

31.9.3

55b → (משנה ג) 56b (והאי לאו זרעיה הוא)

1. מִלֹּאֲתָהּ וְדִמְעָהּ לֹא תֵּאָחֵר בְּכוֹר בְּנִידָהּ תִּתֵּן לִי: שְׁמוֹת כֶּבֶד, כֹּחַ
2. כֵּן תַּעֲשֶׂה לְשֹׂרֶךְ לְצֹאֵגָה שִׁבְעַת יָמִים יִהְיֶה עִם אִמּוֹ בַּיּוֹם הַשְּׁמִינִי תִּתְּנוּ לִי: שְׁמוֹת כֶּבֶד, כֹּחַ
3. לֹא תָבִיא אֶתֶּנָּה זֹנָה וּמַחִיר קֶלֶב בֵּית ה' אֱלֹהֶיךָ לְכָל נָדָר כִּי תִּוְעֶבֶת ה' אֱלֹהֶיךָ גַּם שְׁנֵיהֶם: דְּבָרִים כֹּחַ, יֵט
4. וְלֹא יִחַלֵּל זֶרְעוֹ בְּעַמּוֹ כִּי אֲנִי ה' מְקַדְּשׁוֹ: וַיִּקְרָא כֹהֵן, טו
5. וְאֵת זָכָר לֹא תִשְׁכַּב מִשְׁכַּבִּי אִשָּׁה תִּוְעֶבֶת הוּא: וַיִּקְרָא יֵח, כֶּב

I לקוח: exemption of משנה ג

a if: the animal was bought or given to him as a present – exempt from מע"ב

b source: v. 1 – compares בכור בהמה טהורה to בכור אדם

i just as: sons aren't bought or given as present – so too בכור בהמה must be "his own"

1 but: this can't really apply to בכור, which has no עשייה ("כן תעשה"), since it is קדוש ברחם

2 therefore: we apply it to מע"ב

(a) and not: applied to חטאת ואשם; must be similar to בנק – which isn't קדוש/נפדה due to חטא

(b) and not: applied to עולה ושלמים; must be similar to בנק – which isn't voluntarily sanctified

(c) and not: applied to עולת ראיה; must be similar to בנק, who has no set time

3 challenge: just as בנק cannot be, in any manner, associated with a transaction; so too with מע"ב

(a) however: ר' יוחנן ruled that if you buy 10 animals in utero, they all go into the corral for מע"ב

(b) answer (ר"א, as well as רבא): v. 1 – "תעשה" – only at point of עשייה (counting) does the limitation of לקוח apply

(i) challenge (ר' שמעון בן אליקים לר"א): ruling that לקוח applies even to זמן מחוסר זמן (animal <8 days old)

(ii) answer: that is an errant transmission; if it is correct, attribute it to ר"ש בן יהודה בשם ר"ש

(iii) ר"ש זמן מחוסר זמן: just like בכור

1. just as: בכור is קדוש (at birth) before it may be brought, but is only offered after day 7

2. so too: מע"ב can enter the corral and be marked early, but only offered after day 7

ii related ruling: תנא taught before רב – זונה – (v. 3) which enters the דיר – if he gave it to the זונה then bought it back

1 challenge: it should be excluded as a לקוח

2 block: challenger forgot ruling of ר' יוחנן (above) – if he bought animal in utero, it is included in מע"ב

(a) (note: in other words, the אתנן may have been in utero the whole time)

(b) challenge: why require that he buy it back? She could bring it into her corral

(i) answer: the זונה isn't ישראלית

(ii) challenge: why doesn't the תנא define the case as a זונה ישראלית – and she puts it into her corral

1. answer: per אב"י – זונה only applies to גויה → כהן who has ביאה with her doesn't violate v. 4

2. but: זונה ישראלית doesn't fit criteria for אתנן → כהן who has ביאה with her does violate v. 4

a. source: תועבה::תועבה (vv. 3::5) from עריות; עריות are all relationships where קידושין cannot occur

b. therefore: only applies to גויה

c. and: כהן who has relations with her doesn't violate v. 4, as it must be his "seed" that is מחולל

i. and: any child he has with a זונה isn't his "seed" (no חיים)