

26.1.10

12b (משה 27) → 13b (מבעה"ב שאינו קבוע זבון)

1. ולא ידבק בידך מאומה מן החנוכה למען ישיב ה' מחרון אפו ונתן לך רחמים ורחמך והרבך כאשר נשבע לאבותיך: דברים יג:ח
 2. ויאמר ה' אל יהושע אל תירא מפניהם כי מחר פגת הזאת אנכי נתן את כלם חללים לפני ישראל את סוסייהם תעקר ואת מרכבתיהם תשרף באש: יהושע יא:
 3. ונתצתם את מזבחתם ושבחתם את מצבתם ואשריהם תשרפון באש ופסילי אלהיהם תגדעון ואבדתם את שמם מן המקום ההוא: לא תעשו פן לה' אלהיכם: דברים יב:ג-ד

- I Buying from stores that are “marked” as identified with the cult
- a If: an idolatrous city has some stores that are decorated and others that are not
 - b Ruling: case in שאן בית, they allowed the stores without decorations and banned the decorated ones
 - c Analysis:
 - i ל"ל only banned if the decorations are redolent (e.g. roses); as the ישראל is getting benefit from ע"ז (v. 1)
 - 1 But: if the decorations were e.g. fruit, permissible
 - (a) Even though: a portion of the profits go to the cult → מהנה ע"ז מותר
 - ii ח"ל in any case it is prohibited; if הנהה מע"ז is prohibited, כ"ש aiding the cult is prohibited
 - iii Challenge (to ל"ל): נתן ר"י's ruling about the day on which the ע"ז takes its tax
 - 1 They announce: anyone who puts a garland on himself and his donkey is exempt
 - 2 Ruling: ישראל can do no business there (if he does, all proceeds and benefits must be destroyed, as per below)
 - (a) Reason: he can't wear the garland, as he benefits (either by the smell [רש"י] or by the “tax break” [רא"ה])
 - (b) And: he can't avoid wearing it, as he gives benefit to the cult by paying the extra tax which they collect
 - (c) Application to purchases: animals must be lamed (by cutting tendons below knees), fruit, vessels and clothes must be left to rot, metals must be taken to המלח ים for disposal
 - (d) Therefore: we see that מהנה לע"ז is forbidden
 - 3 ל"ל disagree with ר"נ and allow one to refuse the garland and pay the fee to ע"ז
 - (a) רבנן ד"י do not disagree
 - (b) Challenge: ruling that it is permissible to go to their fairs, buy all sorts of items and register them with their courts in order to prove ownership; similarly, a ח"ל may go to ח"ל (in spite of ארץ העמים) to defend his claim of ownership; he may, as well, go through a בית הפרס (בית הקברות דרבנן) for that cause
 - (i) Tangent within ברייתא he may also go to ארץ העמים to study תורה or to marry
 - 1. But: if he can study/marry without leaving, he may not leave
 - 2. Dissent (ר' יוסי): perhaps there is a better match (teacher/spouse) in ח"ל – permitted
 - a. Story: with יוסף הכהן who went to ציידן to study with his רב
 - 3. Ruling: ר' יוחנן accepts ברייתא which allows buying at the יריד
 - (c) Defense (ר' יוחנן): רבנן do not disagree with נתן ר"י; this ברייתא is a case of buying from a בעה"ב (e.g. street peddler) who doesn't pay any fees to the cult
- II Reexamining the “laming of the animals” in נתן ר"י's ruling:
- a challenge: this should be banned on grounds of צער בעלי חיים
 - i answer: from v. 2, we see that תורה doesn't consider it to be a violation
 - b challenge: (we do not allow ערכים וחרמים, ערכים and חרבים after the חרבון; but) in case someone was מעריך, מקדיש or מחרימ an animal, we “destroy” it, but not by laming, rather by putting it in a confined area and letting it die
 - i answer: in that case, we have to be concerned about mistreating קדשים
 - 1 challenge: then it should be slaughtered
 - (a) answer: it will lead to a violation (someone may eat it)
 - 2 challenge: then it should be killed (and made a נבלה)
 - (a) answer: v. 3 disallows such destruction of קדשים
 - (b) answer (רבא): it appears like מטיל מום בקדשים
 - (i) Challenge: it doesn't “appear” to be – it is מטיל מום בקדשים
 - 1. Answer: that's only when there's a מקדש; even if it is already a מום; בעל מום; after חרבון, no real violation
 - c Question (asked in צנור): do we also harm/lame the slaves (listed in נתן ר"י's ruling)?
 - i Answer: not even כנענים; as per the ruling of מורידין ולא מורידין; עבדים כנענים
 - d Parallel ruling: the “slaves” bought in that ruling are even ע"כ, as he brings them השכינה
 - i ד"א אשי: the reason for the permission to buy then is to deplete their assets
 - e Story: with יעקב ר' and ר' ירמיה, each buying at the fair (from a בעה"ב) and thinking that the other bought from a store
 - i Note: had נתן ר"י been there, he would have extended the ban to buying from a בעה"ב, as they also pay a “cult” tax
 - 1 And: ר' יעקב ר' bought from a בעה"ב שאינו קבוע – who never pays the tax