



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Avodah Zarah Daf Samach Beis

PEREK HASOCHER ES HAPEOL -- PEREK CHAMISHI

MISHNA

- If a goy hired a Yid to do work with his yayin nesech (to pour from one keili to another, or to transport barrels of wine actually offered to avoda zara), the wages are assur b'hana'ah. If he hired him to do other work, then even if the goy then told him to transport a barrel of yayin nesech for him, the wages would be mutar.
- If a goy rented the donkey of a Yid to transport yayin nesech, the fee received is assur. If he rented it to ride on it, but then transported yayin nesech with it, the fee would be mutar.

GEMARA

- **Q:** Why is it that the wages are assur b'hana'ah? You can't say it is because the wine itself is assur b'hana'ah, because orlah and klayim are also assur b'hana'ah, and yet a Mishna says that if one sold orlah or klayim and then was mekadesh a woman with that money, the kiddushin would be valid!? You also can't say that since the money from a sale of yayin nesech is assur b'hana'ah, just like the money earned from the sale of an avoda zara itself, therefore the wages are assur, because the money from sale of shmitta produce is assur, and yet the wages for working a field during shmitta is not assur!? **A: R' Avahu in the name of R' Yochanan** said, the **Rabanan** instituted a knas on donkey drivers and on those who work with yayin nesech.
 - **Q:** The case of those who work with yayin nesech is the subject of our Mishna. What is the knas on donkey drivers? **A:** There is a Braisa that says that the wages of the donkey drivers who work with shmitta produce are shmitta. **Rava** explained this to mean that the wages given to them take on the restrictive status of shmitta produce. Although a Mishna says that the wages of a worker who worked a field during shmitta do not have the status of shmitta, that is because wages of a worker are small compared to the fee of a donkey driver, and therefore the **Rabanan** only levied a knas on the donkey driver. This is the knas that is referred to by **R' Yochanan**.
 - The reason the knas was levied on the wages of a worker who worked with yayin nesech is due to the severe stringency of yayin nesech, which the **Rabanan** felt required them to levy a knas even there as well.
- **Q:** What is the status of wages of a worker who worked with the regular wine of a goy (it was not known to be offered to avoda zara)? Do we say that since the issur on such wine is as stringent as the issur on yayin nesech, the wages earned from this work is likewise assur, or do we say that since their regular wine is not given the status of tumas meis, although true yayin nesech is given that status of tumah, maybe the wages do not become assur? **A:** There was an incident where a person rented his boat for transport of the regular wine of a goy and he was paid with wheat. **R' Chisda** told him the wheat must be burned and the ashes buried. We see the fee was assur b'hana'ah like the fee for true yayin nesech.
 - **Q:** Why couldn't **R' Chisda** tell him to simply scatter the wheat (why the need to burn it)? **A:** He was concerned that people who didn't know it was assur would gather the wheat and benefit from it.
 - **Q:** Why couldn't he tell him to burn it and scatter the ashes? Why did he have to bury the ashes? **A:** He was concerned that people would fertilize their fields with those ashes.
 - **Q:** Why couldn't he tell him to simply bury the wheat without burning it? A Braisa says that the items used by Beis Din to carry out the death penalty (and which are assur b'hana'ah) are buried along with the

person put to death. We see that we are not concerned that a buried item that is assur b'hana'ah will be dug up and used!? **A:** In that Braisa the items are buried in the cemetery where Beis Din buries the people who have been put to death. Therefore, all will know that these items are assur b'hana'ah. In our case, if a person finds buried wheat he will think that a person must have stolen the wheat and buried it there to hide it. Therefore, he will not know it is assur b'hana'ah and the only way to make sure that noone will benefit from this wheat is to have it burned and then bury the ashes.

- The household of **R' Yannai** would borrow the produce of shmitta from poor people (this was done before the time of "bi'ur", and the produce was therefore still legally owned by their poor owners) and would pay them back in the 8th year, with produce that was not of shmitta (this benefitted the poor people by getting useable produce in exchange for their soon-to-be unusable produce of shmitta). People went to **R' Yochanan** and told him what was being done. **R' Yochanan** said this "exchange" was done properly (because the repayment was done at a time when the shmitta produce no longer existed, and therefore it is not viewed as a true "exchange" for shmitta produce). He then said that the same would hold true for the payment for a zonah, that if the payment was not given at the time of the zenus, but was rather given at a later time, if payment was given in the form of an animal, the animal would be mutar to be brought on the Mizbe'ach. We see this from a Braisa that says that if payment is given to a zonah but he was not mezaneh with her, or if he was mezaneh with her but payment was not given, it may be used for a korbon on the Mizbe'ach. Now this can't be understood literally, because in the first case why would we think it is assur, and in the second case there is no payment that was even given! Rather, the Braisa must mean that if payment was given *before* he was mezaneh with her or *after* he was mezaneh with her, the payment (if it is an animal) may even be offered on the Mizbe'ach.
 - **Q:** In the first case of the Braisa why don't we say that when he is eventually mezaneh with her the payment gets the status of "payment for a zonah" retroactively? **A:** **R' Elazar** said, the Braisa is discussing a case where she went and offered the animal as a korbon before the zenus actually took place.
 - **Q:** What is the case? If he had told her to be koneh the animal at the time he gave it to her, then it is obvious that it is mutar to be brought, because at that time there was no issur associated with that animal! If he didn't tell her to be koneh then, then she does not own the animal and a pasuk teaches that one can only be makdish something that he owns!? **A:** The case is that he told her to hold onto the animal until the act of zenus takes place, but that if she needs it she can be koneh it. We would think that since there is a clear connection to the zenus, it would be assur to be brought as a korbon. The Braisa therefore teaches that it can still be brought as a korbon if it is brought before the act of zenus takes place.