

## OVERVIEW of the Daf

### 1) Selling weapons to idolaters (cont.)

Rav explains the rationale for the first opinion of the Baraisa that prohibits selling shields to idolaters.

A second explanation why it is prohibited to sell shields to idolaters is presented.

The rationale for the lenient opinion is explained.

R' Nachman in the name of Rabbah bar Avuha rules in favor of the lenient position.

R' Ada bar Ahava prohibits selling iron to idolaters.

The rationale for the prohibition is explained and why they were lenient and sold iron to Persians is explained.

### 2) Selling maimed animals to idolaters

A Baraisa elaborates on the dispute in the Mishnah whether it is permitted to sell maimed animals to idolaters.

### 3) Selling horses

A Baraisa presents a dispute between Ben Besairah and Rabbi whether it is permitted to sell horses to idolaters.

The two reasons for Rabbi's stringent approach are explained.

R' Yochanan follows the lenient opinion of Ben Besaira.

### 4) A fattened ox

The Gemara inquires whether it is permitted to sell a fattened ox and elaborates on the inquiry.

An unsuccessful attempt to resolve this inquiry is made.

The Gemara clarifies why this inquiry was relevant according to R' Yehudah.

5) **MISHNAH:** The Mishnah enumerates additional items that one may not sell to an idolater.

### 6) Selling large undomesticated animals

R' Chanan bar Rava in the name of Rav reports that there is a dispute whether one may sell large undomesticated animals to idolaters.

An unsuccessful attempt is made to prove that selling large undomesticated animals is subject to local custom.

A Baraisa is cited that proves that it is always prohibited to

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## Distinctive INSIGHT

### *Selling weapons to idolaters, then and now*

אמר רב אשי לפרסאי דמגנו עילוון

The Gemara cited a Baraisa (end of 15b) regarding selling shields to idolaters. One opinion prohibits this, while the other permits it. Rav Nachman rules according to the second opinion, which allows it. The general concern in selling any weapon to an idolater is that these people were suspect of committing murder, and by furnishing them with weapons we would be in violation of providing them the means to perpetrate this sin. This is tantamount to placing a stumbling block in front of a blind person.

Along these same lines, Rav Ada bar Ahava rules that we may not sell iron bars (עששיות) to idolaters, because these items can be banged and formed into weapons. The Gemara explains that we may, nevertheless, sell metal farm tools such as a pick-ax or hatchet to idolaters. The difference is that Rav Ada only prohibited selling bars made from Indian iron, which was used primarily for weapons. The metal from other tools was not generally used for weapons. The Gemara concludes that nowadays we even sell weapons themselves directly to idolaters because these non-Jews use the weapons to defend us and our cities.

Tosafos (ד"ה לפרסאי) points out that we rely upon this lenient conclusion of the Gemara, and we also permit selling weapons to non-Jews, because the weapons are used to defend us and our possessions. שפירא explains that in our days it is the king's army, or that of the government, which is assigned the responsibility to defend the country and its citizens, and the king or the government provides weapons for its soldiers and officers. We therefore have no permission to sell a weapon to an individual person using this leniency. Rambam also seems to make this distinction. He rules (Hilchos Rotze'ach 12:13): "It is permitted to sell weapons to the army of the country, because they use it to defend the Jews of the country."

Ba'al HaMaor expands upon this halachah and permits the sale of horses and mules, which were used as battle implements, because they are used to defend the Jewish citizens of the land. Ramban dismisses this argument. He writes that the only reason the Baraisa prohibited the sale of weapons was due to the risk that the idolaters might use them to kill Jews. The Gemara concluded that the situation changed, and these same weapons are used in the defense of Jews, so their sale is permitted. However, animals may not be sold because of the issue of their being used to work of Shabbos. This concern is not alleviated with the animal's being used to defend the country. Ritva also writes that this dispensation to allow sale of weapons which are used to defend the country is only in regard to weapons, but not regarding the sale of animals. ■

## REVIEW and Remember

1. What is the point of dispute between Ben Beseira and Rabbi?

2. What is the halachic status of a large undomesticated animal?

3. Explain סתם ארי שבור הוא אצל מלאכה.

4. How did R' Eliezer get himself acquitted?

# HALACHAH Highlight

## Building an idolatrous house of worship

אבל בונים עמהם בימוסיאות וכי

But we may build with them altars etc.

Rashi<sup>1</sup> explains that the Mishnah refers to building an altar and it is permitted for a Jew to build it since the building of the altar is considered two steps from the actual idolatry (תשמיש) (דתשמיש). The altar serves the sacrifice which in turn services the idol. Tosafos<sup>2</sup> rejects this explanation, arguing that it is illogical to think that we may assist idolaters in building a structure that would be used in the service of idolatry. Consequently, he advocates the reading of the Mishnah with the word דימוסיאות along with Aruch's interpretation that it refers to a bath filled with hot water from natural hot springs.

Rambam<sup>3</sup> rules that one may assist in the construction of a palace or courtyard that will contain the dome in which they place the idol. Beis Yosef<sup>4</sup> explains that Rambam reads the Mishnah as did Rashi and thus one is permitted to construct the palace or the courtyard since it serves the dome that serves the idol (תשמיש דתשמיש). According to Tosafos, however, it would be prohibited to construct the palace or the courtyard similar to his position that one may not assist in the construction of an altar. Vilna Gaon<sup>5</sup> expresses surprise that one could assert that there is a disagreement between Rashi and Tosafos whether one could build the palace that will contain the dome when the Mishnah states explicitly that one may not continue to construct their house of worship when the construction reaches the location of the dome. This clearly indicates that one may participate in the construction of the remainder of the palace.

Taz<sup>6</sup> wonders why Shulchan Aruch and Rema adopted the lenient approach of Rambam permitting the construction of the

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sell large undomesticated animals to idolaters.

Ravina notes that the Mishnah and a Baraisa disagree about the guidelines of selling undomesticated animals to idolaters and resolves that contradiction.

R' Ashi offers another resolution to the contradiction.

R' Nachman challenges a premise of Ravina's question.

Another refutation to the position is formulated from an earlier response of R' Ashi.

Abaye gives an example of work that can be done by large undomesticated animals.

A related incident is recorded.

### 7) Building structures

Rabbah bar bar Chanah identifies three categories of palaces.

Rava according to one version maintains that one type of palace is prohibited whereas according to a second version they are all permitted.

The second version is challenged and the Gemara is forced to emend the Mishnah.

A Baraisa presents a related incident. ■

palace of the house of worship and neither one mentioned the strict position of Tosafos. Especially in the area of idolatry we find halacha adopting many stringencies that are not practiced regarding other prohibited items. Why then did they ignore the position of Tosafos? According to Vilna Gaon's earlier comment the question of Taz is resolved since even Tosafos will agree, based on the Mishnah, that it is permitted for one to construct the palace for their house of worship. ■

1. רש"י ד"ה בימוסיאות.

2. תוס' ט"ז: ד"ה בימוסיאות.

3. רמב"ם פ"ט מהל' עכו"ם ה"א.

4. ב"י יו"ד סי' קמ"ג.

5. ביאור הגר"א שם סק"ו.

6. ט"ז שם סק"ד. ■

# STORIES Off the Daf

## A False Declaration?

"כסבור אותו הגמון עליו הוא אומר..."

On today's daf we find that when Rabbi Eliezer was caught by the non-Jews he mistakenly said something to the judge which misled him and caused the judge to set him free. It is a major question in the poskim whether one can deceive a non-Jew so as not to be killed for being a Jew.

A certain Jew was travelling with a group of non-Jews during a time of persecution in an Arab country. Since the Islamists were actively seeking Jews to kill,

this Jew was incognito, not telling anyone of his faith. After several hours of travel, the group was caught by some soldiers searching for Jews to forcibly convert or kill. When they asked if anyone in the group was Jewish, the non-Jews—eager to be on their way—declared that everyone was a believing Muslim.

The Jew figured that while he was not allowed to declare that he was an idolater as we find in Shulchan Aruch, he was also not required to dispute the Arab's claim.

When he asked the Maharshah, zt"l, whether he had acted correctly since his heart troubled him that he might have erred, the Maharshah replied that he had indeed acted properly. "You did not sin.

But since you feel worried in your heart, you may fast Monday, Thursday, and Monday to atone."<sup>1</sup>

When a certain Rosh Yeshiva was asked during WWII point-blank whether he was a Jew, he replied, "Kein Yid." In Yiddish or German this could be an indignant declaration that one is no kind of Jew. When he was later asked how he could have violated the halachah he smiled and replied, "I was thinking the Hebrew word כן, and I meant, 'Yes, I am a Jew.' Of course the way I said it misled my would-be murderer, but is that my responsibility?"<sup>2</sup> ■

1. באר שבע מובא בדרכי תשובה, סי' קנ"ז, ס"ק סי"ג ע"ש עוד דעת הספר חסידים בזה

2. תורת חיים