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Slavewoman to a Slave

The *Mishna* had stated: If one says to his fellow, “Take this lamb and have your slavewoman sleep with my slave” [Rebbe says: the lamb is not regarded as a harlot’s wage, whereas the Sages say: It is regarded as a harlot’s wage.]

The *Gemora* asks: But isn’t a slavewoman permitted for a slave (and the wage should not be forbidden for the altar)?

Rav Huna answers: The *Mishna* means for himself (which is forbidden), and the reason why it says, ‘my slave’ is because it is a more refined expression to use (rather than stating explicitly ‘the male member’).

The *Gemora* asks: If this is so, what is Rebbe’s reason (to permit the wage)?

Shmuel the son of Rabbi Yitzchak said: The *Mishna* actually means his slave, but it refers to his Hebrew servant.

The *Gemora* asks: But if this is so, what is the Rabbi’s reason, since a slavewoman is permitted for a Hebrew servant?

The *Gemora* answers: The case here is where he does not possess a wife and children, for it has been taught in a *braisa*: If a Hebrew servant does not possess a wife and children (from before entering this servitude), his master cannot hand over a Canaanite slavewoman to him (just as an ordinary Jew is forbidden), but if he possesses a wife and children, his master can hand over a Canaanite slavewoman to him. (30a)

Mishna

And what is meant by the exchange of a dog (that we have ruled above that it is forbidden for the altar)? If one says to his fellow, “Take this lamb in exchange for this dog,” and likewise if partners divided their animals, and one took ten lambs and the other took nine with a dog, the *halachah* is as follows: Those that were taken against the dog are forbidden (for the altar, for the Torah

prohibits animals used in exchange for a dog to be offered on the altar), but those taken with the dog are permitted.

The wage of a dog (if one gave a lamb to his fellow in order to allow him to sodomize his dog) and the exchange of a harlot (if he gave her a lamb in order to acquire her as a slave) are legitimate for the altar, since it says: ‘two,’ but not ‘four.’ [The lamb is forbidden only when it is a harlot’s wage and an exchange for a dog, but not in any other additional cases.]

Their offspring are permitted for the altar, since it says: ‘they,’ implying ‘they,’ but not their offspring. (30a)

Exchange of a Dog

The *Gemora* cites a *braisa* proving from the Scriptural verses that only the exchange for a dog is forbidden for the altar, but not the wage (for copulation) of a dog.

The *Mishna* had stated: If partners divided their animals, and one took [ten lambs and the other took nine with a dog, the *halachah* is as follows: Those that were taken against the dog are forbidden, but those taken with the dog are permitted].

The *Gemora* asks: But why not let him take out one lamb for the dog, and all the remaining lambs should then be permitted? [This is based upon the principle of *bereirah* – retroactive clarification; in this case, it would indicate that the lamb which was removed was the one initially exchanged for the dog.]

The *Gemora* answers: [If they were all of the same value, it would be you said.] We are dealing here, however, where they are not all alike in value, and this dog is equal in value to one lamb plus a little, and this little extends to all. (30a)

Harlotry by Animals

Rava of Parzakaya said to Rav Ashi: From where do we derive that which the Rabbis taught that harlotry (with respect to the wages being forbidden for the altar) does not apply to animals?

He said to him: If that were so, the Torah would not omit to say: The wage of a harlot and a dog (*rather that the wage of a harlot and the exchange of a dog*).

The *Gemora* cites a *braisa* to that same effect, for it says: 'two,' but not 'four.' (30a – 30b)

Offspring of an Animal

Rava said: The offspring of an animal that had been sodomized by a human (*when it was in its mother's womb*) cannot be brought as a sacrifice, as it and its offspring had been sodomized by this man. If an offspring was part of its mother when it gored, it cannot be brought as a sacrifice, as both it and its mother gored. The offspring of an animal which was designated for idolatry or used for idolatry (*while pregnant*) is permitted for the altar. The reason is because its mother was designated for idolatry and its mother was used as such (*but there was no intent to worship its fetus*).

There are those who say that the offspring of an animal which was designated for idolatry or used for idolatry (*while pregnant*) is forbidden for the altar. The reason is because its full appearance (*the animal's swelling*) is welcome to him (*for it is now a bigger sacrifice*).

Rav Achadvoi bar Ammi said in the name of Rav: If one betrothed a woman with the waste of an ox condemned to be stoned (*where the ox is forbidden for benefit*), the *kiddushin* is valid. If one betrothed, however, with the waste of calves designated for idolatry, the *kiddushin* is not valid.

The *Gemora* provides two reasons. Logic tells us so, since for purposes of idol worship, its full appearance is welcome to him (*and therefore its waste is forbidden to him*), whereas in the case of an ox condemned to be stoned, its full appearance is not welcome to him (*and therefore its waste is permitted to him*). An alternative reason is based upon Scripture: With reference to idolatry, whatever comes from it is like it and forbidden; whereas with reference to an ox condemned to be stoned, only its flesh is forbidden, but its waste is permitted. (30b)

Mishna

If a man gave a harlot money, it is permitted (*for purchasing offerings for the altar*). If he gave her wine, oil, flour and anything similar which is offered on the altar, it is forbidden for the altar. If he gave her consecrated items, they are permitted for the altar. If he gave her birds (*of chullin*), they are forbidden.

One might have thought as follows: If in the case of consecrated animals, where a blemish disqualifies them, the law of the harlot's wage and exchange of a dog does not apply to them; so in the case of birds, where a blemish does not disqualify them, is it not all the more reason that the law of the harlot's wage and the exchange of a dog should not apply! It is written: *For any vow, which includes a bird (in these laws)*.

In cases where animals are prohibited from being used as offerings upon the altar (*such as those which were designated to be worshipped, or those that were already worshipped, or any animal that had been sodomized*), their offspring are permissible for that purpose.

Rabbi Eliezer says. The offspring of a *tereifah* may not be offered as a sacrifice upon the altar (*just as the law is regarding a tereifah itself*). Rabbi Chanina ben Antigonus says: A kosher animal which sucked from a *tereifah* is disqualified from the altar. Any consecrated animal which became *tereifah*, one may not consecrate them, since we may not redeem consecrated animals in order to give them to dogs to eat. (30b)

Changes

The *Gemora* cites a *braisa*: If a man gave a harlot wheat as her payment (*which cannot be used for a korban*), and she made them into flour, or olives and she made them into oil, or grapes and she made them into wine, it was taught in one *braisa* that the produce is still forbidden to be used as an offering, whereas it was taught in a different *braisa* that it is permitted. And Rav Yosef said: Guryon of Aspurk learned: Beis Shamai is the one who prohibit the produce (*for a change remains in its place*), whereas Beis Hillel permits it.

The *Gemora* cites the Scriptural sources for both of their opinions.

The *Mishna* had stated: In cases where animals are prohibited from being used as offerings upon the altar (*such as those which were designated to be worshipped, or those that were already worshipped, or any animal that had been sodomized*), their offspring are permissible for that purpose.

Rav said: In cases where animals are prohibited from being used as offerings upon the altar, their offspring are permissible for that purpose. And regarding this a *braisa* was taught that Rabbi Eliezer forbids the offspring as offerings.

Rav Huna bar Chinana said in the name of Rav Nachman: The difference of opinion is regarding the case where the animal became pregnant and then had been sodomized, for Rabbi Eliezer maintains



that the fetus is regarded as the thigh of its mother, and the Rabbis hold that it is not, but where the animal had been sodomized and had then become pregnant, all agree that the offspring are permitted to be used as offerings!

Rava said: The difference of opinion is regarding the case where the animal had been sodomized and had then become pregnant, for Rabbi Eliezer holds that a produce of combined causes (*one forbidden source and one permitted source*) is forbidden, and the Rabbis hold that it is permitted, but when it became pregnant and then sodomized, all agree that the offspring are forbidden to be used as offerings! The *Gemora* cites an alternative version of this argument. (30b)

INSIGHTS TO THE DAF

How do we know to forbid buying a paroches in exchange for a dog?

By: Meoros HaDaf HaYomi

The Torah said, “You shall not bring a prostitute’s fee or the payment for a dog to the house of Hashem” (Devarim 23:19). An ox purchased in exchange for a dog is unfit to be offered as a sacrifice. Also, one mustn’t use the exchange of a dog for any requirement of the Temple, as our *Gemara* explains.

The only Rishon who relates to this prohibition concerning sacred purposes aside from sacrifices and the Temple, is Rabeinu Yerucham (*Chavah, nesiv 23:1*), who asserts that “it is forbidden to make anything from it for a synagogue, such as a *sefer Torah* or a light or oil and the like or anything for a mitzvah” and thus ruled the Remo (*Shulchan Aruch, O.C. 153:21*).

Is it forbidden by the Torah or as a Rabbinical decree? *Magen Avraham* states (*S.K. 46*) that the prohibition is a Rabbinical decree but we must clarify two further points: Whence did Rabeinu Yerucham derive this halachah, not mentioned in the *Gemara*, and is the prohibition *lechatechilah* or *bedi’aved*. In other words, what about a person who observed the mitzvah of the four species with a *lulav* exchanged for a dog? Did he fulfill his obligation?

The author of *Ketzos HaChoshen* explains (in the responsa at the end of *Avnei Miluim, 27*) Rabeinu Yerucham’s statement and solves both questions simultaneously. Rabeinu Yerucham’s source is from the *Gemara* (‘*Avodah Zarah 47a*), which discusses an object that served for idolatry and was later cancelled from that purpose (by a gentile; this is

the only possibility for its *bitul*; see the *Gemara, ibid*), and hence is no longer idolatry. In its present state, it is permitted to derive benefit from the object but still the *Gemara* has a doubt if it worthy to be used for a mitzvah. This *Gemara* is Rabeinu Yerucham’s source, that a despicable object should not be used for a mitzvah.

We proceed to our second question, if this prohibition is *lechatechilah* or *bedi’avad*. Indeed, *Tosfos* explain (‘*Avodah Zarah, ibid*) that the *Gemara*’s doubt is only *lechatechilah* but *bedi’avad* one can observe the mitzvah with an object previously used for idolatry, and so the halachah was ruled (Remo, *O.C. 649:3*). Thus the prohibition learnt from this *Gemara* is only *lechatechilah* (see *Responsa Pri Yitzchak, I, 10*; we should mention that Rabeinu Yerucham’s statement concerns a prostitute’s reward and that the Remo added the payment for a dog).

DAILY MASHAL

Another Wife!?

Rav Nachman bar Yitzchak answers: It means that if he comes into slavery with a wife and child, his master can give him a Canaanite slavewoman (*to have relations with*). Otherwise, he cannot.

The commentators ask: Isn’t this illogical? If he doesn’t have a wife, the master should be able to give him a slavewoman, and if he does have a wife, why should the master give him another wife?

The Daas Zkeinim explains that if he is married to a Jewish woman, he will not be so attracted to the Canaanite slavewoman and will not follow her ways. However, if she is his only wife, he is liable to follow her ways. The Torah did not want this.