

14.3.6

35b → 36b (זיופי זייף וכתב) → 36b (א"ל רב חייא לרבא)



Note: in *יד. 1.* *ר' יצחק, מכות יד.* is reported to hold that *מלקות כרייתות* do not get *חייבי כריתות*

- I Continuation of analysis of model of *בהמה* to teach that *מכה אדם* must include *מכה אדם* – just as *מכה אדם* must include *מכה אדם*; and if there was *התראה*, why would *בהמה* pay? → rather, the case is *בחול*
 - a *Challenge*: perhaps the index verse refers to damages on *שבת* – which are not paid due to *מ"מ*
 - b *Defense*: cannot be, since v. 1 pairs *מכה אדם*: *מכה בהמה* – just as *מכה אדם* must include *מכה אדם*; and if there was *התראה*, why would *בהמה* pay? → rather, the case is *בחול*
 - c *Observations*:
 - i *ר' יוחנן* (w/o *התראה*, no exemption) must accept *קנס* (in cases of *רבה* (in cases of *קנס*, the death penalty doesn't exempt) must accept *קנס* (w/o *התראה*, no exemption)
 - 1 *Argument*: otherwise, our *משנה* wouldn't fit *ר"מ* (should be listed), *ר' נחוניא ב"ה* (אחותו) or *ר' יצחק* (ממזרת) *ר' יצחק* (ממזרת) *ר' יצחק* (ממזרת) *ר' יצחק* (ממזרת)
 - ii *ר' יצחק* would see disputant of *ר' נחוניא ב"ה* (in *שבועות*) as either *ר"מ* or *ר' יצחק*
- II *קנס* with list of exceptions to *ברייתא*
 - a *עריות ושניות*
 - i *שמעון התימני* follows *חייבי לאוין* (→ *קנס*) *חייבי לאוין* (→ *קנס*) follows *שמעון התימני* *חייבי לאוין* (→ *קנס*) follows *שמעון התימני*
 - ii *ר' שמעון בן מנסיא* follows *חייבי לאוין* – *חייבי לאוין* – follows *ר' שמעון בן מנסיא*
 - b *ממאנת*
 - i follows *רבנן דר"מ* who otherwise grant *קנס* to a *קטנה*
 - ii But (c) follows *ר"מ*, since she never had *עריות*
 - 1 *Challenge*: is (b) *ר"מ* and (c) *רבנן*?
 - 2 *Answer1*: *ר"מ* agrees with *ר' יהודה* – a *נערה* may perform *מיאון* (→ the *ממאנת* excluded is a *נערה*)
 - 3 *Rejected*: *ר"מ* explicitly disagrees with *ר' יהודה* about age of *מאון*
 - 4 *Answer2*: *ר' יהודה* agrees with *ר"מ* about *קטנה* – but extends *מאון* until *נערות*
 - 5 *Challenge*: ruling should be credited to both of them
 - 6 *Answer3*: the *תנא* accepts *ר"מ vis-à-vis* *קנס* *לקטנה*, not about age of *מאון*
 - 7 *Answer4*: *ממאנת* means "someone of the age of *מאון*" and merely excludes *קטנות*
 - c *איילונית*
 - i *challenge*: ruling to the contrary
 - ii *answer*: *ר"מ רבנן*
 - iii *Question*: that was so obvious, why bring the challenge?
 - iv *Answer*: to raise another contradiction – whether *חרשת* and *שוטה* have *בתולים*
 - 1 *Answer*: *ר"ג* (no claim) v. *ר' יהושע* (claim of *בתולים*)
 - 2 *Challenge*: *ר"ג* only grants her credibility when she makes such a claim – not automatically exempting her from the accusation
 - 3 *Answer*: since she would be believed, we claim it for her, following v. 2
 - 4 *Tangential problem*: in that *ברייתא*, ruling that *בוגרת* has no *בתולים*
 - (a) *Challenge*: a *בוגרת* is given the 1st night (i.e. any *דם* is assumed to be *בתולים*)
 - (i) *Ergo*: she has *בתולים* *דם*
 - (b) *Answer*: if the claim is *דמים*, that's valid; there is **no** claim of *פתח פתוח*, however
 - 5 *Tangent*: in *ברייתא*, *ר"מ* rules that a blind girl has no *בתולים*
 - (a) *Reason*: if she gets hurt, she doesn't know to show her mother, hence no information to *חתן*
 - d *שם רע* – i.e. someone who is the object of *שם רע* when she was young
 - i *Application*: a *שטר* which has been challenged may not be used for collection
 - 1 *Specifics*: rumored to be forged
 - 2 *Challenge*: in parallel case, we don't invalidate a girl who is the object of rumors
 - 3 *Correction*: if 2 witnesses testify that she propositioned them
 - 4 *Parallel*: if 2 witnesses testify that the man asked them to forge a *שטר*
 - (a) *Reason*: once he's looking for forgers, he'll find them and this *שטר* may be forged