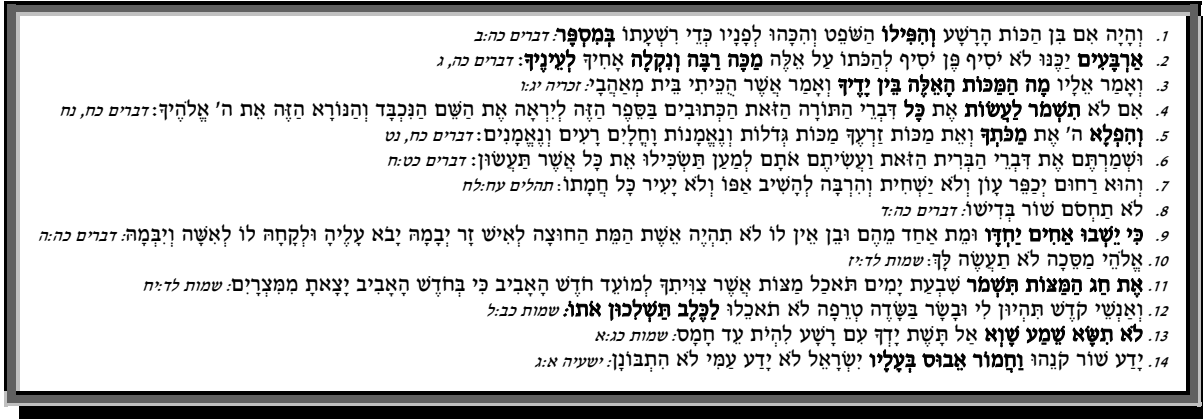


24.3.8

22a (משנה י') → 23a (ולא שלקה כבר בבית דין)



- I ' משנה: process of מכות
  - a number:
    - i 39, as per v. 1 = a number which is almost 40
      - 1 *allusion*: end of v. 1 → beginning of v.2
        - (a) *tan gent*: רבא's caustic comment about power and beneficence of רבנן
      - ii 40 full מכות – he gets the surplus (see below) between the shoulders
        - 1 *source*: v.3 refers to **מכות בין ידך** – must be surplus **מכה**
          - (a) *דבנן*: these aren't formal מכות, rather akin to teacher correcting student
- II **משנה יא**: 3-fold מכות and how he is assessed
  - a *assessment*: must be assessed for 3-fold מכות
    - i *if*: he was assessed for a full 40 and the doctor intervened – that he couldn't take any more – exempt
    - ii *if*: he was assessed for 18 and the doctor said that he could take more – exempt
      - 1 *challenge*: ruling that even if he got none and was reassessed – פטור
      - 2 *defense*: that's referring to a case where he was reassessed on another day; our משנה is referring to a same-day reassessment, only פטור if he got some of the מכות
  - b *multiple sets of מכות*: if he violates a crime with multiple sets of מכות
    - i *if*: they assessed him at once, he gets what he can get and is done
    - ii *but if not*: he is given מכות, heals and gets the next set
      - 1 *challenge*: rule that we don't do one assessment for 2 לאוין
      - 2 *answer*: if they assessed him for 41 (or 40), considered one (must be 39; 13\*3); if 42 (or more), must be considered for separate לאוין, must be separate assessments
- III **משנה יב**: method of administering מכות
  - a *first*: his hands are tied around a post
  - b *then*: the חזן grabs his clothes; they are either torn or shred until his chest is exposed
  - c *he then*: stands on a rock behind the לוקה and holds a double two-fold rope of calves (and donkey) skin
    - i *source*: calf: juxtaposition of vv. 2, 8
    - ii *donkey*: as per v. 14
      - 1 *tangents*: סמיכות of vv. 8-9 (re: יבום); vv. 10-11 (מבוזה את המועדות); vv. 12-13 (accepting לה"ר etc.)
- IV **משנה יג**: more on method
  - a *size of whips*: 1 טפח wide, 1 טפח of handle and long enough to reach his torso
    - i *אבני* infer that they had many ropes, one for each size of felon
    - ii *דנא* they had one rope, with links to loosen or tighten
  - b *measure*: 1/3 in front, 2/3 in back – as per interpretation of v. 1
  - c *position*: felon is neither standing nor sitting, rather leaning, as per v. 1
    - i *יוחנן* v. 1 also gives us a two-fold whip

- d *striking*: with one hand, with all of his strength
- i *ברייתא*: we only appoint knowledgeable and physically weak people
- 1 *dissent*: ר' יהודה – even (relatively) ignorant and strong
- (a) *support* (ר'בא): from v. 2; no need to warn someone who is aware
- (i) *defense* (of ר'בנן): we are מזורז those who are מזורזים
- ii *ברייתא*: he lifts up with both hands, but he strikes with one – so that the strength will all come from him
- V *משנה יד*: conclusion of method, including recitation of פסוקים
- a *reader*: recites vv. 4-7 and repeats if necessary
- i *ברייתא*: elder דיין recites, next counts off and third orders “strike”
- 1 *and*: if there are many מכות, he recites slowly; if few – quickly
- (a) *challenge*: our משנה rules that he repeats
- (b) *answer*: ideally, the reading concludes (once) at end of מכות; if not timed right, he repeats
- ii *ברייתא*: prohibition of exceeding number is attached even to diminished number of stripes – as per לא יוסיף
- 1 *if so*: why does the text emphasize רבה?
- 2 *answer*: to teach that the beginning set is רבה
- b *in case*: felon dies during regulation stripes, לוקה is exempt
- i *but if*: he adds to the prescribed amount – he goes to גלות
- c *if*: the felon becomes disgraced, whether by urinating or defecating – he is immediately exempted
- i *dissent*: ר' יהודה exempts man only if he defecates; woman in either case
- ii *ברייתא*: 3 opinions
- 1 *ד"מ*: only רעי for both
- 2 *יהודה*: רעי for men, even מים for woman
- 3 *חכמים*: even מים for either
- (a) *note*: ר' יהודה (ברייתא 2<sup>nd</sup>) rules that both men and woman – ברעי
- (b) *explanation*: he means that men and woman are treated the same in re: רעי (yet extends מים to woman)
- iii *related ruling* (שמואל): if, after being bound, he ran away – this is considered נקלה and he is exempt
- 1 *challenge*: ruling that if he defecates/urinates even before first stripe, exempt, but if the stripe breaks, only exempt if he was hit already
- (a) *explanation*: why not consider the broken stripe (after binding him) as רץ?
- (b) *answer*: in that case, he didn't flee (itself a disgrace)
- iv *ברייתא*: if the doctors assessed that he would “lose it” once whipped – he is exempt
- 1 *however*: if they assess that he will “lose it” once he walks out of ב"ד – he is still flogged
- 2 *even*: if he “lost it” before they brought him before ב"ד – still given מכות, as per v. 2 – ונקלה אחיד לעיניך