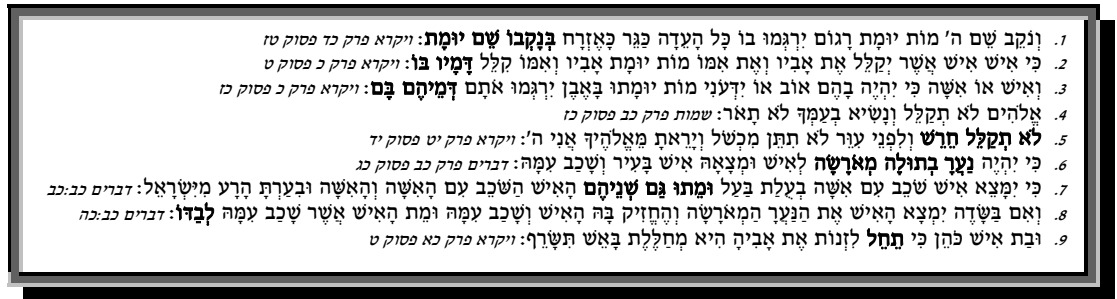


23.7.15

66a (משנה ח) → 67a (סטת דא מבעלה)



- I מקלל אב ואם parameters of משנה 2ח
- a **שם ה'**: only liable if he uses **חכמים**
- i *Identity of חכמים*: בר יוסי who infers from v.1 that **בשם ה'** מקלל אביו ואמו must be **שם ה'**
- b כנוי **ר"מ**: even liable if he uses **ר"מ**
- c **ברייתא**: interpreting v. 2:
- i **טומטום ואנרוגינוס**, extends to daughters – **איש איש**
- ii **כי יקלל אביו ואמו**
- 1 **ר' יאשיה**: implies that he must curse both together; but as per end of פסוק, even if he curses just one
- 2 **ר' יונתן** implies together and independently -
- iii **מות יומת** – בסקילה – as per **דמי בו** (compare with v. 3)
- iv **אזהרה** – v. 4:
- 1 *If*: father was a **דיין**, covered under **אלהים**
- 2 *If*: father was a **נשיא**, covered under **בעמך**
- 3 *If*: father was neither, **דיין ונשיא בנין אב** from both generates:
- (a) *you are obligated to abide his rulings* (but not commands – i.e. not to rebel)
- (b) *you are obligated to obey his commands* (but not rulings)
- (c) *Challenge*: their common denominator is their elevated status
- (i) *Retort*: **חרש** (v. 5) disproves that, as he is lowly
- (ii) *Challenge*: in that case, it is his deafness that generated the **איסור**
1. *Common denominator*: they are members of the nation and we aren't allowed to curse them
2. *Challenge*: **נשיא** and **דיין**, **חרש** are all unusual
3. *Answer*: **חרש+נשיא** of **צד השווה** in v. 4 is now unneeded (**דיין** could be inferred from **השווה**)
4. *Therefore*: if it isn't needed for itself, apply it to **אביו ואמו**
- a. *Note*: all of this only works if we interpret **אלהים** in v. 4 as **חול** as per **ישמעאל** (contra **ר"ע**)
- b. *And*: **ראב"י** – v. 4 is **אזהרה** against cursing **ה'**
- c. *Block*: perhaps all agree; according to **ר' ישמעאל**, we apply **קודש** to **ר"ע**; to **חול**, we apply **קודש** →
- i. *Challenge*: perhaps the **תורה** only warned us against **קודש**
- ii. *Defense*: if so, the **תורה** could have written **לא תקלל**; **לא תקלל** – teaching both
- II **משנה ט** (בסקילה) נערה המאורסה: only liable (for סקילה) if she is a נערה, a בתולה, betrothed and still living in father's home
- a *If*: two had relations with her, the first gets סקילה, the second gets חנק
- b **ברייתא**: interpretation of v. 6
- i **בוגרת**: נערה
- ii **בעולה**: בתולה
- iii **מאורסה**: not married
- iv **בבית אביה**: and not someone whose father already handed her over to agents of the **בעל** (for marriage)
- 1 *Note* (**ר"ב**): our משנה follows **ר"מ**; **חכמים** extend the rule of נערה to a קטנה
- (a) *Challenge* (**ר' אחא מדיפתי לרבינא**): perhaps our משנה includes קטנה and follows **חכמים**, excluding only בוגרת?
- (b) *Answer*: language of משנה – נערה – implies that קטנה is excluded

- 2 Question (רב ר' יעקב בר אדא): according to ר"מ, what are the consequences of ביאה עם קטנה מאורסה –
- (a) Does he: completely exclude her from the law, or just from סקילה?
- (b) Answer: likely only excludes from סקילה
- (i) Challenge: v. 7 implies that they must both be in the same category (of חיוב רב) – רב was silent
- (ii) Challenge (to his silence): he should have responded with v. 8
1. Note: this is a מחלוקת תנאים:
- a. ד' יאשיה v. 7 determines – they must be equally of a liable status
- b. ד' יונתן v. 8 determines – he may be killed without her being of a liable status
2. And: he interprets v. 7 as excluding “מעשה חידודים” (without ביאה); ר' יאשיה discounts as “nothing”
- a. and ר' יאשיה interprets v. 8 as per רבי's ruling
- i. if 10 had ביאה with her but she's a בתולה (שלא כדרכה) בתולה
- ii. חנק חכמים all get סקילה רבי – first gets סקילה, the rest get חנק
- 3 Revisiting רבי's ruling: he interprets v. 9 as “תחילה” and compares with v. 8
- (a) Explanation (ר' הונא בריה דר' י): he holds like ר"י – only כהן ארוסה בת כהן ארוסה gets שריפה, not a married בתכהן
- (i) Meaning: if this is her first ביאה and it was זנות – שריפה – else – חנק
- (ii) Comparison: just as there it refers to her first ביאה, so too here
- (b) Challenge (per ר' יוסף רבי): רבי holds like ר"מ – if she marries a פסול, she gets חנק
- (i) Meaning: if this is her first זנות (as opposed to her ביאה with פסולים) → שריפה; else – חנק
- (ii) Comparison: just a mnemonic – in both cases, it was her first illicit ביאה
- III יו משנה: parameters of מסית
- a מסית – is a regular citizen; not a נביא לע"ז who gets חנק; and only one who instigates individuals – not רבים (מדיח)
- i Implication: someone who seduces the many gets חנק
- b He says: there is ע"ז in such-and-such a place, this is how it eats etc.
- c Contrasts: for all other מיתות חייבי מיתות, we don't hide witnesses to catch him, except for מסית
- i If: he told two people – they are the witnesses (i.e. don't need התראה)
- ii If: he told one – that one may tell him that he has friends who are also interested (to get עדים)
- 1 But: if he was clever and wouldn't speak in front of them, we hide witnesses behind a fence and the “seduced” asks him to repeat what he told him. The target must then ask him: “how can we leave our God to worship trees and stones”? If the מסית recants – all is well. I, however, he insists that this is our obligation, the ones hiding behind the fence bring him to ב"ד, and stone him.
- d Reactions that generate liability: if the listener says “I will worship”, “I will go and worship”, “we will go and worship”
- i Or: the same with “slaughter”, “burn/smoke”, “libate” and “prostrate”
- e Analysis:
- i ר"ש follows רישא:
- 1 (ר"ש) חנק (חכמים) סקילה – מדיח is נביא if א גרייתא
- (a) And: if one is מדיח the many – סקילה (חכמים) חנק (ר"ש)
- ii (מדיחי עיר הנדחת) follows רבנן: mentions “נלך ונעבוד” – so it refers to one who seduces a city סיפא
- iii Answer1 (רבינא): its all רבנן – רישא teaches that seducing the individual is included; סיפא expands to רבים
- iv Answer2 (ר' פפא): רישא calls him a הדיוט to justify “hiding witnesses” – he's a “low person”
- 1 Description: of hiding witnesses
- 2 Story: about בן סטדא etc. – see uncensored version below:

וכן עשו לבן סטדא בלוד ותלאוהו בערב הפסח בן סטדא בן פנדירא הוא
אמר רב חסדא בעל סטדא בועל פנדירא בעל פפוס בן יהודה הוא אלא אמו
סטדא אמו מרים מגדלא נשיא הואי כדאמרי בפומבדיתא סתת דא מבעלה