

כל הצלמים פרק שלישי

(fol. 42b) **משנה א:** כָּל־הַצִּלָּמִים אֲסוּרִין מִפְּנֵי שֶׁהֵן נִעְבָּדִין פֶּעַם אֶחָת בַּשָּׁנָה דִּבְרֵי רַבִּי מֵאִיר. וְהַכְּמִים אוֹמְרִים אֵינוֹ אֲסוּר אֶלָּא כָּל־שֵׁשׁ בָּיְדוֹ מִקָּל אוֹ צִפּוֹר אוֹ כְּדוּר. רַבֵּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר כָּל־שֵׁשׁ בָּיְדוֹ כֵּל דִּבְרֵי:

Mishnah 1: All statues are prohibited¹ because they are worshipped once a year, the words of Rabbi Meïr, but the Sages say, prohibited are only those in whose hand is a rod², or a bird³, or a globe⁴. Rabban Simeon ben Gamliel says, any in whose hand is anything.

1 Prohibited for usufruct. For R. Meïr there are no statues made for artistic value alone.

2 A symbol of command.

3 A symbol of having access everywhere.

4 A symbol of ruling the earth.

(42b line 64) **הלכה א:** כָּל־הַצִּלָּמִים אֲסוּרִין כּוּל'. אָמַר רַבִּי חִיָּיָה בַּר בָּא. מִפְּנֵי שֶׁהֵן נִעְבָּדִין בְּכֶרֶךְ גָּדוֹל שֶׁבְּרוּמֵי פְּעֻמַּיִם בַּשְּׁבִיעַ. מַעֲתָה בְּמָקוֹם שֶׁנִּעְבָּדִין יְהוָה אֲסוּרִין וּמָקוֹם שֶׁאֵינָן נִעְבָּדִין יְהוָה מוֹתְרִין. אָמַר רַבִּי יוֹסִי. מִכֵּין שֶׁנֶּאֱסָרוּ בְּמָקוֹם אֶחָד נֶאֱסָר מֵינָן בְּכָל־מָקוֹם. כִּי אֵין קוֹיָמִין. אִם דָּבָר בְּרִיא שֶׁהֵן אִם דָּבָר בְּרִיא שֶׁהֵן שְׁלֵשֶׁלְטוֹנוֹת. דְּבָרֵי הַכֹּל. מוֹתֵר. אֶלָּא כֵּן אֵין קוֹיָמִין בְּסֵתֵם. רַבִּי מֵאִיר אוֹמֵר. סֵתֵמָן שְׁלֵמִלְכִים. וְרַבֵּן אֶמְרִי. סֵתֵמָן שְׁלֵשֶׁלְטוֹנוֹת.

אֲשֵׁיִיאָן נִגְרָא בְּשֵׁם רַבִּי יוֹחָנָן. אִיקוּנִיּוֹת לָמָּה הֵן אֲסוּרוֹת. מִפְּנֵי שֶׁמִּקְטִירִין לִפְנֵיהֶן בְּשַׁעַה שֶׁהֵן עוֹלוֹת. אָמַר רַבִּי יוֹחָנָן. מוֹתֵר לִרְאוּתָן בְּשַׁעַה שֶׁהֵן יוֹרְדוֹת. מֵה טַעַם. בְּהִפְרֹת רְשָׁעִים תִּרְאָה: כְּתָב הַמֶּהֱלֵךְ תַּחַת הַצּוּרוֹת אוֹ תַּחַת הָאִיקוּנִיּוֹת אֵין מִסֵּתִפְלִין בָּהֶן בְּשַׁבָּת. וְלֹא עוֹד אֶלָּא אִף בַּחוּל אֵין מִסֵּתִפְלִין בְּאִיקוּנוֹת. וּמֵה טַעַם. אֶל־תִּפְנֹי אֶל־הָאֱלִילִים. אֵל תִּפְנֹה לְעוֹבְדָן. רַבִּי יְהוּדָה אוֹמֵר. אֵל תִּפְנֹה לִרְאוּתָן מִמֶּשׁ.

Halakhah 1: “All statues are prohibited,” etc. Rabbi Hiyya bar Abba said, because they are worshipped in the great fortification of Rome twice in a Sabbatical period⁵. Then at a place where they are worshipped they should be forbidden, at a place where they are not worshipped they should be permitted. Rabbi Yose said, since they became forbidden at one place, their kind becomes forbidden anywhere⁶.

Where do we hold⁷? If it is certain that they are of kings⁸, according to everybody they are forbidden. If it is certain that they are of rulers⁹, according to everybody they are permitted. But where we hold is if it is indeterminate. Rabbi Meir says, indeterminate they are of kings but the rabbis say, indeterminate they are of rulers.

Ashian the woodworker in the name of Rabbi Johanan: why are pictures forbidden¹⁰? Because one burns incense before them at the time they are hung. Rabbi Johanan said, one may look at them when they are taken down. What is the reason? *You may look when the evildoers are being destroyed*¹¹. One may not look at inscriptions under figures or under pictures on the Sabbath¹². Not only this, but even on a weekday one does not look at pictures. What is the reason? *Do not turn to idols*¹³, do not turn to worship them; Rabbi Jehudah says, do not turn actually to see them.

5 This is given as R. Meir's reason.

6 Babli 40b (following R. Meir).

7 Where is the disagreement between R. Meir and the rabbis?

8 Since Augustus introduced the worship of the Emperor in the provinces, any statue of an Emperor is an idol.

9 The statue of a procurator is not an idol.

10 Flat pictures of pagan deities or pagan subjects, since the Second Commandment

forbids only three-dimensional forms.

Greek εἰκόνα, "portrait".

11 Ps. 34:37.

12 Babli *Šabbat* 149a. Since the inscription explains what the picture is all about, reading it is for non-religious information which is forbidden on the Sabbath.

13 Lev. 19:4.

בְּחַיֵּי לֹא יִחַמְיוּ בְּדַמְכוּתֶיהָ. וְחִכְמִין אֵינוֹן כָּלוּם. אָמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. אֵין בֵּינֵינוּ
 וְלַצְדִּיקִים אֶלָּא דִּיבּוּר פֶּה בְּלִבָּד. אָמַר רַבִּי זְעִירָא. שׁוֹמֵעַ הוּא הַמֶּת קִילּוּסוֹ כְּמַתּוֹךְ הַלּוֹם.
 אָמַר רַבִּי אֶשְׁרִין. שׁוֹמֵעַ הַמֶּת קִילּוּסוֹ כְּמַתּוֹךְ הַחֲלוֹם. וְלָמָּה נִקְרָא שְׁמוֹ נְחוֹם אִישׁ קוֹדֶשׁ
 קִדְּשִׁים. שְׁלֹא הֵבִיט בְּצוּרַת מִטְבַּע מִמֶּיּוּ. וְלָמָּה נִקְרָא שְׁמוֹ רַבִּינוּ הַקָּדוֹשׁ. שְׁלֹא הֵבִיט בְּמִילְתּוֹ
 מִמֶּיּוּ.

When Rabbi Nahum bar Simai expired, the pictures were covered by bast mats¹⁴. Just as he did not see them during his lifetime, so he should not see them in his death. But do they know anything¹⁵? Rabbi Simeon ben Laqish said, the only difference between us and the just is speech¹⁶. Rabbi Ze'ira

said, the dead person hears his eulogy as in a dream. Rabbi Ashian said, the dead person hears his eulogy^{16a} as in a dream. Why was he called “Nahum the most holy man”? because he never in his life looked at the form on a coin¹⁷. Why was he called “our holy teacher”? Because he never looked at his circumcision¹⁷.

14 The entire paragraph in *Eccl. rabba* 9(9); cf. also Babli *Mo`ed qatan* 25b.

They covered all icons along the route of the funeral procession by mats. (In the Babli, the icons turned into mats.)

15 Babli *Berakhot* 18a.

16 *Midrash Ps.* 30(3) [ed. Buber Note 6]; *Pesiqta rabbati* 2 (ed. Friedmann Note 17),

12 (Note 4). The name tradition changes

from source to source.

16a קילוס “praise” is derived from Greek *καλῶς*! “beautiful, excellent”. For the use as “eulogy” compare *καλολογέω*, same as *ἐυλογέω* (E. G.).

17 *Sanhedrin* 10:6 Note 335, *Megillah* 1:13 (72b l. 57) 3:3 (74a l. 39); Babli *Šabbat* 118b, *Pesahim* 104a.

(42c line 8) כַּד דְּמָדָּ רַבִּי אַחָא אֵיתְחַמֵּי בְּטִיתְרָא כּוּכְבָּא. כַּד דְּמָדָּ רַבִּי חֲנָן אֵיתְכַפּוּן אַנְדְּרִיטָא. כַּד דְּמָדָּ רַבִּי יוֹחָנָן אֵיתְכַפּוּן אֵיקוֹנִינָא. אַמְרִין. דְּלָא הָווּת אֵיקוֹנִין דְּכוּוְתָהּ. כַּד דְּמָדָּ רַבִּי חֲנִינָא דְּבֵרַת חִוּוֹן אֵיתְבָּזַע יָמָא דְּטִיבְרָא. אַמְרִין. כַּד הָוָה סָלִיק לְעִיבְרָא הָוָה יָמָא מִתְבָּזַע קוּמוֹי. כַּד דְּמָדָּ רַב הוֹשַׁעְיָה נָפַל קִלּוֹן דְּטִיבְרָא. כַּד דְּמָדָּ רַבִּי יִצְחָק בֶּן אֶלְשִׁיב אֵיתְעַקְרוּן שׁוּבְעִין אִיִּסקוּפִין מִבְּעָלֵי בְּתִים דְּגָלִילָא. אַמְרִין. דִּהּוּי תַלְיָן בְּזִכּוּתִיהּ.

כַּד דְּמָדָּ רַבִּי שְׁמוּאֵל בֶּר רַב יִצְחָק אֵיתְעַקְרוּן אַרְזִינָא דְּאַרְעָא דִּישְׂרָאֵל. אַמְרִין. דִּהּוּנָה נָסִיב שׁוֹשִׁיבְתָא וּמַקְלָס קוּמִי כְּלִיָּהּ. וְהוּוּן רַבְּנָן מְרַנְּנִין בֵּיהּ. אַמְרָ לֹון רַבִּי זְעִירָא. אַרְפּוֹן לִיהּ. לִית אֹהוּ סָבָא יָדַע מַה עָבִיד. כִּיֹּון דְּמָדָּ נְחִתָּת אִישְׁתָּא מִן שְׁמִינָא וְאַפְסָקַת בִּין עָרְסָא לְקַהֲלָא וְהוּוּן תַּלְתָּ שְׁעִין קִלְיוֹן וּבִרְקִין בְּעֶלְמָא. חִינָא דְּאֹהוּ סָבָא דְּעָבְדַת לִיהּ שׁוֹשִׁבְתָּא. וְנִפְקַת בֵּת קָלָא וְאַמְרָהּ. וּוִי דְּמָדָּ שְׁמוּאֵל בֶּר רַב יִצְחָק גָּמִיל חִסְדָּא.

כַּד דְּמָדָּ רַבִּי יִסָּא בֶר חַלְפּוּתָא מְשַׁכּוּ צִינוּרוֹת דָּם בְּלִדּוּקָא. אַמְרִין. דִּיהֵב נִפְשִׁיהּ עַל גְּזוּרָתָא.

כַּד דְּמָדָּ רַבִּי אֲבָהוּ בְּכּוֹן עֲמוּדָא דְּסִיִּסְרִין. אַמְרִין כּוּתִינָא. לִית אִינוּן אֶלָּא מְרִיעִין. אַמְרָ לֹון יִשְׂרָאֵל. גִּדְעִין רְחִישִׁינָא כְּמַה דְּקָרִיבִינָא מְרִיעִין. רַבִּי אֲבָהוּ מִי דְּמָדָּ עָבְרוּן קוּמוֹי יִגְ נִהְרִין דְּאַפְרָסְמוֹן. אַמְרָ לֹון. כָּל-אִילָיוֹן לְמָאן. אַמְרִין לִיהּ. דִּידָּ. אַמְרָ לֹון. וְכָל-אִילָיוֹן דְּאֲבָהוּ. וְאַנִּי אֲמַרְתִּי לְרִיק גִּלְעָתִי וְגו'.

¹⁸When Rabbi Aha expired, a star was seen at high noon. When Rabbi Hanan expired, the statues were bent. When Rabbi Johanan expired, the pictures were bent. They said, there was no picture beauty like his¹⁹. When

Rebbi Hanina from Hauran expired, Lake Tiberias was split. They said, when he was going to intercalate²⁰, the lake was split before him. When Rav Hoshiaa expired, the shame²¹ of Tiberias fell down. When Rebbi Isaac ben Elyashiv expired, 70 thresholds of Galilean houses were uprooted. They said, these were kept in place by his merit.

²²When Rebbi Samuel ben Rav Isaac expired, the cedars of the Land of Israel were uprooted. They said that he was taking branches and danced while singing²³ before brides. The rabbis were complaining about him. Rebbi Ze'ira said to them, let him alone, the old man does not²⁴ know what he is doing. When he expired, fire came from Heaven and separated between his bier and the public; there were three hours of thunder and lightning in the world. They showed²⁵ what this branch did for the old man. There came a disembodied voice and said, woe that Samuel bar Rav Isaac, the doer of good deeds, has expired.

When Rebbi Yasa bar Halfuta expired, the water pipes drew blood in Laodicea²⁶. They said, because he devoted his life to circumcisions.

When Rebbi Abbahu expired, the pillars of Caesarea were crying. The Samaritans said, they only are making a joyful noise²⁷. The Jews told them, do the outsiders know what sound the insiders make? When Rebbi Abbahu expired, they had thirteen rivers of balsamum flowing before him. He asked them²⁸, for whom are these? They told him, they are yours. He said to them, all of this is for Abbahu, *and I said, in vain I labored*²⁹, etc.

18 Most of these remarks about wonders which happened at the death of holy men are alluded to in the Babli, *Mo'ed qatan* 25b.

19 R. Johanan's beauty is extolled in the Babli, *Bava mesit'a* 84a.

20 Calendar intercalations, the proclamations of an additional month in the year, were done at the hot springs of Gadara, near the South-East corner of the Lake of Genezareth.

21 Usually קֶלֶן "shame" means a brothel (cf. *Horaiot* 3:7 Note 259), possibly

government run. It is possible that here one should read קֶלֶן *columna* "a pillar" (commentary *Gilyon Efraim*.)

22 This story appears also in *Peah* 1:1 (Note 139) and twice in *Gen. rabba*. The different Yerushalmi versions are compared in Appendix 2 of M. Sokoloff, *The Geniza Fragments of Bereshit Rabba*, Jerusalem 1982. (Babli *Ketubot* 17a.)

23 Arabic فُلس "to dance while singing". This יִיֵּץ is not the verb קָלַס derived from

Greek καλός “beautiful”.

24 J. N. Epstein deletes this word since in the parallels R. Ze'ira appears in a positive light.

25 Read חיי instead of חייא .

26 In the Babli, R. Yose (ben Halafta, the Tanna) at Sepphoris.

27 Since R. Abbahu was the driving force behind the permanent separation of Jews

and Samaritans (Halakhah 5:3, Babli *Hulin* 6a.)

28 The angels. The next paragraph implies that he saw his reward before his death, and explains the euphemism “expired” (really “slept”) for “died”. *Gen. rabba* 63(3). A similar story is in the Babli, *Ta'anit* 25a, referring to R. Eleazar.

29 *Is.* 49:4. *Gen. rabba* 63(3).

הַקְדוּשׁ בְּרוּךְ הוּא מְרָאָה לְהוֹן לְצַדִּיקִים מִתּוֹן שְׂכָרָם בְּעוֹלָם הַזֶּה וְנִפְשָׁם שְׂבִיעָה וְהוֹן וְשִׁינּוּ לָהֶן. לְמַלְךְ שְׁעֵשָׂה סְעוּדָה וְצָר כָּל־מִינֵי סְעוּדָה בְּמַפָּה. כִּיֹּן שְׁנִכְנְסוּ הָאוֹרְחִין רָאוּ אוֹתוֹן וְנִפְשָׁם שְׂבִיעָה וְשִׁנּוּ לָהֶן.

³⁰The Holy One, praise to Him, shows to the just their rewards in this world; their soul is satisfied and they go to sleep. [A parable] of a king who gave a dinner and pictured all kinds of dishes on a chart. When the guests entered they saw it, they were satiated and went to sleep.

זָבְדֵי בַר לִיוָּאִי וְרַבִּי יוֹסִי בַר פִּיטְרָס וְרַבִּי יְהוֹשֻׁעַ בֶּן לִוי אָמְרוּ וְתִלְתָּא פְסִיקוּ מִי דְמָכִין. חַד מִיָּהוֹן אָמַר עַל־זֹאת יִתְפַּלֵּל כָּל־חָסִיד | אֱלִידָהּ גּוֹ'. וְחַד אָמַר וְיִשְׁמָחוּ כָל־חֹסִי בְךָ גּוֹ'. וְחַד אָמַר מָה רַב טוֹבָה אֲשֶׁר־צָפַנְתָּ לִירְאִידָהּ גּוֹ'.

³¹Zavdai ben Levi, and Rabbi Yose bar Petrus, and Rabbi Joshua ben Levi said three verses when they expired. One of them said, *for this every pious one should pray to You*³² etc. And one said, *all who rely on You will enjoy*³³ etc. And one said, *how great is Your bounty which You did hide for those who fear You*³⁴ etc.

30 *Gen. rabba* 63(3), an enlarged version.

32 *Ps.* 32:6.

31 *Gen. rabba* 63(4), 92(2), *Ex. rabba* 22(3), *Midrash Psalms* 5(11).

33 *Ps.* 5:12.

34 *Ps.* 31:20.

רַבִּי יַעֲקֹב בַּר אִידִי בִשְׁם רַבִּי יְהוֹשֻׁעַ בֶּן לִוי. מַעֲשֵׂה שְׁנִכְנְסוּ זָקִינִים לְעֻלֵּית בֵּית גְּדִיָּא בִּירְיָחוֹ. יָצְתָה בֵּת קוֹל וְאָמְרָה לָהֶן. יֵשׁ בֵּינֵיכֶם שְׁנַיִם רְאוּיִין לְרוּחַ הַקּוֹדֶשׁ וְהַלֵּל הַזֶּהוּן אֶחָד מֵהֶן. נִתְּנוּ עֵינֵיהֶן בְּשִׁמוּאֵל הַקָּטָן. שׁוּב נִכְנְסוּ זָקִינִים לְעֻלֵּיהֶן בִּבְנֵה וְיָצְתָה בֵּת קוֹל וְאָמְרָה לָהֶן. יֵשׁ בֵּינֵיכֶם שְׁנַיִם רְאוּיִין לְרוּחַ הַקּוֹדֶשׁ וְיִשְׁמוּאֵל הַקָּטָן אֶחָד מֵהֶן. נִתְּנוּ עֵינֵיהֶן בִּרְבִּי לִיעֶזֶר. וְהָיוּ שְׁמִיחִין עַל שֶׁהִסְכִּימָה דַּעְתָּן עַל דַּעַת רוּחַ הַקּוֹדֶשׁ.

³⁵Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: It happened that the Elders assembled in the upper story of House Gadya at Jericho when there came a disembodied voice and told them, there are two among you worthy of the Holy Spirit and one of them is Hillel the Elder. They looked at Samuel Minor. Then the Elders assembled in the upper story at Jabneh when there came a disembodied voice and told them, there are two among you worthy of the Holy Spirit and one of them is Samuel Minor. They looked at Eliezer ben Hyrcanos. They were happy that their opinion coincided with that of the Holy Spirit.

35 This paragraph is from *Horaïot* 3:7, Tosephta *Sotah* 13:3-4; parallels in the Babli *Sotah* 9:17, 9:13-14 (Notes 212-218), *Berakhot* 57a, *Sotah* 48b, *Sanhedrin* 11a.

38) (42d line 38) חד מן איילין דנשיטא דמך וקלטת מערתא וסכנתו נפשתא. עאל רבי יוסי ואפטר עלוי. אשרי אדם שימצא מן העולם בשלום. כד דמך רבי יסא נפל קסיטולין דטיבריא והיון איילין דנשיטא חדיין. אמר לון רבי זעירא. לא דמא. תמן סכנו נפשתא ברם הכא לא סכנו נפשתא. תמן לא איתעקרת עבודה זרה ברם הכא איתעקרת עבודה זרה.

One of the Patriarch's court expired. The burial cave received him but people's lives were endangered³⁶. Rebbi Yose³⁷ came and held a funeral oration, "happy the man who leaves the world in peace." When Rebbi Yasa died, the sacred fountain³⁸ of Tiberias fell down and those of the Patriarch's court were happy³⁹. Rebbi Ze'ira told them, it is not comparable. There people were in danger, here nobody was in danger. There no pagan worship was uprooted, here pagan worship was uprooted.

36 Probably the cave was unsafe.

37 This name probably should read "Yasa" as in the following, since R. Yose was R. Ze'ira's student's student.

38 The usual interpretation as Latin *castellum* (New Greek καστέλλιον), expression used by Vitruvius for the water container on top of a water tower, fits Tosephta *Miqwaot* 4:6 but not this passage.

Fortification in the Yerushalmi always appears as *castra*, *-orum*, and has nothing to do with pagan worship. The word here seems to be *κασταλία* "a sacred fountain". Compare Latin *castalius*, "holy" (E. G.).

39 That something happened to the preacher who found fault with the court because something happened at one of its funerals.

(42c line 42) רבי יעקב בר אידי בשם רבי יהושע בן לוי. רבן יוחנן בן זכאי מי דמך אמר. פנו הבית מפני הטומאה ותנו כסא לחזקיה מלך יהודה. רבי ליעזר תלמידיה מי דמך אמר. פנו הבית מפני הטומאה ותנו כסא לרבן יוחנן בן זכאי. ואית דאמרי. כמה דחמא רביה חמא אף הוא.

1 דמך | ס דמך פקיד אמ' | ס ואמ' 2 הבית | ס חצר (same changes in the next sentence)
חד מן אילין דבי רבי פזי הוון אילין דנשיטא בעי מחותנתיה והוא לא מקבל עלוי. אמר.
דלא יהון מיתגנו בי. מי דמך אמר. פנו הבית מפני הטומאה ותנו מקום כסא ליהושפט מלך
יהודה. אמרו. יבוא זה שרץ אחר כבוד אחר זה שברח מן הכבוד.

⁴⁰Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: When Rabban Johanan ben Zakkai died, he said, clear the house because of impurity and prepare a chair for Hezekiah, the king of Judah. When his student Rebbi Eliezer died, he said, clear the house because of impurity and prepare a chair for Rabban Johanan ben Zakkai. But some say, what his teacher saw, he saw.

Some of the family of the Patriarch proposed a marriage connection to one of the house of Rebbi Pazi but he did not accept; he said that they should not be embarrassed by him. When he died he said, clear the house because of impurity and prepare a chair for Josaphat, the king of Judah. They said, the one who ran after honor should come for him who fled before honor.

40 *Sotah* 9:17 (ס) Notes 283-284. The first paragraph is slightly reformulated, the second more radically except for the last sentence. Probably one should read *bar* Pazi instead of *Rebbi* Pazi. According to *Horaiot* 3:7 (Note 329) the family bar Pazi already was related to the Patriarchate but had no learned members.

(42c line 50) וחקמים אומרים אינו אסור אלא כל-שיש בידו משל או ציפור או כדור. משל. שהיה רודה בו את העולם. ציפור. ותמצא כהן | גדל לחיל העמים. כדור. שהעולם עשוי ככדור.

אמר רבי יונה. אלכסנדרוס מקדון כד בעא מיסק לעיל. והיה סלק וסלק סלק עד שראה את העולם ככדור ואת היס כקערה. בגין כן ציירין לה בכדורה בגדה. ויצוריה קערה בגדה. אינו שלטי בים. אבל הקדוש ברוך הוא שלטי בים וביבשה. מציל בים ומציל ביבשה.
דרש רבי זעירא בריה דרבי אבהו קומי רבי לעזר. אשוי שאל יעקב בעזר. ומה כתיב בתריה. עשה | שמים וארץ. ומה ענין זה לזה. אלא מלך בשר ודם יש לו פטרון באיפרכא זו אינו שלטי. שמא באחרת. ואם תאמר קוזמוקרטור שלטי ביבשה. שמא בים. אבל הקדוש ברוך הוא אינו כן. שלטי בים ושלטי ביבשה. ולא עוד אלא חרב על צואר האדם הקדוש

בְּרוּךְ הוּא מְצִילוֹ. הוּא שֹׁמֵשׁ אוֹמֵר וַיִּצְלָנִי מִחֶרֶב פְּרָעָה: אֵין כְּתוּב כָּאֵן אֶלָּא מִחֶרֶב. אֶפִּילוּ חֶרֶב נְתִנָּה עַל צְנֹאֵרֵי הַקְּדוֹשׁ בְּרוּךְ הוּא מְצִילוֹ הַיְּמִינָה.

“But the Sages say, prohibited are only those in whose hand is a rod, or a bird, or a globe.” A rod by which he rules the world⁴¹. A bird, *my hand reaches to the riches of people as to a bird’s nest*⁴². A globe, for the world is globe-shaped.

⁴³Rebbi Jonah said, when Alexander the Macedonian wanted to ascend he rose, and rose, and rose, until he saw the world as a globe and the ocean like a bowl. Therefore one represents him with a globe in his hand. Should one not represent him with a bowl in his hand? He does not rule over the Sea. But the Holy One, praise to Him, rules over Sea and dry land, He rescues on the Sea and on land.

⁴⁴Rebbi Ze’ira the son of Rebbi Abbahu preached before Rebbi Eleazar. *Happy is he whom the God of Jacob helps*⁴⁵. What is written after this? *The Maker of Heaven and Earth*. What has one to do with the other? But a king of flesh and blood needs a protector^{45*}; in one district⁴⁶ he is not a ruler, maybe in another one? If you say a universal ruler⁴⁷ rules over dry land, does he [rule] over the Sea? But the Holy One, praise to Him, is not like this; He rules over the Sea, He rules over dry land. Not only this, but if a sword is at a person’s neck the Holy One, praise to Him, saves him. That is what Moses said, *He saved me from Pharaoh’s sword*⁴⁸. It is written only *sword*⁴⁹. Even if a sword is at his neck the Holy One, praise to Him, saves him from it.

41 Babli 41a. The other two attributes are interpreted differently; the Yerushalmi interpretation also is in *Num. rabba* 13(13).

42 *Is.* 10:14.

43 *Num. rabba* 13(13).

44 A slightly different version of this paragraph is in *Berakhot* 9:1 (Notes 56-58).

45 *Ps.* 146:5-6.

45* Latin *patronus* “protector, defender”.

46 Greek *ἐπαρχία*.

47 Greek *κοσμοκράτωρ*, the Roman

Emperor. A king in the Roman principate was a local ruler subject to orders from Rome.

48 *Ex.* 18:4.

49 Since it does not say “from Pharaoh” but “from Pharaoh’s sword” Moses was condemned to death but escaped miraculously (*Berakhot* 9:1 Notes 42-47, *Deut. rabba* 2(20), *Midrash Cant.* 7(5), *Midrash Ps.* 4[3].)

הוסיפו עליהן הסייף והעטרה והטבעת. הסייף שהורג בו. העטרה שמתעטר בו. טבעת שחותם בו.

טבעת שיש עליה עבודה זרה אסור לחתום בה. רבי יודה אומר. אם היתה חותמה שקוע אסור לחתום בה. בולט מותר לחתום בה. רבי חנינה בן גמליאל אומר. שלבית אבא היו חותמים בפרסופות. רבי לעזר בירבי שמעון אומר. כל-פרסופות היו בירושלים חוץ משל אדם.

“They added to this the sword, the crown, and the ring.”⁵⁰ The sword with which he kills, the crown with which he crowns himself, the ring with which he seals.

It is forbidden to seal with a seal on which there is an idol. Rabbi Jehudah says, if its seal was recessed it is forbidden to seal with it, if it protrudes it is permitted to seal with it⁵¹. Rabbi Hanina ben Gamliel says, in my father’s family they were sealing with faces⁵². Rabbi Eleazar ben Rabbi Simeon says, all kinds of faces were in Jerusalem except human ones⁵³.

50 Tosephta 5:1, Babli 41a.

51 Babli 43b. A figure prohibited by the Second Commandment is a three-dimensional plastic image. A ring with a concave picture will result in a protruding seal which therefore is forbidden (but as the Babli points out, one is permitted to wear such a ring.) A ring with a

protruding picture results in a recessed seal which is permitted (but one may not possess such a ring.)

52 Greek πρόσωπον, τό “face”.

53 In the Babli (42b): All faces are permitted except human ones. Tosephta 5:2.

הוסיפו עליהן הסייף והעטרה והטבעת. הסייף שהורג בו. העטרה שמתעטר בו. טבעת שחותם בו. רבן שמעון בן גמליאל אומר כל-שיש בידו כל דבר: ובלבד דבר שהוא שלקבוד. השל והשוללים והסמלים דבר שלביאיו הוא. הנזיר והקולמוס דבר שלקבוד הוא. קלמרון צריכה.

“Rabban Simeon ben Gamliel says, any in whose hand is anything.” But only matters of honor⁵⁴. A basket, laced shoes, and rags are matters of dishonor. Papyrus and reed pen⁵⁵ are matters of honor. The pen-case⁵⁶ is problematic.

54 Babli 43b.

55 Greek καλαμίσκος, τό.

56 Latin *calamus*, -i; Greek κάλαμος, ό.

(fol. 42b) **משנה ב:** המוצא שיברי כלים הרי אילו מתרין. מצא תבנית יד או תבנית רגל הרי אילו אסורין מפני שפויצא בהן נעבד:

Mishnah 2: If one finds shards of vessels⁵⁶ they are permitted. If one finds the figure of a hand or of a foot these are forbidden because similar ones are worshipped⁵⁷.

56 In the Babli and the independent Mishnah mss.: “of idols”. While idols are and remain biblically forbidden for all usufruct, a pagan (not a Jew) who damages or breaks an idol thereby removes the character of instrument of worship. If one finds shards of vessels decorated with pagan symbols then either (1) it simply is a decorated vessel never intended for pagan worship, or (2) even if it was an object of

worship there is a likelihood that a pagan broke and discarded it. As a general principle such a case (called “the doubt of a doubt”) in which the object may be permitted in each of the cases clears the object from any biblical prohibition.

57 In this case, possibility (1) is very remote; there is only one doubt which is not enough to remove the biblical prohibition.

(42c line 73) **הלכה ב:** המוצא שיברי כלים כול. רבי יוסי בשם רבי יוחנן. מפני שרובן באין מן הדלפקיות. מעתה אפילו תבנית יד ותבנית רגל. שנייא היא. מפני שפויצא מהן נעבד.

Halakhah 2: “If one finds shards of vessels,” etc. Rabbi Yose in the name of Rabbi Johanan: Because most of them come from three-legged tables⁵⁸. Then also figures of a hand or figures of a foot? There is a difference since similar ones are worshipped.

58 Greek δέλφιξ, -ικος, a (Delphian) tripod possibility of case (2) is remote. or small three-legged table. In this case the

(42c line 75) פתוב ואנשי בבל עשו את-סוכות בנות. תרגולתא ופרחיה. ואנשי-כות עשו את-גרגל. ריגליה דיעקב וריגליה דיוסף. נחשתי וברכני יי בגלגל: ויברך יי את-בית המצרי בגלגל יוסף. ואנשי חמת עשו את-אשימה: אימרא כמה דתימר וכפר עליו הכהן באיל האשם. הערים עשו נבחן. כלבא. ואת-תרתק. חמרא. והספרוים שורפים את-בניהם באש. טווסא ופיסיוני.

1 סוכות | G סוכות תרגולתא | G תרגולתא 2 ריגליה | G רגליה וריגליה | G ריגליה ויברך יי את בית המצרי בגלגל יוסף | G ויברך יי אתך לרגלי 3 אשימה | G אשימה אימרא | G אמרה דתימא | G דאת הערים עשו נבחן | G והכהן יכפר עליו 4 כלבא | G כלבה חמרא | G חמרה באש | G באש לאדמלך וענמלך אלהי ספרים 5 טווסא ופיסיוני | G טפסה ופיסיוני

⁵⁹It is written⁶⁰: *The people from Babylon made Sukkot Benot*, the chicken and its young, *and the people of Kuta made the Nergal*, the foot of Jacob and the foot of Joseph⁶¹, *I divined that the Eternal blessed me for your sake*⁶²; *the Eternal blessed the Egyptian's house for Joseph's sake*⁶³. *The people of Hamma made the Ashima*, a sheep, as you say, *the Cohen shall atone for him by the asham ram*⁶⁴. *The Awim made the Nibhan*⁶⁵, a dog, *and the Tartaq*, a donkey. *And the Sepharwites burned their sons in fire [to Adrammelekh and Annamelekh the gods of Sepharwaim]*⁶⁶, peacock⁶⁷ and pheasant⁶⁸.

59 Here starts a Geniza text (G), one leaf also edited by J. N. Epstein (Chapter 2, Note 361). The parallel in the Babli is *Sanhedrin* 63b.

60 2K. 17:30.

61 Some of the regions mentioned here and most of the deities are unidentified in cuneiform sources but Nergal is well identified as the god of the Underworld. Since the word does not correspond to any Semitic root, *Nun* is considered a prefix leaving a root רגל “foot” which in turn is taken of the source of גלל “because of” in analogy to עקב “heel, in consequence of”.

62 *Gen.* 30:12.

63 *Gen.* 39:5.

64 *Lev.* 19:22. G quotes 5:16 instead. In both cases there is acoustic similarity

between *asham* and *ashima*.

65 Both sources and the Babli read נבחר “the barker” against the MT נבחי which together with תרתק are read as Elamite by modern interpreters.

66 Parentheses added from G; while the interpretations clearly refer to the deities mentioned in the addition, in talmudic style the explicit quote is not strictly necessary.

67 Greek ταῶς, ὁ. In Latin, *taos*, -i, m., is “a precious multi-colored stone”.

68 Latin *phasianus*, also *phasiana*, -ae, f. (*Edict. Diocl.*). According to myth, it is metamorphosed Itis, a son of Tereus. He was killed by his mother and served to his father, then changed into a pheasant.

(42d line 6) עבודה זרה ששפורה. רבי יוחנן אמר. אסורה. רבי שמעון בן לקיש אמר. מותרת. מה אנו קיימין. אם בעתיד להחזירן לכליין. דברי הכל. אסור. אם בשאינו עתיד להחזירן לכליין. דברי הכל. מותר. אלא כי אנו קיימין בסתם. רבי יוחנן אמר. סתם כמי שעתיד להחזירן לכליין. רבי שמעון בן לקיש אמר. סתם כמי שאינו עתיד להחזירן לכליין. אמר רבי יודן אביו של רבי מתנייה. אם היו מונחין במקומן כמי שעתיד להחזירן לכליין. מתיב רבי שמעון בן לקיש לרבי. והא כתיב על-כך לא-ידרכו כהני דגון על-מפתן דגון. אמר ליה. מלמד שהיו נוהגין במפתן יותר מדגון. רבי ירמיה בשם רבי חייה בר בא אמר. אומות העולם עשו מפתן אחד. ישראל עשו כמה מפתנים. ומה טעם ופקדתי על הדולג על-המפתן.

1 שנסברה | G שנישברה (?) over the line corrected 2 לכליין | G לכליין 3 לכליין | G לכליין אלא כי | G כן סתם | G סתמן 4 לכליין | G לכליין (2) 5 אביו של ר' | G אביו דר' מתנייה | G מתניה לכליין | G לכליין 6 ריש | G ר' שמעון בן לר' | G לר' יוחנן דגון | G דגון וכל הבאים בית דגון על מפתן דגון | G - 7 נוהגין | G נוהגים בר בא | G ברווא 8 הדולג | G כל הדולג 9 המפתן | G המפתן ביום ההוא וגו'

An idol which was broken⁶⁹, Rabbi Johanan said it is forbidden, Rabbi Simeon ben Laqish said it is permitted⁷⁰. Where do we hold? If in the future he would return it to its vessel, everybody agrees it is forbidden. If in the future he will not return it to its vessel, everybody agrees that it is permitted. But we hold if it is not indicated. Rabbi Johanan said, not indicated is as if he would return it to its vessel; Rabbi Simeon ben Laqish said, not indicated is as if he would not return it to its vessel. Rabbi Yudan the father of Rabbi Mattaniah said, if they were lying on their spot⁷¹ it is if he would return it to its vessel. Rabbi Simeon ben Laqish objected to Rabbi [Johanan]⁷²: Is it not written, *therefore the priests of Dagon and all visitors to Dagon's temple will not step on Dagon's threshold*⁷³? He told him, this teaches that they honored the threshold more than Dagon. Rabbi Jeremiah in the name of Rabbi Hiyya bar Abba, the peoples of the world made one threshold; Israel made many thresholds; what is the reason? *I shall visit on [any]*⁷⁴ *who skips over the threshold [on that day]*⁷⁵.

69 In the Babli, 41b, "if it broke spontaneously." This is the reading of the correction in G over the line. Therefore one has to assume that the reading in the text simply means that a piece is before us and we do not know how it was broken. The argument in the text shows that the idol was a decoration of a vessel, not a statue.

70 Babli 41b.

71 All parts of the vessel are still available, so it can be glued back together.

72 From G, missing in L.

73 *Is. 5:5*. Since it does not mention Dagon's hands and head, it proves that once a statue is broken it is not worshipped any longer by pagans. In the Babli the same verse serves to buttress R. Johanan's position against R. Simeon ben Laqish.

74 Added from G (and the verse in MT); needed for the point of the sermon.

75 *Zeph. 1:9*.

(42d line 16) המוצא עבודה זרה. רב אמר משברה אבר אבר והיא בטילה. ושמואל אומר. אינה בטילה לעולם.

1 רב | G ר' משברה | G משבר ושמואל | G שמואל

רבי אבין בשם רבי שמעון. ה'דא אמרה בשאין עליהן בסיס. אבל יש עליהן בסיס אני אומר.
מן השברים באו.

1 אבין | G בון ר' שמעון | G שמואל | G הדא אמרה | G - יש | G אם יש עליהן | G עליהם | G 2 השברים | G השבורים

If somebody finds an idol, Rav said, he breaks it limb by limb and it becomes insignificant, but Samuel said, it never can become insignificant⁷⁶.

Rebbi Abin in the name of (Rebbi Simeon) [Samuel]⁷⁷: This means⁷⁸ if they are without base. But if they have a base, I am saying they come from shards.

76 Rav holds that an idol broken into little pieces cannot be reconstituted. Therefore it is no longer an idol and the shards may be used. Samuel holds that an idol which falls into the hands of a Jew is *herem* and forbidden for any use under any circumstance (*Deut.* 13:18). For him the only way an idol or its parts can become useable for a Jew is that a Gentile (a pagan) breaks it. The Babli (49b) explains

Samuel's position away.

77 Reading of L in (parentheses), of G in [brackets].

78 This refers to the last statement of the Mishnah, about hands and feet. If these are complete, not broken off from a base, the Mishnah applies; these are complete objects of worship. But if they are broken off a basis they are shards. Babli 41a/b.

מַשְׁנֶה ג': הַמּוֹצֵא כֵּלִים וְעָלִיָּהֶן צוּרֵת חֲמָה צוּרֵת לְכָנָה צוּרֵת הַדְּרָקוֹן וְיָלִיכֶם לָיִם הַמָּלְאָה. רַבִּן שְׁמוּעֹן בֶּן גַּמְלִיאֵל אָמַר עַל הַמְּכַוְּבִים אֲסוּרִין עַל הַמְּבוּזִין מוֹתְרִין. רַבִּי יוֹסִי אָמַר שׁוֹחֵק וְזוֹרֵה לְרוּחַ אוֹ מַטִּיל לָיִם. אָמְרוּ לוֹ אֵף הוּא נִעְשָׂה זָבֵל וְנֶאֱמַר וְלֹא יִדְבַק בְּיָדְךָ מֵאוֹמֶה מִן הַחֶרֶם:

Mishnah 3: If somebody finds vessels and on them the form of the sun, the form of the moon⁷⁹, the form of a dragon⁸⁰, he should bring them to the Dead Sea⁸¹. Rabban Simeon ben Gamliel says, on honored ones⁸² it is forbidden, on contemptible ones permitted. Rebbi Yose said, he grinds them and disperses them into the wind or throws them into the Sea. They told him, but then it becomes fertilizer and it was said, *nothing of the ban should cling to your hand*⁸³.

79 According to Maimonides, not circles representing sun and moon but their astrological representation.

80 Greek δράκων, -οντος, ό, also “dragon-shaped jewellery”.

81 Made from precious metals. All others fall under the category of “contemptible”.

82 Deut. 13:18.

(42d line 19) **הלכה ג:** המוצא כלים כול'. לא שנו אלא כלים שעליהן צורת החמה וצורת הלבנה. הא שאר כל המזלות לא. לא שנו אלא הדרקון. הא כל-הנחשים לא. אי זהו דרקון. כל-שציצין יוצאין בצנארו. ותני כן. רבי שמעון בן (אלעזר) [עזאי] אומר. אי זהו דרקון. כל-שציצין יוצאין מצנארו. החלק מותר. המוצא דרקון עשוי כמין רחוש אסורה. רחוש ועליו דרקון. נוטל את הרחוש ומשליך את הדרקון.

1 כלים שעליהן | G - 2 הדרקון | G דרקון | הא | G הא שאר | אי זהו | G איזו הוא | 3 שציצין | G שהציצים | בצוארו | G מיצארו | - | G החלק מותר | עזאי | G אלעזר | זהו | G זהו | שציצין | G שהציצים | יוצאין | G יוצאים | בצוארו | G מיצארו | 4 אסורה | G אסור | שמואל אומר. כוס בסיס לדרקון אסור. ודרקון בסיס לכוס מותר. רבי בא בשם רב. שברי דרקון הרי אילו מותרין. דרקון שלם ונשבר הרי אילו אסורין. ושבירים מן השלם באו. רבי חזקיה בשם רב. כיני. ראה אותן משתחווים לדרקון שלם ונשבר אסורין.
1 ודרקון | G דרקון | בא | G ווא | 2 שברי | G שיברי | מותרין | G מותרים | ונשבר | G ונישבר | אסורין | G אסורים | מן | G לא מן | השלם | G השלים | 3 כיני | G האכני | לדרקון | G לידרקון | ונשבר | G ונישבר | אסורין | G אסור

Halakhah 3: “If somebody finds vessels,” etc. They stated only “vessels and on them the form of the sun, the form of the moon,” therefore not any of the other planets⁸³. They only stated “dragon”, therefore not any snakes. What is a dragon? Any which has spikes on its neck. It was stated thus⁸⁴: “Rebbi Simeon ben (Azzai) [Eleazar]⁸⁵ says, what is a dragon? Any which has spikes on its neck.” If it⁸⁶ is smooth it is permitted. If one finds a dragon in the form of a something crawling⁸⁷ it is forbidden. Something crawling and on it a dragon, he takes the crawling thing and throws away the dragon.

Samuel said, a cup which serves as base for a dragon is forbidden, a dragon which serves as base for a cup is permitted⁸⁸. Rebbi Abba in the name of Rav: Fragments of a dragon are permitted. If it was a whole dragon and broke, it is forbidden⁸⁹. But did the fragments not come from a whole one? Rebbi Hizqiah in the name of Rav: So it is: If one saw them bowing down before a whole dragon and then it was broken, it is forbidden⁹⁰.

83 While they are divinities, they are not actively worshipped.

84 Tosephta 5:2.

85 The reading of Tosephta, G, and the Leiden ms. before correction is "Eleazar". In addition, while ben Azzai's name was Simeon, he was not ordained and never is called "rabbi". The correction is a corruption.

86 The neck on the snake-shaped vessel.

87 The word may mean either snake, or

worm, or even a small rodent.

88 In the first case it may be an object of worship, in the second the dragon is a decoration.

89 Since a forbidden idol can become permitted only if a Gentile, not a Jew, breaks it (Note 76).

90 Then there is an indication that the idol broke by accident, not by intention, and the shards remain forbidden.

42d line 28) מָה נֶן קִימָיו. אִם דָּבָר בְּרִיא שֶׁנֶּעֱבְדִין אֶפִּילוּ מְבוּזִין אֲסוּר. אִם דָּבָר בְּרִיא שֶׁאֵינוֹ נֶעֱבְדִין אֶפִּילוּ מְכוּבְדִין מוּתָר. אֲלֵא כִּי נֶן קִימָיו בִּסְתָם. אָמַר רַבִּי קְרִיסְפָּא. וְהָדָא כּוֹסוֹת דָּבָר שֶׁל בִּיזָיוֹן הוּא. דְּרַבִּי חִיָּה בַר בָּא הָוָה לִיה קוֹנֵקוֹן וְהוּנֹת טִימִי דְרוּמִי צִירָא בְגוּוּהָ. אֲתָא שָׂאֵל לְרַבִּי יוֹחָנָן. אָמַר לִיה. מִכֵּין שֶׁהֵמִים צָפִין עַל גְּבֻה דָּבָר שֶׁלְבִיזָיוֹן הוּא. וְאֵהוּן קִיתוּנָא מִכֵּין שֶׁאֲתָה מְשַׁקְעוּ בְּמִים דָּבָר שֶׁלְבִיזָיוֹן הוּא. בְּיוֹמוֹי דְּרַבִּי יוֹחָנָן שְׁרוּן צִירָין עַל כּוֹתֵלָא וְלֹא מַחֵי בְּיָדֵיהוּ.

1 נ | G אֵן שֶׁנֶּעֱבְדִין | G שֶׁן נֶעֱבָדִים מְבוּזִין | G מְבוּזִים אֲסוּר | G יְהוֹ אֲסוּרִים 2 נֶעֱבָדִין | G נֶעֱבָדִים מְכוּבְדִין | G מְכוּבְדִים מוּתָר | G יְהוֹ מוּתָרִים כִּי נֶן | G כֵּן אֵן בִּסְתָם | G בִּסְתָם וְהָדָא 3 כּוֹסוֹת | G כּוֹסוֹת בָּא | G וְאֵהוּ הוּוֹה טִימִי | G טִיכִי צִירָא | G צִירָה 4 לִר' יוֹחָנָן | G לְרַבִּין אִמְ' לִיה | G אֲמָרִין מִכֵּין | G מִיכֵין שֶׁהֵמִים | G שֶׁהֵמִים וְאֵהוּן | G וְהוּן 5 קִיתוּנָא | G קִיתוּנָה מִכֵּין | G מִיכֵין שֶׁאֲתָה | G שֶׁאֲתָה מְשַׁקְעוּ | G מְשַׁקְעוּ 6 כּוֹתֵלָא | G כּוֹתֵלִיָּה בִּידִיָּהוּ | G בִּידוֹן בְּיוֹמוֹי דִּר' אֲבֹן שְׁרוּן צִירָין עַל פְּסִיפֶסס וְלֹא מַחֵי בִידוֹן

Where do we hold? If it is certain that they are worshipped, even the contemptible ones are forbidden. If it is certain that they are not worshipped, even the honored ones are permitted. But we must deal with the indeterminate case. Rabbi Crispus said, those cups⁹¹ belong to the contemptible category, for Rabbi Hiyya bar Abba had a pitcher⁹² and the (worth) [fortune]⁹³ of Rome⁹⁴ was pictured on it. He came to ask Rabbi Johanan who told him, since water swims on top of it, it is a contemptible one. A drinking cup⁹⁵ is contemptible since one immerses it in water. In the days of Rabbi Johanan they started painting on walls⁹⁶ and he did not protest against it. [In the days of Rabbi Abun they started depicting by mosaics and he did not protest against it.⁹⁷]

91 In G: “garment”. The following sentences show that the text of L is correct even though *Gen.r.* 81(3) quotes R. Johanan to the effect that garments may be forbidden as pagan (based on *Gen.* 35:2).

92 A Syriac word as identified in Sokoloff’s *Dictionary of Jewish Palestinian Aramaic*.

93 The reading of G, *τύχη* “fortune, destiny” is preferable over the reading of L, *τιμή* “worth, value.”.

94 The vocalization is from G referring to

Romae.

95 Greek *κῶθον*, “Laconian drinking vessel used by soldiers; drinking bout; religious banquet”.

96 Since the paintings are flat, they are not prohibited by the Second Commandment.

97 Text of G, missing in L. As J. N. Epstein notes, any synagogue mosaic floor which shows figures (as opposed to text) must be dated after R. Abun’s time (about the year 300).

(42d line 35) מתיב רבי יוסי לרבנן. והכתיב את־חטאת־כֶּם אֲשֶׁר־עֲשִׂיתֶם אֶת־הָעֵגֹל. אָמְרוּ לֵיהּ. מִלְמַד שֶׁהִיא מְבַקֵּשׁ לְבוֹדֶקוֹ כְּשֶׁם שְׂבוּדָקִין אֶת הַסּוּטוֹת. וַיֹּרֶעַל־פְּנֵי הַמַּיִם. אָמְרוּ לוֹ. וְהִכְתִּיב וְגַם | מַעֲכָה אִם אֶסָּא הַמְלִיךְ־הַסִּירָה מִגְבִּילָהּ. אָמְרוּ לוֹ. מִשֵּׁם רֵאִיָּה. וַיִּכְרַת אֶסָּא וְגו'. אָמְרוּ לוֹ. וְהִכְתִּיב וּכְתַבְתָּ נָחַשׁ הַנְּחוּשֶׁת. וְכִי עֲבוֹדָה זָרָה הִיא. וְהִלָּא מֹשֶׁה עָשָׂעוּ. אֵלֶּה מִלְמַד שֶׁהִיוּ יִשְׂרָאֵל טוֹעִין אַחֲרָיו עַד שֶׁבָּא חִזְקִיָּהוּ וְהַעֲבִירוּ.

1 יוסי | יוסה | לרבנן | לרבנן | והכת' | G והא כתיב | העגל | G העגל וגו' | אמרו ליה | G אמרין לה
2 שהיה | G שהיה משה כשם | כדרך | שבוֹדֶקִין | G שבוֹדֶקִים | המים | G המים ושק א' ב' יש' | 3 והכת' |
G והא כתיב | מגבירה | G מגבירה וגו' | אסא | G אסא את מפלצתה וידק ויש' | 4 הנחשת | G הנחשת אשר
עשה משה | 5 שהיו יש' טועין אחרי | G שתעו אחרי ישראל | שבא | G שעמד

⁹⁸Rebbi Yose objected to the rabbis, is it not written: *your sin which you had made, the calf*⁹⁹? They told him, this teaches that he intended to examine them in the way one examines deviant wives: *he strewed it on the surface of the water*¹⁰⁰. He said to them, is it not written, *and also Maacah, king Asa's mother, he removed from power*¹⁰¹? They told him, is there proof from there? *Asa cut down*¹⁰² etc. He told them, *he beat the bronze serpent to pieces*¹⁰³. Was this an object of worship? Did not Moses make it? This teaches that Israel was erring after it until Hezekias came and removed it¹⁰⁴.

98 Babli 43b/44a, Tosephta 3:19. The speaker is R. Yose the Tanna who objects to the statement that the idol has to be dumped into the Dead Sea; he brings examples of disposition of pagan idols in other ways.

99 *Deut.* 9:21.

100 *Ex.* 32:20. As usual, the argument is

from the part of the verse which is not quoted, viz., *he let the Children of Israel drink*. The deviant wife has to drink water mixed with dust from the floor of the Sanctaury, *Num.* 5:11-31.

101 *IK.* 15:13.

102 Since Asa burned his mother's Ashera,

there is no doubt that burning a wooden statue is as good as bringing it to the Dead Sea.

103 2K. 18:4.

104 Here ends the Genizah fragment G

edited by Epstein; on the next line starts one (ג) edited by Ginzberg (pp. 278-279) of which, however, not very much is legible.

42d line 41) כְּתוּב אֶחָד אוֹמֵר וַיַּעֲזְבוּ־שָׁם אֶת־עֲצֵיהֶם וַיִּשְׂאֵם דָּוִד וְאַנְשָׁיו: וְכָתוּב אַחֵר אוֹמֵר וַיֹּאמֶר דָּוִד וַיִּשְׂרְפוּ בָאֵשׁ: רַבִּי יוֹסִי בֶר חֶלְפוּתָה וְרַבֵּנּוּ. רַבִּי יוֹסִי בֶר חֶלְפוּתָה אוֹמֵר. מִה שֶׁהָיָה שְׂלֵמֶתֶכֶת וַיִּשְׂאֵם דָּוִד וְאַנְשָׁיו. וּמִה שֶׁהָיָה שְׂלֵעָץ וַיֹּאמֶר דָּוִד וַיִּשְׂרְפוּ בָאֵשׁ: וְרַבֵּנּוּ אָמְרִי. מִה שֶׁהָיָה אִתִּי הַגִּיתִי מִבֵּטֶל וַיִּשְׂאֵם דָּוִד וְאַנְשָׁיו. וּמִה שֶׁלֹּא הָיָה מִבֵּטֶל וַיֹּאמֶר דָּוִד וַיִּשְׂרְפוּ בָאֵשׁ. מִה מְקִיִּים רַבִּי יוֹסִי בֶן חֶלְפוּתָה וַיִּשְׂאֵם דָּוִד וְאַנְשָׁיו. נִטְלוּם בְּשַׁפְּיָיו.

2 דוד | ג דוד בר חלפותא | ג ביר' חלפתה 3 אמרי | ג אמרין 4 הגיתי | ג הגיתי היה | ג היה איתי הגיתי דוד | ג דוד 5 בן חלפותא | ג ביר' חלפתה

One verse says, *they abandoned their idols; David and his men carried them away*¹⁰⁵. But another verse says, *David gave orders and they were burned in the fire*¹⁰⁶. Rabbi Yose [ben Rabbi] Halafta¹⁰⁷ and the rabbis. Rabbi Yose ben Rabbi Halafta says, what was of metal, *David and his men carried them away*. And what was of wood, *David gave orders and they were burned in the fire*. But the rabbis say, what Itai from Gat¹⁰⁸ annulled, *David and his men carried them away*. And what he did not annul, *David gave orders and they were burned in fire*. How does Rabbi Yose [ben Rabbi] Halafta confirm *David and his men carried them away*? They took them by their rims¹⁰⁹.

105 2S. 5:21. The verse implies that the idols were a valuable part of the booty. According to the Mishnah the idols should have been brought to the Dead Sea, not to Hebron.

106 *1Chr.* 14:12, another report about the same event.

107 This is the reading of ג, which agrees

with the name of the Tanna in other sources.

108 They assume that he was a Gentile and therefore able to break the idols to remove the prohibition and turn them into valuable metal scrap. Babli 44a

109 To grind them down as R. Yose prescribes in the Mishnah.

(fol. 42b) **משנה ד:** שֶׁאֵל פְּרָקְלוֹם בֶּן פְּלוֹסְלוֹם אֶת רַבֵּן גְּמִלְיָאֵל בְּעֵבֹ שֶׁהָיָה רוֹחֵץ בְּמִרְחֵץ שֶׁל אֶפְרוּדִישִׁי אָמַר לוֹ כְּתוּב בְּתוֹרַתְכֶם וְלֹא יִדְבֵּק בִּידְךָ מְאוֹמָה מִן הַחֶרֶם. מִפְּנֵי מַה אֵתָּה

רוחץ במרחץ של אפרודיטי. אמר לו אין משיבין במרחץ. כשיצא אמר לו אני לא באתי בנבילה היא באת בגבולי. אין אומרים נעשה מרחץ נוי לאפרודיטי אלא אומרים נעשית אפרודיטי נוי למרחץ.

Mishnah 4: Proclos ben Ploslos¹¹⁰ asked Rabban Gamliel in Acco when he was taking a bath in the Bath of Aphrodite¹¹¹. He said to him, it is written in your Torah, *nothing banned should stick to your hand*¹¹²: why are you bathing in the Bath of Aphrodite? He said to him, one does not answer in the bath¹¹³. When he left he told him, I did not come into her domain, she came into my domain. One does not say, the bath was built as adornment for Aphrodite but one says, Aphrodite was made as adornment of the bath.

משנה ה: דבר אחר אם נותנין לך כמון הרבה אתה נכנס לעבודה זרה שלך גרום ובעל קרי ומשתין בפניה וזו עומדת על פי הביב וכל אדם משתין לפניה. לא נאמר אלא אלהיהם. את שהוא נוהג בו משום אלוה אסור. ואת שאינו נוהג בו משום אלוה מותר:

Mishnah 5: Another explanation. If one gave you lots of money, would you enter your temple naked, after an emission, or urinating before it? But this one stands over the sewer and everybody is urinating in its presence. It only says *their gods*¹¹⁴; what is treated as a divinity is forbidden, what is not treated as a divinity is not forbidden.

110 In the Babli פלוסלוס which can be read "philosopher"; in the Venice edition of Alfasi פלופלוס, but in most sources, including Maimonides's autograph Mishnah Commentary the name is written as in the Yerushalmi Mishnah.

111 According to Maimonides there is no problem since Aphrodite is the symbol of the planet Venus, which was exempted from

the general prohibition of pagan symbols in Halakhah 3 Note 83.

112 Deut. 13:18.

113 One may not discuss religious subjects while naked. Cf. *Berakhot* 2:3 Notes 116-119.

114 Deut. 12:30; the verse which is the basis of Mishnah 6.

(42b line 48) **הלכה ז:** שאל פרקלוס בן פלוסלוס כול. מא אנו קיימין. אם בששאלו בהילכות המרחץ היה לו להשיב. ואם בשלא שאלו בהילכות המרחץ לא היה לו להשיב. דמר רבי יעקב בר אידי בשם רבי יהושע בן לוי. שואלין הילכות המרחץ בבית המרחץ. הילכות בית הכסא בבית הכסא. כהדא רבי שמעון בן לעזר צאל מיסחי עם רבי מאיר. אמר לה. מהו שנדיתי. אמר ליה. אסור. אמר לה. מהו שננקיית. אמר ליה. אסור. ולא כן שמואל שאל לרב.

מִהוּ לַעֲנוֹת אֶמֶן בְּמִקּוֹם מְטוּנָף. אָמַר לִיה. אָסִיר. וְאָסִיר דְּאַמְרִית לָךְ אָסִיר. אֲשַׁכַּח תִּנִּי. שׁוֹאֲלִין הִילְכוֹת הַמְּרֻחָץ בְּבֵית הַמְּרֻחָץ. הִילְכוֹת בֵּית הַכֶּסֶּא בְּבֵית הַכֶּסֶּא. אָמַר רַבִּי יוֹדֵן אָבִיו דְּרַבִּי מִתְנַהֵּה. מִהִילְכוֹת הַמְּרֻחָץ שְׂאֵלוֹ אֶלָּא שְׂאִין דְּרָךְ לַעֲנוֹת בְּמְרֻחָץ. אָמַר רַבִּי שְׁמוּאֵל בַּר אֲבָדִימִי. מִהִילְכוֹת הַמְּרֻחָץ שְׂאֵלוֹ אֶלָּא שְׁהַבֵּל הַמְּרֻחָץ רַע לְשִׁינַיִם. חֲבֵרִיא רַבִּי חֲמָא בַר יוֹסִי בְּשֵׁם רַבִּי הוֹשַׁעְיָה רַבִּי זְעִירָא בְּשֵׁם רַבִּי יְהוֹשֻׁעַ בֶּן לֹוי. תְּשׁוּבַת הַפֶּלֶג הִשִּׁיבוּ. דְּלֹא כֹן הָיָה לוֹ לְהָשִׁיב מִבְּעַל פְּעוֹר שְׂאִין עֲבוּדָתוֹ אֶלָּא בְּפִעֲרָא. מֵאִי כְדוֹן. אֶת שְׁהוּא נִוְהַג בּוֹ מְשׁוּם אֱלֹהֵה אָסוּר. וְאֶת שְׂאִינוֹ נִוְהַג בּוֹ מְשׁוּם אֱלֹהֵה מוֹתֵר:

1 בששאלו | ג בששאל 3 הילכות | ש והילכות 4 לעזר | ש אלעזר עאל | ג על 5 שנדיח | ש לקנח
שנקניח | ש להדיח שאל | ש שאל 6 אמ' ליה | ש והוא אמ' אסיר | ג אסור דאמרי' | ג דמרת 7
שואלין | ש אין שואלין אביו | ג אביו 8 מהילכות | ג מהלכות דרך | ג דרך כבוד 9 חבריא | ג חברייה
חמא | ג חמה 10 זעירא | ג ... רה

Halakhah 4: “Proclos ben Ploslos asked,” etc. Where do we hold? If he asked him about practice in the bath he should have answered; if he did not ask him about practice in the bath he should not have answered¹¹⁵. ¹¹⁶As Rabbi Jacob bar Idi said in the name of Rabbi Joshua ben Levi: One asks about practice in the bath while in the bathhouse, about practice in the toilet while in the toilet. As when Rabbi Simeon ben Eleazar went to bathe with Rabbi Meïr, he asked him, may one rinse? He told him, it is forbidden¹¹⁷. May one dry himself with a towel? He told him, it is forbidden¹¹⁸. But did not Samuel ask Rav, may one say “Amen” at a dirty place? He told him, it is forbidden, and it is forbidden that I told you that it is forbidden¹¹⁹. It was found stated, one asks¹²⁰ about practice in the bath while in the bathhouse, about practice in the toilet while in the toilet. Rabbi Yudan, the father of Rabbi Mattaniah, said, he asked him about practice in the bath but it is not done¹²¹ to answer in the bath. Rabbi Samuel bar Eudaimon said, he asked him about practice in the bath but the steam in the bath is bad for the teeth. The colleagues, Rabbi Hama bar Yose in the name of Rabbi Hoshai, Rabbi Ze’ira in the name of Rabbi Joshua ben Levi: He answered him in an evasive answer¹²², for he could have replied about Baal Pe’or whose worship only consists in exposure and defecation¹²³. What about it¹²⁴? What is treated as a divinity is forbidden, what is not treated as divinity is not forbidden.

115 Since the instruction that one does not answer in the bath, i. e., in the room where people are naked, is a religious instruction

forbidden at that place.

116 The main source for the following is *Sabbat* 3:3 (6a l. 51, ש), Babli *Šabbat* 40b.

117 As explained in *Šabbat*, they went to bathe in the hot springs of Tiberias on the Sabbath. It is forbidden to take a hot bath in water which was heated, but not in water which is naturally hot. But then one has to be careful not to rinse oneself outside the water flowing from the source since water spilled on the earth outside would fill in depressions in the ground, which is prohibited work.

118 Similarly, one may not use a bath towel on the Sabbath since squeezing out water from a towel (or a sponge) is forbidden

work.

119 Since he was asked at a place with a bad smell. He disagrees with R. Jacob bar Idi.

120 In *Šabbat*: “One does not ask.” This supports Rav and seems to be the original version. Unfortunately, א is damaged at this passage.

121 In א: “is not polite”.

122 Babli 44b.

123 Mishnah *Sanhedrin* 7:12.

124 What would be the correct answer?

מִשְׁנָה ו: הַגִּזְיוֹת הַעוֹבְדִים אֶת הַהָרִים וְאֵת הַגְּבְעוֹת הֵם מוֹתְרִין וְכֹה שְׁעָלֵיהֶן אֲסוּרִין שְׁנֵאָמַר לֹא־תִחַמּוּד בָּסֶף וְזֶה־בְּעָלֵיהֶם וְלִמְחַתָּ לָךְ. רַבִּי יוֹסֵי הַגָּלִילִי אוֹמֵר אֱלֹהֵיהֶם עַל הַהָרִים וְלֹא הַהָרִים אֱלֹהֵיהֶם. אֱלֹהֵיהֶם עַל הַגְּבְעוֹת וְלֹא הַגְּבְעוֹת אֱלֹהֵיהֶם. וּמִפְּנֵי כֹה אֲשִׁירָה אֲסוּרָה מִפְּנֵי שֶׁיֵּשׁ בָּהּ תַּפְּשִׁיט יְדֵי אָדָם. וְכִלְשִׁישׁ בָּהּ תַּפְּשִׁיט יְדֵי אָדָם אֲסוּר.

Mishnah 6: If Gentiles worship mountains and hills; these are permitted¹²⁵ but what is on them is forbidden, as it is said¹²⁶, *do not covet silver or gold on them and take for yourself*. Rabbi Yose the Galilean said, *their gods [are] on the mountains*¹²⁷, the mountains are not their gods. *Their gods [are] on the hills*, the hills are not their gods. Then why is an *Ashera*¹²⁸ forbidden? Because it was held by human hand¹²⁹, and anything held by human hand is forbidden.

125 For agricultural use; the ground and what grows on it is not forbidden as long as it is connected to the ground.

126 *Deut.* 7:25. If a mountain top is covered in gold or silver, the cover has to be removed and destroyed; only the ground itself is permitted.

127 *Deut.* 12:2.

128 A holy tree (Mishnah 11), which is connected to the ground and by the argument of Note 125 should be permitted as building material or fire wood.

129 It was planted.

42d line 63) **הלכה ו:** הגוים העובדים את ההרים כול'. רבי זעירא רבי יסא רבי יוסי בר חנינה בשם רבי הושעיה. כתוב אחד אומר לא תחמוד כסף וזהב עליהם ולקחת לך. וכתוב אחר אומר כסף וזהב אשר עמם: אם עליהם למה עמם. ואם עמם למה עליהם. מה עליהם דבר שהוא מיוחד להם תכשיט להם. אף עמם דבר שהוא מיוחד להם תכשיט להם. רבי יוחנן בשם רבי ינאי. כל שהכניסו לפנים משנקלין אסרו. כגון כיסים של מעות. אמר רבי יסא. סימן הנה לנו והדר רבי הושעיה פליגא על דרבי ינאי. ולית היא אלא מסייעה לה. מה עליהן דבר שהוא מיוחד להן תכשיט להן. אף עמם דבר שהוא מיוחד להן תכשיט להן. יצאו כיסים של מעות. רבי בא בשם רב יהודה. ואפילו מים ומלח. מלח לשון ומים לדית. ואהין אפילו. אלא כגון מים ומלח.

1 יוסי | ג יוסה 2 תחמוד | ג תחמד 4 עמם | ג עימם תכשיט | ג מקשט 5 ינאי | ג יניי שהכניסו | ג שהכניסו משנקלין | ג מיקנקלון 6 הוה | ג הוה והדר | ג ודה ר' ג דר' פליגא | ג פליגת 8 בא | ג ווא ואהין | ג וההין 9 אלא | ג אלה

Halakhah 6: “If Gentiles worship mountains,” etc. Rabbi Ze’ira, Rabbi Yasa, Rabbi Yose bar Hanina in the name of Rabbi Hoshai: One verse says¹²⁶, *do not covet silver or gold on them and take for yourself*. And one verse says¹³⁰, *silver and gold which is with them*. If *on them* why *with them*, and if *with them* why *on them*? Since *on them* refers to something which is particular for them and an adornment for them¹³¹, also *with them* refers to something which is particular for them and an adornment for them.

Rebbi Johanan in the name of Rebbi Yannai: Anything which one introduced inside the lattice work¹³² he made forbidden; e. g., money pouches. Rebbi Yasa said, we had a note that (return) [this]¹³³ of Rebbi Hoshai disagreed with Rebbi Yannai, but it is not so; it supports it. Since *on them* refers to something which is particular for them and an adornment for them, also *with them* refers to something which is particular for them and an adornment for them; this excludes money pouches¹³⁴. Rebbi Abba in the name of Rav Jehudah: Even water and salt. Salt to rub and water to rinse¹³⁵. And this is “even”? But e. g., water and salt¹³⁶.

130 Deut. 29:16.

131 Since the mountains themselves cannot become forbidden, only adornments made explicitly for pagan worship can be forbidden. Therefore also of the contents of a dwelling only idolatrous objects can be

forbidden for all usufruct. Babli 51b.

132 The inner part of a temple, cf. Chapter 2:3, Note 219.

133 The text of L (in parentheses) is clearly a scribal error; one has to follow the text of א [in brackets].

134 This seemingly contradicts R. Yannai's statement.

135 To polish the statues.

136 It is obvious that in general Gentiles' water and salt are permitted. They become forbidden only by being introduced into the inner temple for idolatrous purposes. So

also a Gentile's wallet and his money are permitted. Only by being introduced into the inner temple the money becomes forbidden. The statement of R. Yannai is a necessary complement to that of R. Hoshaia and vice-versa. Babli 51b.

(42d line 74) הַנֶּעֱבָד. אֵת תַּנְי תַּנִּי. בֵּין שְׁלוֹ בֵּין שְׁלַחֲבִירוֹ אָסוּר. וְאֵת תַּנְי תַּנִּי. שְׁלוֹ אָסוּר וְשְׁלַחֲבִירוֹ מוּתָר. מִן דְּמַר. בֵּין שְׁלוֹ בֵּין שְׁלַחֲבִירוֹ אָסוּר. רַבִּי יְהוּדָה. וּמִן דְּמַר. שְׁלוֹ אָסוּר וְשְׁלַחֲבִירוֹ מוּתָר. רַבִּי יוֹסִי וְרַבִּי שְׁמַעוֹן. רַבִּי יוֹסִי בְּשֵׁם רַבִּי אֵילָא. דְּבָרֵי הַכֹּל הֵיא. כְּמָה דְּתִימָר תַּמָּן. דְּבַר שֵׁישׁ בּוֹ רוּחַ חַיִּים אֵף עַל פִּי שְׁאִינוֹ נֶאֱסָר לְהַדְיוּט נֶאֱסָר לְגָבוּהָ. וְדְכוּתָהָ. דְּבַר שְׁאִינוֹ שְׁלָף אֵף עַל פִּי שְׁאִינוֹ נֶאֱסָר לְהַדְיוּט (אִינוֹ) נֶאֱסָר לְגָבוּהָ.

11 שלחבירו | כ שלאחרים ואית | כ אית 2 מותר | ג מותר הוון - | כ בעי מימר שלחבירו | כ שלאחרים ר' יהודה | גכ ר' מאיר ור' יודה ומן | ג מן כ מאן דמר | כ דאמ' 3 שלחבירו | כ שלאחרים יוסי | גכ יוסה (2) אילא | כ לא 4 נאסר | ג אסור דבר | ג - 5 אינו | כ - נאסר | ג אסור רבי בון בר חייא אמר. אפילו סולת שְׁלוֹ אָסוּר וְשְׁלַחֲבִירוֹ מוּתָר. מַה כְּמָאן דְּמַר בֵּין שְׁלוֹ בֵּין שְׁלַחֲבִירוֹ אָסוּר אָמַר. לֹא אֵיתְּפִלְגוֹן בְּדָבָר שְׁאִין בּוֹ רוּחַ חַיִּים. אֲתָא רַבִּי בּוֹן בַּר חֵיכָא מִימַר לָךְ. בְּדָבָר שֵׁישׁ בּוֹ רוּחַ חַיִּים הֵיא מִתְּנִיתָא. בֵּין מַה דְּאִיפְלְגוֹן בְּדָבָר שְׁאִין בּוֹ רוּחַ חַיִּים. הָא דְּבַר שֵׁישׁ בּוֹ רוּחַ חַיִּים אָסוּר. וְדָבָר שְׁאִין בּוֹ רוּחַ חַיִּים לֹא כָל־שֶׁכֶן. הָיִי שְׁלֹא תֹאמַר כְּמָא דְּאָתָּא אָמַר תַּמָּן. דְּבַר שֵׁישׁ בּוֹ רוּחַ חַיִּים אֵף עַל פִּי שְׁאִינוֹ נֶאֱסָר לְהַדְיוּט נֶאֱסָר לְגָבוּהָ. וְדְכוּתָהָ. דְּבַר שְׁאִינוֹ שְׁלָף אֵף עַל פִּי שְׁאִינוֹ נֶאֱסָר לְהַדְיוּט נֶאֱסָר לְגָבוּהָ.

2 אמר | ג - לא איתפלגון | ג אילו אתפלגון 4 הוי שלא | ג הביא שלא

¹³⁷An object of worship. Some Tannaim state, whether it was his or another person's, it is forbidden. But some Tannaim state, his is forbidden, another person's is permitted. He who said, whether it was his or another person's, it is forbidden, [Rebbi Meir and]¹³⁸ Rebbi Jehudah. But he who said, his is forbidden, another person's is permitted, Rebbi Yose and Rebbi Simeon. Rebbi Yose¹³⁹ in the name of Rebbi Ila: It is everybody's opinion. Just as you say there, anything living¹⁴⁰ while it cannot become forbidden for a private person it becomes forbidden for Heaven, so similarly anything which is not yours even though it cannot become forbidden for a private person it (does not)¹⁴¹ become forbidden for Heaven¹⁴².

Rebbi Abun bar Hiyya said, even his fine flour becomes forbidden and another person's is permitted¹⁴³. Is this following him who said, whether it was his or another person's, it is forbidden; did he say¹⁴⁴ that they do not

disagree about something which is not alive and Rabbi Abun bar Hiyya comes to tell you that the *baraita* refers to living things? If they disagree about something which is not alive; therefore a living thing is forbidden¹⁴⁵. Then something which is not alive should be forbidden *a fortiori*¹⁴⁶. This is that you should not say as you say there, anything living while it cannot become forbidden for a private person it becomes forbidden for Heaven, so similarly anything which is not yours even though it cannot become forbidden for a private person it becomes forbidden for Heaven¹⁴⁷.

137 This paragraph is from *Kilaim* 7:4, Notes 46-48 (2).

138 Added from both parallel texts. The reference is to Mishnaot *Kilaim* 7:4,5. If a person grows vegetables or grain in his vineyard, everything becomes forbidden for usufruct. But if he causes such a growth on another person's land, R. Meir holds that the crop is forbidden and the owner of the land has to sue the culprit for damages; R. Yose and R. Simeon hold on the authority of R. Aqiba that "nobody can sanctify anything which is not his." In our case, anybody who worships an animal or an object which is his, made it forbidden for usufruct for himself and everybody else. But if the object was not his property, for R. Yose and R. Simeon it cannot become forbidden for anybody.

139 The fifth-generation Amora.

140 Any living animal which is worshipped is an animal and not an idol and cannot be forbidden.

141 This word is not in the parallel text; the context and the following paragraph make it clear that it is a scribal error.

142 The comparison with *Kilaim* is misleading. The relevant Mishnah is *Temurah* 6:1 where it is stated that an animal used for

idolatry (or bestiality) is unfit as sacrifice, irrespective of ownership. For sacrifices there is no dispute between R. Meir and R. Yose. Babli *Temurah* 28a.

143 While it is clear from our Mishnah that if anybody worships wild standing grain it will not be forbidden since it is connected to the ground (but if it was sown for idolatrous purposes then it is an *Ashera*.) It now is stated that cut and milled produce will only be forbidden if used illegitimately by its owner, not by any third person.

144 While this word is not in 2, it is better to retain it.

145 If R. Abun bar Hiyya disagrees with R. Yose in the name of Rabbi Ila. He should have mentioned an animal, not fine flour. For if R. Meir and R. Yose disagree about plants then one must assume that R. Yose agrees with R. Meir about animals.

146 Since animals have a privileged status; R. Yose cannot agree with R. Meir about their status.

147 R. Abun bar Hiyya disagrees with R. Yose in the name of Rabbi Ila in a matter of principle; he holds that worshipping something which is the private property of a third person without knowledge or acquiescence of that third person has no

influence on the status of the property
whether for profane or sacral purposes.

Here ends the Genizah text.

43a line 14) השתחווה לביצה. חזקיה אמר. לא אסרה. רבי יוחנן אמר. אסרה. אמר רבי זעירא. בביצה פליגין. חביריא אמרין. בחלוקי נחל פליגין. אמר רבי הונא. וקרא מסייע למאן דאמרי חביריא. בחלקי-נחל חלקן הם הם גורלן. חייליה דחזקיה מן הדא. מפני מה אשירה אסורה מפני שיש בה תפיסת יד בני אדם. וכל-שיש בה תפיסת ידי אדם אסור. הכל מודין בחיטין שאסורות. דמר רבי חנינה בר יסא בשם רב יהודה. שורשי חיטה בוקעין בארץ חמשים אמה. שורשי תאנה רבים בוקעין בצור. אם כן מה יעשו שורשי חרב ושרשי שקמה. אמר רבי חנינה. אחת לל' יום התהום עולה ומשקה אותן. ומה טעם. אני יי נצרה לרגלים אשקנה. תני רבי שמעון בן אלעזר אומר. מלמד שאין הארץ שותה אלא לפי חיסומה.

If somebody worshipped an egg¹⁴⁸. Hizqiah said, he did not make it forbidden; Rabbi Johanan said, he made it forbidden¹⁴⁹. Rabbi Ze'ira said, they disagree about an egg. The colleagues say, they disagree about pebbles in a river bed¹⁵⁰. Rabbi Huna said, a verse supports what the colleagues say: *Your part is with river pebbles; these are your destiny*¹⁵¹. The strength of Hizqiah is from the following: "Then why is an *Ashera* forbidden? Because it was held by human hand, and anything held by human hand is forbidden." Everybody agrees that wheat is forbidden¹⁵¹; ¹⁵²as Rabbi Hanina bar Yasa said in the name of Rav Jehudah: The roots of wheat split the earth to a depth of 50 cubits; the soft roots of a fig tree split rock. Then what do the roots of the carob and the roots of the sycamore? Rabbi Hanina said, once every thirty days the abyss wells up and drenches them. What is the reason? *I, the Eternal, am watching over it and water it in moments*¹⁵². It was stated: Rabbi Simeon ben Eleazar says, this teaches that the earth drinks only according to its hardness.

148 Babli 46a. The egg is a symbol of resurrection; cf. J. J. Bachofen, *Versuch über die Gräbersymbolik der Alten*, Gesammelte Werke Bd. 4, Basel 1954.

149 For Hizqiah the egg is considered under the rules of animals; for R. Johanan only the chick would qualify, not the egg.

150 These are egg shaped. While they are

products of nature, they are no longer connected to the ground.

151 Is.57:6.

152 The remainder of the paragraph has no connection with the topic of the Halakhah and the preceding text; it also appears in *Berakhot* 9:3 Notes 170-174, *Ta'anit* 1:3 (64b 1.30); its source seems to be *Gen*.

rabba 13(19) on *Gen.* 2:6. The different *Berakhot*.
name traditions are noted in the Notes to 153 *Is.* 27:3.

(24 line 43a) ביצת עבודה זרה שנעשית אפרוח. רבי חגי בשם רבי יאשיה. אתפלגון כהנא וחזקיה. כהנא אמר. מותרת. וחזקיה אמר. אסורה. וקשיא על דעתיה דחזקיה. הוה אפטר לביצת עבודה זרה שתיעשה אפרוח. מה אגן קיימין. אם בשפחסה אין כאן אפרוח. אם בשכהניסה לפניו מן הקינקליו. תא חמי. אילו השתחוה לה לא אסרה. ומפני שהכניסה לפניו מן הקינקליו אסרה. אמר רבי יודן אביו של רבי מתניה. תפטר שגיר בה לעבודה זרה.

1 שנעשית | ע שנעשה כהנא וחזקיה | ע חזקיה וכהנא 2 וחזקיה | ע חזקיה אסורה | ע אסור וקשיא | ע - הוה | ע אי 3 שתיעשה | ע שנעשית 4 לפניו | ע לפניו הקינקליו | ע הקינקליו תא | ע אתא אילו | ע ואלו ומפני | ע מפני 5 הקינקליו | ע הקינקליו מתניה | ע מתניה שגיר | ע שגיר אגוז שלעלה שנטעו וכן ביצת הקדש שנעשית אפרוח. רבי יסא. אתפלגון כהנא ורבי יוחנן. כהנא אמר. אסורה. ורבי יוחנן אמר. מותרת. אמר רבי זעירא קומי רבי יסא. והאמר רבי. מותרת. אף הוא אינו פודה בזמן זרעה. אתא רבי חנניה ורבי יונה רבי לעזר בשם כהנא. פודה אותה בזמן זרעה. רבי חנניה בשם רבי פינחס אמר מתקנתה. כהנא אמר. אסורה ופודה אותה כמות שהיא. ורבי יוחנן אמר. מותרת פודה אותה בזמן זרעה.

1 אגוז שלעלה שנטעו וכן | ע - שנעשית | ע שנעשית יסא | ע יסא אתפלגון | ע פליגי בה 2 קומי ר' יסא | ע לר' יוסי והאמר ר' | ע הא ר' יוחנן אמר 3 אף הוא אינו פידה | ע אף היא פורח אותה אתא ר' חנניה | ע ר' חנניה ר' | ע ר' 4 חנניה | ע ר' חנניא אמ' | ע - אמ' | ע אומ' 5 כמות | ע כמו

¹⁵⁴ An egg of pagan worship which turned into a chick. Rabbi Haggai in the name of Rabbi Josia: Cahana and Hizqiah disagree. Cahana said, it is permitted, Hizqiah said, it is forbidden. There is a difficulty in the opinion of Hizqiah: how is it possible for an egg of pagan worship to become a chick? Where do we hold? If somebody squashed it, there is no chick. If he brought it inside the lattice enclosure, come and look: If he worshipped it it is not forbidden¹⁴⁹; because he brought it inside the grating it should be forbidden? Rabbi Yudan the father of Rabbi Mattaniah said, explain it if he used to tow¹⁵⁵ the idol.

If an 'orlah walnut was planted¹⁵⁶ or an egg dedicated to the Temple became a chick¹⁵⁷. Rabbi Yasa said, Cahana and Rabbi Johanan disagree. Cahana said it is forbidden and Rabbi Johanan said it is permitted¹⁵⁸. Rabbi Ze'ira said before Rabbi Yasa, did not Rabbi [Johanan]¹⁵⁹ say it is permitted, does he not redeem it as from the time it is sown¹⁶⁰? There came Rabbi Hanania and Rabbi Jonah, Rabbi Eleazar in the name of Cahana: He redeems it as from the time it is sown. Rabbi Hanania in the name of Rabbi Phineas

corrects it: Cahana said it is forbidden and he redeems it as it is now¹⁶¹; Rabbi Johanan said it is permitted and he redeems it as from the time it is sown.

154 These two paragraphs are also in '*Orlah* 1:8, Notes 200-208, ג. The scribe of L wrote only the first and last few words and then: "one continues in *Avodah zarah* Chapter 3, Halakhah 6, 'if Gentiles worship', to the end." The text was then added by the first corrector in a somewhat shoddy way, from a source different from the text here. The full text is in the Rome *Zera'im* ms.

155 This is the text here. In '*Orlah*: "he fenced in", confirmed by the Rome text. This text can be understood since it mentions the walnut which was planted at the beginning of the first paragraph, not the second as in the text here. If a walnut tree was planted to close an opening in the lattice work, this certainly makes it forbidden as an *Ashera*. It is hard to see how to tow anything using an egg; the difference between the two texts is that between גר and גדר. Neither of the two expressions

makes much sense if applied to an egg.

156 The walnut was forbidden for all usufruct; the status of the tree is in doubt.

157 It is property of the Temple and cannot be used without redemption. This case is not in dispute.

158 Everybody agrees that the new tree is not '*orlah*'. According to Cahana the original prohibition has not disappeared, according to R. Johanan the situation is parallel to that of heave grain (restricted as food to pure Cohanim) which was used as seed grain; the crop needs only token redemption (*Mishnah Terumot* 9:4).

159 From the text in '*Orlah*', missing here.

160 This refers to the walnut. If the tree may be used, it never was '*orlah*'; the redemption is symbolic and can be effected by a token payment.

161 It needs redemption for its full value; in the case of the '*orlah*' tree the redemption money has to be destroyed.

מִשְׁנָה ז': אָמַר רַבִּי אֶקִּיבָה אֲנִי אֶהְיֶה אוֹכֵין לְפָנֶיךָ. כֹּל מְקוֹם שֶׁאֵתָּה מוֹצֵא הָרָבֹחַ וְנִבְעָה נִשְׂאָה וְעֵץ רִגְעָן דַּע שֶׁשֵּׁשׁ שָׁם עֲבוּדָה זָרָה: (fol. 42b)

Mishnah 7: Rabbi Aqiba said, I shall explain it to you. Any place where you find a high mountain, or an elevated hill, or a sprightly tree, know that there is idolatry¹⁶².

162 *Deut. 12:2* reads: *You shall certainly destroy all the places where the peoples from whom you will inherit worshipped their gods, on high mountains, and hills, and*

under each sprightly tree. This explains clearly that not the place is forbidden but the idol and its temple to be found there.

(43a line 37) **הלכה ז:** אמר רבי עקיבה אני אובין לְפָנֶיךָ כול. אֶנָּה תִּנִּינָן. אובין. אית תני. אוביל לְפָנֶיךָ. מאן דמר. אובין. נבין. ומאן דמר. אוביל. נִיבֵל.

Halakhah 7: “Rebbi Aqiba said, I shall explain it to you,” etc. We have stated אובין. Some are stating אוביל. He who says אובין “we understand.” But he who says אוביל “we bring.”¹⁶³

163 The hapax אובין is derived from the root “to transport”. Both verbs are used in *hif’il*. יבל “to understand”, אוביל is from the root בן

(43a line 39) תני רבי בורקאי קומי רבי מנא. מלמד שלא הניחו הכנענים לא הר ולא גבעה שלא עבדו עליו. ולא כן סבריהן מימר. דבר שיש בו רוח חיים אף על פי שאינו אסור להדיט אסור לגבוה. בית הבחירה איכן נבנה. על פי נביא. ויעל דויד בדבר-גד אשר דבר ביד יי.

Rebbi Borqai stated before Rebbi Mana: This teaches that the Canaanites did not leave any mountain or hill where they did not worship. But do we not understand to say, anything alive, while not forbidden for a private person, is forbidden for Heaven¹⁶⁵? How could the Temple have been built¹⁶⁶? By the order of a prophet; *David went up following the word of Gad which he had said by the Hand of the Eternal*¹⁶⁷.

165 If it was worshipped as pagan deity, as a place for the Temple. Therefore the Note 142. place could not have been selected by

166 While a mountaintop is perfectly good humans. It is not a mountain top.

for agricultural use, it should be forbidden 167 *1Chr.* 21:19, slightly misquoted.

(fol. 42b) **משנה ח:** מי שהיה ביתו סמוך לבית עבודה זרה ונפל אסור לבנותו. כיצד יעשה פונם בתוך שלו ובונה. היה שלו ושל עבודה זרה נדון מחצה למחצה. אבניו ועציו ועפרו מטמאין כשרץ שנאמר שקץ תשקצנו וגו'. רבי עקיבה אומר כנדה שנאמר תזרם כמו דנה צא תאמר לו. מה הנדה מטמא במשא אף עבודה זרה מטמא במשא:

Mishnah 8: If one's house was connected¹⁶⁸ to a house of pagan worship and collapsed, it is forbidden to rebuild it. What should he do? He restricts himself to his property¹⁶⁹ and builds. If it was his and the idolatry's, it is judged half by half¹⁷⁰. Its stones, its wood, and its dust make impure like a

crawling animal¹⁷¹, as it is said¹⁷², *you shall treat it as an abomination*. Rabbi Aqiba says like a menstruating woman as it is said¹⁷³, *you shall throw it away like feeling miserable; you will call it excrement*. Since the menstruating makes impure by load¹⁷⁴, also idolatry makes impure by load.

168 His house and the pagan temple share a wall.

169 In the Babli: 4 cubits. His wall should be separated from the temple by 4 cubits. The text of Maimonides is that of the Yerushalmi.

170 He may take half of the building material of the common wall for his own use; the remainder is forbidden for all usufruct for any Jew.

171 As described in *Lev.* 11:29-38, it makes impure by touch. This applies also to the stones which remain his property.

172 *Deut.* 7:26. In *Lev.* 11:40-41, all crawling things which are forbidden as food

are called *abomination*, including those which make impure by touch.

173 *Is.* 30:22. In *Lev.* 12:2 menstruation is called "the separation of her feeling miserable".

174 In *Lev.* 15:20-21 it is stated that anything she lies on becomes an original source of impurity. This means that if a woman in her period lies on top of ten mattresses and somebody touches the lowest one, which the woman never touched, he becomes impure as if he touched the woman herself. For R. Aqiba anybody who carries an idol becomes impure even if he never touched the idol.

(43d line 43) **הלכה ח:** מי שֶהָיָה בֵּיתוֹ סָמוּךְ לְבֵית עֲבוֹדָה זָרָה כּוּל. כְּתוּב תוֹעֵבָה בְּנִידָה וְכְתוּב תוֹעֵבָה בְּשָׂרָצִים וְכְתוּב תוֹעֵבָה בְּעֲבוֹדָה זָרָה. בְּנִידָה בִּי כָּל-אֲשֶׁר יַעֲשֶׂה מִכָּל הַתּוֹעֵבוֹת. בְּשָׂרָצִים לֹא תֹאכַל כָּל-תּוֹעֵבָה: בְּעֲבוֹדָה זָרָה וְלֹא-תִבְנֶינָה תוֹעֵבָה אֶל-בֵּיתְךָ. אָבֵל אֵינִי יוֹדֵעַ לֵאמֹר זֶה דָּבָר הַיֹּקֵשׁ. רַבִּי עֲקִיבָה אוֹמֵר לְתוֹעֵבָה דְּנִידָה הַיֹּקֵשׁ. מִה הַנִּידָה מְטַמָּא בְּמַשָּׂא אֶף עֲבוֹדָה זָרָה מְטַמָּא בְּמַשָּׂא: אוֹ מִה הַנִּידָה מְטַמָּא עַל גַּב אָבֹן מְטַמָּא אֶף עֲבוֹדָה זָרָה מְטַמָּא בְּאָבֹן מְטַמָּא. רַבִּי זְרִיקָא בְּשֵׁם רַבִּי חֲנִינָה. וְאֵיתָא אֶמְרִין לֵהּ. בְּשֵׁם רַב חֲסִידָא. מוֹדָה רַבִּי עֲקִיבָה לְחֻכְמִים שְׂאִין עֲבוֹדָה זָרָה מְטַמָּא בְּאָבֹן מְטַמָּא. וְרַבָּנן אֶמְרִי. לְתוֹעֵבָה שֶׁבְּשָׂרָצִים הַיֹּקֵשׁ. מִה הַשָּׂרָץ מְטַמָּא בְּהִיסָט אֶף עֲבוֹדָה זָרָה מְטַמָּא בְּהִיסָט. אוֹ מִה הַשָּׂרָץ מְטַמָּא בְּכַעֲדָשָׁה יָכוֹל אֶף עֲבוֹדָה זָרָה תְּטַמָּא בְּכַעֲדָשָׁה. רַבִּי זְעִירָא רַבִּי יִצְחָק בֶּר נַחֲמָן רַבִּי לֵעֲזָר רַבִּי אֲבָהוּ בְּשֵׁם רַבִּי יוֹחָנָן. וַיִּצְמְדוּ לְבַעַל פְּעוֹר וַיֵּאכְלוּ זִבְחֵי מַתִּים: מִה הַמֵּת מְטַמָּא בְּזִיזָתָא אֶף עֲבוֹדָה זָרָה תְּטַמָּא בְּזִיזָתָא. אוֹ מִה הַמֵּת מְטַמָּא מִשְׁיִכְנִים רָאשֵׁי אֲצָבָעוֹתָיו יָכוֹל אֶף עֲבוֹדָה זָרָה מִשְׁיִכְנִים רָאשֵׁי אֲצָבָעוֹתָיו. נְתִיזָה נְתִיזָה גַּמְר מִבֵּית הַמְנוּגָע. מִה בֵּית הַמְנוּגָע מִשְׁיִכְנִים רָאשֵׁי וְרִיבּוֹ אֶף עֲבוֹדָה זָרָה מִשְׁיִכְנִים רָאשֵׁי וְרִיבּוֹ. אָמַר רַבִּי חֲנִינָה. זֹאת אוֹמְרֵת שְׂאִין טוֹמְאָת עֲבוֹדָה זָרָה מִחוּרָתָה. דְּלֹא כֹן מְקִישָׁה לְקָלִים וְאֵינָה מְקִישָׁה לְחוּמְרִין. אָמַר רַבִּי מִנְיָ. מִחוּרָתָה הִיא. וְלִמָּה הוּא מְקִישָׁה לְמַת וּלְשָׂרָץ. לְלַמֵּד מִמֶּנָּה לְקָלִים שֶׁבָּהּ. הִדָּא דָּאֵת אָמַר בְּעֲבוֹדָה זָרָה

שְׁבוּרָה. אֶבֶל בְּעֹבֶדָה זָרָה שְׁלִימָה כָּל־שָׁהִיא. דָּמַר רַבִּי יוֹסִי בִּירְבִי בּוֹן רַב חֲמָא בַר גּוֹרִיוֹן בְּשֵׁם
 ר.ב. בַּעַל רֹאשׁ גְּזִייה הָיָה וְכֹאפֹן הָיָה. וּמָה טַעַם. וַיִּשְׁימוּ לָהֶם בַּעַל בְּרִית לְאֱלֹהִים:
 2 בשרצים | ש' בע"ז | ש' בשרצים | ש' כ' תואבה בניה | ש' תואבות | ש' התואבות האלה וגו' 3
 בשרצים | ש' תואבה בשרצים | ש' בע"ז | ש' תואבה בע"ז | ש' ביתך | ש' ביתך וגו' איני | ש' אין אני 4 ז' | ש' זה
 דבר | ש' מהך | ש' בניה | ש' שבניה 5 על גב אבן | ש' באבן 6 באבן | ש' על גב אבן | ש' זריקא בשם ר' חנינה |
 ש' זריקן בשם ר' יהודה אמ' | ש' דאמרין 7 באבן | ש' על גבי אבן 8 או | ש' אי 9 זעירא | ש' זעורה
 11 או | ש' אי מטמא משיכניס | ש' עד שיכניס ראשי אצבעותיו | ש' ראש אצבעו 12 גמר | ש' - 13
 משיכניס | ש' עד שיכניס (2) חנינה | ש' חנינה 14 לחמורין | ש' לחמורים 16 בע"ז שלימה | ש' בשלימה
 אפי' ר' יוסי ביר' בון | ש' ר' חונה 17 רב | ש' ר' וכאפון | ש' ונאפון ומה טע' | ש' -

Halakhah 8: "If one's house was connected to a house of pagan worship,"

etc. ¹⁷⁵There is written *abomination* about the menstruating women, *abomination* about vermin, *abomination* about idolatry. About the menstruating woman, *for anybody who would commit any of these abominations*¹⁷⁶. About vermin, *do not eat any abomination*¹⁷⁷. About idolatry, *and do not bring any abomination into your house*¹⁷⁸. But I do not know for which purpose it was compared. Rabbi Aqiba says, it was compared to *abomination* regarding the menstruating woman. As the menstruating woman imparts impurity by load¹⁷⁴, also idolatry imparts impurity by load. Or since the menstruating woman imparts impurity through a cover stone¹⁷⁹, does idolatry impart impurity through a cover stone? Rabbi Zeriqa in the name of Rabbi Hanina¹⁸⁰, but some say in the name of Rav Hisda: Rabbi Aqiba agrees with the Sages that idolatry does not impart impurity through a cover stone. But the rabbis say it was compared to *abominations* of vermin. As vermin imparts impurity by motion¹⁸¹, so also idolatry imparts impurity by motion. Or as vermin in the size of a lentil imparts impurity¹⁸² does also idolatry in the size of a lentil impart impurity? Rabbi Ze'ira, Rabbi Isaac bar Nahman, Rabbi Eleazar, Rabbi Abbahu in the name of Rabbi Johanan: *They were yoked to Baal Peor and ate sacrifices to the dead*¹⁸³. As the dead in the size of an olive impart impurity¹⁸² so idolatry in the size of an olive imparts impurity. Or since a corpse imparts impurity once a person puts his finger tips in¹⁸⁴, could I think that idolatry imparts once a person puts his finger tips in? *Tearing down, tearing down* one infers from the leprous house¹⁸⁵. Since in a leprous house when he entered with his head and most of his body¹⁸⁶, so idolatry when he entered with his head and most of his body. Rabbi Hanina¹⁸⁷ said, this means that the impurity of idolatry is not consistent¹⁸⁸. For otherwise, why

does one compare if for the facile [impurity] and does not compare for the strict? Rabbi Mana said, it is consistent. Why was it compared to a corpse and to vermin? To inform in both cases about the facile [impurity] attached to it¹⁸⁹. This is for a broken idol. But an entire one even in the most minute size¹⁹⁰, as Rabbi Yose ben Rabbi Abun¹⁹¹ said, Rav Hama bar Gorion in the name of Rav: Baal was the penis gland in the form of a bean. What is the reason? *They selected the Baal of circumcision as god*¹⁹².

175 This Halakhah also is Halakhah 9:1 in *Šabbat* (פ). Evidence points to *Šabbat* as the primary source. Much of the argument is found in Babli *Šabbat* 82b-83b.

176 *Lev.* 18:29. The verse refers to all prohibitions of a sexual nature.

177 *Deut.* 14:2. The verse refers to all food prohibitions.

178 *Deut.* 7:26. This verse refers uniquely to idols and idolatry.

179 Stone is impervious to impurity. In general, anything not susceptible to impurity cannot transmit impurity. The one and only exception is impurity caused by genital discharges where impurity by load (Note 174) applies to anything under the affected person and even a stone plate covering a mattress will not shield the mattress from impurity if a person afflicted by a genital discharge sits on the stone. Babli *Niddah* 69b.

180 In *Šabbat*: Rav Jehudah. On one hand, the tradent in *Šabbat* is mentioned as R. Zeriqan, the Yerushalmi form, not the Babli form Zeriqa as here; but this is to be explained by the babylonized spelling of the text of the present Tractate. On the other hand, the tradent in the Babli (*Šabbat* 82b) is R. Eleazar, a known student of R. Hanina.

181 Here one has a serious discrepancy

between the technical terminology of the Babli and the Yerushalmi. In the Babli impurity by motion is a form of impurity by load: If a person suffering from a genital discharge moves something indirectly or is moved with it, he imparts impurity. In the Yerushalmi this is consistently designated by its Mishnaic name, מַדְרִיגָה, "stepping on." This kind of impurity emphatically does not exist for vermin, or anything other than genital discharges. Therefore הַיָּד the "motion" mentioned here must be that of a person's hand touching an impure object. Transfer of impurity by touch is the only one mentioned for the eight kinds of impure vermin.

182 Mishnah *Ahilut* 1:8. This minimum size for generation of impurity does not apply to complete limbs.

183 *Ps.* 106:28.

184 This refers to "tent" impurity (*Ševuot* 2:1 Note 34) which is created by *any* part of a person's body being under the same roof as a corpse, even if it is only a finger tip.

185 A house afflicted with recurrent "leprosy" must be torn down (*Lev.* 14:45). Pagan altars must be torn down (*Deut.* 12:3). By the nature of the topics, the verb נָתַח is used in the singular in the first case, in the plural in the second. Therefore this is a

comparison (הקש), not an “equal cut” (זירה) (שה); the laws will be similar, not exactly identical.

186 Based on *Lev.* 14:46, which decrees impurity for anybody coming *into* the house, *Sifra Mesora` Pereq* 5(4), *Mishnah Nega`im* 13:8.

187 In *Šabbat*: Hanania. The latter attribution is correct since he must have been a contemporary of R. Mana (II).

188 Neither R. Aqiba nor the rabbis are consistent in their comparisons.

189 The impurity of idols and idolatry should follow the rules common to impurities generated either by dead vermin or by bodily discharges. This argument is

known in the Babli tradition as הַצֵּד הַשָּׁנָה “the equal part;” cf. H. Guggenheimer, *Logical Problems in Jewish Tradition*, in: “Confrontations with Judaism”, ed. Ph. Longworth, London 1966, p. 185.

190 This is consistent with the impurity of animals as food, where a complete creature always is biblically forbidden irrespective of size (cf. *Nazir* 6:1 Note 64).

191 In *שׁ*: R. Huna.

192 *Jud.* 8:33. Instead of “Baal of Covenant” one reads “Baal of circumcision” referring to the place of circumcision. This identifies the Semitic Baal with the Greek and Roman Priapus.

(43a line 62) מֵה טַעֲמִיָּה דְרַבִּי עֲקִיבָה. תַּעֲב תִּתְעַבְּבוּ כְּנִידָה. מֵה טַעֲמוֹן דְּרַבְּנָן. שְׁקָץ | תִּשְׁקָצְנוּ קִשְׁרָץ. מֵה מְקִימִין רַבְּנָן טַעֲמִיָּה דְרַבִּי עֲקִיבָה תַּעֲב תִּתְעַבְּבוּ. צֹאֵהוּ נִבְלִיָּהוּ. מֵה הֵן לְרַבְּנִין נִבְלִיָּהוּ. רַבִּי שְׁמוּאֵל רַבִּי אֲבָהוּ בִשְׁם רַבִּי לֵעָזָר. צֹא תֹאמַר לוֹ. אֶת שְׁקוֹרִין אוֹתוֹ פָּנִי אֵלֹהִים קוֹרִין אוֹתוֹ פָּנִי כָּלֵב. עֵין כּוֹס קוֹרִין אוֹתוֹ עֵין קוֹץ. גְּדִיָּה קוֹרִין אוֹתוֹ גְּלִיָּה. רַבִּי תַנְחוּמָא בְּעֵי רַבִּי הוּנָא. כְּתוּב הֲעֵי אֲשֶׁר עַם־בֵּית אֶזְרָא מִקְדָּם לְבֵית־אֵל. מִקְדָּם קוֹרִין אוֹתוֹ בֵּית־אֵל וְעַכְשֵׁי קוֹרִין אוֹתוֹ בֵּית אֶזְרָא. תִּנִּי בִשְׁם רַבִּי לֵעָזָר. לֹא רָצָה לְקַרְוֹת עוֹמֶדָה קוֹרִין אוֹתוֹ עֲמִידָה. וְצוּחוּן לְדַהוּן שְׁלֹמִימִי רַגְלִים עֲמִידָה. מֵה מְקִימִין רַבְּנִין צֹא תֹאמַר לוֹ. רַבִּי יוֹסֵי בִּירְבִּי אֲבִין רַבִּי הוּנָא בִשְׁם רַבִּי יוֹסֵף. מְנִיין שְׁאִין אוֹמְרִים לְאָדָם צֹא עַד שִׁכְנֶס רֹאשׁוֹ וְרוּבּוֹ.

1 דרבנן | ש דרבנן 2 כשרץ | ש כשרצים צאהו | ש צאהו - | ש מה מקיים ר' עקיבה טעמון דרבנן. שקץ | תשקצנו. שקציהו נבליהו מה הן | ש מנין 3 לעזר | ש אלעזר - | ש צאהו תאמר לו. צאהו נבליהו 4 אלוה | ש מלך קורין אותו | ש - (2) 5 בעי | ש בשם הונא | ש חונא כח' | ש - קורין | ש היו קורין 6 לעזר | ש אלעזר לקרות | ש להיקרות עומדה | ש עמדה אותו | ש אותה 7 - | ש דאמ' ר' אבא בר כהנא. תמן צווחין לפעלה טבא עמדה לדהוין | ש לרחוץ מקיימין רבנן | ש מקיים ר' עקיבה 8 אבין | ש בון ר' הונא | ש רב חונה מניין | ש מיכאן שיכנס | ש שיכנס

What is Rabbi Aqiba's reason? *You should treat it as an abomination*¹⁹³, like a menstruating woman. What is the rabbis' reason? *You should detest it*, like vermin. How do the rabbis uphold Rabbi Aqiba's reason, *you should treat it as abomination*? Treat it as excrement, make it vile¹⁹⁴. What means “make it vile” for the rabbis? Rabbi Samuel, Rabbi Abbahu in the name of Rabbi Eleazar: *you shall call it excrement*. What is called God's¹⁹⁵ Face is called Dog's Face. Spring of the Cup is called Spring of the Thorn. The

Place of Fortune is called the Place of Undress¹⁹⁶. Rabbi Tanhuma (asked) [in the name of]¹⁹⁷ Rabbi Huna: It is written¹⁹⁸, *The Ai which is near Bet-Awen East of Bethel*. Earlier it was called Bethel but now one calls it Bet-Awen¹⁹⁹. It was stated in the name of Rabbi Eleazar: If one does not want to call it ‘Omda one calls it ‘Amida since the flow of urine is called ‘amida²⁰⁰. How (do the rabbis) [does Rabbi Aqiba]¹⁹⁷ interpret *you shall call it excrement?* Rabbi Yose ben Rabbi Abin, Rabbi Huna in the name of Rav Josef: from (where) [here]¹⁹⁷ that one does not tell anybody to leave unless he entered with his head and most of his body.

193 *Deut.* 7:26.

194 **ו** has an addition: How does R. Aqiba interpret the rabbi’s reason, *you should detest it?* Detest it, make it vile. Babli 46a, *Mekhilta dR. Ismael Mišpatim* 20 (p. 332 ed. Horovitz-Rabin).

195 In **ו**: King’s face.

196 All these places and most of their idolatrous meanings are unknown. A similar list is as Tannaitic text in the Babli 46a, *Tosephta* 6:4

197 The reading of *Avodah zarah* is in (parentheses), that of *Šabbat* in [brackets].

198 *Jos.* 7:2.

199 It seems that the translator of the LXX

read the verse in the way of the Talmud and eliminated the mention of Bet-Awen, “the House of Iniquity”, as a gloss, as accepted by the moderns. (However, E. Täubler in a marginal Note to his copy of M. Noth’s *Das Buch Josua*, Tübingen 1938, identifies Bet-Awen as the old name of “The Ai (ruin)”; cf. Arabic **اون** “calm, tranquillity”).

200 This piece is truncated here but it is in bad shape both here and in *Šabbat* (and *Yalqut Jos. ad* 7:2). It is intelligible in *Gen. rabba* 39(24), on *Gen.* 12:8, the first mention of The Ai in the Bible, following the interpretation of J. Levy:

ויעתק משם ההרה מקדם לבית אל. לשעבר היתה נקראת בית אל ועכשיו היא נקראת בית און. א”ר אלעזר לא זכתה להקראת בית העמל הרי היא הקראת בית העמד. תמן קריין לפועלא טבא עמילה ולהרהון של מימי רגלים עמידה.

He transferred from there to the mountain, East of Bethel. In the past it was called Bethel but now it is called Bet Awen. Rabbi Eleazar said, it²⁰¹ did not merit to be called the House of Work but it is called the House of Baptism²⁰². There, they are calling a good worker **עַמֵּל** but the chamber pot **ἀμίδα**²⁰³.

201 The church.

202 Syriac **עמד**.

203 Accusative of **ἀμῖς**, -ιδος (identified by Musaphia.)

75) 43c line 43) אית מתניתא אַמְרָה. עבֹדָה זָרָה כְּנִידָה וּמִשְׁמָשִׁיָּה כְּנִידָה. ואִית מתניתא אַמְרָה. עבֹדָה זָרָה כְּנִידָה וּמִשְׁמָשִׁיָּה כְּשָׂרָץ. מֵאן דְּמַר. עבֹדָה זָרָה כְּנִידָה וּמִשְׁמָשִׁיָּה כְּנִידָה. נִחָא. וּמֵאן דְּמַר. עבֹדָה זָרָה כְּנִידָה וּמִשְׁמָשִׁיָּה כְּשָׂרָץ. כָּל-עֲצָמוֹ אֵינוֹ קְרוֹי נִידָה אֶלָּא בְּמִשְׁמָשִׁיָּה. תִּיפְתָּר בְּחֻקִּין עַל גּוֹפָה. דְּאָמַר רַבִּי זְעָקָב דְּכַפְרֵ חֲנָן. תִּפְתָּר בְּמִשְׁתַּחֲוָה לְאִפּוֹד עֲצָמוֹ. כְּעִנְיֵין שְׁנָאֲמַר וַיַּעַשׂ גִּדְעוֹן אִפּוֹד. מִתְנִיתִין כְּמָאן דְּאָמַר. עבֹדָה זָרָה כְּנִידָה וּמִשְׁמָשִׁיָּה כְּנִידָה. וְהִתְנִינָן. אֲבָנִיו וְעֲצָיו וְעֶפְרוֹ מִטְּמֵאִין כְּשָׂרָץ. תִּיפְתָּר בְּמִשְׁתַּחֲוָה לְבֵית עֲצָמוֹ. דְּאָמַר רַבִּי בָּא רַב הוּיָא בָּשֵׁם רַב. הַמִּשְׁתַּחֲוָה לְבֵית אֶסְרוֹ. רַבִּי זְעִירָא רַבִּי אֲבָהוּ בָּשֵׁם רַבִּי יוֹחָנָן. הַמְקַדִּישׁ אֶת הַבַּיִת אִין מוֹעֲלִין בּוֹ. וּמֵאן דְּאָמַר. אִין מוֹעֲלִין בּוֹ. אֶסְרוֹ. הַתֵּיב רַבִּי חֲגִי קוֹמִי רַבִּי יוֹסִי. וְהָא מִתְנִיתָא פְּלִגָא עַל רַב. הַשְׁקֵת שְׂבָסֻלַּע אִין מְמַלְאִין בָּהּ וְאִין מְקַדְּשִׁין בָּהּ וְאִין מֵאִין מְמַנָּה וְאִינָה צְרִיכָה צְמִיד פְּתִיל וְאִינָה פּוֹסְלֵת אֶת הַמִּקְוָה. הִיתָה כָּלִי וְחִבְרָה בְּסִיד וְכוּל' עַד וּפּוֹסֵל אֶת הַמִּקְוָה. מִפְּנֵי שְׁחֻקָּהּ וְאַחַר כֹּךְ חִיבְרָה. הָא אִם חִיבְרָה וְאַחַר כֹּךְ חֻקָּהּ מָה אֶת עֶבֶד לָהּ. פְּתַר רַבִּי יוֹחָנָן. סִיתִיתָן שְׁלֹאֲבָנִים הִיא גִּמְר מְלֹאכְתָּן. לֵית הָדָא פְּלִיגָא עַל רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ דְּאָמַר. עבֹדָה זָרָה שְׁנִשְׁבְּרָה מוֹתֶרֶת. וְכֹן סְבָרִין מִימַר. אִם בְּעֵתִיד לְהַחְזִירָן לְכֻלְיָן דְּבָרֵי הַכֹּל אֶסְרוֹ. תִּיפְתָּר לְמִשְׁתַּחֲוָה לְכָל-אֲבָן וְאֲבָן וְאַחַר כֹּךְ בְּנִינָן. לֵית הָדָא פְּלִגָא עַל רַבִּי יוֹחָנָן. דְּרַבִּי יוֹחָנָן אָמַר. עבֹדָה זָרָה שְׁנִשְׁבְּרָה אֶסְרוֹרָה. וְכֹן סְבָרִין מִימַר. אִם בְּשָׂאֵינוֹ עֵתִיד לְהַחְזִירָן לְכֻלְיָן דְּבָרֵי הַכֹּל מוֹתֶר. תִּיפְתָּר בְּמִשְׁתַּחֲוָה לְזִמְרָה וְאַחַר כֹּךְ נְטָעָה.

²⁰⁴There exists a *baraita* which says, idols are like a menstruating woman and its appurtenances are like a menstruating woman. Also there exists a *baraita* which says, idols are like a menstruating woman and its appurtenances are like crawling animals²⁰⁵. The one who says, idols are like a menstruating woman and its appurtenances are like a menstruating woman, is understandable. But the one who says, idols are like a menstruating woman and its appurtenances are like crawling animals, is it not called “unwell” only for its appurtenances²⁰⁶? Explain it if they were engraved on its body. As Rabbi Jacob of Kefar Hanan said, explain it if one worships the *ephod* itself, similar to what is written, *Gideon made an ephod*²⁰⁷. Our Mishnah follows him who said, idols are like a menstruating woman and its appurtenances are like a menstruating woman, and we have stated: “its stones, its wood, and its dust make impure like a crawling animal.”²⁰⁸ Explain it if he worshipped the house itself, as Rabbi Abba, Rab Huna said in the name of Rav: One who worships a house makes it forbidden²⁰⁹. Rabbi Ze’ira, Rabbi Abbahu in the name of Rabbi Johanan: If somebody dedicates a house one does not commit larceny with it. And he who says, one does not commit larceny with it, can he

make it forbidden²¹⁰? Rabbi Haggai objected before Rabbi Yose, does not a Mishnah disagree with Rav? “A trough in a rock: one does not fill from it, and one does not sanctify with it, and one does not sprinkle with it, it does not have to be fastened with a tightened cover, and it does not invalidate a *miqweh*. If it was a vessel and he fixed it with lime, etc., up to it invalidates a *miqweh*.²¹¹” Because he excavated it and after that combined it²¹². Then if he fixed it and after that excavated it, what do you do with it²¹³? Explain it following Rabbi Johanan that the hewing of stones is the completion of work on them²¹⁴. Does this²¹⁵ not disagree with Rabbi Simeon ben Laqish who said, an idol which was broken is permitted? And so we are thinking to say if in the future he can restore it to its vessel it is forbidden according to everybody²¹⁶. Explain it if he worships every single stone and then builds with them²¹⁷. Does this not disagree with Rabbi Johanan, as Rabbi Johanan said, an idol which was broken is forbidden? And so we are thinking to say if in the future he cannot restore it to its vessel it is permitted according to everybody²¹⁶. Explain it if he worshipped a vine and afterwards planted it²¹⁸.

204 At some places, this paragraph has been shortened from the text in *Šabbat* to the extent as to become unintelligible without recourse to that text.

205 The first opinion is the teaching of R. Aqiba in the Mishnah, the second is ascribed to R. Aqiba in the Babli, *Šabbat* 83a.

206 The full text of *Is. 30:22* (quoted in *Šabbat*) which is the base of R. Aqiba’s argument reads: *You will defile the cover of your silver statues and the clothing of your golden casts; you shall throw it away like feeling miserable, you shall call it excrement.* Therefore the reference of “feeling miserable” which is the description of a female period refers to appurtenances only. The second version of the position of R. Aqiba seems untenable.

207 The formulation in *Šabbat* is better: R. Jacob said (as an alternative explanation)

that the statue and its ornamental vest were two separate objects of worship. Either explanation is possible.

208 Since this sentence in the Mishnah precedes the statement of R. Aqiba, it is implied that R. Aqiba disagrees and imposes the impurity of *niddah* also on the stones which form the shell of the house of worship but are not the object of worship.

209 A comparison with the text in *Šabbat* shows that the sentence has to be split in two. First it is stated that the house will be strictly impure if it was worshipped. Then a question is missing, quoting the following Mishnah 9: Only a house originally built as a temple is permanently forbidden; all others can be cleansed by removing the idol and all installations and ornamentations made for it. How could one decree severe impurity which can be easily eliminated? On this

Rav says that even a house not built for worship becomes permanently forbidden as if it had been built as a pagan temple, if itself was worshipped. Babli 47b, *Me'ilah* 20a.

210 In *Šabbat* one reads: "R. Ze'ura, R. Ab-bahu in the name of R. Johanan, if one dedicates his house one commits larceny with it." The reading here is confirmed by Halakhah 9.

One compares the rules concerning a pagan temple with those of a house dedicated to the Temple (*Lev.* 27:14-15). Improper use of dedicated things is larceny which must be expiated by a sacrifice and payment of a fine, (*Lev.* 5:14-16). Just as real estate cannot become forbidden by idolatry, larceny by improper use of dedicated objects does not apply to real estate. If a house is considered real estate, it cannot become forbidden by worship, and its improper use while in the possession of the Temple cannot trigger a fine for larceny. If it is not considered real estate since the building materials were movables before being used, it can become forbidden and improper use can trigger the fine.

211 Mishnah *Parah* 5:7. The ashes of the Red Cow, used to purify a person from the impurity of the dead, must be strewn on "flowing water in a vessel" (*Num.* 19:17). A vessel is movable; therefore a trough hewn into the rock is not a vessel. The water flowing from the source into the trough becomes standing water. Therefore it may be used neither (1) to fill a vessel for the ashes, nor (2) to put some ashes in the water, "to sanctify it", nor (3) to sprinkle the water on impure persons to purify them.

In addition, a corpse in a "tent" makes

everything in the tent impure including the contents of vessels whose cover is not tightly fastened (*Num.* 19:15). Since the trough is no vessel, if it is under one roof with a corpse it only needs to be covered but the cover does not have to be fastened.

A *miqweh* (ritual bath) has to contain 40 *seah* of water. It becomes invalid if 3 *log* ($\frac{1}{8}$ *seah*) of water from a vessel is poured into it. If the trough is not a vessel, its water cannot invalidate the *miqweh*. On the other hand, if the trough was a vessel before it was fastened in the rock, it can be used for the ashes of the red cow, and its water will disqualify the *miqweh*.

Since a house was not a vessel before being connected to the ground, it should be considered real estate and not be subject to prohibition because of worship.

212 A vessel which is permanently fixed to the ground remains a vessel and can become forbidden.

213 A piece of loose rock which was cemented to the ground and then a trough was hewn from it does not become a vessel. Then why should a house become forbidden by being worshipped since it becomes a house only after being connected to the ground?

214 It is true that a finished house not built as a temple cannot become forbidden. But if the finished stones for a stone building were worshipped before being cemented in the house they already are forbidden and do not become permitted by use as building blocks.

215 The Mishnah which subjects the building material of the collapsed wall to the rules of idolatry. Babli *Me'ilah* 20a.

216 The statement of R. Simcon ben Laqish and the opposing statement of R. Johanan

only refer to situations where it is not clear whether the idol can be restored or not.

217 Then each individual stone remains forbidden; there is no contradiction to Mishnah 10.

218 This refers to a holy tree which is

worshipped as *Ashera* (Mishnah 11) but where no idol is found buried under it. Then as connected to the ground it should not be part of the real estate and not be forbidden. It becomes permanently forbidden only if it was planted as a holy shoot.

(43b line 21) לַי אָמַר. מִשְׁתַּחֲוִה לְבֵית אֲסֵרָה. לְמַעַרָה לֹא אֲסֵרָה. מֵה בֵּין בֵּית לְמַעַרָה. אָמַר רַבִּי הִינֵנּוּ בִּירְבֵי הֶלֶל. בֵּית הָיָה לוֹ שְׁעֵת תְּלִישָׁה. מַעַרָה לֹא הָיְתָה לָהּ שְׁעֵת תְּלִישָׁה.

רַבִּי יוֹחָנָן פֶּתַר מִתְּנִיתִין בְּגֵר וְגוֹי שֶׁיִּירָשׁוּ אֶת אֲבִיהֶן גּוֹי. וְלָמָּה לֹא פֶתַר לָהּ בְּשֻׁבָּאת עֲבוּדָה זָרָה וְנִסְמְכָה לוֹ. תֵּנִי. בֵּית עֲבוּדָה זָרָה וְנִסְמְכָה לוֹ וְאַחֵר כֶּן הִלְכָה לָהּ מוֹתֵר. אֲבָל גֵּר וְגוֹי שֶׁיִּירָשׁוּ אֶת אֲבִיהֶן גּוֹי אֲסִירָה. תֵּנִי. בֵּית עֲבוּדָה זָרָה וְנִסְמְכָה לוֹ וְאַחֵר כֶּן הִלְכָה לָהּ מוֹתֵר. אֲבָל אִם בָּא הוּא וְנִסְמַךְ לְעֲבוּדָה זָרָה כָּל-הַבַּיִת לָשֵׁם עֲבוּדָה זָרָה. אָמַר רַבִּי יוֹסִי. מִתְּנִיתִין אָמְרָה כֵּן. הָיָה שְׁלוֹ וְשָׁל עֲבוּדָה זָרָה יָדוּן מִחֻצָּה לְמַחֲצָה.

Levi said, one who worships a house makes it forbidden²⁰⁹, a cave he does not make forbidden²¹⁹. What is between a house and a cave? Rabbi Hanina ben Rabbi Hillel said, a house was separated at some time; a cave never was separated.

²²⁰Rebbi Johanan explained the Mishnah²²¹ about a proselyte and a pagan who inherited from their pagan father. Why does he not explain it when idol worship came and built next to him? It was stated: If a house of idol worship was built next to him and then left it is permitted²²². But for a proselyte and a pagan who inherited from their pagan father, it is forbidden. It was stated: If a house of idol worship was built next to him and then left it is permitted. But if he came and built next to idol worship the entire house is for idol worship²²². Rebbi Yose said, our Mishnah says so, “If it was his and the idolatry’s, it is judged half by half.”²²³

219 Even if the cave was excavated for purposes of idol worship it does not lose its character as real estate.

220 This paragraph is not in *Šabbat*.

221 To explain how the house of a Jew and a pagan place of worship may share a wall.

222 If the Jew’s house was there before the pagan, it is not touched by temporary use of

the adjacent house as place of pagan worship. But if the Jew builds in disregard of the injunction of the Mishnah to construct a separate wall inside his real estate he is fined.

223 The Mishnah might be referring to a house built after the pagan place already existed, not a proselyte brother to a pagan.

(fol. 42b) **משנה ט:** ג' בתים הן. בית שבנאו מתחילה לעבודה זרה הרי זה אסור. סיידו וכיירו לעבודה זרה וחידיש נוסל מה שחידיש. הכנים לתוכה עבודה זרה והוציאה הרי זה מותר.

Mishnah 9: There are three houses. A house which one built originally for idolatry is forbidden. If he whitewashed it or ornamented it for idolatry and renovated, one removes what he renovated. If he introduced there an idol and removed it, it is permitted.

(43b line 29) **הלכה ט:** שלש בתים הן כול'. רב ורבי יוחנן תריהון אמרין. בהכנסתו לארץ היא מתניתא. על דעתיה דרב דאמר. המשתחיה לבית אסור. בגין כך הוא פתר לה בכניסתו לארץ. על דעתיה דרבי יוחנן דו אמר. המקדיש את הבית אין מועלין בו. ויתרניה במשתחיה לבית. המשתחיה לבית יש לו ביטול. הכנסתו לארץ אין לו ביטול. כיצד הוא עושה. מפרק את פציו ויהא מותר.

רבי אילא בשם רבי לעזר. והוא שהכנים לתוכו עבודה זרה. על דעתיה דרבי שני בתים הן. והתינון. ג' בתים. כאן לשעה וכאן לשהות.

Halakhah 9: "There are three houses," etc. Rav and Rabbi Johanan both are saying, the Mishnah treats their entry into the Land²²⁴. The opinion of Rav, who said that one who worships a house makes it forbidden, is the reason that he explains it by their entry into the Land²²⁵. Following the opinion of Rabbi Johanan, who said that if somebody dedicates a house one does not commit larceny with it, could he not have explained it by somebody who was worshipping the house²²⁶? {The effect of} one who worships a house can be voided. At their entry into the Land it could not be voided²²⁵. What could he do²²⁷? He removes its clapboards and it is permitted.

Rebbi Ila in the name of Rebbi Eleazar: Only if he brought an idol into it²²⁸. In the opinion of Rebbi [Eleazar]²²⁹ there are two houses. But have we not stated three? Here temporarily, there permanently²³⁰.

224 *Deut.* 7:5 is an unconditional commandment to destroy all pagan altars and Temples in existence at the time of the conquest. This agrees with the statement that the house in the first case is absolutely and irrevocably forbidden, since in all other cases a partial

destruction of the house will remove the prohibition.

225 Since he considers a house as a kind of movable (Note 209), his problem is that the first rule of the Mishnah should apply not only to a house built as a pagan temple but

also to one which was worshipped. But the effect of worship can be undone (Halakhot 14-16); only the commandment *Deut. 7:5* is absolute.

226 Since a house is real estate, it cannot become forbidden by simply being worshipped. But if a Jew built it for purposes of idolatry, it becomes forbidden by an act of idolatry (Mishnah 4:4). Therefore the first case of the Mishnah could also be referred to a case possible today. One does not expect a rule in the Mishnah which became obsolete some 1500 years before its formulation. The answer to be given is the same as in the case of Rav.

227 To desecrate the house and therefore nullify its pagan status.

228 This now refers to the second case, a house renovated for the purpose of idolatry. As property of the Jew it becomes forbidden only by an act of pagan worship, not by intention (Mishnah 4:4).

229 Missing in the text; added from Halakhah 10 as required by the context.

230 Since the presence of an idol is required in both cases 2 and 3, what is the difference? In case 3 the idol is temporarily in the house; one removes it and the house is permitted. In case 2 the intention is a permanent installation of the idol; therefore not only the idol but all installation has to be removed. Also for R. Eleazar there are three distinct cases.

משנה י: שלשה אבנים הן. אבן שהצבה מתחלה לבימוס הרי זו אסורה. סיד וכירה לשם עבודה זרה וחדש נוטל מה שהחדש. העמיד עליה עבודה זרה וסלקה הרי זו מותרת. (fol. 42b)

Mishnah 10: There are three kinds of stone. If he quarried them from the start as pedestal²³¹ it is forbidden. If he whitewashed it and ornamented it for idolatry and renovated, one removes what he renovated. If he put an idol on it and removed it, it is permitted.

231 Greek βωμός. The expression is used exclusively for pedestals of idols (including statues of emperors). From the

comparison with the next Mishnaïot one must assume that a pedestal in itself was an object of veneration.

הלכה י: שלשה אבנים הן כולן. רבי בא בשם רב. מא המיוותכים לעבודה זרה נאסר מיד. רבי ירמיה בשם רבי לעזר. מא המתין כוס לעבודה זרה נאסר מיד. רבי הילא בשם רבי לעזר. והוא שהעמיד עליה עבודה זרה. מחלפה שיטתיה דרב. תמן הוא אמר. מא המתין כוס לעבודה זרה נאסר מיד. והקא הוא אמר הכין. פתר לה כהדין תניא. דתנינן תמן. עבודה זרה שלכרי אסורה מיד. ושל ישראל משתעבד. כלום פליגין לה

בְּעִבּוּדָה זָרָה. דִּילְמָא בְּמִשְׁמָשׁוּי. רַבִּי שְׁמַעוֹן בְּשֵׁם רַבִּי לְעֶזֶר. אִךְ בְּמִשְׁמָשׁוּי עִבּוּדָה זָרָה מִחְלֻקָּתָא.

רַבִּי אֵילָא בְּשֵׁם רַבִּי לְעֶזֶר. וְהוּא שֶׁהָעֶמִיד עָלֶיהָ עִבּוּדָה זָרָה. עַל דְּעִתִּיָּה דְרַבִּי לְעֶזֶר ב' אֲבָנִים. וְהַתִּנִּינִן. שְׁלֹשׁ אֲבָנִים הֵן. כָּאֵן לְשַׁעָה וְכָאֵן לְשִׁהוּת.

Halakhah 10: “There are three kinds of stones,” etc. Rabbi Abba in the name of Rav: This²³² implies that what is cast for idolatry is immediately forbidden. Rabbi Jeremiah in the name of Rabbi Eleazar: This implies that if one casts a cup for idolatry it is immediately forbidden²³³.

Rabbi Ila in the name of Rabbi Eleazar: Only if he put an idol on it²³⁴. The opinions of Rav²³⁵ seem inconsistent. There he says, if one casts a cup for idolatry it is immediately forbidden, and here he says so²³⁶? Explain it following what has been stated²³⁷: “A Gentile’s idol is immediately forbidden, but a Jew’s when it was worshipped.” There is disagreement about an idol, maybe also for its appurtenances²³⁸? Rabbi Simeon in the name of Rabbi Eleazar: There is disagreement also about appurtenances²³⁹.

²⁴⁰Rabbi Ila in the name of Rabbi Eleazar: Only if he put an idol on it. In the opinion of Rabbi Eleazar there are two stones. But have we not stated “there are three stones”? Here temporarily, there permanently.

232 The first part of the Mishnah is not only about stones quarried but about everything intentionally manufactured as an idol. Therefore if a metal statue was cast, the process of casting makes it forbidden even before it is polished and worshipped.

233 A cup is an implement of worship; it is not an object of worship. The statement of R. Eleazar is stronger than that of Rav. The Babli disagrees, 52a.

234 This refers to the second case in the Mishnah, where a stone quarried indifferently is adorned to become an altar.

235 It seems that one has to read: R. Eleazar.

236 Why for a cup it is immediately forbidden but for a decorated stone only by

actually being used in idolatry?

237 Mishnah 4:4. It is presumed that only a Gentile would make something from the start for idolatry; the most a Jew would do is to adorn an object.

238 In Halakhah 4:4 there is an opinion to the reverse: the idol of a Gentile becomes forbidden only by being worshipped, the Jew’s idol immediately upon acquisition or manufacture.

239 Even though Mishnah 4:4 and the corresponding *baraita* are formulated for idols, they are valid for all implements of idolatry. The Babli disagrees, 52a.

240 This is completely parallel to the corresponding paragraph in Halakhah 9.

(fol. 42b) **משנה יא:** שלש אשירות הן. אילן שגזעו מתחלה לשם עבודה זרה הרי זה אסור. גזעו ופסלו לשם עבודה זרה והחליף נוטל מה שהחליף. העמיד תחתיו עבודה זרה וביטלה הרי זה מותר.

Mishnah 11: There are three kinds of *Ashera*²⁴². A tree which originally was planted for idolatry is forbidden. If he cut and shaped²⁴¹ it for idolatry and it grows new shoots, one removes what grew newly. If he puts an idol under it²⁴², when he makes it invalid it becomes permitted.

241 While the tree is still standing on the ground. A cut tree is not an *Ashera*.

242 Under a tree not previously grown for idolatry.

(43b line 45) **הלכה יא:** שלש אשירות הן כול'. רבי אמר בשם רבי שמעון בן לקיש אמר. פיתח בה פיתוחים אינה בטילה. לכן צריכה אפילו העביר הפיתוחים. תני. הרקב נוטל מה שהרקב. אמר רבי ינאי. והוא שהרקב בה לעבודה זרה. רבי הילא בשם רבי לעזר. והוא שהעמיד תחתיה עבודה זרה. מחלפא שישתיה דרבי שמעון בן לקיש. תמן אמר רבי אמר פיתח בה פיתוחים אינה בטילה. וסברין מימר. אפילו העביר את הפיתוחים. וכא אמר אכן. חומר הוא בפיתוח.

תני. הרקב נוטל מה שהרקב. אמר רבי ינאי. והוא שהרקב בה לעבודה זרה. רבי הילא בשם רבי לעזר. והוא שהעמיד בה עבודה זרה. על דעתיה דרבי לעזר שתי אשירות הן. והתנינן. ג' אשירות הן. כאן לשעה וכאן לשהות.

Halakhah 11: “There are three kinds of *Ashera*,” etc. Rabbi Immi in the name of Rabbi Simeon ben Laqish said, if he engraved engravings in it it cannot become invalidated. This is necessary: even if he removed the engravings²⁴³. It was stated: If he grafted, he has to remove what he grafted. Rabbi Yannai said, only if he grafted for idolatry²⁴⁴. Rabbi Hila in the name of Rabbi Eleazar²⁴⁵: Only if he put an idol under it. The opinions of Rabbi Simeon ben Laqish seem inconsistent. There Rabbi Immi said in the name of Rabbi Simeon ben Laqish, if he engraved engravings on it it cannot become invalidated; and we interpreted this to mean, even if he removed the engravings. And here²⁴⁶ he says so? It is more severe with engravings.

²⁴⁷It was stated: If he grafted, he has to remove what he grafted. Rabbi Yannai said, only if he grafted for idolatry. Rabbi Hila in the name of Rabbi Eleazar: Only if he put an idol under it.

^{240,248}Rabbi Ila in the name of Rabbi Eleazar: Only if he put an idol under it. In the opinion of Rabbi Eleazar there are two *Asherot*. But have we not stated “there are three kinds of *Ashera*”? Here temporarily, there permanently.

243 Even though in the second case Mishnah it is sufficient to remove everything grown after the tree was shaped for idolatry, if an engraving was made it is irrevocable even if it was obliterated.

244 If the grafted tree would have been used as *Asherah*. Babli 48a.

245 The following argument shows that one has to read: R. Simeon ben Laqish.

246 In the second case of the Mishnah he not only rules restrictively that an engraving is irrevocable but also leniently that shaping a tree as *Asherah* makes it forbidden only if an idol is placed under the tree.

247 Dittography induced by the repetitious quote of the statements of R. Simeon ben Laqish.

248 Babli 48a.

מִשְׁנָה יב: אִיזוֹ הִיא אֲשֵׁרָה כֹּל שִׁישׁ תַּחְתֶּיהָ עֲבֻדָּה זָרָה. רַבִּי שְׁמַעוֹן אוֹמֵר כֹּל שְׁעוֹבְדִין אוֹתָהּ. וּמַעֲשֶׂה בְּצִידָן בְּאֵילָן שֶׁהָיָה עוֹבְדִין אוֹתוֹ וְהָיָה תַּחְתָּיו גֵּל. אָמַר לָהֶן רַבִּי יְהוֹשֻׁעַ בְּדָקוֹ אֵת הַגֵּל הַזֶּה וּבְדָקוֹהוּ וּמָצְאוּ בוֹ צוּרָה. אָמַר לָהֶן הוּאֵיל וְלִצְוֹרָה הֵן עוֹבְדִין נִתִּיר לָהֶן אֵת הָאֵילָן: (fol. 42b)

Mishnah 12: What is an *Ashera*²⁴⁹? Any under which is an idol. Rabbi Simeon says, any which is worshipped. It happened in Sidon that they were worshipping one and there was a mound under it. Rabbi Joshua²⁵⁰ said to them, investigate the mound! They investigated it and found a figure in it. He told them, since they worship the figure we may permit the tree to them²⁵¹

249 Where one has no information to place it in one of the categories of Mishnah 11. Babli 48a.

250 This is a copyist's error as shown in the

Halakhah. One has to read with all other Mishnah source: R. Simeon.

251 The rules of Mishnaïot 13-16 do not apply to this tree.

(43b line 55) **הלכה יב:** איזו היא אֲשֵׁרָה כול'. אָמַר רַב חֲסִידָא. בְּסֵתָם חֲלִיקִין. מָה נֶן קִיָּמִין. אִם דָּבָר בָּרִיא שֶׁהוּא עוֹבְדִין לַצֹּרֶה וְלֵאילָן דְּבָרֵי הַכֹּל אֲסוּר. וְאִם דָּבָר בָּרִיא שֶׁהוּא עוֹבְדִין לַצֹּרֶה וְאִינוּ עוֹבְדִין לֵאילָן דְּבָרֵי הַכֹּל מוּתָר. אֲלֵא כֹן אֲנִי קִיָּמִין בְּסֵתָם. רַבִּי שְׁמַעוֹן אוֹמֵר. סֵתָמוּ עוֹבְדִין לַצֹּרֶה וְלֵאילָן. וְרַבְּנָן אֲמָרִי. סֵתָמוּ עוֹבְדִין לַצֹּרֶה וְאִינוּ עוֹבְדִין לֵאילָן. וְקִשְׁיָא. רַבִּי שְׁמַעוֹן חֲלוּק עַל הַחֲבָתִים וְעוֹשֶׂה מַעֲשֶׂה כְּיוֹצֵא בּוֹ.

Halakhah 12: What is an *Ashera*? Rav Hisda said, They disagree in the indeterminate case²⁴⁹. Where do we hold? If it is certain that they worship both idol and tree, everybody agrees that it is forbidden. But if it is certain that they worship the idol and do not worship the tree, everybody agrees that it is permitted. But where do we hold? If it is indeterminate. Rabbi Simeon says, normally they worship both idol and tree; but the rabbis say, normally they worship the idol but do not worship the tree. And it is difficult. Rabbi Simeon disagrees with the Sages and acts in their sense²⁵²!

252 Since in the interpretation of the Halakhah, R. Simeon should have forbidden both tree and idol. But there is nothing to

wonder at since R. Simeon insists that practice follow the majority rule against his own opinion, *Ševi'it* 9:1, Notes 35-36.

(fol. 42b) **משנה יג:** לֹא יֵשֵׁב בְּצִלָּהּ וְאִם יֵשֵׁב טְהוֹר. וְלֹא יַעֲבֹר תַּחְתֶּיהָ וְאִם יַעֲבֹר תַּחְתֶּיהָ טָמֵא. הֵיטָה גּוֹזְלֵת אֶת הָרִבִּים וְעֹבֵר תַּחְתֶּיהָ טְהוֹר. וְזוֹרְעִים תַּחְתֶּיהָ יִרְקוֹת בִּימוֹת הַגֶּשְׁמִים אֲבָל לֹא בִימוֹת הַחֶמֶה. וְהַחֲרִיץ לֹא בִימוֹת הַחֶמֶה וְלֹא בִימוֹת הַגֶּשְׁמִים. רַבִּי יוֹסִי אוֹמֵר אִף לֹא יִרְקוֹת בִּימוֹת הַגֶּשְׁמִים כִּפְגִּי שֶׁהִנְבִּיחַ נִוְשְׁרָת גְּלִיָּהּ וְהָיָה לָהּ לְזָבֵל:

Mishnah 13: One should not sit in its shadow²⁵³ but if one sat he is pure. One should not pass under it and if one passed under it he is impure. If it robbed the public²⁵⁴ and one passed under it, he is pure. One may sow vegetables under it in the rainy season but not in summer²⁵⁵, but lettuce neither in summer nor in the rainy season. Rabbi Yose says not even vegetables in the rainy season since falling leaves drop down on it and become fertilizer.

253 It was noted earlier that idols impart "tent" impurity (Note 184). Therefore if one sits under the crown of an *Ashera* he is impure by the impurity of the dead. But if

he sits in its shadow but not under its crown, he illegally profits from idolatry but is not impure. If he passes under an *Ashera* he becomes impure like anybody passing under

a tent above a corpse. But walking through the shadow of an *Ashera* outside its crown is not considered profiting from idolatry.

254 It is clear from the earlier sources (Note 184) and the following Halakhah that the tent impurity generated by an idol is purely rabbinic. If the crown of the *Ashera* extended over a public road, the customary

impurity of idols never was intended to deprive Jews from using public roads.

255 In winter, the shade given by the tree inhibits the growth of the vegetables; the tree is a detriment, not a positive influence. But in summer the shade is necessary; it clearly is usufruct.

43c line 61) **הלכה יג:** לא יֵשֵׁב בְּצִילָהּ כּוֹל'. תִּמְנָן אֶמְרֵי בִּשְׁם רַב חֲסִידָא. צִילָהּ אֲסוּר. צֶל צִילָהּ מוּתָר. אִי זָהוּ צֶל צִילָהּ וְאִי זָהוּ צִילָהּ. תִּמְנָן אֶמְרֵי. כָּל-שְׂאֵילוֹ תִּפּוּל וְהִיא נוֹגַעַת בּוֹ זָהוּ צִילָהּ. וְכָל-שְׂאֵילוֹ תִּפּוּל וְאִינָהּ נוֹגַעַת בּוֹ זָהוּ צֶל צִילָהּ.

Halakhah 13: “One should not sit in its shadow,” etc. There²⁵⁶ they say in the name of Rav Hisda: Its shadow is forbidden, its half-shadow is permitted. What is its shadow and what is its half-shadow? There they say, any place where if it would fall down would touch him is its shadow, but any place where if it would fall down would not touch him is its half-shadow²⁵⁷.

256 In Babylonia.

257 It is clear that at any place not under the tree’s crown there is no question of impurity. The discussion is only about the statement that one should not sit in the *Ashera*’s shadow. It is now added that in

the half-shadow one may sit, i. e., far enough away that if the tree fell down in the direction of the person sitting there the fallen crown would not reach the person.

In the Babli, 48b, this is attributed to R. Johanan the Galilean.

43c line 65) מִפְּנֵי מָה צִילָהּ אֲסוּר. מִשּׁוּם שֶׁהִיא בְּהִנָּאָה. הָרִי הַקָּבֵר אֲסוּר בְּהִנָּאָה וְצִילוֹ מוּתָר. הָרִי הַיֵּכָל הָרִי הוּא אֲסוּר בְּהִנָּאָה וְרֵבֶן יוֹחֲנָן בֶּן זִכְאִי יוֹשֵׁב וְשׂוֹנֶה בְּצִילוֹ שֶׁלְּהֵיכָל. הָרִי לֵית טַעַם דְּלֹא מִשּׁוּם שֶׁהוּא אֲסוּר בְּהִנָּאָה. רַב אֲבִין בִּשְׁם רֵבֶן דְּתַמְנָן. זֹאת אוֹמְרֵת שְׂאִין טוֹמְאָת הַמֵּתִים מִחוּוָּרָת. דְּלֹא כֵן אֵילוֹ קָבֵר שֶׁהוּא גּוֹזֵל אֶת הָרֵבִים וְעֵבֶר תַּחְתָּיו טָהוֹר.

Why is its shadow forbidden? Because it is an enjoyment. But a grave is forbidden for usufruct and its shadow is permitted! But the Temple Hall is forbidden for usufruct and Rabban Johanan ben Zakkai was sitting and teaching in the shadow of the Temple Hall²⁵⁸! Therefore the reason cannot be that it is forbidden for usufruct. Rav Abin in the name of the rabbis there²⁵⁶: This implies that this impurity of the dead is not logically consistent²⁵⁹. For

otherwise if a grave were robbing the public and one passed under it one would be pure.

258 Babli *Pesahim* 26a. There it is argued that he could do this only because the Temple was built for its service and the Herodian Hall was 100 cubits high so that its shadow at times extended beyond the Temple Hill; it never was intended that the shadow should prevent people from being there. This disagrees with the statements here.

259 Since as pointed out in the next

sentence, a mausoleum whose roof extends over a public road will automatically impart impurity to any Jew walking under it (and force any Cohen to make a detour to avoid passing under that roof) the rules of the *Ashera* cannot be deduced from the rules of the impurity of the dead. They are customary rules and as such not susceptible to logical analysis.

(43b line 70) גַּמְלִיאֵל זִנְגָא הָהוּא מְסַתְמִיךְ בְּרַבִּי שְׁמַעוֹן בֶּן לֵקִישׁ. מִטּוֹן בְּהוּ תִבְנִיתָא. אָמַר לֵיהּ. מָהוּ נִיעָבוֹר קוֹמִי. אָמַר. עָבוֹר קוֹמִי וְסָמִי עֵינֶיהָ. רַבִּי יִצְחָק בַּר מִתְנָה הָהוּא מְסַתְמִיךְ בְּרַבִּי יוֹחָנָן. מִטּוֹן צֻלְמָא דְבִילִי. אָמַר לֵיהּ. מָהוּ נִיעָבוֹר קוֹמִי. אָמַר לֵיהּ. עָבוֹר קוֹמִי וְסָמִי עֵינֶיהָ. רַבִּי יַעֲקֹב בַּר אִידִי הָהוּא מְסַתְמִיךְ בְּרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי. מִטּוֹן לְאִדְרֵי צֻלְמָא. אָמַר לֵיהּ. נְחוּם אֵשׁ קוֹדֵשׁ קְדָשִׁים עָבַר וְאֵת לֵית אֵת עָבַר. עָבוֹר קוֹמִי וְסָמִי עֵינֶיהָ.

Gamliel the Twin was supporting²⁶⁰ Rabbi Simeon ben Laqish. They came to this statue. He asked him, may we pass in front of it? He said, pass by it and blind its eye²⁶¹. Rabbi Isaac bar Mattanah was supporting Rabbi Johanan. They came to the statue of the city council²⁶². He asked him, may we pass in front of it? He said, pass by it and blind its eye. Rabbi Jacob bar Idi was supporting Rabbi Joshua ben Levi. They came to the statue of Herod²⁶³. He told him, Nahum the most holy man¹⁷ passed by it and you do not want to pass by? Pass by it and blind its eye!

260 In this paragraph, the second person mentioned always is the authority who in walking leans upon one of his students. A comparison with other occurrences shows that *מִסְתַּמֵּךְ בַּ* means “was supporting” but *עַל מִסְתַּמֵּךְ* is “leaning on.”

261 One “blinds the eye” of the idol by passing by it without taking any notice of it and the idol sees that it is not taken

seriously.

262 Greek βουλευτή. In Tiberias this probably was a statue of *divus* Tiberius.

263 In *Mo'ed qatan* 3:7 the spelling is as here. In *Berakhot* 2:1 (Note 57) אַהֲדוּרִי, in *Seqalim* 2:6 אַהֲרִיא, in *Midrash Shemuel* 19[4], ed. Buber Note 17, הרודוס, in *Yalqut Semuel* # 124 הרודוס. The last two readings “Herod” seem to be the correct one.

(43b line 76) לית הָדָא פְּלִיגָא עַל רַבִּי יוֹחָנָן. דְּרַבִּי יוֹחָנָן אָמַר. עֲבוּדָה זָרָה שְׁנִשְׁתַּבְּרָה אֲסוּרָה. לֹא כֹן סָבְרִינוּ מִימֵר. אִם בְּשֵׂאִינוּ עֲתִיד לְהַחְזִירָן לְכָלֵּין דְּבָרֵי הַכֹּל מוֹתָר. תִּיפְתָּר בְּעֲבוּדָה זָרָה שְׁלִישְׁרָאֵל. לִית הָדָא פְּלִיגָא עַל רַב. דְּרַב אָמַר. לְצוּרָה הִיא אֲסוּרָה וְשִׁפְיָהּ מוֹתָרִין. עוֹד הִיא תִּיפְתָּר בְּעֲבוּדָה זָרָה שְׁלִישְׁרָאֵל. מִפְּנֵי מָה הַכֹּל פּוֹרְשִׁין הִימָנָה. מִפְּנֵי שְׁנִיבּוּלָה רַע.

Does this²⁶⁴ not disagree with Rabbi Johanan, since Rabbi Johanan said, an idol which was broken is forbidden? And so we are thinking to say if in the future he cannot restore it whole it is permitted according to everybody²¹⁶. Explain it about a Jew's idol²⁶⁵. Does this not disagree with Rav, since Rav said, for its purpose it is forbidden but its shavings are permitted²⁶⁶? Again explain it about a Jew's idol.

Why does everybody stay away from it²⁶⁷? Because its dropping leaves are bad.

264 The last sentence of the Mishnah, where R. Yose forbids planting anything. Why should the status of wilted leaves be different from broken pieces? It is not so much the statement of R. Johanan but the following statement that anything which cannot be repaired is permitted. Wilted leaves certainly cannot be restored.

265 Which is permanently forbidden.

266 In the Babli, 49b, this is a *baraita*: "A Gentile who worked on an idol with a plane,

if it was for his benefit it and its shavings are permitted, for its benefit it is forbidden but the shavings are permitted. A Jew who worked on an idol with a plane, whether it was for his or its benefit, both it and its shavings are forbidden." Cf. Mishnah and Halakhah 16.

267 Why does nobody ever take advantage of the permission given in the Mishnah to plant vegetables under an *Ashera* in the winter?

(fol. 42b) מִשְׁנֵה יָד: נָטַל מִמֶּנָּה עֲצִים אֲסוּרִין בְּהִנְיָה. הִפִּיק בָּהֶן אֶת הַתְּנֹור אִם חֲדָשׁ יוֹתֵן. וְאִם יָשֵׁן יוֹצֵן. אָפָה בּוֹ אֶת הַפֶּת הַפֶּת אֲסוּרָה בְּהִנְיָה. נִתְעַרְכָּה בְּאַחֲרוֹת כּוֹלֵן אֲסוּרוֹת בְּהִנְיָה. רַבִּי לִיעֲזָר אָמַר וְיֵלֶךְ הַנְּיָיָה לִים הַמָּלֵחַ. אָמְרוּ לוֹ אֵין פְּדִיִין לְעֲבוּדָה זָרָה.

Mishnah 14: If he took wood from it²⁶⁸, it is forbidden for usufruct. If he used it to heat an oven²⁶⁹, if it was new it must be destroyed²⁷⁰, if it was old it must be cooled down. If he used it to bake bread, it is forbidden for usufruct. If it was mixed with other loaves, all are forbidden for usufruct²⁷¹. Rabbi

Eliezer says, he should bring his profit to the Dead Sea²⁷². They said to him, idols cannot be redeemed.

268 From an *Ashera* tree.

269 A portable earthenware cone.

270 These ovens were not finished in a kiln, they became hardened by being exposed to the fire kindled in them. Therefore a new oven would be finished by the *Ashera* wood; it must be destroyed.

271 Since loaves are sold by the piece, no loaf can be considered insignificant if mixed

with others. Even without the special case of loaves of bread, “the ashes of everything burned are permitted except ashes coming from idolatry” (*Orlah* 3:3, Note 116).

272 Where the coins are corroded and destroyed. Obviously R. Eliezer must mean not only the profit but the entire value of the forbidden loaf.

(43c line 5) **הלכה יד:** נטל ממנה עצים כול'. אמר רב חסדאי. בסתם חלוקין. מה נן קיימין. אם להסיק דברי הכל מותר. אם לאשון דברי הכל אסור. אלא כן אנו קיימין בסתם.

Halakhah 14: “If he took wood from it,” etc. Rav Hasdai said, they are disagreeing in the indeterminate case. Where do we hold? If to heat, everybody agrees that it is permitted. If to fumigate, everybody agrees that it is forbidden. Where do we hold? In the indeterminate case²⁷³.

273 The Mishnah before R. Hasdai was not the text before us. He must have read: “If they (the pieces of wood) were mixed with others, . . .” Then R. Eliezer and the rabbis disagree about the value created by the wood coming from an *Ashera*. In this case the argument of Note 271 does not apply. Since idols are destroyed by burning (Note 106) it is obvious that their wood may be burned. If it is used to cook or bake

anything, the profit comes only after the wood has been reduced to ashes and is no longer forbidden. But in fumigating the burning itself is the valuable act and is forbidden. R. Eliezer permits to bring the profit to the Dead Sea as long as it is not clear that the action was forbidden. The rabbis forbid everything as long as it is not clear that the action is permitted.

(fol. 42b) **משנה טו:** נטל ממנה כרכר אסור בהנאה. ארג בו את הכנף הכנף אסור בהנאה. נתערב באחרים כולן אסורין בהנאה. רבי אליעזר אומר חלוקין הנאה ליום המלח. אמרו לו אין פדיון לעבודה זרה:

Mishnah 15: If he took from it [wood to make] a weaver's shuttle²⁷⁴, it is forbidden for usufruct. If he used it to weave cloth the cloth is forbidden for usufruct. If it was mixed up with others, all are forbidden for usufruct²⁷⁵. Rabbi Eliezer says, he should bring his profit to the Dead Sea²⁷². They said to him, idols cannot be redeemed.

274 Reading with the Halakhah (and Greek κεκρίκις, -ίδος.

Maimonides's autograph Mishnah) כרכד, 275 Same argument as in Note 271.

(43c line 8) **הלכה טו:** נטל ממנה כרפד כול. אמר רבי חגי. כד נחתית מן אילפא אשכחית רבי יעקב בר אבא יתיב מקשי. נטל הימניה כרפד אסור בהנניה. ארג בו את הבגד הבגד אסור בהנניה. והתנינן. ימכר כולו לגוי חוץ מדמי יין נסוף שבו. אמר רבי יעקב בר אבא. חגי קשתה חגי קיימה. מאי כדון. תמן אין דרד בני אדם לישח מן הגוי. ברם הקא דרד בני אדם לישח בגד מן הגוי.

Halakhah 15: "If he took from it [wood to make] a weaver's shuttle," etc.

²⁷⁶Rebbi Haggai said, when I descended from a ship I found Rabbi Jacob bar Aha sitting and asked him. "If he took from it [wood to make] a weaver's shuttle, it is forbidden for usufruct. If he used it to weave cloth the cloth is forbidden for usufruct." But did we not state²⁷⁷, "it should all be sold to a Gentile except for the value of the libation wine in it"? Rabbi Jacob bar Aha said, Haggai raised the question, Haggai resolved it. What is it? There people do not buy²⁷⁸ from the Gentile; but here people buy cloth from the Gentile.

276 A somewhat truncated version of a passage in *Orlah* 3:1, Notes 77-81.

277 Mishnah 5:13: "If libation wine (forbidden for usufruct by the idolatrous act) fell into a cistern (of wine), all is forbidden for usufruct. Rabban Simeon ben Gamliel (whom practice follows) says, it should all be sold to a Gentile except for the value of libation wine in it." Why could the cloth not be sold except for the value of the one

forbidden piece?

278 In a society where Gentiles actually make libations to their gods it practically is impossible for Jews to buy wine from them. Therefore there is no danger that the forbidden wine would end up in the hands of a Jew. The strict rule of Mishnah 15 is not a consequence of the laws of forbidden usufruct but of the necessity to keep the forbidden items out of the hands of Jews.

(fol. 42b) **משנה יו:** פיצד מבטלה. קורסם זירד נטל ממנה מקל או שרכיט אפילו גלה הרי זו ביטלה. שפאה לצורכה אסורה ושלל לצורכה מותרת:

Mishnah 16: How does one make it insignificant? If he pruned dry branches, green branches, took from it a rod, or a twig, even a leaf, it became insignificant²⁷⁹. If he planed it for its benefit it is forbidden, not for its benefit it is permitted²⁶⁶.

279 Taking anything from a holy tree in a manner which a pagan never would do turns the *Ashera* into a common tree.

(43c line 13) **הלכה יו:** פיצד מבטלה כול. רב אמר. לצורכו בין היא בין שפניה מותרין. לצורכה היא אסורה ושפניה מותרין. שמואל אמר. לצורכה בין היא בין שפניה אסורין. לצורכו היא אסורה ושפניה מותרין. רבי יוחנן אמר. לצורכה היא אסורה ושפניה מותרין.

Halakhah 16: “How does one make it insignificant,” etc

Rav said, for his benefit, both it and its shavings are permitted; for its benefit it is forbidden but its shavings are permitted.

Samuel said, for its benefit both it and its shavings are forbidden, for his benefit it is forbidden but its shavings are permitted²⁸⁰.

Rebbi Johanan said, for its benefit it is forbidden but its shavings are permitted.

280 Cf. Note 266. In the Babli, 49b, the opinions given here as those of Rav and

Samuel are reported as those of students of Rav.