

OVERVIEW of the Daf

1) Removing something from its certain status (cont.)

The Gemara concludes its unsuccessful challenge to the principle that an uncertainty cannot remove something from its certain status (אין ספק מוציא מידי ודאי).

2) An idol that broke on its own (cont.)

R' Yochanan unsuccessfully challenges Reish Lakish's position that an idol that broke on its own is permitted.

Many more unsuccessful challenges to Reish Lakish are presented.

Reish Lakish challenges R' Yochanan from a Mishnah.

An alternative explanation of the Mishnah is offered and support for this interpretation is suggested but rejected.

R' Avahu in the name of R' Yochanan provides another defense to Reish Lakish's challenge.

3) **MISHNAH:** The Mishnah presents a dispute regarding what should be done if one finds a utensil with the figure of the sun, moon or a dragon on it.

4) Clarifying the Mishnah

The implication of the Mishnah that idolaters only worship the sun, moon or dragons is challenged.

Abaye explains the intent of the Mishnah.

R' Sheishes cites a Baraisa.

The Gemara begins to analyze the meaning of the Baraisa's first ruling. ■

REVIEW and Remember

1. How does an idolater nullify his idol?

2. What is Rava's principle that is used to answer many of the challenges to Reish Lakish?

3. What is the point of dispute between Tanna Kamma and R' Shimon ben Gamliel?

4. Is there a prohibition to keep a utensil that one finds with the image of a human on it?

Today's Daf Digest is dedicated
 כ"ק מרן הרה"צ
 רבי יהושע העשיל אייכענשטיין זצלה"ה
 האדמור מזידטשוב- שיקאגו
 נלב"ע י"א אדר ת"ש

Distinctive INSIGHT

Smashing Darkon

מצא צורת דרקון וכו'

R' Yochanan continues to present questions against the opinion of Reish Lakish who said (41b) that if a broken piece of an idol is found, we can assume that its idolatrous status has been nullified. The idolater who might have worshipped it would have abandoned it, as it was obviously not able to even take care of its own self. We have a Baraisa where R' Yose b. Yosyan rules that if we find an idol of Darkon, which was the form of a snake, but its head is cut off, this broken image is permitted. This is true even if we do not know whether it was the idolater who smashed it, which would have nullified its status, or if it was broken by a Jew, which does not nullify its idolatrous status. R' Yochanan notes that if we knew for certain that it was a Jew who smashed it, this broken Drakon would remain prohibited. Yet, if Reish Lakish is correct, we should automatically say that the idolater would abandon this image, because he would hopelessly say that if it was not able to protect itself from the Jew who smashed it, it obviously does not have any powers worth worshipping. Why, then, would such an idol be prohibited?

The Gemara answers that the response of Rava which was used in previous answers may apply here as well. That is that in fact, the idol is nullified due to the smashing done by the Jew. However, a rabbinic enactment declares that the idol remains prohibited as a precaution lest we confuse this with a case where the Jew picks up the idol and acquires it first, before smashing it. In this case, the nullification of an idol which is in the possession of a Jew is not valid, so we also rule that when a Jew smashes an idol even without acquiring it, the idol remains prohibited.

Tosafos points out that the statue of Darkon is a **צלם**, as we do not know as a certainty that it was worshipped when it was intact. As such, when we know that it was broken by a Jew, even R' Yochanan would agree that it should be permitted due to a double doubt, according to the law of **שברי צלמים** in the Mishnah (41a) - maybe it was never worshipped, and even if so, perhaps the non-Jew nullified it after it was smashed. Tosafos answers that the leniency of broken **צלמים** is based upon two factors. It might have been broken by the non-Jew, or, if it broke by itself, the idolater might have abandoned it. Here, however, where we know it was broken by a Jew, we only have one element of leniency, and that is not enough to permit it. ■

HALACHAH Highlight

Owning dolls

כל הפרצופות מותרין חוץ מפרצוף אדם

All faces are permitted except for the face of humans

Rambam¹ rules that it is prohibited to make the form of a person even if it is made as a piece of art rather than for idolatrous purposes. He then explains that this prohibition is limited to where the image protrudes but if the image is engraved or even painted on a surface it is permitted. Maharit² suggests that although Rambam prohibited the protruding image of a person, nevertheless, the restriction is limited to something that is permanent where there is a concern that someone may mistakenly believe that it is used for idolatry. Images that are only for temporary use, for example, for studying anatomy or as a toy (לשחק) are permitted since there is no concern that one will mistakenly think that someone would use it for worship. Therefore, it is permitted for one to make a doll for children and certainly it is permitted to retain possession

of such a doll.

Teshuvos Pri Hasadeh³ was also asked about the permissibility of selling dolls. He ruled leniently and based his ruling on the following ruling in Shulchan Aruch. Shulchan Aruch⁴ writes that the status of utensils that have on them an image of the sun, moon or a dragon depends on the type of utensil. If it is an honorable utensil like a ring one must assume that it was used for idolatry. On the other hand if the image appears on a utensil that is not honorable like a cup that is used for drinking it is permitted since cups are not treated with respect. Accordingly, since dolls are primarily made for children and when children play with their dolls they come in contact with all sorts of garbage and dirt its status is similar to finding an image on a non-respectable utensil that is permitted. Chochmas Adam⁵ also adopts a lenient approach since possession of a doll does not raise suspicion of idolatry. ■

1. רמב"ם פ"ג מה"ל עבודה זרה ה"י-י"א.
2. שו"ת מהרי"ט ח"ב יו"ד סי' ל"ה.
3. שו"ת פרי השדה ח"ג סי' ל"ח.
4. שו"ע יו"ד סי' קמ"א סעי' ג'.
5. חכמת אדם כלל פ"ה סעי' ו'.

STORIES Off the Daf

A Communal Memorial

"חוץ מפרצוף אדם..."

Today's daf discusses the prohibition against keeping the image of a human being in one's possession.

In November of 1963, when President Kennedy was assassinated, all of America was shaken. People felt horrified and wished to do something in memory of the president. In one city, many important dignitaries decided to erect a statue of the late president as a memorial. They asked the rabbi of the city, Rabbi Yitzchak Aizik Schatz, to join the commission as a representative of the city's Jewish residents. Those on the commission were required to ask their constituents to contribute money to pay the expenses of creating this monument.

When the rabbi was asked to join

the commission he was torn. On the one hand, how could he refuse? On the other hand, he was afraid that he might have to contrive some kind of excuse. How could he be involved and even raise money to erect what he assumed was halachically prohibited?

Rabbi Schatz immediately referred the matter to Rav Moshe Feinstein, zt"l, who promptly replied that he was permitted to join the committee. "Although a Jew is forbidden to fashion—or to keep in his possession—a human form even for aesthetic reasons, even where no one will suspect that it is for idolatry, a non-Jew may fashion such a statue. This is explicit in Tosafos Rabbi Akivah Eiger, since the mitzvah of 'לא תעשון' does not apply to a non-Jew.¹

"So although if it were to be prohibited for a non-Jew you would not be allowed to assist them because of 'לפני עור', because it is permitted for them, a Jew may aid them erect such a statue,

both by providing money and other assistance. Even though Tosafos writes that one may not tell a non-Jew to do what is forbidden to a Jew, even he admits that if the non-Jew began to do what is prohibited to the Jew one is not obligated to prevent him.

"This is all the more true here since there is an issue of preserving peaceful relations with the local non-Jews and—more importantly—it demonstrates our concern for the welfare of the government. I don't see any reason to prohibit your involvement. After all, after the statue is constructed even those who donated will have no rights of ownership over it since it will be public property, and they will derive no other benefit for having contributed. Nevertheless, it is good for all involved to intend not to have any rights in this statue when it is completed."² ■

1. תוספות רעק"א, פ"ב דר"ה, אות י"א
2. אג"מ, יו"ד, ח"ב, סי' נ"ד ■