

34.3.3

13b (משנה ד) → 15a (הכתוב עשן לכולן זמה אחת) →

1. וְסַמְךָ אֶהְרֵן אֶת שְׁתֵּי יָדָיו עַל רֹאשׁ הַשְּׁעִיר הַחַי וְהַתְּוֹדָה עָלָיו אֶת כָּל עֹנֹת בְּנֵי יִשְׂרָאֵל וְאֶת כָּל פְּשָׁעֵיהֶם לְכָל חַטָּאתָם וְנָתַן אֹתָם עַל רֹאשׁ הַשְּׁעִיר וְשָׁלַח בְּיַד אִישׁ עֵתִי הַמְּדַבֵּר: וְיִקְרָא טו, כּא
 2. עֲרוֹת אִשָּׁה וּבִתָּהּ לֹא תִגְלַה אֶת בֵּת בְּנָהּ וְאֶת בֵּת בָּתָּהּ לֹא תִקַּח לְגִלּוֹת עֲרוֹתֶיהָ שְׂאֵרָה הַנָּה זָמָה הוּא: וְיִקְרָא יח, יז

- I ד משנה ד: possibility of liability for 4 חטאות and 1 אשם for one eating-event (authored by ר"מ)
- a (4) יוה"כ on (3) נותר (2) חלב (1) טמא: חטאות
- b מעילה) מוקדש אשם: if it was
- c ד"מ: if it was שבת and he carried it outside, 5th חטאת for carrying
- i Question: why add שבת into it – should be liable for carrying on יוה"כ
- 1 Answer (רפרם): there is no איסור הוצאה on יוה"כ
- (a) block: perhaps ר"מ just added that if it is שבת, there is also liability for שבת for carrying
- 2 rather: רפרם's comment was about the דרשה (v. 1) that איש עתי goes with שער – even on שבת
- (a) Block: איסור on יוה"כ is per מצוות התורה (other הוצאה may be איסור) – rather, רפרם never said this (errant report)
- d Rejection (חכמים): irrelevant to eating
- i Defense of accumulation of איסורים: even though ר"מ holds איסור חל על איסור חל, אין איסור כולל, he agrees in case of איסור מוסיף/כולל
- 1 Originally: only prohibited from eating חלב (1 חטאת)
- 2 טמא: since he is now banned from all איסור טומאה, איסור חלב is added to חלב (2 חטאות)
- 3 הקדש: since this adds איסור הנאה to meat, the איסור הנאה is added to חלב (אשם)
- 4 גזתר: since this adds an איסור לגבוה (may not be on נותר, מזבח), איסור חלב is added to חלב (3 חטאות)
- 5 יום הכפורים: since he is now banned from eating anything, איסור יוה"כ includes חלב (4 חטאות)
- ii challenge: why not add a 5th חטאת for eating פיגול (if the נותר was also פיגול)
- 1 Answer: the list of the משנה is only about 1 animal, not 2; נותר and פיגול cannot both apply to same animal
- 2 Challenge: if he put one אבר of פיגול on מזבח, איסור פיגול leaves it and it immediately becomes מנותר (per עולא)
- (a) Answer: list is only in reference to a single אבר
- (b) Challenge: even a single אבר could be part-נותר (part on מזבח) and part-פיגול (part hanging off מזבח)
- (i) Answer: follow רוב אבר – single status for entire אבר
1. Challenge: this should solve ר"ב's question about following רוב for אברים (it doesn't)
- (ii) Rather: we're only listing one כזית of food here – cannot be both פיגול and נותר
1. Challenge: הגסה) כזית is larger than שיעור – and יוה"כ for חטאת
- (iii) Answer (זירא): if he ate a kidney with its חלב around it
- (iv) Answer (ר"פ): if he ate other food (e.g. dates) to fill rest of שיעור
- (v) However: read ר"א"א read "5 חטאות" in משנה and ignored these defenses (included פיגול)
1. Challenge: why not read 6 חטאות, and include דם
2. Answer: it is one כזיתים, and חז"ל knew that the gullet can only hold 2 כזיתים at a time
- II הו משנה הו: possibility of liability for 6 חטאות for 1 ביאה
- a חטאות: his daughter (1) who is his sister (2 - result of incest with mother), who married his brother (3) then his father's brother (4), is still married to him (5) and נדה (6)
- b Defense of accumulation of איסורים: even though ר"מ holds איסור חל על איסור חל, אין איסור כולל, he agrees in case of איסור מוסיף/כולל
- i Originally: daughter was born as his sister – 1&2 come simultaneously
- ii אשת אחיו: when she married his brother, now איסור to other brothers – that איסור is added to him (3)
- iii אשת אחי אביו: when she married his uncle, she became אסורה to other uncles (his brothers) – added to him (4)
- iv אשת איש: by being married, she is אסורה to everyone else (5)
- v נדה: when she is נדה, prohibited even to her own husband (6)

- III ביאה for 1 חטאות for 7 possibility of liability משנה 2ה
- a **חטאות**: his granddaughter (1) who is also his daughter-in-law (2), his brother's wife (3) his uncle's wife (4) and his wife's sister (5); **אשת איש** (6) and **נדה** (7)
- b **אשת אביו** (8) if his father "transgressed" and married her, he would have then violated
- i **Question**: how could father marry her at all?
- ii **Answer**: if she fell to him as **יבמה** (from uncle)
- 1 **Question**: if so, why is it considered a "transgression" ("עבר")?
- 2 **Answer**: this is a violation of **כלת בנו** – which is a **שניה** (מדרבנן)
- (a) **Per**: **בריתא** – and it extends to great-granddaughter-in-law etc. *ad infinitum*
- iii **Note**: **ר' יוסי** only allows for **איסור חל על איסור** if it is **מוסיף** or **כולל**
- 1 **Otherwise**: per his ruling re: relationship that carries 2 **מיתות**, he rules **אין איסור חל על איסור** → get מיתה per 1st status
- 2 **In this case**: if father has another son (besides our violator), once he marries her, that son is now **אסור בה** → **מוסיף**
- c **Note**: same list could apply to his wife's daughter or her granddaughter
- IV **חמותו** for 7 חטאות possibility of 7 משנה 1ו
- a **חטאות**: his mother-in-law (1) who is also his daughter-in-law (2), his brother's wife (3), his uncle's wife (4) and his wife's sister (5), an **אשת איש** (6) and **נדה** (7)
- b **Note**: same applies to his mother-in-law's mother (**אם חמותו**) or father-in-law's mother (**אם חמיו**)
- c **דיב'נ**: if **חמותו** is also **אם חמותו** and **אם חמיו** – 3 liabilities
- i **חטאת** 1 → **חכמים** all one category
- ii **Observation** (**ר"א**): **ריב"נ** and **סומכוס** have a common approach
- 1 **דיב'נ** per above
- 2 **סומכוס** (*in re* **ואתו ואת בנו**): if he slaughtered gen. 1 and gen. 3 (מותר) then gen. 2 – 1 set of **מכות**
- (a) **בשם ר"מ** (**סומכוס**): 2 sets of **מכות**
- 3 **Challenge** (**ר"בא**): perhaps **ריב"נ** only ruled for multiple liabilities as there are 3 different **איסורים**
- (a) **But**: in the case of **א"ב**, both gen1 and gen3 fall under rubric of **ואתו ואת בנו** (**שם** 1)
- 4 **And** (**רנב"י**): perhaps **סומכוס** only argued for double-**מכות** as there are **גופין מוחלקין** (different animals)
- (a) **But**: here, he would agree with **ר' אבהו**, who saw all **איסורי חמות** as anchored in v. 2 – **זמה היא** – שארה הנה זמה היא