

Rovo rules, he is exempt

רבא אמר פטור –

OVERVIEW

Our תוספות reconciles ¹ רבא maintains that one who is עובד ע"ז מאהבה ומיראה is פטור. This ruling of רבא, with seemingly contradictory rulings.

asks: תוספות

ואם תאמר והא אמר בפרק בן סורר ומורה (סנהדרין דף עד,א) -

- פרק בן סורר ומורה said in ר' יוחנן משום ר"ש בן יהוצדק, but And if you will say, דעבודה זרה וגילוי עריות ושפיכות דמים יהרג ואל יעבור² אם כן אפילו לא מקבל ליה חייב -

That regarding idol worship, illicit relations and murder, the rule is, one should allow himself to be killed, but should not transgress these prohibitions, it is therefore evident that (regarding ע"ז) one is liable even if one does not accept the idol as a deity –

rejects a proposed answer: תוספות

ואין לומר דרבא לטעמיה דאמר במסכת עבודה זרה בפרק רבי ישמעאל (דף נד,א) -

in מסכת ע"ז רבא said in רבא follows his reasoning, for And one cannot say that רבא - פרק ר"י

דאפילו בעבודה זרה בצינעא וחי בהם³ ולא שימות בהם⁴ -

וחי of פסוק if he is forced to worship it privately, we apply the ע"ז That even by (and he shall live in them [the מצות]), and this is expounded to mean, but he shall not die because of them –

interrupts in order to reconcile this ruling of רבא with another seemingly contradictory ruling of רבא:

והא דקאמר רבא בפרק ב' דכתובות (דף יט,א) גבי עדים שאמרו להם חתמו שקר כולי -

¹ See מאהבה אדם או מיראת אדם השתחוה לע"ז who writes; רש"י ד"ה מאהבה רבא seems to be saying that ע"ז is different from all other prohibitions, where the act is forbidden regardless of what he is thinking; however by ע"ז there is no חיוב מיתה unless he accepts it as a deity, but not if he merely goes through the motions of worshipping it without any belief.

² The case is obviously where he is being forced (on the pain of death) to worship (bow down to) the idol. There is no greater case of מיראה than this, and nevertheless he is required to forfeit his life rather than to do (even) the meaningless act of bowing down to the idol which he may even despise (and he certainly does not accept it as a deity). How can רבא rule that if he is מיראה ע"ז he is פטור he is עובד ע"ז?

³ ושמרתם את חקתי ואת משפטי אשר יעשה אתם האדם וחי בהם אני ה' reads; ויקרא (אחרי) יח,ה.

⁴ This would seemingly answer the question; that here we are discussing a case where he worshipped ע"ז privately for fear of his life, which according to רבא is permitted. [מאהבה רבא will discuss later the case of] disagrees with the view that by ע"ז כו' the rule is יעבר ואל יהרג even.

And this which רבא stated in the second פרק of מסכת כתובות regarding witnesses who were told, 'sign falsely, etc. or you will be killed', רבא stated that they should sign falsely -

שאינ לך דבר שעומד בפני פיקוח נפש אלא עבודה זרה וגילוי עריות ושפיכות דמים⁵ -

ע"ז, ג"ע For there is nothing which stands in the way of saving life except for **ע"ז, ג"ע** and **שפיכות דמים**; this contradicts what רבא stated in ע"ז מס' -

resolves this contradiction:

הכי פירושו אפילו מאן דמחמיר⁶ לא מחמיר אלא בעבודה זרה גילוי עריות ושפיכות דמים -

This is the explanation of what רבא said in כתובות מס'; even the one who is stringent, and requires giving up one's life (even בצניעא), he is only stringent by ע"ז, ג"ע but not for signing falsely. However רבא permits בצניעא.

We have resolved the apparent contradiction in רבא. Now תוספות returns to reject the proposed answer mentioned above:

דאם כן דטעמא דרבא דפטור הוי משום הכי -

For if this is so; that the reason רבא exempts the מיראה ע"ז is because of this; since it is a case of פקדון which רבא permits (even) if it is ע"ז, provided it is בצניעא -

מאי מייתי אביי בפרק ד' מיתות (סנהדרין סא,ב) מכמה ברייתות -

Why is אביי bringing proof in מיתות ד' פרק from various ברייתות that one who is עובד - **פטור** רבא who maintains he is ע"ז; how will that disprove ע"ז מאהבה ומיראה

לימא דאתיא כמאן דאמר בפרק בן סורר (שם עז,א) יהרג ואל יעבור דפלוגתא דתנאי היא⁷ -

Let רבא respond that those ברייתות are according to the one who maintains regarding ע"ז, the rule is he should be killed and not transgress, for indeed it is a dispute between תנאים whether we say יהרג ואל יעבר by בצניעא, or not.

answers:

ויש לומר דסבר רבא דאפילו למאן דאמר דחייב למסור את עצמו -

And one can say; that רבא maintains that even according to the one who maintains that by ע"ז he is required to deliver himself for death and not transgress

⁵ In ע"ז רבא מס' maintains that one may save his life by worshipping בצניעא and here in כתובות he is saying that one may not save his life by worshipping ע"ז (in any case). The case of חתמו שקר is presumably בצניעא.

⁶ רבא is lenient for he maintains that by בצניעא ע"ז we say יהרג ואל יעבר, but even those who say יהרג ואל יעבר, it is only by these three cardinal sins but not for giving false testimony.

⁷ רבא did not offer this answer there. We must therefore conclude either of two options (see מהר"ם). The ruling of (בצניעא יהרג ואל יעבר even מ"ד who maintains יהרג ואל יעבר according to everyone (even the מ"ד that רבא maintains that even by בצניעא ע"ז the rule is יהרג ואל יעבר. In either way the question remains how can רבא state here that he is פטור?!

(even בצניעא), nevertheless -

אם לא מסר עצמו לא מיחייב מיתה בבית דין⁸ -

If he did not deliver himself to die and transgressed, he is not liable for capital punishment in בי"ד. Therefore רבא rules that he is פטור by מיראה (מאהבה ו) העובד.

תוספות asks:

וקשה לרבינו שמשון בן אברהם דאמר רבא במסכת עבודה זרה⁹ הכל היו בכלל לא תעבדם -
And the רשב"א has a difficulty; for רבא stated in ע"ז 'מס' 'everything was included in the prohibition of לא תעבדם (do not worship them [ע"ז]), however -

כשפרט לך הכתוב וחי בהם יצא אונס משמע דלא מפיך אלא אונס מיתה -
When the verse specified וחי בהם; this excludes אונס (for he will not be able to live if he refuses to serve the ע"ז); this indicates the only exclusion is the coercion of the threat of death -

אבל שאר אונסין הו' בכלל לא תעבדם¹⁰ וחייב והכא פטור אפילו מאהבה דליכא אונס מיתה -
However other types of coercion are included in the prohibition of לא תעבדם and he will be liable מיתה for his transgression, and here רבא exempts him from punishment even if he served the ע"ז מאהבה where there is no coercion of a death threat!¹¹

תוספות answers:

ויש מפרשים¹² דההיא דאמר יהרג ואל יעבור היינו בסתם אף על גב דלא מקבל עליה לאלוה -
And others explain that this which was stated there that יהרג ואל יעבר, it is only in a case where he is merely implicitly worshipping the ע"ז, even though he does not accept it in his heart for a deity, but on the other hand he makes no explicit protestations, therefore the rule is יהרג ואל יעבר -

אבל הכא במפרש דקעביד מאהבה ומיראה -
However here (in the case of רבא), it is a situation where he expresses that he is worshipping it only מאהבה ומיראה and he does not accept it as a deity, therefore he is פטור even though there is no אונס מיתה.

⁸ רבא agrees that יהרג ואל יעבר can apply even בצניעא; however if one could not withstand the test and was עובר, he is פטור, since he was coerced.

⁹ נדא, the גמרא cited above. (See text by footnote # 3.)

¹⁰ If one is threatened that if he does not worship the ע"ז, his money will be taken away or he will be severely beaten (but not killed), he is liable if he serves ע"ז under these circumstances. See 'Thinking it over # 1'.

¹¹ The רשב"א is asking that the previous answer that even in a case of יהרג ואל יעבר, nevertheless if he was עובר he is פטור, would apply if there was an אונס מיתה, however when רבא rules that מאהבה ומיראה he is פטור, he is not discussing an אונס מיתה; certainly not by מאהבה (and therefore also not by מיראה), in such a case he should be חייב.

¹² See 'Thinking it over' # 2.

יהרג ואל יעבר offers an alternate exclusion to the rule of תוספות:

אי נמי אפילו בסתם ובעבודה זרה שהכל אין עובדין אותה אלא מאהבה ומיראה -

Or you may also say, the case by רבא is even by סתם; he did not state explicitly that he is serving it only מאהבה ומיראה, the reason he is פטור is because this is an ע"ז that all who worship it do so only ומיראה מאהבה, but no one accepts it as a deity -

דומיא דהמן דמייתי עלה התם¹³ להם אי אתה משתחוה אבל אתה משתחוה לאדם כמותך -
מאהבה there regarding ברייתא cited אביי the המן, where Similar to the worship of **המן, where** we expound this to mean; **לא תשתחוה להם [ולא תעבדם]**¹⁴ the תורה writes, **ומיראה** **to them you are not to bow, but you may bow to a person like yourself -**

יכול אפילו נעבד כהמן תלמוד לומר לא תעבדם¹⁵ -

One may think that it is permitted to bow down even to a person who is worshipped like המן; the verse continues לא תעבדם to include a person הנעבד that it is prohibited from bowing to him-

[וקאמר רבא כהמן ולא כהמן דאילו התם מיראה¹⁶ והכא לאו מיראה] -

[And רבא responded that it is no proof, for the ברייתא meant, like המן, but not exactly like המן, for there, המן was worshipped מיראה, and here what we derive from לא תעבדם is worshipping a person not from יראה, but rather as a deity.]

תוספות continues:

ומההיא גופא נמי יש לדקדק דחייב אף על גב דלא קבל עליה באלוה¹⁷ -

And from that גמרא itself (concerning המן) one can infer that one is liable for worshipping ע"ז even though he did not accept this ע"ז for a deity -

דמשמע דאסר נעבד כהמן דומיא דאדם שכמותך דשרי¹⁸ והיינו בלא קיבלו עליו באלוה -

For it seems that that this which the גמרא prohibits bowing down to one who is worshipped like המן, is (even) in a case where it is similar to bowing down to a person like yourself, which is permitted, which means without accepting him as a deity –

¹³ סנהדרין סא,ב.

¹⁴ שמות יתרו כ,ה.

¹⁵ The extra words לא תעבדם teaches us that it is prohibited to worship an הנעבד אדם. אביי cited this ברייתא as a proof that המן was worshipped only מיראה; no one took him seriously as a deity.

¹⁶ One is פטור for worshipping המן, , since it is only מיראה (even though no one explicitly said they are bowing to him מיראה); this proves that (according to רבא) if this ע"ז is worshipped by all only מיראה, one is פטור even if he did not say explicitly that he is worshipping it מיראה.

¹⁷ יהרג ואל יעבר is seemingly supporting his initial contention (in the very beginning of this תוס') that we say יהרג ואל יעבר even when קבלו עליו באלוה.

¹⁸ The ברייתא first cited the פסוק of להם לא תשתחוה to exclude any prohibition of being משתחוה to an אדם שכמותך, and then proceeds to cite לא תעבדם to prohibit bowing to a כהמן. It is logical to assume that the prohibition (to נעבד) and the exclusion (of אדם שכמותך) are in similar situations. Bowing to the אדם שכמותך is certainly where לא קיבלו, so similarly the prohibition of נעבד כהמן is also even where קיבלו עליו באלוה. See 'Thinking it over' # 3.

why indeed did מרדכי not bow down to המן?!

answers: תוספות

ויש לומר כדאמרינן במדרש²⁵ ששתי צורות²⁶ היו על לבו²⁷ -

And one can say; as it states in the מדרש that המן had two images of ע"ז by his heart, and it would appear as if מרדכי is bowing to these images.

offers an alternate answer: תוספות

ועוד משום קידוש השם²⁸ כדאשכחן בירושלמי במסכת שביעית בפרק ד'²⁹ -

And he also did not bow down in order to make a קידוש השם, where it is correct not to bow down as we find in תלמוד ירושלמי in מסכת שביעית in the fourth פרק -

כגון פפוס ולולינוס אחיו שנתנו להם מים בזכוכית צבועה ולא קבלו מהם:

For instance פפוס and his brother לולינוס, where they gave them water to drink in a glass upon which was painted the name of an ע"ז and the brothers did not take it from them and did not drink from it, even though technically there is no איסור.

SUMMARY

In a case of נפש if one was עובר and not מוסר נפש he is פטור according to רבא and even if there is no פקו"נ, if he states that he is עובד מאוי"ר or no one accepts this as a deity he is also פטור.

THINKING IT OVER

1. The רשב"א asks that רבא himself rules that the prohibition of לא תעבדם applies so how can רבא rule here that העובד מאהבה is פטור.³⁰ However, just as we answered on first question that even though the rule is יעבור, nevertheless if he was עובר, he is פטור; the same applies to לא תעבדם that by other (לא קבלו עליו באלוה) פטור he is עובר, but if he is עובר he is פטור (if באלוה). What is the רשב"א's question?³¹

²⁵ See אסתר רבה ריש פ"ו

²⁶ Others amend this to צלמים (instead of צורות).

²⁷ Regarding bowing to המן there may have been no problem since no one accepted המן as a deity; however these two צורות may have been worshiped by the populace therefore if מרדכי would bow סתם, he would be חייב.

²⁸ Occasionally it is permitted to place oneself in danger (especially a prominent person [like מרדכי]), even if there is no איסור, if by doing so, it will cause a קידוש השם.

²⁹ ה"ב. The (סנהדרין פ"ג ה"ה) writes that there was a ritual by the gentiles to drink from these cups, and the brothers refused and they were killed.

³⁰ See footnote # 10.

³¹ See אור החמה and מהרש"א.

2. Do the מפרשים agree³² with the first answer of תוספות that by cases of יהרג ואל יקבלו he is פטור if he was עובר,³³ or do they disagree³⁴ and maintain he is חייב if he is עובר, however by רבא he is פטור because he was מפרש that it is מאוי"ר or that no one accepts it as a deity?

3. לא קבלו writes that can infer from the issue of המן that one is חייב even if קבלו באלוה.³⁵ Seemingly however we can infer the exact opposite, for רבא there states that the לא תעבדם means כהמן ולא כהמן, for by המן it was מיראה and therefore פטור, however the חיוב of לא תעבדם is not like המן; meaning it is not מיראה, but rather that קבלו עליו באלוה;³⁶ which is the exact opposite of תוספות!

³² See footnote # 12.

³³ The מ"מ are only answering the question of the רשב"א (but not [necessarily] the first question of תוס').

³⁴ The מ"מ are answering both תוספות question and the רשב"א's question.

³⁵ See footnote # 18.

³⁶ See יד דוד מהודרא קמא and מהרש"א.