might still plan on fixing it, so he does not abandon it, while Reish Lakish says that the idol's breaking causes the idolater to nullify it. The other case is where the idol is irreparable, but the gentile did not see it happen. R' Yochanan holds that when the gentile sees it, he will obviously give up hope in its powers, but it is still prohibited because we are speaking about before he saw it. Reish Lakish says that a gentile only trusts

HALACHAH Highlight

The sanctity of the blank section of the parshiyos of tefillin

ואין מועלין לא בשפויי ולא בנבייה

But the shavings and leaves are not subject to me'ilah

Teshuvus Maharsham¹ was asked whether it is permitted to cut off the blank margin on the parshiyos of tefillin if they make the parshiyos too large to fit into the tefillin. Perhaps it is prohibited since cutting the margins off would involve lowering the sanctity of that piece of parchment. He answered that since the blank margin is not needed for the tefillin it never became sanctified. He cited our Mishnah as proof to this principle. The Mishnah teaches that if the Beis HaMikdash treasurer purchases trees for use in construction, the wood is subject to the me'ilah prohibition but the shavings and the leaves are not subject to the me'ilah prohibition. The reason is that they can not be used in construction. This teaches that anytime hekdesh acquires property that is not needed it does not become sanctified even though it was purchased with sacred funds. Similarly, since the empty margin of the parshiyos is not necessary it never became sanctified and thus there is no concern of lowering its sanctity. He then rejects the application of the principle to the question of the parshiyos. Since one is allowed to make large margins perhaps however large one makes the margin it becomes sanctified as part of the parsha. Therefore, he concludes that if the

(Insight...continued from page 1)

in an idol that has some power. Its breaking is reason enough to cancel his aspirations and hopes in its abilities, so we do not need to wait until the gentile discovers what has happened.

Sfas Emes explains the rationale behind R' Yochanan's strict view. Obviously, an irreparable idol is worthless. However, this hopelessness is not enough to cancel the prohibited status of the idol, until the gentile sees it broken and witnesses its disgrace. Reish Lakish holds that its breaking on its own already causes a loss of regard on the part of its worshippers. ■

scribe commonly removes part of the margin after writing the parsha the extra section may be removed but if the scribe does not usually remove the blank part of the margin the extra section may not be removed.

Teshuvus Even Yisroel² disagreed with the proof from our Gemara. When the treasurer purchased the trees his intent was for the wood so the sacred funds only purchased the material that was needed. As such the shavings and leaves were never purchased with sacred funds and that is why they are not sacred. When the parchment is produced it is impossible to know which section will have the parsha written on it and which section will not have the parsha on it so the entire section of parchment is sanctified. ■

1. שו"ת מהרש"ם ח"יג סי' ק"ב.

2. שו"ת אבן ישראל ח"ח סי' ו'.

STORIES Off the Daf

"The Torah was not Given to the Ministering Angels..."

לא נתנה תורה מלאכי השרת

One man learned that it is forbidden to make mundane use of anything holy, including the bimah in a shul. When he realized that this means that one should not even lean against a bimah in shul, he was perplexed how so many people completely disregard this halachah. He wondered if perhaps there was some reason why it was permitted after all.

When this question reached the Terumas Hadeshen, זת"ל, he replied decisively. "It is certainly true that the general populace use the teivah, mapah and

the covering of the sefer Torah for various personal uses. It appears obvious that the letter of the law forbids this. It is clear from several places in Shas that one may not use these items for mundane requirements. For example, it is clear that one may not even place regular seforim on the teivah where the sefer Torah is read, let alone lean on the teivah. Similarly, it is forbidden to cover other seforim with coverings that were used for a sefer Torah at one time.

"Nevertheless, if one made a condition when consecrating the item it is permitted to use it for what one specified. This is explicit in the Rosh, from the Yerushalmi, who writes that one made a condition he can even store vessels in an aron hakodesh. But of course, most shuls did not make a condition when

consecrating these items. It is possible to answer this halachic problem—with some force of the original intent—since it is virtually impossible to be careful regarding these matters. Nowadays, we have many more seforim and due to the lengthy davening on Shabbos and Yom Tov—which never used to be the custom—it is very difficult to avoid even placing a prayer book or the like on the teivah. This is similar to the Gemara in Kiddushin which states that one does not violate me'ilah with the garments of kohanim since the Torah was not given to ministering angels. Similarly, here, since one who donates such items does so on the understanding of the greatest people of the community, it is as if beis din stipulated that these items may be used for such purposes."¹ ■

1. תרומת הדשן, ח"א, סי' רע"ג. ■