

34.1.2

3a (אמר רבא שאני עדים זוממין הואיל וישנן בראייה) → 4a (הבא על הזכר)

1. וְאֵת זָכָר לֹא תִשְׁכַּב מִשְׁכָּבִי אִשָּׁה תוֹעֵבָה הוּא: וְיִקְרָא יוֹחֵ, כִּב  
 2. לֹא תִהְיֶה קְדֻשָּׁה מִבְּנוֹת יִשְׂרָאֵל וְלֹא יִהְיֶה קְדָשׁ מִבְּנֵי יִשְׂרָאֵל: דְּבָרִים כֵּן, יוֹ  
 3. הָאֲזִיחַ בְּבָנֵי יִשְׂרָאֵל וְלִגְר הִגֵּר בְּתוֹכָם תּוֹרָה אַחַת יִהְיֶה לָכֶם לַעֲשׂוֹת בְּשִׁנְיָה: בְּמַדְבַּר טו, כֵּט  
 4. דִּבְרַי אֵל בְּנֵי יִשְׂרָאֵל לֵאמֹר נָפֵשׁ כִּי תִחַטָּא בְּשִׁנְיָה מִכָּל מִצְוֹת ה' אֲשֶׁר לֹא תַעֲשִׂינָהּ וְעֲשֵׂה מֵאַחַת מֵהֵנָּה: וְיִקְרָא ד, ב  
 5. לֹא תַעֲשֶׂנוּ אִתִּי אֱלֹהִי קֶסֶף וְאֱלֹהֵי זָהָב לֹא תַעֲשׂוּ לָכֶם: שְׁמוֹת כ, יט  
 6. כִּי אִם בְּמָקוֹם אֲשֶׁר יִבְחַר ה' בְּאַחַד שְׁבָטֶיךָ שֶׁם תַּעֲלֶה עֲלֵיךָ וְשֶׁם תַּעֲשֶׂה כָל אֲשֶׁר אֲנִי מְצַוְךָ: דְּבָרִים יב, יד

## I Analyzing זכר of כרת - and the משנה's enumeration

a Question: whom is the תנא considering – men or women (with the total possible חטאות, per (ר' יוחנן)?

i If: men – he should omit a woman bringing a בהמה on her – and he would have 1 less

ii If: women – he should omit sodomy and bestiality – and he would have 2 less

1 Answer1 (ר' יוחנן): he is considering men; omit עליה בהמה and sodomy is 2 – per ישמעאל

(a) each perspective of sodomy is a distinct כרת (→ חטאת) per vv. 1-2

(b) Challenge: we later establish משנה per ר"ע, as only he allows for מגדף's liability for חטאת

(i) Proposal: perhaps ר"ע agrees with ישמעאל about זכר

1. Rejection: per ר"ע; since ר"י infers from vv. 1-2, total 2 חטאות; ר"ע infers both from v. 1-1 חטאת

(ii) rather: ר"ע agrees with ר"י about מגדף

(c) Challenge: if so, why not count both perspectives of bestiality (הביא בהמה עליו)?

(i) Answer: per אביי – ישמעאל – ר"ע agrees that with בהמה, only 1 כרת/חטאת possible, as v. 2 is re: people

2 Answer2 (רב): leave text as is - 33 חטאות in our משנה; בהמה is there to complete list of כריתות

(a) Per: inclusion of ומילה פסח, for which no חטאת is brought (v. 3 – חטאת only for עשה בשגגה)

(b) Therefore: they are only there to complete list of כריתות, same with אשה המביאה...

## II Analyzing inclusion of שבת חילול

a Challenge (to counting שבת as 1): should be 39 חטאות

i Answer (ר' יוחנן): reference is זידון מלאכות but he forgot it was שבת (→ 1 חטאת, per interpretation of v. 4)

1 Challenge: why not refer to מלאכות שגגת (→ 39 חטאות per other interpretation of v. 4)?

2 Answer: he prefers שבת שגגת, which will at least be liable for 1

3 Parallel: עבודה זרה, which could have more if he was שוגג about the עבודות only

(a) Tangent: definition of שגגת עבודה זרה

(i) Cannot be: where he was standing in a בית ע"ז and thought it was a כנסת – he intended לשמים

(ii) Rather: he must have bowed to a statue

1. However: if he accepted it as a deity – חייב סקילה; if he didn't – not ע"ז at all

(iii) Rather: must be מאהבה ומיראה (of a person)

1. However: that is only valid according to אביי, who maintains that there is חיוב for that

2. But: according to רבא, who exempts – still no resolution

(iv) Rather: must be a case where someone thought ע"ז was permitted

1. Support: שוגג בע"ז ובעבודות – but only meant to ask if he is liable for 1 or more – but certainly liable for at least one

(v) Alternate answer (ר"פ): could be a שנושבה – תינוק שנושבה – who knows ע"ז is prohibited, but not which one

(vi) Alternate: even an adult, who misunderstood v. 5, thinking only זהב וכסף are forbidden

b Answer (ר' איקא quoting ר' אחא בריה דר' איקא): the תנא is listing the category of שבת and ע"ז

i Proof: the משנה lists ובתה אשה and אשת איש, even though מאנוסתו could also be there

1 In other words: אשה ובתה is a "category", of which מאנוסתו is a subset

(a) Block: the תנא only listed those that are explicit in תורה (inferred from מאנוסתו)

2 Yet: the תנא didn't list אשה and her granddaughter – which are explicit

3 Challenge (ר' אחא on his own report): ר' ביבי doesn't accept "categories"

(a) Proof: he suggested that מעלה אברי חוץ בחוץ and מעלה אברי פנים בחוץ would make 37 in our משנה

(b) Answer: שם שבת etc. → here, can just mention שבת וע"ז are dealt with in detail in their own מסכתות

(i) However: מעלה אברי חוץ and מעלה אברי פנים aren't detailed anywhere, therefore he expects more here

- III חטאות 1 or 2 – is there 1 but only 2 כריתות – if there are 2 – ר' זירא's question of ירמיה
- a Retort: if ר' ירמיה is referring to שוחט ומעלה בחוץ, there are 2 לאוין
- i Whether: inferred from גז"ש (הבאה::הבאה) or from היקש (v. 6) – inferes אזהרה from עונש – there are 2 לאוין
- b Rather: he must have meant 2 ב"ד with 1 לאו – אוב and ידעוני
- c Which is: dispute רשב"ל יוחנן/רשב"ל:
- i Context: in סנהדרין ז:ד, both are listed (among מחוייבי סקילה); yet in our משנה, only אוב listed
- 1 (מקרא in our משנה selected "אוב" as that is first in מקרא) since there is one לאו, only 1 חטאת
- 2 (מעשה because ידעוני is a שאב"מ (v. 3 implies that חטאת can only come for מעשה)
- (a) חיובי מיתת ב"ד (ר"פ): they are divided as two דשב"ל's reason for not accepting ר"י's position
- (i) לאוין indivuation of מיתות isn't meaningful without separate ר"י
- (b) ר"י's reason for not accepting דשב"ל's position: we've established that the author of our משנה is ר"ע, who holds that even without a מעשה, there is liability for חטאת (e.g. מגדף) → ידעוני is also חייב
- (i) דשב"ל even ר"ע requires some level of מעשה (מעשה זוטא) even if he doesn't require רבה מעשה
1. בעל אוב. bangs his arms against each other
2. מגדף. opens his lips (to curse)
- (c) Assumption: banging his arms is a מעשה זוטא – even to רבנן (and they would see אוב as מעשה)
- (i) Challenge: תוספתא סנהדרין י:ג – ל"ז, liability for השתחוואה, slaughtering, libating, burning incense
1. And: we challenged that by pointing out that השתחוואה has no מעשה
2. דשב"ל. follows ר"ע – no need for a מעשה
3. ר"י even רבנן would agree – bending his body is a מעשה
- a. Implication: רשב"ל holds that רבנן do not regard כפיפת קומה (::הקשת זרועות::) a מעשה at all
- (d) Rather: banging his arms is only a מעשה according to ר"ע
- (i) Challenge: if so, our משנה should except אוב בעל along with מגדף (רבנן, contra ר"ע)
- (ii) Answer1: they only mentioned one of the two
1. And: they selected מגדף, since the כרת is written במקום קרבן he is liable for חטאת – קמ"ל – חטאת
- (iii) Answer2 (עולא): אוב בעל is someone who offers incense to a שד (→all agree it is a מעשה)
1. Challenge (רבא): that is עבודה זרה and should be subsumed under it
- (iv) Rather (רבא): he is burning incense to the שד to generate magic (חומר חבר)
1. Challenge (אב"י): if so, that is חומר חבר
2. Answer (רבא): this is where חומר חבר gets סקילה (as בעל אוב)
- a. Question (אב"י): then what is the חומר חבר that is "just" לאו?
- b. Answer (רבא): bringing animals together via incantations – even snakes and scorpions
3. Tangent (אב"י): if someone tries to bring a bee and scorpion together (as occult act) – אסור
- a. But: if they come on their own – מותר
- (v) Revisiting ר"י's answer (to השתחוואה): bending his body is a מעשה; if so, opening his lips should also be a מעשה in re: מגדף (and רבנן should agree with ר"ע in our משנה)
1. Clarification (רבא): מגדף is unique, as it is anchored in his heart (intent) – lips are just a vehicle
2. Challenge: עדים זוממים are exempted from משיח פר, as they have no מעשה –
- a. But: their "action" is פי – not בלב
- b. Answer: since their main action is ראייה – not an action (parallel to לב in מגדף)
- c. (Note: this answer is difficult, as עדים זוממים are testifying about something they never really saw (רמב"ן) – ראשונים have various answers and רבינו נסים records a different version)