

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o'h

Tzvi Gershon ben Yoel (Harvey Felsen) o'h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Mishna

If a man slaughtered an animal as a sacrifice to mountains, hills, seas, rivers, or deserts, the slaughtering is invalid.

If two people held one knife and slaughtered an animal - one intending it as a sacrifice to one of these things and the other for a legitimate purpose, the slaughtering is invalid. (39b – 40a)

Fixed Natural Objects and their Guardian Spirits

The *Gemora* asks: It is only invalid, but it is not regarded as a sacrifice of the dead (*it should be forbidden for benefit*)!?

The *Gemora* points out a contradiction with that which was taught in the following *braisa*: If a man slaughtered an animal as a sacrifice to mountains, hills, seas, rivers, the desert, the sun, moon, stars, constellations, Michael the heavenly minister, or a tiny worm, it is considered a sacrifice of the dead.

Abaye answers: It is not difficult, for here in our *Mishna*, he declared it to be a sacrifice to the mountain itself (*and mountains and other fixed natural objects are not by law regarded as idols; therefore sacrifices for their sake are not regarded as sacrifices to idols, and the animal is therefore not forbidden for benefit; it is, however, forbidden to be eaten since it has the appearance of idol worship*), but

there in the *braisa*, he declared it to be a sacrifice to the guardian spirit (*the angel*) of the mountain.

The *Gemora* provides support for this interpretation, for the cases of the *braisa* there are similar to the case mentioned there of Michael the heavenly minister (*which is not a fixed natural object*). This indeed is conclusive. (40a)

Rav Huna's Novel Ruling

Rav Huna said: If his fellow's animal was lying in front of an idol, as soon as he has cut one of the pipes (*for the sake of idolatry*), he has thereby rendered it prohibited. [*It is not necessary to state that a man's own animal would be prohibited by this act. The novelty of Rav Huna's ruling is that, ordinarily, there is a principle that a person cannot render prohibited that which belongs to another, that is merely by word of mouth, but when he performs an act, it can be rendered forbidden. And although the rule is usually that a living being cannot be rendered forbidden, when an act is done in it, it is forbidden. This act can even be the cutting of half of the pipe.*]

The *Gemora* notes that he is evidently in agreement with that which Ulla reported in the name of Rabbi Yochanan, which is as follows: Although the Rabbis have declared that he who prostrates himself before his fellow's animal has not rendered it prohibited, nevertheless, if he

performed an act (*of idolatrous worship*) in it, he has thereby rendered it prohibited.

Rav Nachman asked on Rav Huna from the following *braisa*: If one inadvertently slaughtered on *Shabbos* a *chatas* offering outside the Courtyard as a sacrifice to an idol, he is liable to three *chatas* offerings. [He is liable for: 1. violating the *Shabbos*; 2. slaughtering a consecrated animal outside the Courtyard; 3. slaughtering to idols.] Now, if you say that as soon as he has cut only one pipe, he has rendered it prohibited, then, he should not be liable on account of slaughtering outside, for it is as though he were cutting through earth? [For as soon as it becomes prohibited on account of idolatry, which, according to Rav Huna, is after the cutting of the first pipe, it is no longer regarded as consecrated, and therefore the prohibition against slaughtering consecrated animals outside the Courtyard should not apply. And although it has been taught above (29b) that even where only one pipe of a consecrated animal was slaughtered outside the Courtyard there is liability (because he did to this animal outside something which is done to a bird *chatas* inside – when the Kohen performs *melikah* on one pipe), that is so only where the second pipe was cut inside the Courtyard, and the animal therefore retained its sanctity from beginning to end, so that there was all the time a proper slaughtering. However, in our case, once it is forbidden on account of idolatry, it is no longer sacred, and it is regarded as a clod of earth, and there is no proper slaughtering at all.]

Rav Pappa answered: We are dealing here with a bird *chatas* (whose *melikah* is performed to only one pipe), so that all the prohibitions arrive simultaneously.

The Gemora persists: But let us consider! Rav Huna based his ruling upon Ulla's view, and Ulla refers to any act, however slight (which could even be a small portion of one

pipe; the challenge therefore returns: the animal becomes forbidden immediately after the initial cutting; how, then, can he be liable for slaughtering a consecrated animal outside)?!

The Gemora answers: The case is where he states that he is not slaughtering it for the sake of the idol until the conclusion of the slaughtering.

The Gemora counters: If this is the case, why does the *braisa* specifically mention a *chatas* offering? It could have dealt with any offering! [Rashi, in his second and preferred explanation explains the challenge as follows: If the slaughterer intended to worship the idol only at the completion of the slaughtering, why did the Tanna of the *braisa* limit his case to a *chatas*, which is distinctive in that it does not belong to the one offering the sacrifice, but to the *Kohanim* (for the owner receives no portion from it after it has been sacrificed)? He could have dealt with any offering, even a *shelamim*, which belongs to the one offering it, and yet he would be liable on the three prohibitions, since he intended to worship the idol only at the completion of the slaughtering, when the three prohibitions arise simultaneously. Since the Tanna limited his case to a *chatas*, it is clear that the slaughterer intended to worship the idol at the beginning of the slaughtering, and the reason why the three prohibitions are incurred is because he cannot render prohibited by his idolatrous intent another person's animal with a slight act but only with a complete act. The *braisa* there contradicts Rav Huna, who ruled that a slight act of idolatry renders another person's animal prohibited.]

Rather, said Mar Zutra in the name of Rav Pappa: We are dealing here with the case where precisely half of the trachea (of a bird *chatas*) was severed, and this person merely added to it the smallest cut, thereby completing

the *shechitah*; and now all three prohibitions arrive simultaneously.

Rav Pappa notes: Had not Rav Huna specifically mentioned one pipe, the *braisa* dealing with a *chatas* would never have presented any difficulty, for the expression ‘an act’ used by Ulla (*and Rav Huna*) could mean a complete act (*of idol worship*).

Rav Pappa further noted: Had not Rav Huna explicitly mentioned his fellow’s animal, the *braisa* dealing with a *chatas* would never have presented any difficulty, for a man can only render prohibited (*even through the slightest act*) that which belongs to him, but not that which belongs to others.

The *Gemora* asks: Is not this obvious?

The *Gemora* answers: I might have thought that since he received atonement through it, it is regarded as his possession (*and therefore he can render it prohibited*); Rav Pappa therefore taught us that it is not so. (40a – 40b)

DAILY MASHAL

Our learning today discusses using an animal as idolatry.

On the Torah’s statement that the Levites killed 3000 Jews for their role in the sin of the golden calf, there is a perplexing Medrash which teaches that our verse illustrates the Torah’s rule (21:37) *chamisha baker y’shalem tachas hashor* – when a person steals an ox and slaughters or sells it, he must pay the owner five times its value. As these verses have no apparent connection, how is this Medrash to be understood?

The Vilna Gaon brilliantly explains that our Medrash can be understood in light of a second Medrash. Shlomo

HaMelech cryptically writes in Koheles (7:28) *adam echad me’elef matzasi v’isha b’kol eileh lo matzasi* – one man out of one thousand I found, but not a single woman did I find. The Medrash elucidates that Shlomo was referring to the sin of the golden calf, in which one out of each thousand men sinned, yet not a single woman participated (Bamidbar Rabbah 21:10).

However, if there were 600,000 men and only one out of 1000 transgressed, this translates to only 600 sinners. The Medrash is bothered why 3000 people died for a sin in which only 600 participated. The Medrash answers, explains Reb Oizer Alport, that when a sin occurs through forbidden actions involving a cow – in this case, the golden calf – the Torah prescribes that the punishment must be five times the actual crime. In this case, five times the 600 sinners is exactly the 3000 people who perished!