



Bathroom Dispute

The *Mishnah* (3:4) records that *Rabban Gamliel* was questioned by *Peroklos ben Pelosfus*, why he was bathing in the bathhouse of Aphrodite, the idol of which was placed in the bathhouse. *Peroklos* claimed that *Rabban Gamliel* was acting against a command of the *Torah* – "No part of banned property may adhere to your hand" (*Devarim* 13:18). The *Chachamim* understand that this *pasuk* forbids deriving any benefit from an idol. The *Meiri* explains that *Peroklos* was himself an idol worshiper and was trying to draw attention to *Rabban Gamliel's* seemingly contradictory behaviour. *Rabban Gamliel* informed him that he could not answer while they were inside the bathhouse and explained to him the *halacha* once they left.

Rabban Gamliel first reasoned, "I did not enter into her domain, she entered into mine". He continues, "we do not say that the bathhouse was made to beautify Aphrodite". Finally he added, "Furthermore, if I paid you a large sum of money, you would not enter your house of worship, naked, [impure], and urinate in front of it. This [idol] is placed over the pipe and everyone urinates in front of it. The *Torah* only stated, "their gods", only that which they treat as a god is forbidden. That which they do not treat as a god is permitted." *Rabban Gamliel's* response includes three statements. We should try to understand each of them and why they were all necessary.

Rashi (44b) explains that the first comment regarding domains, meant that the bathhouse preceded the placement of the idol. In other words, it was already a public bathhouse and placing the idol there cannot "steal" it from the public. *Rabban Gamliel* then added a second answer, a bathhouse is never considered decorative for an idol. When considering a bathhouse, it would be the other way around. The idol is considered decorating and therefore secondary to the bathhouse. *Rashi* does not comment on what appears to be the third answer. Note that according to *Rashi* the first two statements are two separated answers. The *Ritva*, who agrees with *Rashi*, explains that the third answer is that even if it preceded the bathhouse and was decorative, since they treat it disrespectfully, the prohibition does not apply.

The difficulty with *Rashi's* explanation is that the second and third statements are separated with the word "*ve'od*" – "and furthermore", implying that the third statement is a separate answer. The first statement however runs into the second. The *Ritva* is not fazed by this and explains that this is because they are conceptually one.

The *Tosfot HaRid* however does find the language an issue. Furthermore, he questions the first "answer" of *Rashi*. How do we know that the public bathhouse preceded the idol? Even if it did, it was in the courtyard of idol worship which was not a location that was free for public use.

The *Tosfot HaRid* therefore argues that the first two statements are one answer. How we define the master of the domain (the first statement) is based on which object is adorning the other (the second statement). In other words, since it is clear that the idol is decorating the bathhouse, it is considered as if it is entering *Rabban Gamliel's* domain.

The *Meiri* however presents an explanation that sits between *Rashi* and the *Tosfot Rid*. The *Meiri* explains that there are indeed three answers, yet the second answer draws from the first. Following *Rashi's* explanation, the first answer is that the bathhouse preceded the idol and it therefore cannot seize what belongs to the public. Having established that it preceded the bathhouse, it is proof that the idol was placed there to adorn the bathhouse - like the *Tosfot Rid*, it helps to define whose domain it is. Unlike *Rashi*, an idol is not always secondary to the bathhouse. If the idol preceded the bathhouse, that latter's construction is to try and attract more worshipers. In that case one would be prohibited to use the bathhouse. This is not because the bathhouse is now considered decorative about which the above *pasuk* would then apply, but rather because using it may drive others to worship the idol. If however the idol was placed in an existing bathhouse, it is clear it was done so for marketing purposes – to draw more people to the bathhouse – and it is therefore secondary to the bathhouse.

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Revision Questions

עבודה זרה ב' א' – ג' ז'

- What two things may one not do for a *nochri* baby? (ב' א')
- What type of *refuah* may one receive from a *goi*? (ב' ב')
- List four items belonging to *goyim* that are *issurei hana'ah*? (ג' ג')
- Explain the opinion of *R' Akiva* regarding meat used for *avodah zarah*. (ג' ב')
- List three differences between *R' Meir* and the *Chachamim* regarding items that belonging to *goyim* that are *issurei hana'ah*? (ב' ד')
- According to *R' Yehoshua* what is the reason that cheese belonging to *goyim* is not permitted? (ב' ה')
- List four items belonging to *goyim* that are *assur* but they are not *issurei hana'ah*? (ב' ו')
- List five items belonging to *goyim* that are permissible to eat? (ב' ז')
- From which type of *chagavim* must one take *trumah*? (ב' ז')
- Explain the opinions of *R' Meir*, *Chachamim* and *R' Shimon Ben Gamliel* regarding *tzelamim*? (ג' א')
- What individual pieces of a *tzelem* are *mutar* and which are *assur*? (ג' ב')
- What *keilim* must be destroyed according to: (ג' ג')
 - *Tana Kama*
 - *R' Shimon Ben Gamliel*
 - *R' Yosi*
- What question was posed to *R' Gamliel* by *Proklos Ben Plosphos*? (ג' ד')
- What was *R' Gamliel's* first answer to this question? (ג' ד')
- What was *R' Gamliel's* second response? (ג' ד')
- Explain the debate regarding if mountains and valleys used for *avodah zara* are *mutar*. (ג' ה')
- According to *R' Yosi* why is an *Asheira* tree *pasul*? (ג' ה')
- If someone had the wall of their house adjoining that of an idol worshipper and it fell, how should it be rebuilt? (ג' ו')
- Explain the opinion of *R' Akiva* with regard to the *tum'ah* of *avodah zara*. (ג' ו')
- The *Mishnah* discusses three scenarios which can arise with an item used for *Avodah Zara*. What are the scenarios and what are the three possible outcomes? (ג' ז')
- Explain the *machloket* between *Tana Kama* and *R' Shimon* with regard to an *Asheira* tree. (ג' ז')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 August ג' אב	5 August ד' אב	6 August ה' אב	7 August ו' אב	8 August ז' אב	9 August ח' אב	10 August ט' אב
Avodah Zara 3:8-9	Avodah Zara 3:10-4:1	Avodah Zara 4:2-3	Avodah Zara 4:4-5	Avodah Zara 4:6-7	Avodah Zara 4:8-9	Avodah Zara 4:10-11

