



Images and Dolls

רפואה שלמה הרב מנחם בן חנה

IMAGES OF THE SUN, MOON, AND CONSTELLATIONS

It is written in the Torah: "You shall not make with me gods of silver and gods of gold" (*Shemot* 20:19). The Sages derive from here that there is a prohibition to sculpt or retain images of the heavenly bodies. The Gemara clarifies that there are two separate prohibitions. On a biblical level, it is forbidden to construct these forms. On a rabbinic level, it is even prohibited to retain such forms, even if they were made by others, for fear of "*chashad*," or suspicion. This section will clarify which forms are prohibited to make, and which are prohibited even to retain, based on the different approaches of the Rishonim.

n Masechet Rosh Hashana 24a

MISHNA: Rabban Gamliel had forms of the moon on a tablet on the wall of his attic, which he would show to the laymen [who testified regarding the new moon]. And he would say to them: Did you see a form like this or like this?

GEMARA: And is it permitted to create these types of forms? Isn't it written: "You shall not make with Me gods of silver, or gods of gold" (*Shemot* 20:19), meaning you shall not make images of My attendants?

... Rav Huna, son of Rav Idi, said: From a lecture of Abaye I heard "You shall not make with Me [iti]" is interpreted as: You shall not make Me [oti].

And is it permitted to form images of other attendants? Isn't it taught: "You shall not make with Me gods of silver," teaches that you shall not make images of My attendants that serve before Me on high, for example, *ofanim* and *seraphim* and the sacred *chayyot* and the ministering angels. Abaye said: The Torah prohibited only those attendants that are found in the upper Heaven.

And is it permitted to form images of those in the lower heaven? Isn't it taught that "that is in Heaven" (*Shemot* 20:4) serves to include the sun, the moon, the stars, and the constellations; the term "above" serves to include the ministering angels? When that *beraita* is taught, it is in reference to the prohibition against the ministering angels? When that *beraita* is taught, it is in reference to the prohibition against worshipping them...

And is the mere fashioning permitted? Isn't it taught: "You shall not make with Me gods of silver" teaches that you shall not make images of My attendants that serve before Me, for example the sun, the moon, the stars and the constellations.

17. מסכת ראש השנה כד.

משנה: דמות צורות לבנה היו לו לרבן גמליאל בטבלא ובכותל בעלייתו, שבהן מראה את ההדיטות, ואומר: הכזה ראית או כזה?

גמרא: ומי שרי? והכתיב לא תעשון אתי – לא תעשון כדמות שמשי...! אמר רב הונא בריה דרב אידי, מפרקיה דאביי שמייעא לי: לא תעשון אתי – לא תעשון אותי. – ושאר שמשין מי שרי? והא תניא: לא תעשון אתי – לא תעשון כדמות שמשי המשמשין לפני במרום, כגון אופנים ושרפים וחיות הקודש ומלאכי השרת! – אמר אביי: לא אסרה תורה אלא שמשין שבמדור העליון. – ושבמדור התחתון מי שרי? והתניא: אשר בשמים – לרבות חמה ולבנה כוכבים ומזלות, ממעל – לרבות מלאכי השרת! – כי תניא ההיא – לעבדם... ועשייה

When that *beraita* is taught, it is in reference to the prohibition against worshipping them...

The case of **Rabban Gamliel is different, as others**, i.e., gentiles, **fashioned** those images **for him**. **But** there is the case of **Rav Yehuda**, **as others fashioned for him** a seal in the form of a human being, **and Shmuel said to Rav Yehuda, Sharp-witted one, blind this one's eyes**, i.e., disfigure the image, as it is prohibited even to have the image of a human being in one's possession.

There, his was a protruding seal, and was forbidden **due to** the potential **suspicion** that he had an object of idol worship in his hand. **As it is taught** with regard to a ring: **If its seal protrudes it is prohibited to place it** on one's finger, **but it is permitted to seal objects with it**. However, **if its seal is sunken, it is permitted to place it, but it is prohibited to seal objects with it**, as that creates a protruding image.

And are we concerned about arousing **suspicion** in a case of this kind? **But** what about that **certain synagogue that had been** destroyed in Eretz Yisrael and its stones were **relocated and** it was rebuilt so that it **sat in Neharde'a**, and **there was a statue [andarta]** of the king **in it**. **And nevertheless Rav and Shmuel and Shmuel's father and Levi would all enter and pray there and they were not concerned about** arousing **suspicion**. The Gemara answers: When **many** Jews are present it **is different**.

But isn't Rabban Gamliel an individual? Since he is the Nasi, the head of the Great Sanhedrin, **many** people **were** always **found with him**. **If you wish, say they were** formed **from pieces** of images that had to be put together. **And if you wish, say: Rabban Gamliel did this to teach himself**, which is not prohibited, as **it is written: "You shall not learn to do** after the abominations of those nations" (*Devarim* 18:9), which indicates: **However, you may learn to understand and to teach**.

The Gemara above distinguishes between a raised form and a sunken (or flat) form. In order to understand the following sources, it is necessary to delineate the three groups of images referred to in the Gemara:

1. Images of heavenly bodies ("that serve before Me on high")
2. Images of humans (that are made in G-d's image – "*lo taasun ot*") and other beings that serve Hashem (angels)
3. Other images (e.g., animals)

Rishonim dispute which type of case the Gemara refers to when it distinguishes between a protruding seal and a sunken seal. Likewise, they dispute in which case there is a prohibition to form the images and in which a prohibition exists to retain them in one's house.

גרידתא מי שרי? והתניא: לא תעשון אתי – לא תעשון כדמות שמשיי המשמשין לפני, כגון חמה ולבנה, כוכבים ומזלות! –

שאני רבן גמליאל דאחרים עשו לו. – והא רב יהודה, דאחרים עשו לו, ואמר ליה שמואל לרב יהודה: שינא, סמי עיניה דדין! – התם חותמו בולט הוה, ומשום חשדא, כדתניא: טבעת, חותמו בולט – אסור להניחה ומותר לחתום בה. חותמו שוקע – מותר להניחה ואסור לחתום בה.

First Opinion – Rambam and Tosafot

According to Tosafot and the Rambam, one may not make any image of heavenly bodies even if they are sunken, as that is how they are seen by the human eye. Therefore, the distinction made by the Gemara between “protruding,” or raised, and “sunken” refers only to the faces of people. The Rambam adds that concerning images of animals and the like, it is even permitted to form them as protruding.

Tosafot, Masechet Avoda Zara 43b

But Rabban Gamliel was an individual? – If one asks, why did [the Gemara] not answer that the images of the moon [of Rabban Gamliel] did not protrude [i.e., they were not raised] and that is why Rabban Gamliel [was permitted to] have them? The Ri and Rabbeinu Tam and the Riva [all] explain that regarding the [shapes] of the sun, moon, and constellations, there is no distinction whether they are raised or sunken, for even in the sky [i.e. the way we see them] is similar to them being sunken. [Rather] this distinction only applies to faces and the like...

Rambam, Hilchot Avoda Zara 3:11

It is likewise forbidden to draw the image of the sun, the moon, the stars, the constellations, and angels; as it says: “You shall not make with me”, meaning: You shall not make images of My attendants who serve Me in the heavenly sphere, not even upon a tablet. Images of animals and other living creatures, other than man, and images of trees and plants and the like, one may draw, even if the image was protruding.

18. תוספות | מסכת עבודה זרה מג:

והא ר"ג יחיד הוה – וא"ת אמאי לא משני דצורת לבנה לא היתה בולטת ולכך עשאה ר"ג ואור"י ור"ת וריב"א כי בחמה ולבנה ומזלות אין חילוק בין בולטין לשוקעין וכן ברקיע שוקעין הם ולא מפליג בהכי אלא גבי פרצופין וכיוצא בהן.

19. רמב"ם | הל' עבודה זרה ג:יא

וכן אסור לצור דמות חמה ולבנה כוכבים מזלות ומלאכים שנאמר לא תעשון אתי לא תעשון כדמות שמש"י המשמשין לפני במרום ואפילו על הלוח, צורות הבהמות ושאר נפש חיה חוץ מן האדם וצורות האילנות ודשאים וכיוצא בהן מותר לצור אותם ואפילו היתה הצורה בולטת.

Second Opinion – Ramban

According to the Ramban, it is prohibited to form any shape of the heavenly bodies or of the human face, whether they are protruding or flat. The only distinction that is drawn with regard to these images is concerning retaining them: It is permitted to retain sunken or flat pictures, but not if they are protruding. Regarding other images, it is prohibited to make or retain protruding ones, but it is permitted to make and retain ones that are sunken or flat.



Chidushei HaRamban, Masechet Avoda Zara 43b

We have concluded that the shapes of the heavenly bodies, even in the lower heavens, are prohibited. It seems [proper] to explain that there is no difference whether the shapes are raised or sunken. **Similarly, [the same is true] regarding the illustration of a human face, for the verse says, “do not make.” The Merciful One only distinguished between raised or sunken when other people made it, [and there] the Rabbis said that if it is sunken it is permitted but if it is raised it is prohibited due to chashad** (suspicion – people think he worships the shape, or that he made the object). That which is written in the *beraita*, “a ring whose seal is raised is forbidden” is not referring to the shapes of the heavenly bodies, but refers to other shapes. Since they are raised, one has to be concerned for *chashad*, perhaps this shape has been worshipped since he retains it. And even though other people made it, it is still prohibited to retain it. **Likewise, it is prohibited to make any shape in a raised manner**, lest people say that he is doing it to worship it.

20. חידושי הרמב"ן | מסכת עבודה זרה מג:

ואסיקנא דדמות שמשין אפילו שבמדור התחתון אסורים. ונראה לפרש ולומר דלא שנא בולט ולא שנא שוקע, וכן בפרצוף אדם, דלא תעשון כתיב ולא פליג רחמנא בין בולט לשוקע, אלא בשאחרים עשו לו אמור רבנן דשוקע מותר ובולט אסור משום חשדא, והא דתניא טבעת שחותמה בולט כו' לאו בדמות שמי מרום אלא בשאר כל הצורות היא דכיון דבולטות נינהו איכא למיחש לחשדא שמא צורה נעבדת היא כיון שהוא מניחה, ואף על פי שאחרים עשו לו אסור להניחה, וכן הוא אסור לעשות כל צורה בולטת שמא יאמרו לעובדה הוא עושה....

Third Opinion – Ritva

One is permitted to make any image if it is flat. A protruding image of the heavenly bodies as well as the human face is prohibited, but ones of other objects are permitted. One is always permitted to retain objects as long as there is no concern of *chashad*.



Chidushei HaRitva, Masechet Avoda Zara 43b

One can derive from this that [only] making [it] is prohibited, **but retaining [such a shape] would be permitted as long as there is no chashad...** as shapes of idolatry are permitted to be made as I explained previously, for the Gemara states [in *Avoda Zara*] “and is a shape of a *drakon* [an image similar to a snake] prohibited”... We derive from this **that the shape of the sun and moon and the heavenly bodies are only prohibited when they are raised**, as if not, then why would a seal that is raised be permitted to sign with, just because the seal is actually sunken? Rather it must be as we have explained. And this law applies equally to the sun and moon and heavenly bodies as they are only seen [as objects that could be worshipped] if they are raised...

21. חידושי הריטב"א | מסכת עבודה זרה מג:

וש"מ דעשיה אסורה אבל קיום מותר כל היכא דליכא חשדא... דהא צורת ע"ז מותר לעשותה כדפרישנא לעיל מדאמרינן צורת דרקון מי אסיר... ושמעינן מינה שדמות חמה ולבנה ומשמשין האמורין למעלה אינן אסורין אלא בבולטין, דאי לא הכא חותמה בולט אמאי מותר לחתום בה מפני שהחותם יוצא שוקע, אלא ודאי כדאמרן, וכן בדין דסתם חמה ולבנה ומזלות אינן נראין לעולם למראית העין אלא בולטין, ואף על פי שאומרים לפעמים מזל

Rabban Gamliel's shapes were raised... and this is also the opinion of my teacher the Rashba may the Merciful One protect him and save him, and so is this the opinion of some of the French rabbis.

שוקע ידוע הוא שאין השקיעה ההיא כעין השקיעה הנזכרת כאן כנ"ל, ודר"ג בולטין היו שכן מראיהו, והא דאמרינן התם בחותמו בולט ומשום חשדא, לא נקטינן לשון התם אלא משום חשדא, וכן דעת מורי הרשב"א נר"ו וגם מקצת רבני צרפת ז"ל כן פסקו.

The **Shulchan Aruch** codifies the *halacha* in accordance with the opinion of Rambam and Tosafot.

נ Shulchan Aruch, Yoreh Deah 141:4

It is forbidden to draw images in the sphere of the *shechina* (Divine presence). For example, the four faces together,⁴ and the images of the *serafim*, *ofanim*, and [other] ministering angels. Similarly, [it is prohibited to draw] the face of a person by itself. These are all forbidden even if they are done for beauty. If one commissioned a gentile to draw them, **it is prohibited to retain them**...

When does this prohibition apply? Only if the pictures are raised, **but if they are sunken, similar to those that are woven in clothes or drawn on walls it is permitted to make such drawings. And the images of the sun, moon, and stars are prohibited [to draw] whether they are raised or sunken.** But if they are to teach oneself, to understand, or to teach others, they are permitted, even if they are raised.

Rema: And some permit in a case of many people present, where there is no suspicion.

22. שו"ע | יו"ד קמא:ד

אסור לצייר צורות שבמדור שכינה, כגון ד' פנים בהדי הדדי, וכן צורות שרפים ואופנים ומלאכי השרת. וכן צורת אדם לבדו, כל אלו אסור לעשות אפילו הם לנוי. ואם עובד כוכבים עשאם לו, אסור להשהותם...

במה דברים אמורים? בבולטת. אבל בשוקעת – כאותם שאורגים בבגד, ושמציירים בכותל בסמנין – מותר לעשותם. וצורת חמה ולבנה וכוכבים להבין ולהורות – כולן מותרות, אפילו בולטות.

[הגה:] [ויש] מתירין בשל רבים, דליכא חשדא.

The **Shach** clarifies that a flat image has the same halachic status as a sunken image.

נ Shach, Yoreh Deah 141:25

Only if the pictures are raised – Meaning that specifically in the case that they are raised, it is forbidden both to make as well as to retain them. However, if they are sunken it is permitted to make them and definitely to retain them... For this reason the pictures that are drawn on the walls and tablets, even though they are level, are considered as if they are sunken, as [the key issue] is that they are not raised in their current form. Therefore, pictures of the sun and moon, which themselves are [seen as] as two dimensional in the sky – are forbidden even if they are sunken.

23. ש"ך | יו"ד קמא:כה

בד"א בבולטת כו' – פי' בבולטת דוקא הוא דאסור בין בשוהה בין בעושה אבל בשוקעת מותר לעשותו וכ"ש להשהותם... ומהאי טעמא מה שמציירים על הכותל ולוח אף על פי שהוא שוה מיקרי שוקעת כיון דלא הוי בולטת כמו שהן עצמם והלכך צורת חמה ולבנה וכיוצא בהן דהן נמי שוקעים ברקיע אסור אפילו בשוקעת.

4. This is a reference to the four faces mentioned in the prophecy of Yechezkel of the *Ma'aseh Merkava*, the prophecy of the Chariot (see *Yechezkel* 1:10).

RABBI SHABTAI BEN RAV MEIR HAKOHEN – THE SHACH (1621–1662)

Rav Shabtai was born in 1621, and grew up and spent most of his life in Lithuania. From a young age he was known as an *ilui* (Talmudic genius) and shortly after his marriage to the great granddaughter of the Rema, he served on the *Beit Din* in Vilna together with the *Av Beit Din*, the author of the *Chelkat Hamechokek* commentary on *Shulchan Aruch Even HaEzer*. At the age of 24, published his magnum opus commentary on the *Shulchan Aruch Yoreh Deah* known as the *Siftei Kohan* (hence he became known by the Hebrew acronym *Shach*). Rav David HaLevi, known as the *Taz*, who was much older and a well-known rabbinic authority, also published his commentary on the *Shulchan Aruch* in the same year. Despite the age difference between them, the *Shach* subsequently wrote a treatise called *Nekudot Hakesef* where he argued with the *Taz*'s decisions in many places. The *Shach* and *Taz* became the most important commentaries to the *Shulchan Aruch Yoreh Deah*, and today the decisions of the *Shach* are considered by many as the most authoritative. In addition to his commentary on *Yoreh Deah*, he also wrote a commentary on *Shulchan Aruch Choshen Mishpat*. During the Chelminiki pogroms of 1655 he fled together with the rest of the Jewish community and eventually became the rabbi of Helseve in Moravia. He died shortly thereafter.

However, the *Taz* argues with the *Shulchan Aruch* and rules in accordance with the Ramban that it is prohibited to make any image of the heavenly bodies or a human face even if it is sunken (or flat), and the other raised images are also forbidden.

⌘ Taz, Yoreh Deah 141:12

It is permitted to make them – This indicates that concerning all the images that were forbidden above, one is permitted to make them when they are sunken. **However, the Tur cited the opinion of the Ramban that all images that are biblically prohibited [to make] based on [the verse] “You shall not make [images] with me,”** namely the four in the realm of the *shechina*; the images of the angels in the upper realm; the images of the sun, moon, stars and constellations in the lower realm; the image of a person, based on the derivation from the verse “you shall not make me,” meaning similar to the image in which G-d appears to the prophets; all of these images are prohibited whether they are raised or sunken. **There are other images where there is a rabbinic prohibition to make them – (only) regarding these images is there a distinction whether they are raised or sunken.** From this we can also ascertain that regarding the images that are prohibited from the Torah to make, and retaining them is permitted from the Torah and prohibited by rabbinic law due to *chashad*, also regarding them (in terms of retaining) there is a difference between them being raised or sunken. This opinion is brought by the Ran in the name of the earlier Sages, and he wrote that this opinion is the correct one. He proved this opinion from the Talmud. **Hence, it is astounding that the Shulchan Aruch did not cite the opinion of the Ramban. With regard to the practical halacha, we certainly cannot be lenient against the opinion of the Ramban, as the Tur also subscribes to this, as does the Ran...**

24. ט"ז | יו"ד קמא:יב

מותר לעשותן – משמע כל הצורות האסורות דלעיל מותר לעשותן כשהם שוקעים אבל בטור הביא אח"כ בשם הרמב"ן שכתב בכל מה שאסור מן התורה משום לא תעשון אתי דהיינו ארבעה פנים שבמדור שכינה ודמות מלאכים שבמדור העליון ודמות חמה ולבנה כוכבים ומזלות שבמדור התחתון ודמות אדם משום שנאמר לא תעשון אותי פי' כדמות שאני מראה עצמי לנביאים כל אלו אסור בין שוקע בין בולט אלא בשאר צורות יש ג"כ איסור לעשותן והוא מדרבנן שם יש חילוק בין שוקע לבולט ממילא גם בהנך שאסור מן התורה לעשותן אלא דשהייתן מותר מן התורה ואסור מדרבנן משום חשדא גם בהם יש חילוק בין שוקע לבולט ודעה זו הביא הר"ן בשם הראשונים וכתב עליה שכן עיקר והוכיח כן מן התלמוד ואם כן תימא על הש"ע שלא הביא דעת הרמב"ן ולענין הלכה ודאי שאין להקל כלל נגד דברי הרמב"ן והטור מסיק כן וכן הר"ן.

CHILDREN'S DOLLS AND TOYS

There is a dispute among the Acharonim whether it is permitted to make or even buy children's dolls due to the prohibitions of creating and retaining certain images, as a doll consists of an entire body in the form of a person, which is prohibited according to the *Shulchan Aruch*. **Rav Ovadia Yosef** is lenient in both making and buying dolls. **Rav Nissim Karelitz** prohibits making dolls but permits retaining them, while **Rav Shmuel Vosner** prohibits even retaining dolls unless one deforms it in some form.



Responsa Yechaveh Daat 3:64

Question: Is it permitted to buy dolls that are made in the image of people and have raised features for children?

Answer: In *Masechet Avoda Zara* (43b) it is explained that it is prohibited to make an image of a person in a raised form. Rabbeinu Moshe of Coucy in his *Sefer HaMitzvot* (*Smag*, negative mitzvot 22) opines that even a face without a body is prohibited. However, Tosafot and the Rosh in *Masechet Avoda Zara* hold that the Gemara only prohibited making a statue of a person as a full body form, but forming a head alone without a body would be permitted, even if it was raised. The Mordechai also subscribed to this opinion, and the *Shulchan Aruch* also codified this opinion (141:7)...

However, this all this applies to fashioning a raised human face for aesthetic purposes, such as a statue and the like, which is a permanent fixture. But [concerning] dolls that are made to be played with by children, it seems that there is no prohibition in making them at all, and one may certainly buy and retain them. [This is true] especially based on what Tosafot state (*Avoda Zara* 43b) where they clarify that the entire prohibition is based on a suspicion of idolatry... but regarding dolls everyone knows that there is not even a slight connection to idolatry especially in our days.^{5,6}

31. שו"ת יחווה דעת | ג:סד

שאלה: האם מותר לקנות לילדים בובות העשויות תבנית אדם בולטת?

תשובה: במסכת עבודה זרה (דף מג:) מבואר שאסור לעשות צורת אדם בולטת. ודעת רבינו משה מקוצי בספר המצות, הסמ"ג, (לאוין כ"ב), שאפילו פרצוף אדם בולט בלי הגוף אין לעשות. אולם התוספות והרא"ש בעבודה זרה שם, כתבו, שלא אסרו בגמרא עשיית אנדרטי אלא משום שהיא צלם דמות אדם בכל גופו, אבל צורת הפרצוף בלבד בלא גוף מותר, ואפילו היא צורה בולטת. וכן כתב המרדכי שם (סימן תתל"ט). וכן פסק מרן בשלחן ערוך יורה דעה... ברם כל זה בעשיית פרצוף אדם בולט לנוי, כגון אנדרטי וכיוצא בזה, שהיא צורה קבועה. אבל בובות העשויות לצורך תינוקות לשחק בהן, נראה שאין בעשייתן שום איסור, וכל שכן שמותר לקנותן ולהשהותן ברשותן. וביחוד לפי מה שכתבו התוספות (עבודה זרה מ"ג ע"ב) בד"ה והא רב יהודה, שמתבאר מדבריהם שכל עיקר האיסור בזה הוא משום חשד עבודה זרה... ואילו לגבי בובות הכל יודעים שאין בזה שום סרך של עבודה זרה, ובמיוחד בזמנינו...

5. However, it should be noted that in Responsa *Yabia Omer* (3, *Yoreh Deah* 8) printed in 5746 (1988) Rav Ovadia writes that it is prohibited to fashion dolls: "Those people who buy their children dolls to play with – have whom to rely on. However, it is preferable to be stringent and not buy dolls that have a full human form with all the limbs and organs. Rather, [one should purchase] only [one with] the top part of the body or a doll that can only be seen from one side, i.e., one eye, one hand etc. One is permitted to do business with this merchandise, buying and selling, even with dolls that have full human form, but one should not manufacture them. And those factories that make these, who says that they are doing so with the will of the Sages? One who asks about this should be told to act stringently *ab initio* ... nevertheless one shouldn't rebuke those who are lenient with harshness." A similar ruling is cited on the next page from the *Yalkut Yosef*. However in his Responsa *Yechaveh Daat* cited above, as well as in *Halichot Olam* (volume 6, p. 281), published in 5762 (2002), he is lenient, so presumably one should follow Rav Ovadia's later, more lenient ruling.
6. It should be noted that there are other *poskim* who are lenient also for similar reasons. See *Ha'amek She'ila* (57:3) written by the Netziv, as well as the more contemporary Responsa *Az Nidberu* by Rabbi Binyamin Zilber (8:59) concerning mannequins in stores. For a comprehensive treatment of this subject in English, see Rabbi Michoel Zylberman, "The Laws of Forbidden Image" in the *Journal of Halacha and Contemporary*



Responsa Shevet HaLevi 7:134

Question: Is one who has a doll in his house with hands and feet obligated to deform it as is mentioned in the *Shulchan Aruch* (*Yoreh Deah* 141:2) that there is a prohibition of retaining it due to *chashad*? Even though nowadays it is not common to worship these images, nevertheless the Rema (141:3) maintains that there is still a prohibition of retaining it.

Answer: It is clear that a complete form with a complete face is prohibited to retain and one must deform the face in the correct manner.⁷

Question: Is it sufficient to deform part of the face such as an eye or the nose, or perhaps since it is mentioned in the *Pitchei Teshuva* (141:10) that even if it has a featureless head, it is prohibited to retain the entire body, maybe this isn't sufficient, as it is no better than a featureless head, which is still prohibited.

Answer: Concerning the novelty of the Ya'avetz, that even a featureless head on an entire body is prohibited, which he derived from the words of the Rosh...all the *gedolim* disagree (see Maharit, *Yoreh Deah* 35); it follows that the Rosh is referring to the form of a head, and he nevertheless only forbids this in the case of a complete form. Therefore, there is no room for the stringency of the Ya'avetz. But regarding the primary argument of the Rosh, the Maharit argues that one should be stringent regarding a Torah violation. But the main violation refers to the face, and since one deforms it in the correct manner, it is permitted (see the *Beit Lechem Yehuda* with regard to the [necessary] measure for deforming it, that [doing so] to the nose is enough).

32. שו"ת שבט הלוי | ז:קלד

שאלה: מי שיש לו בובה (פופה בלשון אשכנז) בתוך ביתו עם ידים ורגלים, האם חייב לפוגמו, כמבואר בשו"ע יו"ד סי' קמ"א סעיף ב' שיש איסור שהייה ומשום חשד, ואעפ"י שבזה"ז אין הדרך לעבוד לצורות אלו מ"מ כתב הרמ"א סעיף ג' שעדין יש כאן איסור שהייה.

תשובה: דבר פשוט דצורה שלימה ופנים שלם דאסור להשהות, וצריך לפגום הפנים כהלכה.

שאלה: האם מספיק לפגום חלק מהפנים כגון עין או אף, או שמא היות דמבואר בפתחי תשובה ס"ק י' שאפילו בראש גולם יש איסור שהייה בכל הגוף, שמא לא מספיק, דלא גרע מראש עגול כגולם שאסור.

תשובה: מה שחי' הגאון יעב"ץ בפ"ת ס"ק י' דגם ראש גולם ואטום עם גוף שלם אסור ולמד זה מדברי הרא"ש ע"ז פ"ג סי' ה', כל הגדולים חולקים ע"ז עיין בתשובות מהרי"ט יו"ד סוס"י ל"ה דלא כיעב"ץ ממילא הרא"ש מדבר מפרצוף פנים ממש ואעפ"כ אינו אוסר אלא בקומה שלמה וא"כ אין מקור לחומרת הגאון יעב"ץ אלא דבעיקר שיטת הרא"ש כ' מהרי"ט דעלינו להחמיר באיסור תורה אבל עיקר האיסור הוא הפרצוף, וכיון שפוגמו כהלכה מותר, ושיעור הפגימה עיין בבית לחם יהודה ד"ה וצורת דעכ"פ חוטם די.

Society 2004, also available for download at www.yutorah.org/lectures/lecture.cfm/750417/rabbi-michael-zylberman/the-laws-of-forbidden-images. [Addition of the editors of the English edition]

7. The concept of deforming the image to permit making and retaining it is mentioned in the continuation of the Gemara cited above (*Rosh Hashana* 24b).



Chut Shani, Kuntres Asiyat Tzurot, p. 232 #4

One who has a complete doll – even if it is just the head alone – if the image is raised, regarding the face, the eyes, the nose, the ears – one should *ab initio* deform it in a noticeable manner, such as on the nose or the ear and the like, where it is noticeable that something is missing. **Nevertheless one should not rebuke those who retain such images**, as mentioned in the *Chochmat Adam*, for nowadays, there is no worry of *chashad* to make them, for it isn't common that people worship such shapes. Nevertheless it is fitting to be stringent and deform it in a noticeable manner.

If the doll has facial features that are raised, but the ears are covered with hair or a hat, and in reality there are no ears at all, the *halacha* is the same as mentioned earlier, that it is fitting to be stringent and deform it, since it looks like a complete form. All this is regarding retaining such a doll where the prohibition is only due to *chashad*, but to make the form of a person is a Torah violation, and is prohibited even though it is not common to worship such images. Therefore if the hand or foot broke off the doll, re-joining the part is perhaps a Torah violation, for by doing so, one makes a complete form in an active way, and transgresses the prohibition of “*lo ta'asun iti*.”

The *Yalkut Yosef* holds that although buying dolls is permitted in principle, it is preferable not to purchase dolls that consist of a full length person, and ideally a Jew should not participate in the production of these dolls either.



Yalkut Yosef, Laws of Educating a Child, p. 278

Those who buy their children dolls to play with have whom to rely on. However it is preferable to be stringent and not buy dolls that have a full human form with all the limbs and organs, but only [ones with] a top part of the body or that can only be seen from one side, i.e., one eye, one hand, etc. One is permitted to do business with this merchandise, buying and selling, even with dolls that have full human form, but *lechatchila* one should not manufacture them, and “someone who guards himself should distance himself from this.” And those factories that make these, who says that they are doing so with the will of the Sages?

33. חוט שני | קונטרס בעניין עשיית צורות, עמ' רלב אות ד

מי שיש לו “בובה” שלימה – אפילו רק הראש לבד – אם הוא צורה בולטת של הפנים, של העיניים, האף, האוזניים – לכתחילה יעשה בו פגימה הניכרת, כגון באף או באוזן וכדומה, באופן שיהיה ניכר שהוא חסר. ומכל מקום אין לגעור על אלו המשהים צורות אלו, כמבואר בחכמת אדם הנזכר לעיל, שבזמן הזה אין משום חשד לעשותם, שאין דרך לעבוד צורות אלו. ומכל מקום ראוי להחמיר, ולפגום אותם פגימה הניכרת.

אם יש לו “בובה” עם אברי הראש בולטים, ומקום האזניים מכוסים בשערות או בכובע, ובמציאות אין שם אזניים כלל – גם כן דינו כנזכר לעיל, דראוי להחמיר ולפגמו, כיוון דנראה צורה שלימה. וכל זה אמור רק לגבי האיסור להשהות, דאסור משום חשד, אבל לעשות צורת אדם – הרי זה איסור דאורייתא, ואסור אף כשאין דרך לעבוד צורות אלו. לפיכך, אם נשבר היד או הרגל של ה“בובה” – יש בזה חשש איסור דאורייתא להחזירם, דנמצא עושה צורת אדם בידיים, ועובר משום “לא תעשון אתי.”

34. ילקוט יוסף | דיני חינוך קטן, עמ' רעח

הנוהגים לקנות לילדיהם הקטנים לשם שחוק ושעשוע, בובות העשויות תבנית אדם, יש להם על מה שיסמוכו. ובכל זה טוב להחמיר שלא לקנות בובות תבנית אדם שלם בכל חלקי גופו ואבריו, רק חצי הגוף העליון, או כאותם הנראות מצד אחד, דהיינו עין אחת וחצי חוטם ויד ורגל. ומותר לסחור בהם למכור ולקנות, גם בתבנית אדם שלם בכל איבריו, אבל לכתחלה אין להקל בעשייתן, ושומר נפשו ירחק מהם. ואותם בתי חרושת העושים זאת לכתחלה מאן לימא לן שברצון חכמים עושים. והשואל על זה לעשות

One who asks about this should be told to act stringently, but nevertheless one shouldn't rebuke those who are lenient harshly.

מעשה לכתחלה מורים לו להחמיר. ומכל מקום אין למחות בחזקה בידי המקילים לעשות כן.

The Gemara in *Rosh Hashana* indicated that images of the moon formed in order to study the laws of *Kiddush Hachodesh*, sanctifying the new moon, are permitted. The *poskim* discuss whether this permissive ruling applies only to the case of *Kiddush Hachodesh* or to any purpose other than worshiping them.

Rav Chaim Dovid HaLevi (*Aseh Lecha Rav* 6:54) rules that if it is clear that one's intention is not for idolatry, it is permitted due to a variety of considerations. **Rav Nissim Karelitz** (*Chut Shani, Kuntres Asiyat Tzurot* 1:6) permits doing so in order to teach about the Creation of the world or Yosef's dream. **Rav Moshe Feinstein** though permits only in certain situations.



Responsa Igrot Moshe, Orach Chaim 5:9

Is there a prohibition regarding the drawings of the sun and moon that children draw?

Regarding children who draw the shape of the sun and moon with ink and color, if it looks very much like the moon and sun, such that adults would say that it [actually] is the shape of the sun and moon, it should be prohibited for those who have reached the age of *chinuch* (education). For both the *Shach* (*Yoreh Deah* 141:8) and the *Taz* (*Yoreh Deah* 141:13) state that making the simple shape of a sun or moon is also forbidden... But this is only where there is a clear resemblance to the sun or moon, and most children are not capable of drawing this, for if there is no [real resemblance] it is not a problem at all. This is as his honor cited in the name of the *Yad Haketana*, that it is only a problem if it resembles a sun in the eyes of people. However, [even if it is technically permitted in most cases] **it isn't good to teach children to draw the sun and moon, as they will want to learn eventually how to draw pictures that actually resemble them, which is forbidden.** Why then should we teach them only to forbid it later when they are able to draw properly?⁸

35. שו"ת אגרות משה | או"ח ה:ט

אם יש איסור בציורי חמה ולבנה שתינוקות עושין? בדבר התינוקות שמציירין בדיו ובצבע צורת לבנה וחמה. אם יש ממש דמיון להלבנה ולחמה, שאנשים גדולים יאמרו שהוא צורת חמה ולבנה, יש לאוסרם לאלו שבאו לחינוך. דהא בין הש"ך ביורה דעה סימן קמ"א סק"ח, ובין הט"ז ס"ק י"ג, כתבו דגם צורת חמה ולבנה כפשוטן אסור לעשות... אבל וודאי דהוא רק כשיש דמיון ממש, שרוב תינוקות לא שייך שיעשו כן, ואם לא כן אינו כלום. והוא כמו שהביא כתר"ה מספר יד הקטנה, דרק אם בעיני הבריות דומה לחמה אסור. אבל בשביל זה לא טוב ללמד לתינוקות לעשות ציורי חמה ולבנה, דרוצים שילמדו ברוב זמן לעשות ציורים הדומות ממש, שזה הא הוא דבר אסור. ולמה לנו ללמדם, כיוון שכשיוכלו לצייר היטב נאסור להם.

8. Rav Hershel Schachter is cited by R.Zylberman in the article mentioned in the previous footnote (see footnotes #9 and #12 in the article) as agreeing with the approach of Rav Feinstein, though he did permit drawing pictures of the sun partially covered by clouds. [Addition of the editors of the English edition]