23.6.3; 44b (משנה ג') $\rightarrow 45b$ (נותן על שמאלו ויוצא)

- משנה ג' enext steps of קילה; when he is אמות away from בית הסקילה, they would strip the convict of his clothes
 - a Distinction (י יהודה): a man is left with a loin-cloth in front; a woman in front and in back
 - i Dissent (תכמים): a man is stoned while naked, but not a woman
 - b ברייתא explicates their positions;
 - i Sources: אותו v. 1 אותו w/o his clothes, but not אותה (can't mean that she isn't stoned viz. v. 2)
 - 1 אותה both אותה and אותה w/o clothes
 - c implication ר' יהודה 'i isn't concerned with הרהור (of onlookers); מרבנן are concerned
 - i Challenge: in re: סוטה, they take opposite positions re: tearing off clothes of attractive סוטה
 - 1 Resolution: in re: סוטה, she may be exculpated and the young הנים will harass her (not possible here)
 - יוטה: הבנן, the purpose is to debase her (v. 3); here, there is no greater debasement than death
 - (a) Should one suggest: that we do both v. 4 (as per '') militates against an overly cruel death
 - (i) Note: all agree with רבנן י יהודה a quick death is kinder רבנן prefer a dignified death
- II משנה process of מית הסקילה: מקילה: was two "stories" high (+his own height = he would fall 3 "stories")
 - a Even though: 10 מפחים is a "killer height" (נזיקין) as per v. 4, we want death to be quicker;
 - i But: we don't drop him from higher, so as not to unnecessarily mutilate the body
 - שרים Process: one of the עדים would push him off, on his back
 - i If: he turned over (facing up), he would be turned back
 - ii If: he died in this manner, יצא ידי חובת סקילה
 - If not: the other עד would take the (prepared) stone and throw it on his chest
 - (a) Challenge: the prepared rock was a burden of two men
 - (i) Embedded challenge: the rock (or any other implement) used for execution was buried near him
 - (ii) Answer: they would prepare another for each execution
 - (b) Answer: they help him lift it up but he throws it down alone to generate more power and direction
 - 2. If: this kills him, fine; if not, the rest of the people would stone him, all of this as per v. 5
 - (i) Note: it was never needed, but this is the הלכה
 - Source: for entire process (as per ברייתא) v. 6, which presents סקילה, then סקילה
 - (a) And: allows for החייה to be sufficient (ירה יירה) and mandates this for generations (סקול ייסקל)
- III Tangential discussion re: literalism in interpreting instruction
 - a שמואל: if the עדים had their hands amputated (after testimony) he is exempt as per v. 5
 - i Challenge: if so, why not exempt someone with witnesses who are amputees (beforehand)
 - 1 Answer: v. 5 implies that they had hands at time of עדות
 - ii Challenge: if 2 testify that 'ש was convicted in ב"ד, he is killed (even though original עדים aren't there to participate)
 - 1 Answer: when the same witnesses testify again
 - ii Challenge: we don't require stipulated execution, as per v. 7
 - 1 Answer: that is unique, as מות יומת extends to allowing any form of killing the murderer
 - (a) Question: why not use this as a model
 - (b) Answer: because murder and גואל (v. 8) are אין מלמדין \rightarrow שני כתובים הבאים שני מלמדין
 - 2 Challenge: in re: בן סורר ומורה, we require exact conditions of text (v. 9)
 - (a) Answer: all of those phrases are superfluous and there to limit (not mute, lame, blind etc.)
 - איר הנדחת וf we may construct a plaza to fulfill רחובה איר וויע/ר"י if we may construct a plaza to fulfill רחובה
 - (a) Explanation: they agree that we need to literally fulfill text dispute as to meaning of רחובה
 - 4 Note: this question is subject to dispute among טהרת מצורע in re: טהרת מצורע
 - (a) מהנר if he is missing a right thumb etc. can never become טהור
 - (b) דם הצפור on the spot where his thumb would be (ד"ש on left side)