

A בס"ד

Intro

Today we will learn בע"ה of דף ס"ג of עבודה זרה  
Some of the topics we will learn about include.

Halachah regarding רבי ינאי's

חליפי שביעית

If one trades Shmittah fruits for regular fruits, the קדושה transfers to the regular fruits.

However,

The קדושה is transferred from one to the other only if at the time of the חליפין both items were existent;

But the קדושה does not transfer to the regular fruits if at the time of the חליפין the original Shmittah fruits were not existent anymore.

The Braisa's corresponding Halachah regarding איסור אתנן

If a זונה was paid for the זנות with a בהמה, this בהמה becomes forbidden to be used for a Korban.

However, the בהמה becomes אסור only if the payment was made at the time of the זנות;

But the בהמה does not become אסור if the payment was made before or after the זנות;

The Braisa's Halachah of

ואם אמר להם

צאו ואכלו ואני פורע

חושש משום שביעית

ומשום מעשר ומשום יין נסך

If a בעל הבית told his non-Jewish workers to go get food and drink, and he will pay the חנוני, the storekeeper, he does need to be concerned that they might obtain forbidden foods, because it is considered that he gave them forbidden foods

And the Gemara offers two approaches in how the בעל הבית acquires the forbidden foods.

A

# חליפי שביעית

## איסור אתנן

### ואם אמר להם

### צאו ואכלו ואני פורע

### צאו ושתו ואני פורע

### חושש משום שביעית

### ומשום מעשר ומשום יין נסך

## 1 So, let's review ...

The Gemara in the previous Daf discussed the Halachah of

אסור לפרוע חובו מפירות שביעית

One is forbidden to pay his debt, or workers, with Shmittah fruits, because the Pasuk states והיתה שבת הארץ לכם לאכלה

לאכלה

ולא לסחורה

Shmittah fruits may be used for consumption only, but not for business.

The Gemara now proceeds with the following incident:

דבי רבי ינאי יזפי פירי שביעית מעניים

ופרעו להו בשמינית

רבי ינאי's family members would borrow Shmittah fruits from the poor before זמן ביעור, and then in the following year, the eighth year, they would repay the poor with regular fruits.

When some questioned this practice before רבי יוחנן, he commented:

יאות הן עבדין

They are permitted to do so.

And, although regarding

חליפי שביעית

חיילא קדושת שביעית

If a person trades produce of Shmittah with regular fruits, the קדושת שביעית transfers from the Shmittah fruits to the regular fruits.

Nevertheless, what they are doing is permitted, because as Rashi explains

כיון דההיא שעתא לא הוה הנך בעין

לאו חליפין נינהו

The קדושה is transferred from one to the other only if at the time of the חליפין both items are existent;

While in our case the קדושה does not transfer to the regular fruits, because at the time of the חליפין the original Shmittah fruits were not existent anymore.

## 1

## אסור לפרוע חובו מפירות שביעית

One is forbidden to pay his debt with Shmittah fruits, because the Pasuk states

**והיתה שבת הארץ לכם לאכלה**

*ולא לסחורה*

Shmittah fruits may be used for consumption only, but not for business.

## דבי רבי ינאי

### זפי פירי שביעית מעניים ופרעו להו בשמינית

רבי ינאי's family members would borrow Shmittah fruits from the poor before זמן ביעור, and then in the following year, the eighth year, they would repay the poor with regular fruits.

*רבי יוחנן*

### יאות הן עבדין

They are permitted to do so.

*And, although regarding*

### חליפי שביעית

### חיילא קדושת שביעית

If a person trades produce of Shmittah with regular fruits, the קדושת שביעית transfers from the Shmittah fruits to the regular fruits.

Nevertheless, what they are doing is permitted,

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The קדושה is transferred from one to the other only if at the time of the חליפין both items are existent;

While in our case the קדושה does not transfer to the regular fruits, because at the time of the חליפין the original Shmittah fruits were not existent anymore.

2 And רבי יוחנן added the following statement:  
 וכנגדן באתנן מותר  
 This concept also applies to the זונה.  
 If a זונה was paid for the זנות with a בהמה, this בהמה becomes forbidden to be used for a Korban. However,  
 וכנגדן באתנן מותר  
 The בהמה becomes אסור only if the payment was made at the time of the זנות;  
 But the בהמה does not become אסור if the payment was made before or after the זנות;  
 As the Braisa states  
 נתן לה ואחר כך בא עליה  
 או בא עליה ואחר כך נתן לה  
 אתננה מותר  
 If the payment was made and the זנות was committed later, or vice versa, the זנות was committed and the payment was made later, the בהמה remains מותר, because as Rashi explains  
 כיון דלאו בשעת ביאה יהביה ניהלה  
 מתנה בעלמא הוא  
 Since he did not give her the בהמה at the time of the זנות, the בהמה is considered merely a gift, and not a חליפין for זנות.

2

**וכנגדן באתנן מותר**  
 This concept also applies to the זונה.  
 If a זונה was paid for the זנות with a בהמה, this בהמה becomes forbidden to be used for a Korban.  
 However,  
**וכנגדן באתנן מותר**  
 The בהמה becomes אסור only if the payment was made at the time of the זנות;  
 But the בהמה does not become אסור if the payment was made before or after the זנות;  
 As the Braisa states  
**נתן לה ואחר כך בא עליה  
 או בא עליה ואחר כך נתן לה  
 אתננה מותר**  
 If the payment was made and the זנות was committed later, or the זנות was committed and payment was made later, the בהמה remains מותר,  
 because as Rashi explains  
 כיון דלאו בשעת ביאה יהביה ניהלה  
 מתנה בעלמא הוא  
 Since he did not give her the בהמה at the time of the זנות, the בהמה is considered merely a gift, and not a חליפין for זנות.

3 The Gemara now elaborates on these two Halachos:  
 1.  
 נתן לה ואחר כך בא עליה  
 אתננה מותר  
 The Gemara asks  
 לכי בא עליה  
 ליחול עלה איסור אתנן למפרע  
 If he gave her the בהמה before the זנות, the בהמה ought to become אסור later, when the זנות is committed, because at the time of זנות, the בהמה becomes a חליפין for the זנות retroactively?  
 As Rashi explains  
 שהרי מתחילה ע"מ ביאה נתנו לה  
 Because the בהמה was initially given as payment for זנות?

3

**נתן לה ואחר כך בא עליה  
 אתננה מותר**

**לכי בא עליה**  
**ליחול עלה איסור אתנן למפרע**  
 If he gave her the בהמה before the זנות, the בהמה ought to become אסור later, when the זנות is committed, because at the time of זנות, the בהמה becomes a חליפין for the זנות retroactively?  
 As Rashi explains  
 שהרי מתחילה ע"מ ביאה נתנו לה  
 Because the בהמה was initially given as payment for זנות?

4 The Gemara explains, that this is a case in which the בעל stipulated to the זונה as follows:  
 להוי גביך עד שעת ביאה  
 ואי מיצטריך לך קני מעכשיו  
 You should acquire the בהמה only after the זנות, but if you need it beforehand, you shall acquire it from now; and then  
 כשקדמה והקריבתו  
 She went ahead and brought the בהמה for a Korban before the זנות;  
 And therefore, the חליפין is not effective, because  
 כי שקלתיה ואקריבתיה  
 הויה לה מתנת חנם  
 Since she already acquired the בהמה beforehand, it was considered a gift and not a חליפין for זנות.  
 However, the Gemara inquires:  
 קדמה והקדישתו מהו  
 What is the Halachah if before the זנות, she only placed the הקדש on the בהמה, but she did not sacrifice it yet and the בהמה was still alive at the time of זנות?

Perhaps the בהמה is מותר because since  
 אמירתו לגבוה כמוסירתו להדיוט  
 כמאן דאקריבתיה דמי  
 If a person consecrates an item to הקדש, the קנין is effective immediately just as if he had transferred the item to a הדיוט.  
 Therefore, in this case, it is considered as if the בהמה was already brought as a Korban.  
 OR  
 The בהמה becomes אסור, because  
 השתא מיהא הא קאי  
 ואיתיה בעיניה  
 The בהמה was still existent at the time of זנות.

תיקו  
 This question remains unresolved.  
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4 This is a case in which the *ב"ב* stipulated to the *זונה* as follows:

**להוי גביך עד שעת ביאה  
 ואי מיצטריך לך קני מעכשיו**

You should acquire the בהמה only after the זנות, but if you need it beforehand, you shall acquire it from now; and then

**כשקדמה והקריבתו**

She went ahead and brought the בהמה for a Korban before the זנות;

And therefore, the חליפין is not effective, because

**כי שקלתיה ואקריבתיה  
 הויה לה מתנת חנם**

Since she already acquired the בהמה beforehand, it was considered a gift and not a חליפין for זנות.



**קדמה והקדישתו מהו**

What is the Halachah if before the זנות, she only placed the הקדש on the בהמה, but she did not sacrifice it yet and the בהמה was still alive at the time of זנות?

*The בהמה becomes אסור, because*

**השתא מיהא  
 הא קאי**

**ואיתיה בעיניה**

*The בהמה was still existent at the time of זנות.*

*Perhaps the בהמה is מותר, because since*

**אמירתו לגבוה  
 כמוסירתו להדיוט**

**כמאן דאקריבתיה דמי**

*If a person consecrates an item to הקדש, the קנין is effective immediately just as if he had transferred the item to a הדיוט.*

*Therefore, in this case, it is considered as if the בהמה was already brought as a Korban.*

**תיקו**

5 The Gemara proceeds with the second Halachah:  
 בא עליה ואחר כך נתן לה  
 אתננה מותר  
 If she received the בהמה after the זנות, the בהמה is מותר.

The Gemara questions this from the following Braisa:  
 בא עליה ואחר כך נתן לה  
 אפילו מכאן עד שלש שנים  
 אתננה אסור  
 Even if she received the בהמה three years after the זנות, the  
 בהמה becomes אסור?

The Gemara answers  
 לא קשיא  
 הא דאמר התבעלי לי בטלה זה  
 הא דאמר לה התבעלי בטלה סתם

The second Braisa is a case of  
 דאמר התבעלי לי בטלה זה  
 The זנות specified a certain בהמה as payment for the זנות.  
 Therefore, אסור and the חליפין was effective because  
 she acquired the בהמה retroactively from the time of זנות;  
 Either through קנין כסף, she provided her services to the  
 בועל, OR through קנין חצר, the בהמה was standing in her  
 yard at the time of זנות.  
 But even so, we consider this לה נתן לה and she  
 did not acquire the בהמה before the זנות, because  
 דשויה ניהלה אפותיקי  
 The בועל places a lien on the בהמה, that if he does not pay  
 her with money, only then does she get the בהמה.

While the first Braisa is a case of  
 דאמר לה התבעלי בטלה סתם  
 The בועל stipulated a בהמה but he did not specify which  
 one. Therefore, אתננה מותר because she acquired the בהמה  
 only after the זנות.  
 =====

5 בא עליה ואחר כך נתן לה  
 אתננה מותר



ברייתא

בא עליה ואחר כך נתן לה  
 אפילו מכאן עד שלש שנים  
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Even if she received the בהמה three years after the זנות,  
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הא דאמר התבעלי לי בטלה זה  
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The בועל places a lien on the בהמה, that if he does not pay  
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התבעלי בטלה סתם

The בועל stipulated a בהמה  
 but he did not specify which one.

Therefore, אתננה מותר because she acquired the בהמה  
 only after the זנות.

6 The Gemara now returns to נאי רבי's Halachah regarding חליפי שביעית  
 The קדושה is transferred from one to the other only if at the time of the חליפין both items were existent;  
 While in our case the קדושה does not transfer to the regular fruits, because at the time of the חליפין the original Shmittah fruits were not existent anymore.

And the Gemara questions this from the following Braisa  
 אומר אדם לחמריו ולפועליו  
 לכו ואכלו בדינר זה צאו ושתו בדינר זה  
 ואינו חושש לא משום שביעית  
 ולא משום מעשר ולא משום יין נסך  
 If a בעל הבית paid a דינר to his non-Jewish workers and told them to go buy food and drink, he does not need to be concerned that they might use his money to buy forbidden foods and it will be considered as if he gave them forbidden foods, because as Rashi explains  
 איהו לא ספי להו מידי  
 אלא פריטי יהיב להו  
 HE did not acquire these foods, but rather he paid them money through which THEY acquired the food.

However,  
 ואם אמר להם  
 צאו ואכלו ואני פורע צאו ושתו ואני פורע  
 חושש משום שביעית  
 ומשום מעשר ומשום יין נסך  
 If the בעל הבית told them to go get food and drink and he will pay the חנוני, the storekeeper, he does need to be concerned that they might obtain forbidden foods and it would be considered as if he gave them forbidden foods;  
 And although later, at the time of his payment to the storekeeper, these foods were no longer existent? Nevertheless, we say  
 כי קא פרע דמי איסור קא פרע  
 The חליפין was effective, and the בעל הבית acquires the forbidden food retroactively.

6  
 רבי ינאי  
**חליפי שביעית**  
 The קדושה is transferred from one to the other only if at the time of the חליפין both items were existent;

?

ברייטא

**אומר אדם לחמריו ולפועליו  
 לכו ואכלו בדינר זה צאו ושתו בדינר זה  
 ואינו חושש לא משום שביעית  
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 If a בעל הבית paid a דינר to his non-Jewish workers and told them to go buy food and drink,  
 he does not need to be concerned that they might use his money to buy forbidden foods and it will be considered as if he gave them forbidden foods,

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 HE did not acquire these foods,  
 but rather he paid them money through which  
 THEY acquired the food.

**ואם אמר להם  
 צאו ואכלו ואני פורע צאו ושתו ואני פורע  
 חושש משום שביעית  
 ומשום מעשר ומשום יין נסך**  
 If the בעל הבית told them to go get food and drink and he will pay the storekeeper,  
 he does need to be concerned that they might obtain forbidden foods and it would be considered as if he gave them forbidden foods;  
 And although later,  
 at the time of his payment to the storekeeper,  
 these foods were no longer existent?  
 Nevertheless, we say  
**כי קא פרע דמי איסור קא פרע**  
 The חליפין was effective, and the בעל הבית acquires the forbidden food retroactively.



7 And accordingly, the Gemara asks regarding רבי ינאי כי קא פרע, דמי איסורא קא פרע They were not permitted to repay with regular fruits in the following year, because the חליפין was effective, and the קדושה transfers to the regular fruits.

The Gemara offers two answers:

1.

Either the Braisa refers to

כגון שהקדים לו דינר

The חנוני prepaid a דינר to the בעל הבית and therefore חושש משום שביעיה because

מדבעל הבית קאכלי ואיסורא דידיה הוא

The חנוני acquired the forbidden foods, because at the time of his payment the forbidden foods were still existent and the חליפין was effective.

Accordingly, the Braisa must be amended from

צאו ואני פורע

To

צאו ואני מחשב

I will deduct the costs from my pre-payment.

2.

OR the Braisa refers to

כגון שנטל ונתן ביד

The חנוני took the food from the בעל הבית and gave it to his workers; in which case, he acquired the foods through משיכה, not through his future payment.

Accordingly, the Braisa must be amended from

צאו ואכלו

To instead

טלו ואכלו

Take the food and eat.

However, in the case of רבי ינאי, they were permitted to repay with regular fruits in the following year, because there was no prepayment and no משיכה and the חליפין was not effective.

Therefore, the קדושה did not transfer to the regular fruits.

7

?

And accordingly, the Gemara asks regarding רבי ינאי

כי קא פרע, דמי איסורא קא פרע

They were not permitted to repay with regular fruits the following year, because the חליפין was effective, and the קדושה transfers to the regular fruits.

1

The Braisa refers to

כגון שהקדים לו דינר

The חנוני prepaid a דינר to the בעל הבית, and therefore חושש משום שביעיה because

מדבעל הבית קאכלי

ואיסורא דידיה הוא

The חנוני acquired the forbidden foods, because at the time of his payment the forbidden foods were still existent and the חליפין was effective.

Accordingly, the Braisa must be amended from

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I will deduct the costs from my pre-payment.

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The Braisa refers to

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The חנוני took the food from the בעל הבית and gave it to his workers; in which case, he acquired the foods through משיכה, not through his future payment.

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