

34.1.2

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



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

- a Question: whom is the תנא considering – men or women (with the total possible חטאות, per ר' יוחנן)?
- If: men – he should omit a woman bringing a בהמה on her – and he would have 1 less
 - If: women – he should omit sodomy and bestiality – and he would have 2 less
 - Answer1 (ר' יוחנן): he is considering men; omit אשה המביאה בהמה עליה and sodomy is 2 –per ישמעאל
 - each perspective of sodomy is a distinct כרת (→ חטאת) per vv. 1-2
 - Challenge: we later establish משנה per ר"ע, as only he allows for מגדף's liability for חטאת
 - Proposal: perhaps ר"ע agrees with ר' ישמעאל about זכר ר"ע
 - Rejection: per אבהו ר'; since ר"י infers from vv. 1-2, total 2 חטאות ר"ע; חטאת 1-1 from v. 1-1
 - rather: ר' ישמעאל agrees with ר"ע about מגדף
 - Challenge: if so, why not count both perspectives of bestiality (הביא בהמה עליו)?
 - Answer: per אביי – ר' ישמעאל agrees that with בהמה, only 1 כרת/חטאת possible, as v. 2 is re: people
 - Answer2 (רב): leave text as is - 33 חטאות in our משנה; אשה המביאה בהמה is there to complete list of כריתות
 - Per: inclusion of ומילה, for which no חטאת is brought (v. 3 – חטאת only for עשה בשגגה)
 - Therefore: they are only there to complete list of כריתות, same with אשה המביאה...

II Analyzing inclusion of שבת

- a Challenge (to counting שבת as 1): should be 39 חטאות
- Answer (ר' יוחנן): reference is זדון מלאכות but he forgot it was שבת (→ 1 חטאת, per interpretation of v. 4)
 - Challenge: why not refer to שגגת מלאכות (→ 39 חטאות per other interpretation of v. 4)?
 - Answer: he prefers שבת שגגת, which will at least be liable for 1
 - Parallel: עבודה זרה, which could have more if he was שוגג about the עבודות only
 - Tangent: definition of שגגת עבודה זרה
 - Cannot be: where he was standing in a בית ע"ז and thought it was a בית כנסת – he intended לשמים
 - Rather: he must have bowed to a statue
 - However: if he accepted it as a deity – חייב סקילה; if he didn't – not ע"ז at all
 - Rather: must be מאהבה ומיראה (of a person)
 - However: that is only valid according to אביי, who maintains that there is חיוב for that
 - But: according to רבא, who exempts – still no resolution
 - Rather: must be a case where someone thought ע"ז was permitted
 - Support: רבא asked ר"נ how many חטאות is he liable if he was בע"ז ובעבודות – but only meant to ask if he is liable for 1 or more – but certainly liable for at least one
 - Alternate answer (ר"פ): could be a תינוק שנשבה – who knows ע"ז is prohibited, but not which one
 - Alternate: even an adult, who misunderstood v. 5, thinking only זהב וכסף are forbidden
 - Answer (איקא quoting ר' אחא בריה דר' איקא): the תנא is listing the category of שבת and ע"ז
 - Proof: the משנה lists ובהת אשה and אשת איש, even though בתו מאנוסתו could also be there
 - In other words: אשה ובהת is a "category", of which בתו מאנוסתו is a subset
 - Block: the תנא only listed those that are explicit in תורה (בתו מאנוסתו inferred)
 - Yet: the תנא didn't list אשה and her granddaughter – which are explicit
 - Challenge (אחא on his own report): ר' ביבי doesn't accept "categories"
 - Proof: he suggested that מעלה אברי חוץ בחוץ and מעלה אברי פנים בחוץ would make 37 in our משנה
 - Answer: שבת וע"ז are dealt with in detail in their own מסכתות → here, can just mention "שם שבת" etc.
 - However: מעלה אברי חוץ and מעלה אברי פנים aren't detailed anywhere, therefore he expects more here

- III חטאות 2 or 1 – לאו 1 – if there are 2 כריתות but only 1 זירא ר' ירמיה's question
- 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 מיתות ב"ד with 1 לאו – אוב and ידעוני
- c Which is: dispute רשב"ל יוחנן/רשב"ל:
- i Context: in ד:ז, סנהדרין, both are listed (among מחוייבי סקילה); yet in our משנה, only אוב listed
- 1 מקרא in משנה selected "אוב" as that is first in חטאת 1, לאו, since there is one ד: יוחנן
 - 2 מעשה can only come for חטאת (v. 3 implies that לאו שאב"מ is a ידעוני because דשב"ל
- (a) חיובי מיתת ב"ד (פ'): they are divided as two ר"י's position (פ'): דשב"ל's reason for not accepting
- (i) לאוין without separate מיתות isn't meaningful ל"י indivuation of
 - (b) ר"ע's reason for not accepting רשב"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) מעשה רבה even ר"ע requires some level of מעשה (מעשה זוטא) even if he doesn't require רשב"ל
 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 יש בו מעשה

 - (i) Challenge: ג: תוספתא סנהדרין – ע"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 קרבן במקום קרבן סד"א, he is liable for חטאת – קמ"ל – חטאת
 - (iii) Answer2 (עולא): בעל אוב (עולא) 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 על 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)