

24 Elul 5777  
Sept. 15, 2017



Sanhedrin Daf 61

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

***Serving in an Unusual Manner***

Rava bar Rav Chanan asks Abaye on the *braisa*: Let us say that bowing down was singled out in order to teach upon the entire category (*that the person is subject to stoning as long as a respectful service (such as embracing or kissing) is performed to the idol*); and if you will object that if so, why was sacrificing singled out as well, I will answer that it is to teach a law regarding itself, viz., that the intention of idolatry from one service to another renders one liable to punishment. For it was stated: If one slaughtered an animal with the intention of sprinkling its blood to an idol, or to burn its fat idolatrously, Rabbi Yochanan said: The animal is forbidden for use. Rish Lakish says that it is permitted. Now, according to Rabbi Yochanan, it is well (*and not a question, for if he derives from piggul (a korban whose avodah was done with the intention that it would be eaten after its designated time) that an idolatrous intention from one service to another renders the animal forbidden for use, he will also derive from there that the one who slaughtered the animal is subject to stoning*); however, according to Rish Lakish, the verse would be needed (*to teach us that the one who slaughtered the animal is subject to stoning even though the animal is permitted for use*).

Rav Pappa asked: And is it so obvious that according to Rabbi Yochanan a verse is not required to teach us that one is subject to stoning in a case of idolatry where he had intention from one service to another? He merely rules that the animal is forbidden (*which is derived from piggul*), but the person may not be liable to death. The verse therefore teaches us that he liable for death (*and if so, Rava’s question is on Rabbi Yochanan as well!*)

Rav Acha the son of Rav Ikka asks: And is it so obvious that according to Rish Lakish a verse is required that one is subject to stoning in a case of idolatry where he had intention from one service to another? He merely rules that the animal is permitted for benefit, but the person may be liable for death (*for the slaughtering can be regarded as part of the sprinkling, for the slaughtering is a prerequisite to the sprinkling*). This would be similar to a case where one bows down to a mountain, where the *halachah* is that the mountain is permitted for benefit, but the one who served it is subject to death by the sword.

Rav Acha from Difti asked Ravina: According to what Rava bar Rav Chanan said to Abaye that bowing down was singled out in order to teach upon the entire category (*that the person is subject to stoning as long as a respectful service (such as embracing or kissing) is performed to the idol – even if it is not done in a usual manner*), what is the verse, “*How do these nations serve their gods?*” (*which means in a usual manner*) coming to exclude? And you cannot say that it is excluding the act of defecating oneself before deities whose normal mode of worship is sacrifice, because that is derived from bowing down: just as bowing down is a respectful act, so too every act – in order to be punishable, it must be one of respect!

The *Gemora* answers: It excludes the act of defecating oneself before *Markulis*: for I might have thought that since its normal mode of worship is a degrading act (*throwing stones at it*), therefore any other degrading act would also be punishable; therefore the verse excludes it (*that one is only liable if he serves the deity in its normal manner*).

The *Gemora* asks: But what of that which Rabbi Elozar teaches: From where do we know that if one sacrificed an

animal to *Markulis*, he is liable to punishment? It is from the verse: *And they shall no more slaughter their sacrifices to demons*. Since this is redundant in respect of the normal worship of slaughtering, for this is derived from the verse, *“How do these nations serve their gods,”* it should be applied to a case where slaughtering is not the usual practice. Now (according to what Rava bar Rav Chanan said to Abaye that bowing down was singled out in order to teach upon the entire category (that the person is subject to stoning as long as a respectful service (such as embracing or kissing) is performed to the idol – even if it is not done in a usual manner), isn’t an unusual worship (such as slaughtering) derived from bowing down (so another verse is not required)?

The *Gemora* answers: That verse teaches us that it is forbidden to slaughter the animal to *Markulis* even if it is only out of spite (but without accepting the idol as his deity). (60b – 61a)

### **Serving with Mere Speech**

Rav Hamnuna once lost his oxen (and went to find them). He was met by Rabbah, who showed him two *Mishnayos* which contradict each other. Our *Mishna* had stated: One who serves as idol is executed. This implies that he is punished only if he actually worshipped it, but if he merely said that he would serve it, he is not punished. But we have learned in a different *Mishna*: If he (who was instigated by another) says, “I will worship,” or “I will go and worship,” or “We will go and worship” (he is liable to be executed)!? [Evidently, merely saying that he will worship *avodah zarah* is enough!]

Rav Hamnuna replied, The first *Mishna* refers to one who said, “I will accept it as a god only when I serve it.”

Rav Yosef said: You have taken *Tannaim* from elsewhere (without realizing that this is a matter of dispute)!? This is a dispute amongst the *Tannaim*, for it has been taught in a *braisa*: If a man said, “Come and worship me,” Rabbi Meir ruled that he is liable to death (as any other instigator), but Rabbi Yehudah said that he is not. Now, they both agree if the

listeners did actually worship him that he is executed, for it is written: *You shall not make yourself an idol*. Their dispute is only if with respect to mere speech (he told them to serve him as an idol, but they did not obey him). Rabbi Meir maintains that mere speech is of consequence, while Rabbi Yehudah holds that speech is of no consequence.

Subsequently Rav Yosef said: That which I said is incorrect, for even Rabbi Yehudah maintains that guilt is incurred for mere speech, as it has been taught in a *braisa*: Rabbi Yehudah said: He is not liable to execution unless he declares, “I will worship,” or “I will go and worship,” or “We will go and worship.”

The dispute of Rabbi Meir and Rabbi Yehudah applies to a case where he instigated others to worship him, and they replied, “Yes.” Rabbi Meir maintains that when a man instigates others to worship him, he is generally obeyed, and the “yes” response was their true intentions, whereas Rabbi Yehudah holds that they will likely not obey him, for they say, “What difference is there between him and us?” That which they said, “yes” was only their way of mocking him.

Rav Yosef concludes: The other *Mishna* is referring to a case where an individual was instigated, and our *Mishna* is referring to a case where many people were instigated. If one person was instigated, he is not likely to retract (and therefore he is liable with mere speech); however, if many people were instigated, they will probably reconsider, and not follow after him.

Abaye asked Rav Yosef: Is there, in fact, a distinction between an individual who was instigated and many people? But we learned in a *braisa*: *If your brother, the son of your mother, shall instigate you*. It is the same whether one or many people were instigated. The Torah, however, excludes an individual (who served *avodah zarah*) from the law pertaining to a group (an *ir hanidachas*), and a group from the rules that apply to an individual. The *Gemora* explains: An individual is excluded from the law pertaining to a group, in that he is punished with greater severity (stoning), while his property is

treated with greater leniency (*it is spared and can go to his heirs*), while a group is excluded from the law of an individual, being personally punished with greater leniency (*executed by sword*), but their property is treated with greater severity (*for their animals are killed and their possessions are burned*). The distinction between them is only in this respect, but in all other matters, they are alike!?

Abaye therefore answered the contradiction as follows: The first *Mishna* refers to one who was self-instigated, and the second one refers to a case where he is instigated by others. If he is self-instigated, he may reconsider the matter (*and therefore he is punished only if he actually serves*), but if he is instigated by others, he will follow after them (*and therefore he is liable for his mere assertion*).

Rava said: Both *Mishnayos* refer to a case where he was instigated by others. The other *Mishna* refers to a case where the instigator told him, "The idol eats like this, drinks like this, it benefits like so, and it harms like so" (*and once he agrees to serve it because of the praises that he heard, he is not likely to reconsider; he is therefore liable with mere speech*). Our *Mishna* is referring to a case where the instigator did not praise the idol at all (*and therefore he is only liable if he actually serves it*).

Rav Ashi answers that the second *Mishna* is referring to a case of a Jewish heretic (*who served idols before; he will therefore be liable with mere speech*).

Ravina said: The *Mishnayos* are taught in a "not only this, but also this" format (*where the first Mishna teaches the rule regarding actual serving and the second Mishna teaches that he is liable with mere speech*).

It was stated: if one served an idol out of love or fear of someone, Abaye said that he is liable, and Rava says that he is not liable. (61a – 61b)

## DAILY MASHAL

### *Deriving Benefit from Haman*

The Chemdas Ephraim writes that although Abaye holds that one who worships idols out of love or fear of someone is liable, nevertheless, if he nullifies the idol or decides that it is not an idol any longer, it will remove the prohibition against deriving any pleasure from it.

The novelty of this ruling is that the *Gemora* in Avodah Zarah (52) rules that an idol worshipped by a Jew cannot be nullified. He explains why here it is different. The Ritva writes why there is a distinction between an idolater who worships idols - that he can nullify it, but a Jew is unable to. This is because when a Jew worships idols, he is drawn after it much more than an idolater. Accordingly, in a case when he is serving the idol merely out of love or fear of someone, he is not drawn after it at all and he is therefore able to nullify it.

Based on this, he answers a question the Teshkinover Rav, in Beis Avraham, asks: Why do we not derive from the incident with Haman and Mordechai that a living being that is served as an *avodah zarah* is not forbidden to benefit from? For Haman made himself into an *avodah zarah*, and a Jew that worships an idol is not able to nullify it. And, nevertheless, we find that Mordechai did utilize him when he desired to ascend the horse (Megillah 69). This proves that a living being that was served as an idol is not forbidden to benefit from!?

He answers that the Jews did not worship Haman willingly; it was out of fear of him, and therefore the *avodah zarah* could be nullified. And even the idolaters who served Haman also nullified him, for when Achashverosh instructed Haman to take the royal garments and horse etc., they realized that he should not be served and they nullified him. This is why Mordechai was able to derive benefit from Haman.