

23.7.1; 49b (משנה א') → 50b (וזוממי ארוסה בת כהן בכלל זוממי ארוסה בת ישראל)

1. וְקָרְאוּ לוֹ זִקְנֵי עִירוֹ וְדָבְרוּ אֵלָיו וְעָמְדוּ וְאָמְרוּ לֹא חִפְזָתִי לְקַחְתָּהּ: דְּבָרִים כֹּה, ח
2. וְאִם לֹא יִחַפֵּץ הָאִישׁ לְקַחַת אֶת יְבִמְתּוֹ וְעֵלְתָהּ בְּמִתּוֹ הַשְּׁעָרָה אֶל הַזִּקְנִים וְאָמְרָה מֵאֵן יְבָמִי לְהִקִּים לְאֶחָיו שֵׁם בְּיִשְׂרָאֵל לֹא אָבָה: יְבָמִי: דְּבָרִים כֹּה, ז

- I – סקילה, שריפה, הרג, חנק – משנה א'
- a שריפה, סקילה, חנק, הרג – ר"ש: *Dissent*
- II *Rhetorical analysis*: הונא – רב הונא presents an enumerated list, the sequence is incidental, except for 1: טו
- a ר' פפא סבא (רב) (quoting ר' פפא סבא)
- i *Defense*: הונא ר' wasn't discussing a משנה involving dispute (significance of sequence is obvious from dispute)
- b סדר יום הכפורים – ר' פפא
- i *Defense*: that is due to the חומרא of the day, not inherent value of one act over another
- c סדר התמיד – ר' הונא בריה דר"י
- i *Defense*: that is only לכתחילה
- d *Conclusion*: הונא ר' intended only to counter position which reads סדר חליצה as indispensable (vv. 1-2)
- i *And*: to counter assumption that כותנת is put on first; מכניסיים go on first, but כותנת is mentioned first (as it is in מקרא) because of its significance as a בגד (covers entire body)
- III *Analysis of the dispute*
- a Rationale behind יחמיים's gradation:
- i סקילה is more severe than שריפה, as it is given to עובד ע"ז and מקלל – who challenged the basic tenets
- 1 *Counter*: perhaps שריפה is most severe, as it is given to בת כהן שזינתא – who defiled her father
- 2 *Response*: instigator (who gets סקילה) is more critical than followers (ריבון); ארוסה gets the (usual) סקילה
(a) *Therefore*: since the ארוסה singled out תורה for סקילה → must be more severe
- ii סקילה is more severe than (הרג) סייף, as it is given to מקלל etc.
- 1 *Counter*: perhaps סייף is more severe, as it is given to אנשי עיר הנדחת, whose property is forfeit
- 2 *Response*: instigator (who gets סקילה) is more critical than followers (סייף)
- iii סקילה is more severe than חנק, as above
- 1 *Counter*: perhaps חנק is more severe, as it is given to one who strikes parents, whose honor is compared to ה' חמור סקילה → סקילה
- 2 *Response*: since ארוסה who has affair, instead of getting חנק, she gets סקילה → סקילה
- iv שריפה is more severe than סייף, as it is given to בת כהן – who defiled her father
- 1 *Counter*: perhaps סייף is more severe, as it is given to אנשי עיר הנדחת whose property is forfeit
- 2 *Response*: since in both cases of adultery (כהן and ארוסה), it states אביה – both are the severest מיתות
- v שריפה is more severe than חנק, as it is given to כהן שזינתא as above
- 1 *Counter*: perhaps חנק is more severe, as it is given to one who strikes parents etc.
- 2 *Response*: since a married בת כהן is singled out away from חנק to שריפה → more severe
- vi סייף is more severe than חנק, as it is given to אנשי עיר הנדחת, whose property is forfeit
- 1 *Counter*: perhaps חנק is more severe, as it is given to one who strikes parents etc.
- 2 *Response*: אנשי עיר הנדחת is still a direct affront to ה'
- b Rationale behind ר"ש's gradation:
- i שריפה is more severe than סקילה as it is given to בת כהן שזינתא (even if ארוסה) who defiles her father
- 1 *Counter*: סקילה is more severe as it is given to עובד ע"ז who defy basic tenet
- 2 *Response*: since an ארוסה בת כהן was singled out, away from סקילה to שריפה → שריפה is more severe
- ii שריפה is more severe than חנק, as it is given to בת כהן, who defiles her father (rest follows [a (v)] above)
- iii שריפה is more severe than סייף, as it is given to בת כהן etc.
- 1 *Counter*: perhaps סייף is more severe, as it is given to אנשי עיר הנדחת, as above
- 2 *Responses*: the instigator is worse than the followers, and סייף > חנק and סייף > חנק – if סייף > חנק
- iv סקילה is more severe than חנק (rest of argument follows [a (iii)] above)
- v סייף > סקילה → סייף > חנק > סקילה: ק"ו + (rest of argument follows [a (ii)] above)
- vi סייף is more severe than חנק, as it is given to one who strikes parents etc.
- 1 *Counter*: סייף is more severe as it is given to אנשי עיר הנדחת, whose property is forfeit
- 2 *Response*: instigator is more severe, and ר"ש holds that חנק gets מדיח
- IV יוחנן ר"ש "motto" – if she had the affair with her father – same dispute, as she will get more severe of 2 מיתות
- a *Therefore*: if she had the affair with her father – same dispute, as she will get more severe of 2 מיתות
- i ר"ש's reasoning: בת כהן was included in both consequences (סקילה/חנק) and was singled out for both – שריפה (להחמיר) שריפה – (חנק/סקילה) ישראל (ישראל) are not singled out for שריפה, and receive same as if she were ישראל
- 1 *But*: עדים זוממים are not singled out for שריפה, and receive same as if she were ישראל