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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

### **Darkon**

The *Gemara* cites a *Baraisa*: Which is the figure of the *darkon* that is prohibited? Rabbi Shimon ben Elazar explained: One that has scales between its joints. Upon this Rabbi Assi demonstrated: Between the joints of the neck. Rabbi Chama the son of Rabbi Chanina said: The *halachah* follows the opinion of Rabbi Shimon ben Elazar. (43a1)

### **Nullifying Idols**

Rabbah bar bar Chanah said in the name of Rabbi Yehoshua ben Levi: I was once walking with the eminent Rabbi Elazar Hakkappar along the road, and he found a ring which had the *darkon* figure on it. [He left it lying on the ground, since if he picked it up, it would become his, and an idol in the possession of a Jew can never be nullified.] There passed by a gentile child, but he said nothing to him. Then there passed by an adult gentile, and Rabbi Elazar said to him, "Nullify it," but he refused to do so. Rabbi Elazar slapped him, and then he nullified it.

The *Gemara* draws three inferences from this: Firstly, an idolater can nullify an idolatrous object which belongs to himself or to a fellow idolater; secondly, if the idolater understands the nature of the idolatrous object and its accessories he can nullify it, but if he is ignorant of its nature and accessories he cannot nullify it; and thirdly, an idolater can nullify the object even under duress.

Rabbi Chanina was surprised by the foregoing statement, saying: Does the eminent Rabbi Elazar Hakkappar not agree with the following which was taught in a *Baraisa*: If one rescues anything from a lion, a bear, a leopard, a hyena, or from the tide of the sea, or from the flood of a river, or if one finds anything on the highway, or in a big public square, or in any place where many people are commonly found, it belongs to

the finder because the owner has given up from recovering them! [Since this was found on a public road, the idolater has given up from recovering it, and has willingly nullified it; what is the purpose of a second nullification?]

Abaye answers: Granted that the owner has given up from recovering it, but did he despair of its prohibited character as an idol? He must have said to himself: If an idolater finds it he will worship it, and if an Israelite finds it, since it is expensive, he will sell it to an idolater who will worship it. (43a1 – 43a2)

### **Making Images of the Sun, Moon etc.**

The *Gemara* cites a *Mishnah*: Rabban Gamliel had models of the moon in various positions in his study, which he would show to the people coming to testify. In this way, conditions that might be complicated to express orally could be discussed with the help of these illustrations.

The *Gemara* questions as to how Rabban Gamliel was allowed to create these images, when the *Baraisa* states that it is forbidden to form heavenly objects like the sun, moon, stars and constellations.

Abaye answers: The Torah forbids the making of servants only those that can actually be replicated, as was taught in a *Baraisa*: One is prohibited from building a house in the form of the Beis Hamikdash. One cannot make a courtyard similar to the courtyard of the Beis Hamikdash. One is forbidden from creating a table corresponding to the *shulchan* in the Beis Hamikdash. One is forbidden from creating a candelabrum corresponding to the *menorah* in the Beis Hamikdash. One is permitted, however, to create a candelabrum which has five, six or eight lamps. He is not allowed to make a candelabrum that has seven lamps, even if he constructs it from other



metals. Rabbi Yosi the son of Yehudah maintains that one may not make a candelabrum out of wood either. Proof to this is brought from the fact that the Hasmonean kings made it out of wood. The Rabbis said to him: Can any proof be deduced from there? The branches consisted of spits of iron overlaid with tin. When they grew richer they made them out of silver, and when they grew still richer they made them out of gold! [Accordingly, Abaye explains that the “servants” which are prohibited are referring to the vessels of the Temple, which may be replicated; the moon, however, cannot be replicated, and therefore it is not forbidden to make an image of it.]

The Gemara asks: And are the images of servants which cannot be replicated allowed? Behold it has been taught in a Baraisa: *You shall not make with Me* - i.e., you shall not make images of My attendants who serve before Me on high (which obviously cannot be replicated)?

Abaye explained: The Torah only forbids the making of servants when the image is of the Four Faces together (of the holy angels described in Yechezkel, each of which has four faces viz., of a person, lion, ox and eagle).

The Gemara asks: It should then be permitted to make a face of a person; why was it taught in a Baraisa that all faces are permitted except for that of a person?

Rav Yehudah the son of Rav Yehoshua answers: From the discourse of Rabbi Yehoshua I learned: You shall not make itti [‘with me’] — [this should be rendered as though it was] ‘you shall not make Me’ [osi], but the other attendants are permitted.

The Gemara asks: But images of other servants (besides those of the Four Faces) are permitted!? Behold it was taught in a Baraisa: *You shall not make with Me* - i.e., you shall not make images of My attendants who serve before Me on high, as, e.g., the Ofanim, Seraphim, the Holy Chayos and Ministering Angels!

Abaye answers: The Torah forbids only the making of the attendants who are in the upper abode (*but not the sun and the moon*).

The Gemara asks: Are, then, those in the lower abode permitted? Behold it has been taught in a Baraisa: That is in heaven — this is to include the sun, moon, stars and planets; above, this is to include the Ministering Angels!

The Gemara answers: This Baraisa refers to the prohibition of worshipping these images (*not making them*).

The Gemara asks: But if it is a matter of serving them, even a tiny worm is also [prohibited]! — That is so, and [the thought] is derived from the continuation of the verse; for it has been taught: Or that is in the earth — this is to include seas, rivers, mountains and hills; beneath — this is to include a tiny worm.

The Gemara asks: But is the mere making of them permitted? Behold it has been taught: *You shall not make with Me*, i.e., you shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the sun, moon, stars and planets! — It was different with Rabban Gamliel because others made [the chart] for him.

But there is the case of Rav Yehudah for whom others made [a design on a ring], and Shmuel said to him, “You sharp one! Blind its eyes!” - In this instance it was a ring whose signet was cut in relief and on account of suspicion [that it might be worshipped Shmuel objected to it]; for it has been taught: It is forbidden to put on a signet-ring which is cut in relief but it is allowed to seal with it; and if the signet is cut in, one may put the ring on but not seal with it.

The Gemara asks: Do we, however, take into account the suspicion [that an object might be worshipped]? Behold in the Synagogue of Shaf Veyasiv in Nehardea a statue was set up; yet Shmuel's father and Levi entered it and prayed there without worrying about the possibility of suspicion! - It is different when there are many people together.



The Gemara asks: But Rabban Gamliel was a single individual! - Firstly, since there are many people that come to the *Nasi*, it is regarded as being a public domain and therefore there is no concern for suspicion. Another answer presented is that the images of the moon were made in sections and they were only assembled for a very brief time and therefore there are no grounds for suspicion. An alternative answer is that these images were made for teaching purposes and in such circumstances, it will be permitted to retain those images and there will be no suspicion. (43a3 – 43b4)

Rabban Shimon ben Gamliel says etc. Which utensils are precious and which common? — Rav said: The precious are those which [have the figures] above the water,<sup>1</sup> the common those which have them under the water. Shmuel said: Both these kinds are to be regarded as common,<sup>2</sup> but those are precious which are upon bracelets, nose-rings and signet-rings.

There is a teaching in agreement with Shmuel: The precious utensils are those which [have figures] upon bracelets, nose-rings and signet-rings; the common those which have them upon kettles, pots, vessels for boiling water, sheets and towels.

## INSIGHTS TO THE DAF

### MENORAH WITH SEVEN STEMS

One is prohibited from building a house in the form of the Beis Hamikdash. One cannot make a courtyard similar to the courtyard of the Beis Hamikdash. One is forbidden from creating a menorah corresponding to the menorah in the Beis Hamikdash. He is not allowed to make a menorah that has seven stems even if he constructs it from other metals. Rabbi Yosi maintains that one may not make a menorah out of wood either.

The sefer Shoel U'meishiv wants to answer the famous Beis Yosef's question with this *halachah*. The Beis Yosef asks why do we eight days of Chanukah when the miracle was only for seven days? There was enough oil found for one complete day. He answers that it is forbidden to make a menorah with seven

stems. This is forbidden even if it is not in the precise dimensions of the menorah in the Beis Hamikdash. Chanukah could not be seven days since the menorah couldn't have seven stems.

### DOLLS AS TOYS

There was a report in a newspaper that HaRav Eliyahu ruled that baby dolls are included in the prohibition of owning statues. I have not independently confirmed this ruling, however Rav Elyashiv shlita in his sefer on Rosh Hashanah concurs with this ruling. I quote from the sefer below.

Jerusalem - In a tough break for the children of Orthodox Jewish families, a former grand rabbi of Israel has urged parents to amputate their dolls to avoid the perils of idolatry. Basing the move on a Biblical ban on the possession of idols, Mordechai Eliyahu, a Sephardic rabbi, broadcast his edict on a religious radio station calling for an arm or a leg to be dismembered. In the case of a teddy bear or other stuffed animals, the children will see their beloved toys lose an ear or an eye instead. "It is very important that these toys do not remain intact so as to remove the element of idolatry," said Eliyahu.

His son, Shmuel Eliyahu, himself a rabbi in the northern town of Safed, said that it was inappropriate to own statues or dolls, even to play with or for artistic purposes. "They need to be amputated or at least altered," he said. Shmuel revealed that his father had forced one of his followers to snap off the ear of a replica of a statue of Moses by Michelangelo that he had bought at an exorbitant price.

Religious edicts are not legally obliging in Israel. - Sapa-AFP The Maharit (2:32) states that dolls which are made for the sake of children to play with are considered a temporary action and they are not included in this prohibition. Rav Elyashiv shlita cites Acharonim who disagree with this ruling and state that it is a Biblical question and cannot be dismissed out of hand. Rav Elyashiv rules stringently and he says that one must deface the

<sup>1</sup> The figures are on the upper part of the utensils.

<sup>2</sup> When they are used in connection with food or drink.

form of the dolls somewhat in order for it to be permitted to remain in the house.

Here is a summary of some of the conclusions from Harav Ovadia Yossef in regards to idolatry and specifically pertaining to dolls, where he rules that it is permitted. (Written by a student)

1. It is forbidden to make a protruding image of a man, and it is forbidden to leave it in one's house. This is only if it is a complete image, but a portrait up to the chest is not forbidden. It is permitted to make dolls for children that look like a full person, and certainly to buy and sell them.

2. It is permitted to take a photograph and to paint the picture of a person, which is not protruding at all. Some are stringent about this, but the custom is to be lenient.

It is forbidden to make the image of the four forms that were on the Heavenly chariot: the lion, eagle, ox and person. This is only when one makes all four together.

3. A protruding image of a person, in which one only sees one side (a profile), is permitted since this is not a complete image of a person.

4. The Shulchan Aruch writes that one cannot make the image of the sun, moon and stars, whether protruding or flat. Rabbi Yosef Hayim explained that it is permitted if one does not make the full picture of the sun. However, a picture of the moon is forbidden even if a part is missing, since that it is how it is seen at times. The Maharam Mirotenberg permitted a picture, made only of colors that are not protruding at all. However, many do not agree with his opinion, and it is best not to rely on it.

5. It is forbidden to build a house in the image of the Beis Hamikdash, in its exact measurements. It is also forbidden to make a table (Shulchan) or menorah with seven branches, as existed in the Beis Hamikdash. If the menorah has seven branches but has electric lights on top, with no place for oil, it is permitted.

6. A small model of the Mishkan, for educational purposes, is permitted.

7. A cross, which Christians hang around their necks, does not have the status of *avodah zarah*, since Christians do not bow

down to them, and the *crosses are only a reminder of their avodah zarah*. If a Jew finds one, he may sell it to a gentile. If a medal is given to a Jew by the government on which there cross, he may wear it. It is better that he not do so regularly, but only when he is visiting government officials or on official occasions. (End of summary)

I heard a Shiur from Rabbi Eli Mansour who cited the sefer Halichos Olam (7:281) from HaRav Ovadia Yossef where he rules that it is permitted to buy dolls for the children. He explains the reasoning for this as follows: Everyone knows that the dolls are not intended for worshipping and therefore there is no concern that others will suspect that the dolls are for *avodah zarah*. Secondly, he states, that most of the time, the dolls are mistreated and handled in a degrading manner and therefore it would not be prohibited. He does rule stringently regarding a trophy that is a full image and sits on top of a mantel with honor: there it is a legitimate concern and one should deface it somewhat.

### ***The Permissibility of Photographing People***

The *Gemara* in Bava Kamma describes how already in ancient times it was the custom to honor great people by engraving their likeness on coins. So it was with Dovid and Shlomo, and before them with Avrohom and Yitzchok. Tosfos (S.V. Matbeya Shel Avrohom) contends that it was not their image on the coins, as it is forbidden to forge a human image; rather it was their names that were inscribed.

The source of the prohibition to create a human likeness even for decoration is found in the posuk (Shemos 20:20), "Do not make with me gods of silver and gods of gold" (Rosh Hashana 24b, Rambam Hilchos Acum 3:10, Chinuch Mitzva 39). The Rambam explains the reason for this prohibition is so that a casual observer should not mistakenly reach the conclusion that these images were meant to be *avodah zarah*.

There is a debate amongst the Rishonim as to what comes under the prohibition. According to the Ravad (ibid) and the Ramban (see Tur Y.D.141) included are engraving, embossing,

or painting of a human image. However, they do express a lenient ruling as to the ownership of engraved or painted images if they are found; but not an embossed (protruding) image. The Rambam differs and maintains that there is no prohibition to make an image by engraving or painting; the Torah forbade exclusively embossing. Though the Shulchan Oruch (141:4) rules in favor of the Rambam, the Taz insists that in the matter of making human images one should not adopt any leniencies.

When the Gaon R' Eliezer of Brod was installed as Chief Rabbi of Amsterdam, one of the local Jews decided to mark the festive occasion in a unique manner. He issued a commemorative medallion which bore the likeness of the new Rav. The Yavetz writes (responsa Sheilos Yavetz, I:170) that upon seeing this he was shocked to his very core. Though the Shulchan Oruch (ibid 7) forbids only an image of a full human, whereas the image of just a face is permitted, the Yavetz takes the more stringent view of the Smag, the Taz (ibid S.K. 15) and some Rishonim who forbid this as well. The Yavetz further points out that even according to the more lenient poskim it is only a featureless face that is allowed. (See the responsa for how the Yavetz derives this from the Tosafos in our sugya.) In the end, declares the Yavetz triumphantly, the medallion was banned by the Dutch king who viewed the matter as an impingement of his royal status.

**The Painting of the Chacham Tzvi:** The Yavetz's father, the Chacham Tzvi, was extremely strict for himself and would not even allow his face to be drawn. We know this from his son who describes with great emotion how, "The true saint, my father and Rebbe, our great master, may Hashem be with him forever... went to visit the Sephardic Kehilla in London. He was greeted with great respect the like of which is unheard of. He was escorted into town in a royal floatilla amidst great jubilation." The kehilla, relying on the majority of poskim had commissioned an artist to draw his countenance. The Chacham Tzvi due to his "great saintliness and holiness" refused to permit this. The hosts were unable to restrain themselves and the artist managed with great speed and unusual talent to paint an extraordinary painting. So true was

his rendition that the Yavetz declares, "All that is missing is the breath of life."

#### DAILY MASHAL

**Taking a Snapshot** The Taz's opinion, that even a flat image is forbidden has led Poskim to question the legitimacy of photographing people. A reason to be lenient is explained by R' Moshe Sternbuch, Shlit"a (Teshuvos V'Hanhagos Vol. III, 263). The prohibition includes only image making formed by direct action. The process of photography and film development does not fit into this category, since the reactions of chemical to light rays cause the picture to appear. He concludes that customarily photography is permitted.

It is interesting to note that many Gedolim for Kabbalistic reasons insisted not to be photographed. Someone drew a picture of the Steipler Gaon zt'l, during his army service in Russia. The Steipler paid an entire day's ration for the picture and immediately destroyed it (Toldos Yaakov, p. 30).