

34.3.4

15a (משנה ז) → 16a (כגון שאכל בה טעמים)

1. וְאִישׁ אֲשֶׁר יִקַּח אֶת אֶחָתוֹ בֵּת אָבִיו אוֹ בֵּת אִמּוֹ וְרָאָה אֶת עֲרוֹתָהּ וְהָיָא תְרָאָה אֶת עֲרוֹתָהּ חֶסֶד הוּא וְנִקְרְתוּ לְעִיגֵי בְּנֵי עַמָּם עָרוֹת אֶחָתוֹ גִּלְגָּה עֲוֹנוֹ יִשָּׂא: וְיִקְרָא, כ, יז

- I ז ר"ג in Emmaus question of ר"ע: משנה ז
- a If: how many חטאות is he liable for ביאה with his sister, his paternal aunt and his maternal aunt
- i Clarification (גמרא): it was 1 – אחות אביו (else the response, below, doesn't speak to the question)
- b ר"ג (response from less obvious case) if he had ביאה with 5 wives נדות in one העלם – 5 חטאות; ק"ו to this case
- i ק"ו if נדה, which is one שם, has multiple חיובים, then certainly this case, with multiple שמות has multiple חיובים
- Challenge: in the source case, they are separate bodies
 - Rather: end of v. 2 establishes separate liability for אחות/אחות אביו/אחות אמו
- ii Setup (ראב"א): requires 2 generations of רשעות – X had ביאה with mother, had 2 daughters (who are also אחותו), he then had ביאה with one of them and had a son who then had ביאה with אמו אחות, who is אחותו and אחות אביו
- II יא: – if he had multiple ביאות with same ערוה – within one העלם
- a ד' אליעזר: liable for each ביאה
- b חכמים: liable one for all ביאות
- i However: חכמים agree with ר"א in case of 5 wives, all נדות, since he causes each of them to bring their own חטאת
- Challenge (רבא): we don't apply this principle, per א"ח: תוספתא כריתות א"ח:
 - If: he had 5 ביאות with נדה, אשתו נדה, he: 1 העלם; she: 5 העלמות; he is liable for 1 and she is liable for each
 - Rather: reason is that they are גופין מוחלקין
 - Question: how would ר"א rule about multiple acts of harvesting on שבת (בהעלם אחת)?
 - Lemma1: he rules for multiple חטאות because there were two acts → same here (2 חטאות)
 - Lemma2: he rules for multiple חטאות because the two acts could not overlap → untrue here (1 חטאת)
 - דבה: first approach – ר"א would find for multiple liabilities here as well
 - Challenge (אב"י): ר"א finds liability for אב במקום אב → if it was a repeat of the אב, exempt
 - defense: if he cut fig tree while pruning grape vine hanging over it (אב+תולדה)
 - but: if he just cut lots of wheat in one cut – only 1 חטאת (if 2 separate cuts – 2 חטאות)
 - 2nd approach – ר"א would limit liability here to one חטאת ד' יוסף
- III ח משנה ח: ר"ע's next question – what is the status of a hanging limb from an animal
- a ר' יהושע (response from less obvious case): hanging limb off a person is (still) טהור
- b Support: practice of מוכי שחין; limb nailed to door then they would walk away - doctor and patient טהורים for פסח ק"ו here
- c מכשירין א"ה: if someone squeezes rain water out of cabbage or his hair or clothes; liquids inside are not יתן בכי יותן
- i However: liquids that emerge are בכי יותן
- ii שמואל: the cabbage itself is מוכשר (יתן) מוכשר בכי יותן (waters were מכשיר at point of egress)
- Challenge: our משנה – מוכה שחין – משה החי due to מוטא
 - Answer (ד' יוסף): if he separated in one clean shot
 - Original context: re: rainwater on זב וטמא מת that squeeze each other's clothes out – not מטמא clothes
- IV ט משנה ט: ר"ע's next question; multiple acts of שחיטת חוץ or eating from 5 נותר
- a Version1: ר"ע's question – multiple acts of שחיטת חוץ
- i ר' יהושע (response from less obvious case): eating from 1 זבח from 5 different bowls – multiple מעילה here ק"ו; חיובי מעילה
- b Version2 (ר"ש): ר"ע's question – eating נותר from 5 זבחים (ר"ש) bothered by response from אכילה [הנאה] to שחיטה
- i ר' יהושע (response from less obvious case): eating from 1 זבח from 5 different bowls – multiple מעילה here ק"ו; חיובי מעילה
- ii מעילה ד"ע is more severe (נהנה::מהנה) – can't apply here
- Question: did ר"ע concede the point to ר"ע?
 - Answer: דא: – if he ate 5 נותר from 1 קרבן – חיוב per העלמות (תלוי) follows חטאת אשם (אשם תלוי)
 - But if: 5 זבחים – liable for each (יודיה) – only liable for 1 (ר' יוסי בר יהודה)
 - But: 5 pieces in 5 bowls – even from 1 זבח (if eaten before זרה"ד) – liable for 5 מעילות
 - omission: no mention of אשם תלוי for ספק מעילה; this is contra ר"ע [הב:] → authored by יהושע ר' יהושע
 - and: requirement of multiple העלמות for multiple חטאות indicates he accepted ר"ע's argument
 - counter: 5 זבחים, even אחת – liable for 5; indicates he rejected ר"ע's argument
 - rather: authored by תנא who accepted ר"ע re: single חטאת but not for ספק מעילות
 - note: distinct תמחיין could be 5 parts of עולה (all count for חוץ); 5 limbs, even 5 parts of limb (e.g. shoulder), 5 types of preparation or five types of seasoning