

Daf Notes

Insights into the Daily Daf

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Daily Daf

Betrothed Slavewoman and Arayos

What is the difference between the (*betrothed*) slavewoman and the *arayos* (*forbidden unions punishable by kares*)? They are different both in regard to the punishment and the offering? In the case of all other *arayos*, a *chatas* offering is brought; in that of a slavewoman, it is an *asham*. In the case of the other *arayos*, a female animal is offered; in that of a slavewoman, it is a male. In the case of the other *arayos*, the man and woman are alike in respect of lashes and the sacrifice; in that of the slavewoman, the man is unlike the woman regarding the lashes (*for it is only the woman who receives lashes*), and the woman is unlike the man regarding the sacrifice (*for it is only the man who brings the sacrifice*). In the case of all other *arayos*, the one who begins cohabitation is punishable as well as one who completely cohabited, and one is liable for each act of cohabitation separately (*but these do not apply to one who cohabits with a slavewoman*). And the case of the slavewoman is more stringent in that a deliberate transgression is of the same status as a transgression in error (*for the man is always liable to a sacrifice*).

To which slavewoman does this refer? It is to one who is half slavewoman and half free (*that she initially had two owners, and one of them freed her*), as it is written: *and redeemed she was not redeemed*; these are the words of Rabbi Akiva. Rabbi Yishmael says: It is to a full slavewoman. Rabbi Elozar ben Azaryah says: All other forbidden women

it is explicitly stated (*that they are free people*); there is only left the instance of one who is half slavewoman and half free.

The *Gemora* cites the Scriptural source that the slavewoman incurs lashes, but the man does not.

The *Gemora* cites a *braisa*: Whenever the woman is subject to lashes the man is liable to a sacrifice, and when she is exempt from lashes, he does not bring a sacrifice. [*These exclude the case where the woman was a minor, or if she committed the sin in error, or if she was coerced into the act.*] Rava cites the Scriptural sources for this.

Rabbi Yitzchak said: The man does not incur these punishments unless he cohabits with a nonvirgin slavewoman.

[It is written regarding a slavewoman who is married to a Jewish servant and she committed adultery:] *And she was redeemed*: You might have thought that this meant that she was entirely redeemed, therefore it says: *she was not redeemed*. You might have thought that this meant that she was not redeemed at all, therefore it says, *And she was redeemed*. How is this explained? It means that she was partially redeemed, but not completely redeemed. This means she was a half slavewoman and half free and she is betrothed to a Hebrew servant; these are the words of Rabbi Akiva. Rabbi Yishmael said: The verse refers to a Canaanite slavewoman (*who is not free at all*) who is

betrothed to a Hebrew servant; while the phrase *'redeemed, she was not redeemed'* is merely the language of people. Rabbi Elozar ben Azaryah says: All other forbidden women it is explicitly stated (*that they are free people*); there is only left the instance of one who is half slavewoman and half free. Others say: *They shall not be put to death, because she has not been freed*. This indicates that the Torah refers to a Canaanite slavewoman (*who is not free at all*) who is betrothed to a Hebrew servant.

The *Gemora* explains how, according to Rabbi Yishmael, it is known from the verse that the case refers to one that she is betrothed to a Hebrew servant.

In the case of all *arayos*, if one partner was an adult and the other was a minor, the minor is exempted (*but the adult is liable*). If one is awake and the other asleep, the sleeping one is exempted. If one is an inadvertent violator and the other sinned willfully, the one who transgressed inadvertently is liable to a *chatas*, and the deliberate sinner is subject to *kares*.

The *Gemora* asks: And regarding a betrothed slavewoman, is a minor indeed liable (*and since the minor is obviously not, what is the difference between this case and all other arayos*)?

Rav Yehudah explains: This is the meaning of the *Mishna*: In the case of all *arayos*, if one was an adult and the other was a minor, the minor is exempted and the adult is liable; in our instance, even the adult is exempted, because both partners are made similar to each other (*through the verses*).

The *Gemora* asks: And regarding a betrothed slavewoman, is a person sleeping indeed liable (*and since the minor is obviously not, what is the difference between this case and all other arayos*)?

Rav Yehudah explains in the name of Rav: This is the meaning of the *Mishna*: In the case of all *arayos*, if one was awake and the other was sleeping, the one who was sleeping is exempted and the one who was awake is liable; in our instance, even the one who was awake is exempted, because both partners are made similar to each other (*through the verses*).

A teacher of *braisos* taught before Rav Sheishes: They have regarded one who completed an act of cohabitation with one who merely began the act, an intentional act of cohabitation with an unintentional one, a natural act of cohabitation with an unnatural one, and one performed while awake with one performed while sleeping.

The *Gemora* asks: This cannot be referring to a betrothed slavewoman, for one who merely begins an act of cohabitation is not liable, and if he does not intend to cohabit, he will not be liable, and he would not be liable if he cohabits with her in an unnatural manner, and a person who cohabits while sleeping will not be liable either!?! And it cannot be referring to other *arayos*, for the *braisa* should have stated the reverse: They have regarded one who merely began the act of cohabitation with one who completed the act!?!?

Rav Sheishes was asked if he should delete the *braisa*. He responded: No! The explanation is as follows: They have regarded one who completed an unnatural act of cohabitation with a betrothed slavewoman that they are not liable with one who merely began the act. They have also regarded one who intended to perform an unnatural cohabitation with a betrothed slavewoman that they are not liable with one who had not intended to cohabit at all. They have also regarded one who, while awake, cohabits unnaturally with a betrothed woman that they are not liable with one cohabited with her (*in a natural manner*) while sleeping.

It emerges as follows: One who intends to cohabit with a betrothed slavewoman but ends up only beginning the act with her is regarded as one who did not intend to cohabit with any of the other *arayos* (*and he is not liable*). One who cohabits while sleeping in a natural manner (*with a betrothed slavewoman*) is regarded as one who cohabited with any of the other *arayos* while asleep (*and he is not liable*).

It now emerges that one who, while awake, cohabits in an unnatural way with a betrothed slavewoman is regarded as one who cohabited with any of the other *arayos* while asleep (*and he is not liable*). (11a – 11b)

WE SHALL RETURN TO YOU, ARBA'AH MECHUSREI KAPPARAH