



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Idol Breaking by Itself

[An idol is forbidden for benefit. If an idolater nullifies it or breaks it, it becomes permitted.] If an idol broke by itself, Rabbi Yochanan said: It is (*still*) forbidden (*for benefit*). Rish Lakish says: It is permitted.

The *Gemora* explains: Rabbi Yochanan forbids, for the owner did not (*explicitly*) nullify it. Rish Lakish permits, for he says, "If it could not save itself, it certainly cannot save him!" (*so presumably, the owner nullified it*).

Rish Lakish challenges Rabbi Yochanan from our *Mishna*, which states that a bird's nest in a consecrated tree is prohibited in benefit, but is not subject to *me'ilah* – *misusing consecrated property*. If one wants to take a nest in an idolatrous *asheirah* tree, he may retrieve it with a stick. The *Gemora* assumed that the nest was built using the branches of the tree, yet the *Mishna* allows one to benefit from the nest of an *asheirah*, indicating that idolatry that broke by itself is considered nullified.

The *Gemora* answers that the *Mishna* is referring to a nest built with other wood, and therefore one may use it.

The *Gemora* asks: If so, why does the *Mishna* rule that a bird's nest in a consecrated tree is prohibited in benefit, and it is not subject to *me'ilah*? [*If it was built from twigs from a different tree, why is it forbidden for benefit?*]

Rather, the *Gemora* explains the *Mishna* to be referring to a case where the wood of the nest grew after the tree was consecrated, and is therefore not subject to *me'ilah* (*although they are hekdesh and forbidden for benefit*).

The *Gemora* notes that this interpretation seems reasonable, for

should it enter your mind that the twigs were brought from elsewhere, why must the nest be shaken off with a stick, let it be simply be taken by hand (*since it's not from an asheirah tree*)! [*And if the nest is permitted for benefit, it would be a proof that an idol which breaks by itself is permitted.*]

Rabbi Avahu quotes Rabbi Yochanan who answers that the *Mishna* is only allowing one to use a stick to retrieve the chicks in the nest, but not the nest itself.

Rabbi Yaakov explained to Rabbi Yirmiyah that chicks in a nest of a consecrated tree or an *asheirah* tree are permitted, as they do not need the tree, while eggs in either tree are prohibited, as they need the tree.

Rav Ashi explains that chicks that cannot yet fly without their mother are equivalent to eggs, and are prohibited. (14a)

Mishna

If the treasurers (*of the Temple*) bought trees (*to use for building purpose for the Temple*), the timber is subject to the law of *me'ilah*, but not the shavings and the leaves. [*These items are useless for construction, and the treasurer, it is assumed, has intended to consecrate only the parts of the tree needed to shape the beam.*] (14a)

Construction of Hekdesh

Shmuel said: Temple buildings are built first with nonsacred materials and then they are consecrated. [*They pay on credit instead of with money. If they would use money, the money becomes deconsecrated and the materials consecrated.*] This is because he who donates money to the Temple consecrates it (*and*



therefore the money cannot be used to pay the workers), and therefore, the treasurer says, "The sacredness of the money shall be deconsecrated to the building," so that the money (which is now nonsacred) may be used to pay the workers as their wages. [When the building is finished it was exchanged against the money donated to the Temple for this building. The money becomes again nonsacred and can be used to satisfy the sellers and the workers.]

The Gemora asks from a Mishna: The leftover of the ketores - what was done with it (in order to make it usable for the next year)? The wages of the workmen (who prepared the incense) were allocated (from the half-shekels in the Temple treasury; and the money was deconsecrated when it was given to them), and the extra incense was deconsecrated by exchanging it for the worker's money, and (the extra incense was) given to the workmen as their wages, and was then re-purchased (from them) with the new donations (and now could be used for the next year). Now why was this procedure necessary? Could they not have deconsecrated the surplus incense on a (nonsacred) building (and then reconsecrate it by using the money from the new half-shekels)?

The Gemora answers: We are dealing here with a case where there was no building.

The Gemora asks: But does it not speak of 'the workmen's wages' (implying that some building had been built)?

The Gemora answers: There was no building equivalent to the value of the surplus.

The Gemora asks: But Shmuel said: If someone redeems consecrated property worth a maneh using a coin worth only a perutah, it is valid!?

The Gemora answers: He validates such a deconsecration after it has been done, but not at the outset.

Rav Pappa says: The reason why the building has to be built with nonsacred materials is because the Torah was not given to the ministering angels (but rather, to human beings – for whom it will be impossible to avoid benefitting from the building during construction). The Rabbis said: The workers might wish to lean on something, and they will lean on them, and if it was built with sacred materials, he would as a result be guilty of me'ilah.

The Gemora asks from our Mishna: If the treasurers (of the Temple) bought trees (to use for building purpose for the Temple), the timber is subject to the law of me'ilah, but not the shavings and the leaves. But why should it be subject to the law of me'ilah? Let this too be prepared in a non-sacred state, lest one might wish to lean on something, and they will lean on them, and as a result, he will be guilty of me'ilah!?

Rav Pappa answered: If the wood is to be used in the future it would be indeed so; our Mishna refers to wood which is to be used on that same day (and we are not concerned that they will commit me'ilah in only one day). (14a – 14b)

WE SHALL RETURN TO YOU, V'LAD CHATAS

DAILY MASHAL

The Rogatchover Gaon Genius in a generation of giants

Even though he was blessed with genius, the Rogatchover's unique development could never have taken place without his almost superhuman diligence. The dates of his life (1858-1936) were fixed; his lifelong identification with Rogatchov and Dvinsk placed him within geographic boundaries; yet, he seemed unencumbered by conventional limitations of time and space. Time had meaning only in relation to halachah - now is the time of Shacharis ... soon we will be blowing Shofar ... today is the 14th day of the Omer etc. Space, too, was irrelevant unless it was related to the laws of succah, eruv, or the like. With the Gemara before him, his mind deeply engrossed in the world's only reality, even personal danger was not worthy of notice.

The Rogatchover had been forced to leave Dvinsk because of pogroms sweeping the area. When he was staying in Minsk, word of a wandering anti-Semitic band reached the community. Major towns and villages had suffered great damage to life and property, and local rabbis called a fast day because of the dire situation. The entire Jewish community was evacuated and hid in the mountains. In the flurry of activity, it was several hours before the Rogatchover's absence was noticed. The two shelters were

searched with no trace of the rabbi. Finally two brave young men volunteered to search the abandoned city for the Rav.

Going directly to his modest lodgings, they found him immersed deep in thought before the ever-present Gemara and Rambam. When he noticed the young men, he laughed and said: "Isn't it odd that the rabbis have declared a fast day? Undoubtedly, they were thinking of the Gemara in Ta'anis ... and the Rambam ... but, of course, you realize that they forgot the Yerushalmi and Tosefta..."

The young men realized with a jolt that the Rogatchover was not thinking at all of his personal safety, but of the halachic implications of the situation.

In the Rogatchover's tens of thousands of responsa to rabbis and laymen all over the world, the Torah's power to transcend time - even to control time - manifests itself in startling ways... In a letter from the Rogatchover, virtually every facet of the responsum is intimately involved with halachah, even the date.

A letter answering two difficult questions in different parts of the Torah is dated the 11th of Tishrei. For other letter-writers of the past twenty generations, the date - as a simple mechanical device for recording the time - would be sufficient. Not so for the Rogatchover. This date immediately conjures up for him the Mishnah in Krisus 25a: "It is said that Bava ben Buta would offer an asham taluy (a conditional sacrifice for a possible transgression) every day, except the day after Yom Kippur - the 11th of Tishrei." The Rogatchover then explains the unique status of this day as based on a statement in Me'ilah 14b that one need not worry about an unwitting transgression if only one day is involved. The 11th of Tishrei is but one day after the atonement of Yom Kippur, so no such sacrifice could be brought.

The Rogatchover surely did not seek to impress his readers with his erudition, or look specifically for such recondite references. He thought of 10 Tishrei in terms of Krisus 25a, and he understood Krisus 25a in terms of Me'ilah 14b. Perhaps, like that of the rishonim or the gaonim, the Rogatchover's entire thought processes were attuned purely to Torah and therein found their entire sustenance.

Knowing the Torah Like the Angels

One must always be exceedingly vigilant to avoid embarrassing any human being. Chazal compare doing so to murder, and they prescribed that one cast himself into a fiery furnace rather than fall into this prohibition. Although some Rishomin write that this is merely a middas chassidus, Rav Shlomo Zalman Aurebach, zt"l, rules like most Rishonim who take this at face value.

This is one reason why Rav Fischer, zt"l, refused to test children while their teachers were present. Not only that, but he would test each student separately, lest one who was less prepared be shamed in front of his friends. When the melamed would naturally ask after their performance, Dayan Fischer would invariably reply, "They knew the material." He would immediately add, "Some knew more and some less, but they all knew..."

A certain father was very proud of his unmarried son who was studying for the first chelek of Yoreh Deiah in the hopes of becoming a rav. When the young man finished the first one hundred and eleven simanim—the customary test for a rav in those days—his father took him to the famous Rav Aizel of Slonim, zt"l, to be tested for semichah. However, although the young man had covered all of the material, his method had hardly been thorough. Sadly, his "good answers" proved that he was not nearly ready for the rigorous test which was the only way to obtain semichah from Rav Aizel.

The test had not been given in a public place, but there were several scholars waiting to speak with Rav Aizel there who witnessed the young man's performance. They wondered how Rav Aizel would manage to reject him without shaming him or his father. But they could never have guessed what the Rav's response would actually be. He turned to the father and said, "Although I cannot give your son semichah now, you should know that he is a malach, an angel." The father was thrilled with this approbation, and floated from the room.

Afterward, one puzzled scholar asked Rav Aizel, "Whatever did you mean? The boy is clearly an am ha'aretz!" Rav Aizel replied with a twinkle in his eye, "Does it not say in Me'ilah 14b that the Torah was not given to the ministering angels?"

Cited in Daf Digest and in Meoros HaDaf HaYomi