

26.3.7; 47a (משנה ו') → 48a (הלכתא כשמואל)

1. ולא תביא תועבה אל ביתך והיית חרם כמהו שקץ תשקצנו ותעב תתעבנו כי חרם הוא: דברים ז:כו  
 2. וטמאתם את צפוי פסילי כספך ואת אפדת מסכת זהבך תזרם כמו דנה צא תאמר לו: ישעיהו ל:כב  
 3. ונתצתם את מזבחתם ושברתם את מצבתם ואשריהם תשרפון באש ופסילי אלהיהם תגדעון ואבדתם את שמם מן המקום ההוא: דברים יב,ג  
 4. כי אם כה תעשו להם מזבחתיהם תתצו ומצבתם תשברו ואשריהם תגדעון ופסיליהם תשרפון באש: דברים ז,ה

- I בית ע"ז: rebuilding a house next to ע"ז  
 a If: the house was next to a בית ע"ז and it fell, may not rebuild without first pulling ד"א into property  
 i Note: must use that space for a degrading purpose which doesn't require privacy – e.g. a privy for children or a privy with hedges around for modesty  
 b If: the wall was shared, it is ½ his and ½ ע"ז → מטמא כשרץ (per v. 1)  
 i Dissent: כרע – is במשא even מטמא as a נדה (v. 2)
- II 17 משנה: 3 types of houses  
 a One: if built for ע"ז (or if someone worships it) – completely אסור בהנאה  
 b Two: if he plastered, engraved etc. into it – must remove renovations and then מותר  
 c Three: if he brought ע"ז in – once it is removed, house is completely מותר
- III 27 משנה: 3 types of rocks  
 a One: if it was quarried to make an altar – completely אסור בהנאה  
 b Two: if it was plastered (etc.) for ע"ז – remove renovations and מותר  
 i ד' אמר: plastering has to be in the rock itself  
 1 Challenge; taught in parallel to “house” (previous section) – plastering not in structure of house  
 (a) Answer: plaster does get in between cracks of mortar  
 (b) Block: but rule applies even if wall of house was smooth  
 2 Rather: ר' אמר's rule was stated in re: ביטול – even if he carved into rock, by removing that renovation, it is בטל  
 (a) As against: consideration that once he carved into rock, as if it was quarried for that purpose – קמ"ל  
 c Three: if he placed an idol atop it – once it is removed, rock is completely מותר
- IV 37 משנה: 3 types of אשרות  
 a One: if it was planted for purposes of worship – completely אסור בהנאה  
 b Two: if he cut it and shaped it for purposes of worship – if he removes renovation – מותר  
 i ד' ינאי: this means that he grafted from it  
 1 Challenge: our משנה reads גדעו ופסלו  
 2 Answer: ר' אמר's statement is re: ביטול (as we answered with ר' אמר above)  
 c Three: if he placed ע"ז under it – once the ע"ז is removed, מותר  
 i שמואל: if someone bows to a tree, subsequent growth (alone) is prohibited  
 1 Challenge: our משנה requires actual change in the tree (e.g. גדעו ופסלו) for this  
 2 Answer: ר' יוסי בר יהודה: שמואל credits our משנה to רבנן; his ruling was according to יהודה ר' יוסי בר יהודה above  
 (a) Challenge (ר' אשי): do רבנן/ריב"י disagree about תוספת? Perhaps they agree that the תוספת is אסור  
 (i) And: ריב"י applies v. 3 – whole tree אסור רבנן apply v. 4 – only תוספת is prohibited  
 (ii) Anticipated challenge: we don't ascribe the verses that way above  
 (iii) Answer: switch our attribution (the תנאים never used those verses – it was our conjecture)  
 1. Block: if so, our משנה is authored by no one!  
 2. Answer1: could be ריב"י – perhaps once you carve it up, גלי אדעתיה, that only interested in תוספת  
 3. Answer2: could be רבנן – גדעו ופסלו needed – אסור it's like newly planted – קמ"ל only addition אסור
- V 47 משנה: definition of אשרה  
 a ת"ק: any tree that has an idol under it  
 b ר"ש: only a tree which is itself worshipped  
 i Support: there was a “worshipped tree” in צידון; ר"ש instructed them to look under the rockpile under the tree and they found an image; he ruled that the image was the object and permitted use of the tree  
 ii Question: earlier part of משנה lists “3 types of אשרה”  
 iii Answer: 2 are a matter of consensus, one is subject to dispute ר"ש חכמים/ר"ש  
 1 Question: how do we identify an אשרה?  
 (a) דב: if the priests of the cult are sitting under it and avoiding eating the fruit  
 (b) שמואל: even if they take the fruit and send it to ע"ז בית ע"ז – it's being made into sanctified mead  
 (i) Note: ר' אמימר reports that the דומבדייתא סבי told him that the הלכה follows שמואל