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Avodah Zarah Daf 23

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L’chatchilah and b’Dieved

Ravina says: This is not difficult. One (the Mishna that says we do not give an animal to an idolater shepherd) is lechatchilah (initially), and one (the braisa) is b’dieved (after the fact).

The Gemora asks: How do we know that we indeed differentiate (regarding a valid suspicion) between lechatchilah and b’dieved?

The Gemora answers: There is a Mishna that says that a woman should not be secluded with a gentile, as they are suspected of promiscuity. However, there is another Mishna that states that if a woman is captured by gentiles in order to get a ransom, she remains permitted to her husband. If it was to kill her, she is forbidden. This teaches that although we say that she should not be secluded lechatchilah, we do not say that anything necessarily happened post facto.

The Gemora asks: How do we know this? Perhaps the only reason he does not defile her when he wants to get a ransom is because he thinks the husband will not pay if he does so! The Mishna itself implies this, as it says that if she was kidnapped in order to kill her, she is forbidden to her husband.

Rabbi Pedas says: This is not difficult. The Mishna and braisa are by two different authors. One is Rabbi Eliezer, and one is the Rabbis. The Mishna states regarding a red heifer that Rabbi Eliezer held it could not be bought

from a gentile, while the Chachamim hold it is permitted. It must be that Rabbi Eliezer holds we suspect gentiles of having relations with their animals, while the Chachamim say we do not have this suspicion.

The Gemora asks: How do we know this? Perhaps everybody holds that we do not actually suspect they have relations with their animals. Perhaps Rabbi Eliezer merely holds like Rav Yehudah’s statement in the name of Rav. He says that if someone put a bunch of bags onto a red heifer, he has made it invalid for use as a red heifer. If it was a calf, it cannot be used as an eglah arufah if it walked with these bags (as opposed to the heifer which is made invalid by the placing alone). It may be that Rabbi Eliezer holds we suspect this happened to the red heifer in the gentile’s possession, and the Rabbis say we do not suspect this happened. (However, they possibly both hold that this has nothing to do with suspecting them of having relations with the animal!)

The Gemora answers: It is not logical to assume that Rabbi Eliezer suspects that the gentile will lose so much money (paid for a rare red heifer) in order to gain a small benefit (placing bags on his red heifer).

The Gemora asks: If this is so, why don’t we say that the shepherd will also refrain from having relations with the animal in order to keep his job?

The Gemora answers: This is different, as his desires make him override his financial concerns.



The Gemora asks: How do we know this? Perhaps everybody holds that we do not actually suspect they have relations with their animals. Perhaps Rabbi Eliezer's reasoning is as stated by Shilo's study house. Shilo's study house taught: What is Rabbi Eliezer's reasoning? The verse states, Speak to Bnei Yisroel and they will take (a red heifer). This implies that Jews should take their own red heifer, and not buy one from a gentile.

The Gemora answers: Do not think this is correct, as the end of the braisa states that Rabbi Eliezer used to say that all korbanos cannot be brought from animals acquired from gentiles. If Shilo was right, this would only be correct regarding a red heifer due to the verse above. Why should Rabbi Eliezer hold this way regarding all korbanos?

The Gemora asks: Perhaps the Rabbis only argue on Rabbi Eliezer regarding a red heifer, as it is very expensive (and he will therefore not have relations with it or do work with it as the risk to lose a large amount of money is great). However, regarding other korbanos, perhaps they agree with Rabbi Eliezer!

Additionally, the braisa explicitly says: What did Rabbi Eliezer's friends ask him about this statement? The verse says, All the sheep of Yishmael will be gathered in to you, they will go up on My altar. (This clearly implies that their animals can be used as korbanos.) (23a – 23b)

Unfit for a Korban

[The Gemora starts a new discussion.] They only argue regarding a suspicion of bestiality. However, everyone agrees that if the animal was sodomized, it cannot be brought as a red heifer. This implies that a red heifer is considered a korban, akin to those that go on the altar. If it was just monetary hekdes, does monetary hekdes become invalid because of relations?

The Gemora answers: A red heifer is different, as

the Torah calls it a chatas (the name of a korban).

The Gemora asks: If so, it should be invalid if born through a caesarian! If you will say that it is invalid, why does the braisa state that if someone dedicated his red heifer born through caesarian, that the Rabbis say it is invalid, but Rabbi Shimon says it is valid? If you will say that this is merely Rabbi Shimon's minority opinion, as he says in general that a caesarian is equivalent to a regular birth, didn't Rabbi Yochanan say that Rabbi Shimon admits it cannot be dedicated as a korban (other than a red heifer)?

Rather, the Gemora answers: A red heifer is different. Being that it is invalid if it has a blemish, if it is involved in relations or served as an idol it will also be invalid. This is as the verse says, For their destruction is within them, they have a blemish. Rabbi Yishmael's house taught: Whenever the verse says, "destruction" it refers to illicit relations and idolatry. It indicates illicit relations, as the verse regarding the generation of the flood says, For all flesh has destroyed its way on the land. It refers to idolatry, as the verse says, Lest you destroy, and you will make an image for yourself etc. Therefore we will say that just as a blemish makes a red heifer invalid, so too illicit relations and idolatry make it invalid (based on the verse, For their destruction is within them, they have a blemish, that puts these topics together).

The Gemora discusses the statement of Shilo's study house: What is Rabbi Eliezer's reasoning? The verse states, Speak to Bnei Yisroel and they will take (a red heifer). This implies that Jews should take their own red heifer, and not buy one from a gentile.

The Gemora asks: If this teaching is correct, we should similarly say that the verse, Speak to Bnei Yisroel and they should take for me a donation also implies that it can only be from Bnei Yisroel! The Gemora proves from an incident that this cannot be so. (23b)