YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

IN LOVING MEMORY OF

Jeffrey Paul Friedman z"l

August 15, 1968 – July 29, 2012

לע"נ

יהודה פנחס בן הרב שרגא פייוועל ז"ל

כ"ב אב תשכ"ח – י' אב תשע"ב

ת.נ.צ.ב.ה.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Shiur #12: The Unique Nature of the of the *Issur* of *Avoda Zara***

When the Torah prohibits *hana’ah* (benefit) from an item, it generally uses a term related to *akhila*. Although *akhila* literally means eating, the *gemara* (*Pesachim* 21b) assumes that it may also include other acts. For example, when the Torah bans *chametz* for both eating and general benefit, it commands “*lo yei’achel* *chametz*” – a term which prohibits eating *chametz* as well as benefitting from it.

The prohibition against receiving *hana’ah* from *avoda zara* is different, however. Regarding *avoda zara*, the Torah does not use the verb *akhila*, nor does it ban a different activity using a different **verb** (Devarim 13:18). Instead, the Torah commands, “*lo yidbak be-yadcha me’uma* *min ha-cherem*,” prohibiting any residual contact with the *avoda zara*. Technically, this *pasuk* bans eating and general benefit or *issur hana’a*. Is this simply a different manner of banning eating and benefit, or does this strange formulation reflect a very different nature of the prohibition? Perhaps the prohibition of deriving **any** benefit from *avoda zara* is defined as creating affiliation with the work of paganism which is accomplished by eating and benefiting – but it is not the activities of eating and benefitting per se that are forbidden.

The first indication that *avoda zara* is different from standard prohibitions is the extension of this prohibition even to unconventional forms of benefit, known as *shelo ke-darka*. Generally, the prohibition of *issur hana’ah*, which yields a *malkot* penalty, only applies to conventional forms of *hana’ah*. Tosafot (*Avoda* *Zara* 12b, s.v. *ela*; *Pesachim* 26a, s.v. *sha’ani*), however, identify *avoda* *zara* as an exception to this rule and prohibit even non-conventional forms of *hana’ah*. They trace the extended prohibition to the unique language of *lo* *yidbak*. Does this indicate that *avoda zara* isn’t prohibited for benefit? Does this indicate that benefit from *avoda zara* is forbidden because it affiliates someone with that pagan world – and therefore even non-conventional benefit is forbidden? To be sure, there are several other prohibitions (*kila’ei ha-kerem* and *basar* *be-chalav*) that also extend to *shelo ke-darka*, so this manifestation is not particularly compelling.

There are many additional indicators that the prohibition of eating and benefiting from *avoda zara* is not an action-based prohibition, but rather a ban against creating affiliation. The most obvious is the ability of even traces of *avoda zara* food to overpower the process of *bitul*. Generally, when small traces of forbidden food become mixed with larger overwhelming qualities of permissible food, the process of *bitul* converts the forbidden material into permissible food. Very few items are *assur be-mashehu*, withstanding the effects of *bitul* and imposing a general prohibition upon the entire mixture. *Avoda zara* food is one of these *issurim*, as outlined by the *mishna* in *Avoda Zara* (74a). Although the *gemara* does not provide an explanation for this severity, the Yerushalmi (cited by the Rashba) traces this *chumra* to the language of the *issur* of *lo yidbak*. By using this language, the Torah is not simply forbidding the action of eating *avoda zara* food; if that were true, only food that exists in sustainable quantities would be forbidden. Instead, *avoda zara* food is forbidden because eating it creates affiliation, and that affiliation is created even if minor traces of *avoda zara* food are consumed.

A second discrepancy between the prohibition of *avoda zara* and other prohibitions can be found in a *mishna* in *Avoda Zara* (48b) that bans sitting in the shade of an *asheira* or any other *avoda zara* item. Sitting in the shade of a prohibited item is not usually forbidden, as indicated by a well-known *gemara* describing R. Yochanan ben Zakkai delivering *shiur* in the shade of the walls of the *Mikdash*. Tosafot in *Avoda Zara* (48b) attribute this unique prohibition to the terminology of *lo yidbak*. Had the action of *hana’ah* been forbidden, sitting in the shadeof *avoda zara* would have been permissible, since generally no forbidden benefit accrues. Since, however, the Torah forbade any **affiliation** with the world of *avoda zara*, even sitting under the shade is forbidden – even though this does not qualify as classic benefit derivation.

The *mishna* in *Temura* (33) distinguishes two categories of *issurei hana’ah* – those which must be incinerated and those which should be buried. Typically, the dust of the incinerated remains of banned items may be utilized, since they no longer bear resemblance to the original item. One of the two exceptions – banned items that are burned but whose ashes are still forbidden – is *avoda zara*. Although the *gemara* does not trace this to the language of *lo yidbak*, many attribute this stringency to the unique nature of the prohibition. Under ordinary circumstances, once the *mitzva* of burning a forbidden item has been executed, no residual *issur* remains. However, in the case of *avoda zara*, **any affiliation** with an item that was once associated with *avoda zara* is forbidden, since it affiliates the user with the world of *avoda zara*.

A groundbreaking position of the *Yereim* applies this concept about the *issur hana’ah* from *avoda zara* to construct an interesting theory. The *gemara* in *Chulin* (8a) claims that a knife that was used for *avoda zara* can be used to ritually slaughter a healthy animal. Even though the employment of this knife yields benefit (by creating ritually slaughtered meat), the overall impact is a net loss, since the animal’s monetary value is diminished by the slaughter. The *Rishonim* overwhelmingly assume that this allowance applies to **all** forms of forbidden *hana’ah*; the process of deriving *hana’ah* is always permitted whenever the *hana’ah* is offset by overall monetary loss. The *Yereim*, however, claims that this is a unique dispensation for the prohibition of *avoda* *zara*; it does not apply to other *issurei hana’ah*. In general, any benefit is forbidden, even if that benefit is offset by overall financial loss. However, since the prohibition of *avoda zara* is articulated as *lo* *yidbak*, which implies that no **lingering** affiliation should exist with *avoda zara*, if overall financial loss is incurred, even if some benefit were derived, the affiliation has also vanished. Affiliation is not measured only by benefit derived, but also by financial profit from *avoda zara*.

Whether or not we accept the view of the Yereim,it opens an entirely new horizon to understanding this *issur*, emphasizing the relevance of financial loss of gain in determining the *issur*. For example, one of the unique *halakhot* of the *issur* of *avoda zara* is the fact that the monies used to purchase these forbidden items themselves become *assur* (*tofes et damav*). The Yereim’s broader logic casts this *halakha* in an entirely new light: Even if a person is merely utilizing monies that purchased *avoda zara*, he is still affiliated with the monetary profit of *avoda zara* – even though he has not derived benefit from the item of *avoda zara*.

This may also explain an interesting solution known as “*yolich hana’ah*” in cases in which an item has become forbidden because *avoda zara* contributed to it, such as bread baked with *avoda zara* firewood. Under certain conditions, one may take the value that was contributed by the forbidden *avoda zara* item and discard it (by tossing it into the Dead Sea). This solution only appears regarding *avoda zara*; many *Rishonim* do not apply it broadly to other prohibitions (see the Ran and Ritva, *Avoda Zara* 48-49). Theoretically this may be explained based on the Yereim’s theory. Since the *issur* of *avoda zara* is defined as affiliation, it is only forbidden if overall financial gain is realized. Once financial gain has been neutralized (by discarding the financial benefit gleaned from *avoda* *zara*), the *hana’ah* is now permissible.