

## CHAPTER III.

RULES AND REGULATIONS CONCERNING THE DERIVING OF BENEFIT FROM PROFANED IDOLS AND IMAGES OF HEATHENS AND ISRAELITES.--CONCERNING UTENSILS ON WHICH ARE ENGRAVED THE SUN, THE MOON AND OTHER PLANETS.

MISHNA I.: All images are prohibited, for they are worshipped at least once a year, so says R. Mair. The sages, however, say: Only those that have in their hand a staff, a bird or a sphere. R. Simeon b. Gamaliel says: And that has something in its hand.

GEMARA: If it be true that these images are worshipped at least once during the year, why do the rabbis allow their use at all? Said R. Itz'hak b. Joseph in the name of R. Johanan: At the native place of R. Mair the heathens had the custom of worshipping each image once a year, in other places this was not the custom, and as R. Mair lays down his precept on the basis of the minority of cases (in order to exclude misconceptions), he accordingly prohibits the images; while the rabbis who do not follow this principle, allow to derive benefit from them. R. Jehudah, however, said in the name of Samuel: The Mishna here is concerned not with ordinary images, but with such as are wrought to honor kings. Rabba b. b. 'Hana said in the name of Johanan: R. Mair's prohibition concerns images erected in the gates of the place. It was taught, Rabba said: The rabbis allow only the use of city images, as these are but ornaments and not idols, but they prohibit the images of the villages which are worshipped idols.

"*The sages say,*" etc. This prohibition is based upon the following reasons: The staff in the hand of the idol is an indication that it submits itself to the whole world. The bird in the hand of the idol indicates that, like the bird, it sacrifices itself for the world. Finally, the sphere is to indicate that it sacrifices itself for the whole globe. Later on the prohibition was extended also to idols with a sword in hand, a crown on the head, or a seal-ring on the finger. Formerly the belief was current

that the sword is no divine emblem, but that of a robber; but it was learned later that an image with a sword symbolizes him who has sacrificed himself for the whole world. As for the crown, it was regarded an insignificant wreath, but later experience showed it to represent a king's diadem. Finally, the seal-ring was always believed to be the token of a slave, but later experience taught that an image with such a ring represents him who resolved to die for the whole world.

MISHNA II.: If one finds fragments of images, he is allowed to use them. However, if he finds fragments in form of a hand or a foot, they are prohibited, for such are worshipped.

GEMARA: Samuel said: Even fragments of a worshipped idol are allowed. But does not the

Mishna call for fragments of images? The Mishna appends the prohibition as regards even the hand or foot of an image, wherefor it uses the word image also before; but in fact implies the allowance of fragments of an idol, too. But why should these be prohibited, being, as they are, only fragments, and such are allowed by Samuel? Samuel explains this prohibition of the Mishna thus: If one finds a hand or a foot which he perceives is not broken off an idol, but has the form of objects specially prepared for worship, it is then prohibited, for the heathens erect a kind of altar for such objects, where they put them for worship.

It was taught: R. Johanan prohibits an idol that was broken by itself (*i.e.*, without the coöperation of a human being), while R. Simeon b. Lakish allows it. The former advances the reason that the broken idol was not yet profaned by any one, while according to the latter, the breaking is sufficient profanation, for people would say: How could this idol save others when it cannot save itself? R. Johanan objected to Resh Lakish, it reads [I Sam. v. 4, 5]: "And the head of Dagon and both the palms of his hands were cut off upon the threshold. . . . Therefore do the priests of Dagon . . . not step on the threshold of Dagon," etc. (whence it is obvious that an idol, even when broken by itself, is still held sacred by the heathens!) Hereupon the other replied: This proves nought against my opinion; the heathen, in the cited case, said that the supreme god has abandoned the Dagon, dragged up to the threshold of the temple, and only then he was reconciled, wherefore they regard the threshold as sacred, but not more the Dagon. Then R. Johanan went on to object: The Mishna allows the using of fragments from images, whence it follows that fragments from images but

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not from actual idols are allowed; and R. Simeon b. Lakish rejoined: Thus, you must needs infer that only broken images are allowed to the exclusion of whole images that are forbidden, since the Mishna here is not concerned with idols; and this is R. Mair's opinion, quoted without the mention of his name. This admitted, the following may be advanced against R. Johanan's view, remembering that we conclude from the words of R. Mair to those of the rabbis: R. Mair prohibits whole images, but allows fragments therefrom; hence we say: The rabbis prohibit whole idols, but fragments therefrom they, too, allow. Why, then, does R. Johanan forbid idol fragments? Simply because images do not have the same relations as idols and are not, therefore, comparable with them, for as to images it is wholly uncertain whether or not they were worshipped. Assuming, then, that they had been worshipped and we afterward found a broken image, are we not justified in further assuming that some one has broken it purposely, whereby it has been indeed profaned, and thus its use is allowed? On the other hand, regarding real idols, it is certain that they were worshipped; what is uncertain here is whether the found broken idol was of itself broken or by the coöperation of a human being. Now, it is well known that an *uncertainty* cannot negate a *certainty*; and it is on the basis of these considerations that broken images are allowed and broken idols are forbidden. R. Johanan was further arguing: It is taught that a heathen can profane the idol of his fellow heathen as well as his own, while an Israelite cannot profane the idol of a heathen. Why, then, should we not consider an idol profaned by an Israelite as one broken of itself? Said Abayi, The foregoing teaching is to be thus understood: Only then is the idol not profaned, when the Israelite by means of hammer exerted pressure upon its face. But have we not learned that such pressure, even if not attended with breaking, suffices to profane the idol? Well, this is to say that when the heathen does it, but not when an Israelite, who, in order to profane an idol, must break off a piece therefrom. Rabba, however, said: Properly speaking, the idol is profaned when the Israelite presses in its face; however, the rabbis feared, lest the Israelite should preserve such an idol before its face is pressed in by him, and then, upon becoming the possession of an Israelite, it cannot be any

longer profaned. R. Johanan advanced yet another objection: It was taught: When a heathen uses the stones of Markuliss to pave therewith a street or a theatre, an

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[paragraph continues] Israelite is allowed to tread upon such pavement; but he is prohibited therefrom if an Israelite paved with these stones. Why should not the stones be regarded like an idol that breaks of itself? This prohibition was promulgated for the same reason indicated above by Rabha. He made a further objection from the following: If a heathen breaks off a piece from an idol for his own use, the idol is thereby profaned and the Israelite is therefore allowed to use it as well as the severed piece. If, however, the heathen did it with a view to embellish the idol, it is not profaned thereby, and is consequently prohibited; the piece, however, is allowed. But if this be done by an Israelite, both idol and piece are forbidden; because this case is considered analogous to that of an idol broken of itself? This prohibition is likewise based upon the foregoing declaration of Rabha.

Then R. Simeon b. Lakish raised the following objection to R. Johanan's opinion: A bird's nest on the top of a tree belonging to the temple is prohibited to derive benefit therefrom, but if one has derived such, no sin-offering is obligatory. However, such a nest when on a tree of a grove is allowed to be pulled down by a pipe and to be made use of; now, as in all probability the birds use for their nests the wood of the tree they inhabit, these nests are allowed, whence it would follow that the use of a self-broken idol is likewise allowed? Nay, not at all: Here, in the case of the bird's nest that is allowed, such nests are spoken of for the building of which it is known with certainty the birds take the materials from other trees and not from the idol grove. R. Abuhu in the name of R. Johanan, however, said: In the Boraitha it is not the nests, but rather the young birds of the nests that are concerned. The young birds are allowed, provided their nest is pulled down by a pipe (since climbing upon the tree, if allowed, may lead also to the using of the forbidden tree itself). Said R. Jacob to R. Jeremiah b. To'hlipha: Let me explain to you the Halakha in question: The birds in the nests of trees belonging to the temple as well as groves, are allowed, for they fly around; but the eggs in these are forbidden, for they, remaining as they do in the place, derive use from the tree; hence, if I take the eggs, I likewise derive some use from the tree indirectly. Said R. Ashi: Young birds unable to fly are subject to the same rule with the eggs.

**MISHNA III.:** If one finds vessels with the image of the sun, moon, or of a dragon on them, he must throw them into the salt lake. R. Simeon b. Gamaliel said: Only when these

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vessels are of a distinguished character they are forbidden, while insignificant vessels with such images on are allowed.

**GEMARA:** This Mishna would lead to the conclusion that the heathens worship only the sun, the moon, and the dragon. However, I am in a position to prove that they worship yet other objects. There is a Thosephtha: If one slaughter an animal in the name of the sea, the rivers, the desert, the sun, the moon, stars, planets, or the name of the archangel Michael, or even in that of the smallest gnat, it is considered an offering to the dead. Abayi solved this difficulty thus: The heathens, it is true, are worshipping many an object, but as regards images they worship only those of the objects mentioned in the Mishna; other images serve but to decorate houses and

towns. R. Sheshith, who was gathering Mishnaioth for explaining them, taught thus: The images of all the planets are allowed, excepting those of the sun and the moon. All statues are allowed, excepting those of a human being. All pictures are allowed, excepting the image of a dragon.

The master said: The images of all the planets are allowed, etc. How is the case? If to make these images, this is expressly prohibited, as it reads [Exod. xx. 23]: "You shall not make beside me"--that is to say, not to make any representations of my servants in heaven. Hence, what is allowed by the master is not the making, but the finding of such images, which is in accord with the Mishna inasmuch as it prohibits only those of the sun and moon. But again, is not the finding of a statue of a person allowed in the Mishna by implication, while he forbids it? Must we not say, then, that it is the making that is concerned here and is in accord with R. Huna b. Jehoshua? Assuming then that the allowance concerns the making, we are confronted with another difficulty: The last statement prohibits the reproduction of a dragon, which is by law allowed; we should then of necessity have to teach that it is the finding that is allowed, which is in accordance with the Mishna, so that of the three statements in the Boraitha the first and third refer to the finding, while the middle one to the making? Thereupon said Abayi that it is so. Rabha, however, asserted that the three statements have all reference to the finding, and as for the statue of a person, he says, the Boraitha is in accordance with the following: R. Jehudah prohibits also found vessels with the image of a nurse or of a serapis on them. The nurse signifies Eva, who was nurse to the whole world; serapis signifies Joseph, who

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was a prince and supplied the whole world with bread, thereby appeasing mankind. The human image and that of a nurse are however, prohibited only when having respectively a measure in the hand and a son in the arms whom she is nursing. The rabbis taught: How does the prohibited dragon image look? Said R. Simeon b. Elazar, it has scales between the joints. R. Assi confines these to the neck joints only. Said R. 'Hama b. Chanina: The Halakha prevails with R. Simeon b. Elazar. Rabbah b. b. 'Hama said in the name of R. Jehoshua b. Levi: I was walking with Eliezer Hakaphar the great, when he happened to find a ring with the image of a dragon on it. While standing still before the ring he noticed a heathen boy pass, and spoke not to him; later an adult heathen came passing by, and to him he said: profane this ring (break a piece off it), and as the heathen did not obey, he hit him till he profaned the ring. This incident taught him three things: (1) A heathen may profane his own idol as well as that of a stranger; (2) only he is capable of profaning an idol, who knows the nature of idol and idol worship, and (3) one may compel the heathen to profane an idol. R. Hanina, however, ridiculed this, saying: Was not R. Eliezer aware of the following Boraitha: When one saves something from a lion, a bear, a leopard, or from the hands of burglars, from a river, or picks up what the sea-waves thrust upon the shore, or while crossing a stream, or simply in the street, the theatre, or generally in a place where many people pass, all this, be it what it may, he can consider his own, for the owner having lost his property in this manner or in such a place, has surely abandoned the idea of finding it. In the light of this consideration it is obvious that the heathen owner of the ring, having lost it in the street, has renounced the hope to find it, and thereby profaned it as an idol; why, then, was it according to R. Eliezer necessary to profane it again? Abaye explained it thus: The owner of this ring has, it is true, given up the idea of getting it back as property, but continues to consider it an idol which, if found by a heathen, will be worshipped, and if by an Israelite, he will surely sell it to a heathen; hence the fact of being lost does not Profane the idol, and R. Eliezer was in the right.

"R. Simeon b. Gamaliel says," etc. Which objects are the distinguished and which the

insignificant ones? Said Rabb: Vessels that are not made wet are of the former sort; Samuel, however, maintains that vessels used to eat in are of the insignificant,

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while those used as ornaments are of the distinguished kind. Yea, it was taught, there is a Boraitha in accordance with Samuel: Distinguished are the vessels found on arm-bands, nose-bands and finger-rings, while of the insignificant sort are, kettles, pans, pitchers, bed-clothes, towels (and the images found thereon are allowed).

MISHNA IV.: R. Jose said: One may grind the images and scatter them to the wind, or sink them into the sea. Thereupon it was objected: They might turn into dung, and it reads [Deut. xii. 18]: "And there shall not cleave to thy hand aught of the devoted things."

GEMARA: There is a Boraitha: R. Jose met the objection by quoting [ibid. ix. 21]: "And your work of sin, which ye have made, the calf, I took and burnt it in fire, and stamped it, grinding it very small, until it was as fine as dust: and I cast the dust thereof into the brook that descendeth from the mount." The rabbis, however, rejoined: This does not corroborate your view. Moses cast the dust of the golden calf into the water not to destroy it thus, but in order that he might give this mixed water to the Israelites to drink, thus testing who of them worshipped the calf, in the same manner as the test of the bitter water was applied by the priest to detect whether a woman has committed adultery (conf. Numb. v. 18). This is clearly shown from the following [Exod. xxxii. 20]: ". . . be strewed it upon the water and made the children of Israel drink of it." Thereupon replied R. Jose, quoting as follows [II Chron. xv. 16]: ". . . he removed Ma'chah his mother from being queen, because she had made a scandalous image for the grove, and Assa cut down her scandalous image and had it ground up, and burnt it by the brook Kidron," which passage clearly shows that it is allowed to grind up the idol and scatter it to the wind. In the vale of Kidron, he was answered, there is no vegetation. But have we not learned that the blood of the sacrifices from both the inner and outer altar after uniting in the aqueduct was flowing into the vale of Kidron, where it was being sold as dung for the gardens; when one took some of this blood without paying therefor he was to bring a sin-offering; hence, there were gardens in the vale of Kidron? Yea, but there are there also great expanses void of all vegetation. R. Jose was then further arguing, it reads [II Kings, xviii. 4]: ". . . and stamped in pieces the copper serpent that Moses had made," etc. And it was retorted: This is no corroboration of your view, for it reads

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[paragraph continues] [Numb. xxi. 9]: "And the Lord said unto Moses, Make (to) thyself a serpent"; here the word (to) 'thyself' indicates that Moses was to make the serpent of his own metal, whence it follows that when in later times the Israelites began to worship it, the serpent did not become an idol whose use is forbidden, for others' property, even when worshipped, cannot become an idol whose use is prohibited; accordingly, King Hiskia was not obliged to destroy the serpent in question, but had in some way or other to render it impossible to be the object of worship for the Israelites. Rejoined R. Jose, hence [II Sam. v. 21]: "And they left their idols there; but David and his men scattered them"; hence, scattering suffices (and that R. Jose interpreted the word Vaissuom = scattered them--correctly, may be shown yet from R. Joseph's interpretation of [Is. xli. 16]: "Scatter them so that the wind carry them off.") He was again answered: Nor does this quotation bear you out, for it reads [I Chron. xiv. 12]: "And they left

their idols there, and David had them burn with fire." Now that the first-cited verse is from "Samuel, and this one from I Chronicles, the two cannot be understood literally; but the right inference is that word vaissuom means: he picked them up, *i.e.*, he carried them off in order to make use of them. The apparent contradictions of the two quoted verses are explained by R. Huna thus: At first David ordained to burn the idols, since the Israelites could not possibly profane them; but before this order was executed, the heathen, Ithai the Gethite, had come and profaned the idols, whereupon their use became permitted, and therefore David had them carried away. Similarly we find [II Sam. xii. 30]: "And he took the Crown of Malkam from off his head; its weight was a talent of gold and had precious stones, and had it put upon the head of David"; now, how could he make use of the crown of an idol? It was again Ithai the Gethite who, according to R. Na'hman, had first profaned it. But look here, how could David's head carry a crown of a talent? R. Jehudah in the name of Rabh explains this figuratively to mean: The crown was worthy of adorning the head of David. However, R. Jose b. 'Hanina said that the crown was kept in the air by the force of a magnet, and David was sitting beneath it, so that it looked as if he had it on. But R. Elazar said: David actually had the crown on his head, but it was not of a talent weight, as it consisted only of precious stones, its worth amounted to that of a talent in gold.

It reads [Psalm, cxix. 56]: "*This* was accorded to me, because

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[paragraph continues] I observed thy commands." What is the word "this" to emphasize here? David wants to point out *this testimonial* he obtained for the said observance. What testimonial? Said R. Jehoshua b. Levi: This is the crown which had the peculiarity to fit only (to) him who possessed the kingdom, and the fitting was on the spot where the Thephelin are carried. [II Kings, xi. 12]: "And he brought forth the King's son, and put the crown upon him, and (gave him) the testimony." The crown is the princely diadem, but what is the "testimony"? Said R. Jehudah in the name of Rabh: This crown was itself testimony in the same time, as it fitted only him to whom the kingdom belonged, *i.e.*, to the house of David.

It reads [I Kings, i. 5]: "And Adoniyah, the son of Chaggith, exalted himself, saying, I shall be king, and he procured himself a chariot and horsemen and fifty men who ran before him." Said R. Jehudah in the name of Rabh: Adoniyah imagined that the crown will fit him, but this was not the case. What kind of distinctive marks had the mentioned forerunners? We were told that their spleens were cut out, and the flesh was removed from their footsoles in order that they might run with greater speed.

MISHNA V.: Peroklas, the son of a philosopher, asked once R. Gamaliel at Ako, who was then bathing in the bath of the goddess Aphrodite: Your law prescribes [Deut. xiii. 17]: "Let nothing of the devoted objects cleave to thy hands"; why, then, do you bathe in the bath of Aphrodite? And he answered: Such questions are not answered--at a bathing place. After he had left the bath he said: I am not come into her domain, but it is she that is come into mine; truly, people do not say: The bath is erected to adorn the Aphrodite, but the Aphrodite is to ornate the bath; moreover, you would not agree for any amount of money to appear before your idol when you are naked or urinating. The Aphrodite, however, stands on the channel, and everybody urinates in front of her. The law says their gods, *i.e.*, to say such toward whom one behaves with dignity inspired by something divine; while whatever does not inspire such a behavior, is allowed.

GEMARA: Why did R. Gamaliel at all answer *in the bath*? Has not Rabba b. b. Hana said in the name of R. Johanan: Everywhere but in the bath and toilet it is allowed to speculate upon subjects of the Law? Is it, you think, because he answered him not in the holy tongue? Has not Abayi said that

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indifferent matters may be spoken of in the holy tongue and be it in the bath or toilet room, while holy subjects must not be discussed in these places, not even in another tongue (than the holy one)? There is a Boraitha: R. Gamaliel gave, indeed, no answer, until he had left the bath, when he said: In a bathing place one is not to answer. R. Hama b. Joseph said in the name of R. Oshia: R. Gamaliel gave Peroklas an evasive answer; but *I* (Hama) say it was not evasive. The evasiveness of the answer apparently consisted in that he said, this (Aphrodite) stands on the channel, and everybody urinates in front of her; thereby R. Gamaliel wanted to prove that the Aphrodite is profaned and he may, therefore, use her, which is not the case; because Rabha said: The front site of the very idol Peor is used as a toilet-room, and yet it is not profaned thereby; consequently, the Aphrodite is not profaned either by the fact of urinating before her. None the less, I am about to prove that R. Gamaliel's answer was, after all, not evasive. The Peor and the Aphrodite are incomparable; the worship of the former consists in *excrementing* before it, while that of Aphrodite was not of this kind, wherefore she is actually profaned thereby. Abayi, however, said: The evasiveness lies in his saying, I am not come into her domain, but she is come into mine, whereby he surely meant that if he came into her domain, she would be prohibited, which is not the case, since we have learned that a garden or a bath-house belonging to an idol, is allowed when offered gratis, but not for pay. Thus R. Gamaliel was allowed to bathe there even if the place belonged to the Aphrodite, hence, the evasiveness of his answer; but I say this was not evasive because assuming that the bath belonged to the Aphrodite, R. Gamaliel could not go in there, for the heathens would have considered it a honor if so distinguished a personage had gone to their bath and be it gratis. R. Simi b. Hyye said: The evasiveness in the answer did not consist in what has been here recited, but in what R. Gamaliel said further: It stands on the channel and everybody, etc., whereby he intends to indicate that the Aphrodite is profaned, whereas we have learned that by spitting or urinating before the idol, or by dragging it in the dirt, one does not profane it; but I (Simi) say it was not evasive, as such act as described here one may have committed once when moved perhaps by anger, but then he might become reconciled; while there, in the case of the Aphrodite, this takes place daily and is therefore a real profanation. Rabba b. Ula

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said: R. Oshia thought to have found the evasive point in what R. Gamaliel said: People do not say that the bath-house is erected to adorn the Aphrodite, but, etc., whence it would follow that if the reverse were the case, the visiting of the bath would be forbidden, whereas we have learned: When one says, this house or this goblet be devoted to the idol, he said nothing, for only such objects as are actually sacrificed to the idol, are forbidden. Hence, the bath in question would not be prohibited. And I, Rabba, say: R. Gamaliel's answer was after all not evasive, because admitting that the bath-house is not offered as a sacrifice to the idol, it is none the less put up as a decoration for it, and then it would indeed be prohibited.

MISHNA VI.: The mountains and hills worshipped by heathens are allowed to use, but not the things brought upon them, for it reads [Deut. Vii. 25]: "Thou shalt not covet the silver or gold

that is on them, so that thou wouldst take it unto thyself." R. Jose the Galilean says, it reads [ibid. xii. 2]: "Their gods on the mountains," but not their mountains as gods; "their gods on the hills," but not their hills as gods. Why, then, is a grove prohibited? Because it is established by the hand of man, and whatever is made by human hand is forbidden. Hereupon said R. Aqiba: I should explain and interpret this statement thus: Wherever you find a high mountain, an elevated hill, a leafy tree, there is surely an idol there.

GEMARA: What is the point of difference between the opinion expressed by the first Tana of the Mishna and that of R. Jose? Said Rami b. 'Hama in the name of Resh Lakish: It concerns the covering of mountains, which the former prohibits by reason of its having been brought up on the mountain, while the latter allows it because, being, as it is, fastened to the mountain, it is to be treated as the mountain itself. R. Sheshith, however, said: Nay; R. Jose, too, prohibits it, and their point of difference is in the following: A tree worshipped after it has been planted and grown to be big, is, according to the first Tana of the Mishna, allowed by reason of its being worshipped after it has taken root on the mountain, while R. Jose prohibits it because it was planted by human hands. This view is shared also by R. Jose b. Jehudah, who says, it reads [Deut. xii. 2]: "Ye shall utterly destroy all the places whereon . . . (they) served their gods, upon the high mountains, and upon the hills, and under every green tree," whence it follows that the gods on the mountains, and not the mountains themselves, are forbidden;

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similarly with the hills. Lest the inference be drawn that what is put under the tree is forbidden but not the tree itself, it reads in the next verse: "Their groves ye shall burn with fire," *i.e.*, the tree is likewise prohibited. But why is it stated: "Under every green tree"? This is explained in the sense of R. Aqiba's statement in the Mishna. Now, how does the first Tana of the Mishna, who allows the tree, explain the verse, Their groves, etc.? He understands this to mean such groves that were originally planted for worship, and they are forbidden, but trees not purposely planted for worship are allowed even when worshipped later. On what does R. Jose b. Jehudah base this, his view, if not on the verse "Their groves," etc.? On the following [ibid. vii. 5]: "Their groves ye shall cut down," whence it is obvious that only what is cut down is forbidden, but not the roots, and this can be only with a tree worshipped after it has been planted. Now the question arises, how does the first Tana of the Mishna infer from this last verse? What R. Jehoshua b. Levi said: As the Israelites came into the promised land, they were ordained to cut down all the groves they might find before, and to burn the trees after the conquest of the land had been completed. Wherefore the one verse speaks of hewing down, and the other of burning, the groves. As R. Joseph reads [ibid. vii. 5]: "Ye shall tear down their altars," and there is here no call for carrying them off, hence they must be left where they are; "Ye shall break their pillars," and no mention is made of carrying them off. But how can R. Joseph say that these objects be left in their places, when it is obligatory to burn all things belonging to the idol? R. Huna said: Prosecute first and then burn. Whence is this order of events known to R. Joseph? From [ibid. xii. 2]: "Abedtbeabdun," the one meaning literally: to destroy, ye shall destroy, hence it is a reference to two successive events. As to the first Tana, he understands this redundancy as calculated to indicate that both idol and all its belongings, the subterranean included, be utterly annihilated. While R. Jose b. Jehudah infers this radical destruction from [ibid. xii. 3]: "And ye shall annihilate their names from the same place." The first Tana, however, explains this as to mean: A town or place bearing the name of an idol should be renamed. Here is a Boraitha to this effect. R. Eliezer says: The verse, Ye shall annihilate their name, etc., means that while annihilating an idol it is obligatory to search also under the ground for its belongings. Said R.



[paragraph continues] Aqiba to him: This obligation is inferred from the foregoing redundancy of "to destroy and you shall destroy," while the last-mentioned verse is to indicate that a town bearing the name of an idol must be renamed. As to the nature of the new name, it must not be indifferent, *i.e.*, neither a honor nor a disgrace to the idol, for it reads [ibid. 7]: "Thou shalt utterly detest it and thou shalt utterly abhor it for it is accursed,". hence, the name must always be either a detest or abhorrence. *E.g.*, if the name was originally Beth Galia, *i.e.*, House of revelation change it to Beth Karia, *i.e.*, House of concealing; Ein Kol, *i.e.*, The all. seeing eye, change to Ein Kotz, *i.e.*, the thorn-eye.

The schoolmen propounded the following doctrine in the presence of R. Sheshith: Mountains and hills worshipped by heathens are allowed, but the worshippers should be executed by sword. Worshipped shrubs and ferns are forbidden and their worshippers are to be executed. Said R. Sheshith: Your doctrine is in accordance with R. Jose b. Jehudah, who said: A tree even if not planted with the purpose of worshipping it, is forbidden if worshipped afterward; in like manner are worshipped ferns and shrubs prohibited, though not destined for worship when planted. But what prompts R. Sheshith to interpret the schoolmens' proposition regarding shrubs and ferns as meaning that these were not planted expressly for worship? Because as they are treated of together, he finds it more natural to say: just as mountains and hills have not been created for worship, in like manner have not the ferns and shrubs been sowed and planted for worship.

It was taught: If stones absolved fortuitously from a mountain rock that was worshipped, is their use allowed or not? Two opinions, one affirmative, the other negative, are held as regards this question, the contending parties being the sons of R. 'Hyye and R. Johanan. However, the affirmative side contends that the stones are treated as the mountain which, if worshipped, is allowed by reason of its not being made by man. The objection that the mountain is immovable while the stone is movable, may be met thus: Worshipped cattle, though movable, is, except for the temple, allowed, for it does not owe its origin to man, hence the same may apply to the stone in question? If you were to dispute the comparison, one of the terms compared being possessed of life while the other one not, it may be answered that the mountain is also a lifeless being, but is allowed; the conclusion returns, for a mountain is not like cattle and *vice versa*;

but their common point is that they are not made by man, hence the inference that all objects not made by man are allowed, and the stones here are of this category.

Asked Rami b. 'Hama: Is it allowed to use the stones of a worshipped mountain for an altar, or it is here a case analogous to that of a worshipped cattle which cannot be offered as sacrifice, though it is allowed to slaughter it and to eat the meat thereof? The two are hardly analogous: the cattle is itself sacrificed, while here the stones are first blasted off, and besides they are not sacrificed as such. Therefore the two cases cannot follow the same rules. Rabha decides the case by an *a fortiori* argument--viz: The law permits to make common use of a prostitute's remuneration, regardless of whether it is of a movable or immovable nature, but it is prohibited to use even the latter for God, as it reads [Deut. xxiii. 88]: "Thou shalt not bring unto the house of the Lord either the reward of a prostitute nor the exchange for a dog"; whence the conclusion: since the movable worshipped object is forbidden even for common use, the more so will an

immovable worshipped object be forbidden for God. Said R. Huna b. R. Jehoshua to Rabha: Since the provision of the Law with reference to the immovable remuneration of the prostitute is not specific, the process of your *a fortiori* argument may rather be reversed, *i.e.*, we may reason from the rigorous to the lenient thus: We know that worshipped movable objects are prohibited even to man, and yet the immovable is allowed for the temple, because it reads: "Their gods on the mountains" to exclude the mountains which are not regarded as gods and which are therefore allowed; consequently, since the prostitute's reward, which is not treated so rigorously as worshipped mountains, is even if movable allowed to man, the more should it be allowed, in its immovable form, for the case of the temple. This, my view, can by no means be objected to from the phrase *into the house* of the foregoing verse, which you might attempt to interpret thus: If one give to the prostitute as her reward a tree or a stone grave, these objects are not to be used for the amelioration of the temple; because the said phrase has a totally different meaning, as is shown from the following Boraitha: "Thou shalt not bring it into the house of thy Lord," whence it follows that it is allowed to purchase for the prostitute's reward a red cow, for such one is not brought into the Lord's house, but was burnt outside the city; so said R. Eliezar, while the sages held: The phrase into the house

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teaches that it is prohibited to take the said reward in order to buy for it gold wherewith to decorate the walls of the temple. Rejoined Rabha: As in this case the reasoning may be pursued both from the rigorous to the lenient and from the lenient to the rigorous, we must take account of the established rule to reason from the rigorous to the lenient, and not *vice versa*. Said R. Papa to Rabha: Ye cannot prove the foregoing rule to be inconvertible, as we find a case where it was proposed to reason from the lenient to the rigorous: when the day of preparation to Passover happens to be on a Sabbath and there was one who, having become unclean through contact with a dead body, counts on this Sabbath the last day of his uncleanness, so that, in order to cleanse him, the water of ashes of the red cow must be sprinkled upon him, an act which is not otherwise allowed to perform on Sabbath, R. Eliezer allows the performance of this act in this case in order that the unclean one receive his cleansing, as it was his duty to eat from the Easter lamb. R. Aqiba, however, forbids it. Thus you see that while R. Eliezer reasons from the rigorous to the lenient (compelling thereby the unclean to eat from the Easter lamb), R. Aqiba reasons from the lenient to the rigorous (freeing thereby the unclean from this duty). Hereupon rejoined Rabha: This case is not apt to prove anything; the opinion of neither one is correct; it was R. Eliezer himself who once taught to R. Aqiba that sprinkling of the ashes on Sabbath is forbidden, but he then forgot all about it, so that his disciple, R. Aqiba, attempted to gently remind him in the above controversy; but as he did retract his view, R. Aqiba said to him: All your reasoning cannot convince me, for you told me yourself that the sprinkling on Sabbath is in this case forbidden.

**MISHNA VII.:** If a house situated close by a worship-house of an idol crumbles down, its owner is prohibited from rebuilding it, but he must recede four ells into his property and then build; but if the house and the said worship-place have the wall in common he should count in a half of the thickness of the wall. Stones, wood, and rubbish thereof are defiling as reptiles; for it reads [Deut. vii. 26:] "Thou shalt detest it." R. Aqiba said, it is defiling like a menstruant woman, for it reads [Isa. xxx. 22]: "Thou wilt cast them away like Dovah (menstruation)," *i.e.*, as a menstruant woman defiles by carrying, so an idol, too.

**GEMARA:** But if the wall recedes four ells the idol will

thereby become more spacious! Said R. Hanina of Sura: This space should be made a toilet-room, or a hedge of thorns be fenced between the idol and the vacant space.

**MISHNA VIII.:** There are three kinds of houses: (1) a house originally built for idol worship is prohibited; (2) if calcimined, repaired or somewhat renewed for idol-worship, then it -is necessary to take off it only the new additions; (3) a house into which an idol was placed but thereafter removed from it, is allowed.

**GEMARA:** Rabh said: A house that is worshipped is prohibited; whence it is manifest that he shared the opinion that a movable object rendered immovable (like a house that is made up of movable materials) and then worshipped, must be treated as if it were still movable, and is therefore forbidden. And when the Mishna limits the prohibition only to a house originally built for idol-worship, thus allowing by implication a house built without such express purpose, it is because it treats of a house which was immediately upon its completion destined for idol-worship, but has not yet been worshipped, and prohibits it none the less; while Rabh forbids it after it has been worshipped. But if such be the case, the Mishna would have four points to treat of instead of three! The answer is that a house originally destined for idol-worship and a house that was already worshipped are treated of alike, hence the Mishna regards but three laws.

**MISHNA IX.:** There are three kinds of stones: (1) a stone originally hewn for a statue is prohibited; (2) if calcimined and decorated, or otherwise somewhat renewed for idol-worship, then only the new additions must be taken away; (3) if one had placed an idol upon it but it was afterward removed, it is allowed.

**GEMARA:** R. Ami said: A calcimined and decorated stone is forbidden only when the lime penetrates it through its crevices. However, since the provisions of the houses precede those of the stones, and a calcimined house is forbidden it would appear natural to prohibit a stone, too, even when the lime has not penetrated it. But the fact is that the house is forbidden also because the lime penetrates its walls; otherwise it would not be forbidden. However, as the Mishna makes no mention of this circumstance, we could suppose thus: When a house once calcimined is afterward again calcimined and only thereafter used for idol-worship, the lime could not penetrate such

a house, and yet it is prohibited; hence, R. Ami's words must be understood as follows: The stone is allowed provided the lime that penetrated its crevices when calcimined has been afterward removed. And if not for this, R. Ami's statement, it would have been plausible to believe that such a stone, the lime having penetrated it, must be treated as one originally hewn for a statue and is therefore forbidden.

**MISHNA X.:** There are three kinds of groves: (1) a tree originally planted for idol-worship is prohibited; (2) if it was clipped and trimmed or somehow otherwise altered for the idol, only the alterations must be removed; (3) a tree under which an idol was put, but thereafter destroyed, is allowed.

GEMARA: Said the disciples of R. Janai: The clipped and trimmed tree spoken of in the Mishna is prohibited only when branches were engrafted thereon, but not when it was merely trimmed. Now that the Mishna makes no mention of this restriction, the foregoing statement must be thus understood: If branches are engrafted in such a tree but then removed, it is allowed; and if not for this statement one could entertain the opinion that a tree in this condition must be treated as one originally planted for idol-worship, and is therefore forbidden.

R. Samuel said: When a worshipped tree sends forth, after being worshipped, new twigs, they, too, are prohibited. R. Elazar objected thereto on the ground that the Mishna prohibits the tree only when clipped and trimmed or somehow otherwise altered, without mentioning aftergrowth. This apparent contradiction (between Samuel and the Mishna) is thus explained: The Mishna gives the opinion of the rabbis, who allow a tree not purposely planted, but afterward used, for worship; the Mishna accordingly allows all that grew on the tree after its being worshipped; while Samuel shares the opinion of R. Jose b. Jehuda, who forbids such a tree unconditionally, and therefore he prohibits its aftergrowth, too. This explanation R. Ashi opposed: Is it at all necessary to assume that Samuel differs with the rabbis? Maybe they, too, hold that the branches growing after the worshipping are forbidden? The point of difference in the respective opinions of the rabbis and R. Jose consists in that the former allow the roots of the worshipped tree on the basis of the verse, "Their groves ye shall cut down," hence, only this is forbidden that can be cut down, but not the roots; while R. Jose prohibits also the roots on the ground of "Their groves ye shall burn with fire"; hence, wholly destroy, root as

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well as stem. And lest one say: The rabbis based their opinion upon the verse referred to by R. Jose, who himself made use of the rabbis' verse, whence it would follow that he, thus allowing the roots, too, differs with the rabbis only in respect of the aftergrowth, which he forbids, while they allow it, R. Ashi would meet this objection as follows: This cannot be proven, since R. Jose has never positively cited the verse "Their groves ye shall cut down," the imputation is therefore unfounded; hence, we may say that it is not his opinion. However, the above-quoted verses admit of an explanation in a reversed manner, notably: R. Jose prohibits the roots which the rabbis allow, but as for the branches, newly grown after the worship, the rabbis, too, prohibit them; hence, Samuel is of the same opinion with the rabbis. Also this argument was objected to thus: If such be the case, according to whom is the statement that prohibits the trimmed and clipped tree, thus allowing by implication the aftergrowth? It is not according to the rabbis prohibited, as they prohibit it even if the tree is not trimmed; nor is it in accordance with R. Jose, the author, as he prohibits not only the aftergrowth, but also the roots. (Said R. Ashi): The Mishna can indeed be explained in the sense of either party; for R. Jose forbids the roots of the tree only when they are not cut and trimmed; but as soon as the tree has been clipped and trimmed, it is manifest that the tree was the object of worship, not in its present shape, but only in that appearing after the trimming; this R. Jose forbids, but the roots in such case he, too, declares allowed. Now, in the sense of the rabbis, the Mishna says: "If it was clipped and trimmed," and it was thought that this statement runs contrary to the opinion of the rabbis, who prohibit aftergrowth. But the fact is that the Mishna uses this expression, lest the belief be entertained that the clipping and trimming cause also the roots to be forbidden; hence the expression of the Mishna: "Only the alterations must be removed, all the rest is allowed."

MISHNA XI.: What is a grove? A tree with an idol under it. R. Simeon said: Any tree that is worshipped. In Cidon there was once a tree that was worshipped, and a heap was found under it.

R. Simeon said: Search this heap. The heap was searched and an image was found underneath; whereupon he decided: As they worship only the image, we may allow the tree.

GEMARA: The Mishna asks now what is an idol-grove;

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have we not learned in the preceding Mishna that there are three sorts of idol-groves? This is true; however, in reference to the first two kinds, all agree, while with regard to the last kind, the other sages differ with R. Simeon, who upholds that it cannot be at all called an idol-grove. What, then, is the criterion whereby to distinguish a tree as an idol-grove? Said Rabb: When priests sitting under a tree abstain from eating its fruit, it must be an idol tree. Samuel said: A date tree is to be regarded an idol when priests who are picking its dates say: "These dates are for the house of Nezraphi"; because they prepare of these dates beer in which they indulge in the said house. Said Amemar: I have heard from the elders of Pumbeditha that the Halakha prevails with Samuel.

MISHNA XVII.: It is not allowed to sit down in the shade of such a tree; if, however, one chanced to sit there, he is clean. Nor is it allowed to pass under it, and if one did pass he is unclean. If its branches inclined upon the public grounds and one passes under it, he is clean.

GEMARA: "*If one chanced to sit down he is clean.*" Is not this self-evident, since he did not touch the tree? Said Rabba b. b. Hana in the name of R. Johanan: This is merely to state that sitting in the shade of the height of the tree does not defile. Shall we assume that he is allowed to sit down? Nay; it comes to teach us that even if he sat down under the tree itself, he is also clean.

"*Nor is it allowed,*" etc. The reason of this uncleanness is this: It is positively to be assumed that under such a tree there are always remnants of idol sacrifices which are, according to R. Jehudah b. Bethira, capable of defiling him who is with them under the same shelter. As in the following Boraitha, R. Jehuda b. Bethira said: We know that idol sacrifices defile whatever is with them under the same shelter, from [Psalm, cvi. 28]: "And they joined themselves unto Ba'al Pe'or, and ate the sacrifices of the dead." Here the sacrifice to the idol is compared to that of the dead; hence, as latter is defiling, so is former.

"*If its branches,*" etc. The schoolmen propounded the following question: How should this expression be understood, as meaning he *already* passed, or that all going is allowed? Said R. Iz'hak b. Elazar in the name of 'Hiskia: The latter is intended by the Mishna, while R. Johanan thinks the former meaning is the proper one. These two views may, however, be

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reconciled thus: R. Iz'hak has in view the case where there is no other road, hence, necessity allows all going under the tree, while R. Johanan has in view the case where there was yet another one.

In the place where R. Sheshith lived there was such a tree, and whenever he had to pass by it he, being blind, said to his guide: Pass me by as quickly as possible. (Says the Gemara): If there was yet another road he was not allowed there, and if not, he had the right to pass by here. What was,

then, the speeding by necessary? The answer is that there was but this only road, and R. Sheshith, who was a prominent scholar, wanted (on his own account) to pass it as quickly as he could.

**MISHNA XIII.:** Under such a tree is allowed to sow herbs in the winter, but not in summer. Lettuce is not allowed to sow in either winter or summer. R. Jose said: Even herbs must not be sowed in winter either, for their leaves, when falling down, would turn dung for the tree.

**GEMARA:** The statement of R. Jose makes it manifest that he is of the opinion that two causes of which one is allowed and the other one prohibited do, when working together, bring about a forbidden effect. (In the case before us there are two causes fostering the growth of the herbs: the dung and the soil; former is forbidden, latter allowed; hence, he prohibits the effect.) On the other hand, the rabbis who do not share this opinion allow the herbs. However, in another place (iv. Mishna of this chap.) we find these two contending parties interchange their respective views. It is true, the apparently contradictory tenets of R. Jose may be reconciled thus: He allows where the idols were ground down, as the effect here cannot even become dung, but in the present case the falling leaves surely turn into dung, hence his prohibition. But how should we explain the rabbis' contradiction? It may be explained as R. Mari b. R. Kahana said: "In proportion as the hide rises in price, one loses on the meat." In like manner it can be said here of the herbs: What the dung promotes, the shade of the tree hinders; hence, as there is no use of the leaves, the rabbis allow. Said R. Jehudah in the name of Samuel: The Halakha prevails with R. Jose.

Once a garden was ameliorated with the dung of an idol; R. Amram let interrogate R. Joseph as to how one should behave with regard to the fruit of this garden, and the answer was: R. Jehudah said in the name of Samuel, the Halakha prevails with R. Jose.

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**MISHNA XIV.:** To derive any benefit of wood obtained from an idol-grove is prohibited. The stove heated therewith must be destroyed if new yet, but if old already, it must be cooled off. Bread baked therewith is prohibited for any benefit; if it was mingled with other bread, they are all forbidden. R. Eliezar says: The worth of its benefit should be cast into the salt lake. However, the rabbis responded: There is no redemption in case of idol-worship. The same is the case with a loom made of this wood and with the garment wrought therewith. If such a garment was mixed up with other garments and these again with others the benefit of them all is forbidden. R. Eliezar, however, said: Cast their worth into the salt lake, and he was answered: There is no redemption from idol-worship.

**GEMARA:** The Mishna must lay down both the cases of the benefit of wood, for bread-baking and for garment-making; for if the former case alone were stated, there would be reason to think that R. Eliezar allows the use of the bread only when its worth has been cast into the sea, for as soon as the bread is entered in the oven, the prohibited object, the wood, is, properly speaking, no more, having been consumed by the fire; while in the case of a garment made with the aid of such wood, his prohibition is absolute, since the wood is all the time in existence. On the other hand, if the Mishna treated only the garment-making, there might rise the belief that the garment is forbidden by reason of the perennial existence of its instrument, while bread, where the wood was consumed by the fire, the rabbis agree with him. Hence, the establishment of both the cases. Said R. 'Hisda: I was told by Abba b. R. 'Hisda that Siera said, the Halakha prevails with R.

Eliezar. Said R. Ada b. Ahaba: R. Eliezar, notwithstanding this his doctrine, prohibits the use of the wine in all the barrels if one cask of forbidden wine was mingled among them. R. 'Hisda, however, asserts that this wine, too, is allowed by R. Eliezar, provided its worth has been cast into the sea. It once happened that a cask of forbidden wine was mixed among other casks of allowed wine; whereupon R. 'Hisda was interrogated as to how to behave in this case, and his answer was to cast four zuz into the river and then we will allow the wine.

MISHNA XV.: How is the idol-worship of a tree profaned? If the heathen cuts down from it dry twigs or fresh branches, a staff or a rod., or even if he takes from it only a leaf, it is profaned.

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If, however, all this be done in the interest of the tree, it remains forbidden; and if not in its interest, it is allowed.

GEMARA: The question as to how to behave toward the dry twigs and other pieces cut off the tree is discussed by R. Huna and R. Hyya b. Rabh. The one allows and the other forbids the use of these objects. This positive view is borne out also in the following Boraitha: When a heathen trims his idol, the question arises, does he do it in order to use the thus obtained wood, or in order to adorn the idol? If former be the case, both the wood cut down and the idol itself are allowed, while in the latter case the wood is allowed but not the idol. If, however, the trimming was done by an Israelite, all is forbidden, irrespective of the aim in view, because the idol of an Israelite can never be profaned. It was taught: If an idol broke down by itself, what is to be done? Rabh said: Each and every piece of it must be singly and severally profaned before its use is allowed, while Samuel maintains that an idol can be profaned only in its ordinary shape. But how is this to be understood; does not the contrary seem to be the case? Samuel means to say, then, that only an idol that is in its ordinary shape needs be profaned. The point of difference, however, here is concerning an idol not broken by itself but one that is made of small pieces, such that even a layman could put together or take apart. It is of such an idol that Rabh says it is not profaned when out of its joints, because even a layman can restore it, while according to Samuel it is not considered as an idol as soon as it loses its shape.

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