



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Sanhedrin Daf Nun Daled

- The Gemara just finished showing how **R' Yehuda** derives that if one is mezaneh with his mother who is legally married to his father, he would only be chayuv for her being his mother, not for her being his father's wife.
 - The **Rabanan** argue and say that he is chayuv for both. They do so, because they understand the pasuk of "ervas avicha" as referring to an issur for a man to be mezaneh with his father.
 - **Q:** That is already assur as zenus with another man!? **A:** The pasuk comes to place a second issur on this zenus. This is the view of **R' Yehuda** as well, who says that a goy who is mezaneh with his father would be chayuv for two issurim, and if one is mezaneh with his father's brother he would be chayuv for two issurim.
 - **Rava** said, when **R' Yehuda** says "goy" he is actually referring to a Yid, and referring to a case where it is done b'shogeg and would require two korbanos, because if it was referring to a goy it would result in misah, and a person can't get two misos.
 - A Braisa says like **R' Yehuda** as well. The Braisa says, if one is mezaneh with his father he is chayuv for two issurim and if he is mezaneh with his father's brother he is chayuv for two issurim.
 - Some say this Braisa does not follow **R' Yehuda**, because he held that the pasuk of "ervas avicha" refers to the father's wife, not the father (this view would hold like **Rava**, who says that we can't punish based on a kal v'chomer). Others say that it does follow **R' Yehuda**, because **R' Yehuda** will use a kal v'chomer to say that if he is chayuv two for being mezaneh with his father's brother, then he is certainly chayuv two for his father as well (this view holds like **Abaye**, who says that we can punish based on a kal v'chomer).
 - **Q:** The Braisa says that **R' Yehuda** learns that the warning against being mezaneh with a father's wife is learned from the pasuk of "ervas avicha". According to the **Rabanan**, who say this is referring to zenus with the father himself, from where will they learn the warning for being mezaneh with a father's wife? **A:** They will learn it from the pasuk of "ervas eishes avicha lo sigalei".
 - **R' Yehuda** will use this pasuk to teach that this woman remains assur even after the father's death. The **Rabanan** will learn this from the words "ervas avicha hee". **R' Yehuda** uses these words to teach that one who is mezaneh with his father's wife is only chayuv for her being his father's wife, and not for her being a married woman.
 - **Q:** Our Mishna said that the person would be chayuv for both in this case, and **R' Yehuda** does not argue!? **A:** **Abaye** said, although he does not argue in the Mishna, he does argue this point in a Braisa.
 - **Q:** **R' Yehuda** learns the punishment for a person who is mezaneh with his father's wife after the father's death from a gezeira shava, but how do the **Rabanan** (who don't darshen that gezeira shava) learn this? **A:** The words "ervas aviv gila", which **R' Yehuda** uses for the gezeira shava, is used by the **Rabanan** to teach the punishment for being mezaneh with the father's wife after the death of the father.
 - **Q:** How do the **Rabanan** derive the punishment for one who is mezaneh with his mother who is not the wife of his father (since they don't darshen the gezeira shava that **R'**

Yehuda uses)? **A: R' Shisha the son of R' Idi** said, the words "imcha hee" teach that a mother who is not the father's wife is treated like the mother who is.

HABAH AHL KALASO...

- **Q:** Why isn't he also chayuv a separate issur for the fact that she is his son's wife (the pasuk separately says "eishes bincha hee")? **A: Abaye** said, the pasuk first refers to her as his daughter in law and then as his son's wife, to teach that they are one and the same, and are not two separate issurim.

MISHNA

- One who is mezaneh with another man, or with an animal, or a woman that brings an animal onto herself, all get skila.
 - The person has sinned, but the animal has not (so why is the animal stoned as well)? Since a downfall has come about to the person through this animal, the animal must be stoned as well. Another reason is so that the animal not remain alive and walk the streets and people look at it and say, "This is the animal that caused Ploni to get skila".

GEMARA

- **Q:** How do we know that when a man is mezaneh with another man he gets skila? **A:** A Braisa says "ish" comes to exclude a katan, "asher yishkav es zachar" teaches that it makes no difference if the passive participant is a katan or an adult, "mishkivei isha" teaches that there are two halachically recognized acts of zenus with a woman – natural and unnatural. We learn that the person is subject to skila from a gezeira shava on the words "dimeihem bam" from "Ov and Yidoni". This teaches regarding the punishment. Where do we see a warning? The pasuk says "v'es zachar lo sishkav mishkivei isha to'eiva hee".
 - **Q:** Where do we find a warning for the passive participant in this zenus? **A: R' Yishmael** says, the pasuk says "lo yihiyeh kadeish mibeni Yisrael" and we find another pasuk where "kadeish" is used to refer to zenus of "to'eiva", which we see refers to zenus between men. **R' Akiva** says, we learn it from the pasuk of "lo sishkav mishkivei isha" which can be read as saying "lo sishacheiv" (which refers to the passive participant).
- **Q:** How do we know that when a man is mezaneh with an animal he gets skila? **A:** A Braisa says, "ish" comes to exclude a katan, "asher yitein shichavto bivheima" teaches that it makes no difference if the animal is older or younger. We learn that the person is subject to skila from a gezeira shava on the words "taharogu" from one who convinces others to worship avoda zara. This is the source for the active participant with an animal. The passive participant of zenus with an animal is learned from the pasuk "kol shocheiv ihm beheima mos yumas", which is not needed to teach regarding the active participant, so must be teaching regarding the passive participant.
 - **Q:** Where do we find the warning for these two people (the active and the passive)? **A:** The pasuk of "uvichal beheima lo sitein shichavticha l'tama vah" teaches regarding the active participant, and **R' Yishmael** says (as explained above) the pasuk of "lo yihiyeh kadeish mibnei Yisrael" teaches regarding the passive participant. **R' Akiva** says we learn it from the pasuk of "lo sitein shichavticha" which can be read as saying "lo sitein shechivascha" (which refers to the passive participant).
 - **R' Avahu** said, if a man acts as the active and passive participant with another man, according to **R' Yishmael** he would be chayuv two korbanos (because he learns them from two different pesukim), and according to **R' Akiva** he would only be chayuv one (because they are both learned from the same pasuk). Similarly, if a man acts as the active and passive participant with an animal, according to **R' Yishmael** he would be chayuv two korbanos (because he learns them from two different pesukim), and according to **R' Akiva** he would only be chayuv one (because they are both learned from the same pasuk). **Abaye** said, in the case of zenus with the animal even **R' Yishmael** would say he is only chayuv one korbon, because the pasuk of "lo yihiyeh kadeish" is written regarding zenus between men, not between man and animal.
 - **Q:** If so, where does **R' Yishmael** learn the warning for the passive participant in zenus with an animal? **A:** He learns it from the pasuk of "kol shocheiv ihm beheima mos yumas". Although this discusses the active participant, it is not needed for that, and therefore can be used to teach regarding the passive

participant. From the fact that the pasuk on its face is discussing the active participant, it teaches to compare the passive to the active, and just as the active is punished and warned, so too is the passive.

- **R' Avahu** said, if a man is the passive participant in zenus with another man, and with an animal, according to **R' Akiva** he would be chayuv two korbanos (because he learns them from two different pesukim), and according to **R' Yishmael** he would only be chayuv one (because they are both learned from the same pasuk). **Abaye** said, that even according to **R' Yishmael** he will be chayuv two, because he learns it from the pasuk of "kol shocheiv ihm beheima mos yumas". Although this discusses the active participant, it is not needed for that, and therefore can be used to teach regarding the passive participant. From the fact that the pasuk on its face is discussing the active participant, it teaches to compare the passive to the active, and just as the active is punished and warned, so too is the passive.
- If a man is actively mezaneh with another man and is then passively mezaneh with another man, and is actively mezaneh with an animal and is then passively mezaneh with an animal, according to **R' Avahu and Abaye** – according to **R' Yishmael** he would be chayuv 3 korbanos and according to **R' Akiva** he would be chayuv 2 korbanos.
- A Braisa says, with regard to zenus between one man and another, there is a minimum age that the passive participant has to be in order for the active participant to be chayuv. With regard to zenus with an animal, there is no minimum age that the animal has to be to make the person chayuv.
 - **Rav** said, the passive participant must be at least 9 years old for the active participant to be chayuv, and **Shmuel** said he must be at least 3 years old.
 - The machlokes is that **Rav** holds that one who is capable of being the active participant can halachically be the passive participant. **Shmuel** darshens the pasuk of "mishkivei isha" to teach that just as zenus with a girl is considered significant once the girl is 3 years old, the same would be for this boy.
 - A Braisa says like **Rav**. The Braisa also says that a person is chayuv for being mezaneh with an animal in the natural and the unnatural way, and a woman is chayuv for bringing an animal onto herself in the natural and the unnatural way.
 - **R' Nachman bar R' Chisda** said that a woman who brings an animal onto herself is chayuv whether it was done in the natural or the unnatural way, but if a man is mezaneh with an animal he is only chayuv for the natural way. **R' Pappa** said that the opposite is true. The Gemara says that we see from the Braisa (above) that the man and the woman are chayuv whether it is done in the natural or unnatural way.