24.3.2

14b (משנה ב') וטמא שאכל את הקודש)  $oldsymbol{ o}$  16a (הא דידיה הר דרביה)

- - I משנה בידי שמים continuation of list of חייבי מכות, including משנה בידי שמים
    - a כריתות:
      - i טמא who ate קודש or went into the מקדש (2) as per vv. 1-3
        - 1 but the אזהרה for טמא שאכל is unclear
          - (a) ר"ל: v.4
          - (b) טומאתו::טומאתו :: inferred via טמא שאכל את הקדש (vv.1,3); just as v. 1 includes אזהרה, so too with טמא שאכל את
            - (i) ר"ל: doesn't have tradition of גז"ש;
            - (ii) יוחנן: v. 4 refers to prohibition of טמא touching תרומה
              - 1. יר"ל: infers that prohibition from v. 5 (applies to תרומה which is equal to all זרע אהרן
              - 2. יוחנן: that is for prohibition of eating, v. 4 is for prohibition of touching
          - (c) Challenge: ר"ל reads v. 4 as a source for מכות for a שנגע בקדש no חכות חרר יוחנן) טמא שנגע בקדש
            - (i) Answer: he infers that from use of מקדש juxtaposition to מקדש (v. 4) אזהרה for eating בטומאה for eating מעומאה
          - (d) Challenge: ר"ל also reads v. 4 as a source for טמא for a שמא who ate קדש before ר"ל no מכות no מכות
            - (i) אייחנן only applies after זרה"ד only applies after טומאתו::טומאתו
            - (ii) Answer: he infers that from בכל קדש (the "כל" extending to before זרה"ד
          - (e) Note: ברייתא supports הי"ל, interpreting v. 4 as a prohibition of אמא eating קדש פוש
            - (i) Method: juxtaposition to מקדש; just as מקדש involves ברל קדש לא תגע", so must "בכל קדש לא תגע" → eating
      - ii eating חלב, דם, נותר, פגול, טמא (5)
      - iii slaughtering or offering קרבן outside of precintcts of מקדש (2)
      - iv eating חמץ בפסח or eating/doing מלאכה on יום הכפורים (3)
      - v replicating שמן המשחה, קטורת or anointing non-sancta with שמן המשחה (3)
    - b לאוין: eating נבילות, טריפות שקצים ורמשים: (3)
    - c מיתה בידי שמים: eating מע"ש that hasn't had מר"מ taken or מע"ש והקדש that weren't redeemed (4)
    - d dispute re ר"ש טבל of ר"ש any amount; כזית חכמים
      - i מיוב eating a tiny ant generates חיוב
        - 1 *defense*: that is because it is an entire creature (בריה)
        - 2 retort: each grain of wheat is also a ברייה
  - II Investigation of עשה and אשה which are symbiotically related
    - a מכות for violation of the מכות יוחנן: if the מכות comes first, there are
      - i *Note*: רבה בב"ח, who reported it in his name, later denied it:
      - ii In spite of: proof from מקרא v. 6, then v. 2 and our משנה which has מכות for מקרא or א הבא למקדש
        - 1 Reason for denial: לוקה isn't לוקה for divorcing his אנוסה (unless he's a כהן, who cannot take her back)
        - אונס ) לו תהיה לאשה (אונס ) is extra; v. 7 establishes it for מוציא שם no action (spoke) אונס מוציא סוציא no action (spoke) אונס
          - (a)  $\mathit{Block}$ : מוציא ש"ר is more severe he gets מכות and pays!
        - 3 Rather:v. 7 is extra, could've learned עשה from אונס (who isn't לוקה ומשלם) → no מכות, even after divorce
          - (a) Block: אונס is more severe he committed an action
        - 4 Rather: משה is unnecessary in מש"ר they're already married must be for אונס even after divorce
          - (a) Block: perhaps it is for מש"ר after divorce (no מכות)
        - 5 *answer*: indeed (no מכות for the divorce) and we infer אונס from there
          - (a) challenge: how is it inferred? ק"ו already broken up (above)
          - (b) answer (צבא): his whole life, he has the command to return her (as his wife) over him (so, too, יחנן (ר׳ יוחנן

- (i) Challenge (ב"ב): these לאוין are dissimilar from the model for לאו דחסימה מכות (v. 8)
  - 1. Answer (אבא): the addition of the עשה shouldn't weaken the לאו!
  - 2. Retort: then even a לאו הניתק לעשה should get מכות ב hten אשה shouldn't diminish its severity
    - a. Answer: an ששה that can only be fulfilled after the לאו (e.g. returning a stolen item) is there to remove מכות from its purview
    - b. Note: this answer will only work if we accept the position of בטלו ולא בטלו?, as below
    - Answer: this is fine, as our inquiry follows בטלו ולא בטלו, whose position is בטלו ולא
- Positions on בטלו/קיימו:
  - מכות are there מכות (as he corrected the תנא)
  - ii Dissent: ר"ל holds קיימו ולא קיימו
    - Bone of contention: whether התראת ספק is a valid warning
    - עשה it is valid  $\rightarrow$  he could get מכות for later destroying the vehicle of the עשה
    - יה"ל invalid  $\rightarrow$  only can get מכוח if he is given the option by ב"ד and refuses to comply
    - 4 Consistency: they disagree about why there are no מכות for non-fulfillment of a future-based oath
      - (a) לאו שאב"מ: it is a לאו שאב"מ
      - (b) ר"ל: it is התראת ספק
        - (i) Both: infer their positions from יהודה as there is an עשה as there is an מכות as there is an עשה
          - 1. rייחנן: infers that were there no מכות ←עשה; teaching that התראה. התראה
          - 2. לאו שאב"מ infers that were there no מכות teaching that לאו שאב"מ still gets מכות
        - (ii) Challenges:
          - 1. איי. must accept that it is **also** התראת ספק (in case of נותר)
            - a. Answer: he has another quote from ר' יהודה, who explicitly disregards התראת ספק (in re: striking or cursing two men, one of whom is his father, but unclear which [ 'ספק בן ט' ([לראשון, ספק בן ז' לשני
          - 2. *ר' יוחנן*: must accept that it is a לאו שאב"מ
            - a. Answer: he also has a quote from ר' יהודה (quoting ר' יהו"ג) that there are no מכות for לאו שאב"מ (except נשבע, מימר and cursing a fellow)
        - (iii) *Note*: we have now identified inconsistencies within יהודה positions
          - 1. Resolutions:
            - a. התראת ספק must disagree about ר' יהודה yosition about התראת ספק
              - i. Explanation; author of נותר statement represents ר' יהודה as holding that it is valid and the deficiency there is לאו שאב"מ
            - b. ברייתא represents himself in נותר about; represents his; ריה"ג) רב ברייתא it represents himself in ברייתא which rules out מכות for (most) לאו שאב"מ

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