



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

### Sanhedrin Daf Samach Vuv

#### MISHNA

- One is chayuv skila for being mechalel Shabbos if he did something that is subject to kares when done b'meizid and to a chatas when done b'shogeg.

#### GEMARA

- **Q:** What would be a case of chilul Shabbos for which one would not be chayuv a chatas for a shogeg or kares for a meizid? **A:** It would be techumin according to **R' Akiva** (who says that techumin is D'Oraisa) and lighting a fire according to **R' Yose** (who says it was singled out to teach that it is only assur with a lav).

#### MISHNA

- One who curses his father or mother is only chayuv skila if he curses them using the Name of Hashem. If he cursed them using a Name other than one of the proper Names, **R' Meir** says he would still be chayuv skila and the **Chachomim** say he would be patur.

#### GEMARA

- The "**Chachomim**" in the Mishna is the view of **R' Menachem the son of R' Yose**, who says in a Braisa that the pasuk of "b'nakvo Shem yumas" teaches that one is only chayuv skila for cursing a parent when he uses a proper Name of Hashem.
- A Braisa says, the pasuk regarding cursing a parent begins with the double expression of "ish ish". The double expression teaches that a daughter, a tumtum, or an androgynas who curses their parent is also chayuv skila. The pasuk then says "asher yikaleil es aviv v'es imo". This seems to say that he must curse both to be chayuv. How do we know that he would even be chayuv for cursing just one of them? **R' Yoshiya** says, another pasuk says "aviv v'imo kileil damav bo", which teaches that he is chayuv for cursing either one alone as well. **R' Yonason** says, the "vuv" of "v'es imo" can be understood as joining them together or as keeping them (the father and the mother) separate, and would only mean that they must be together if the pasuk specifically says so. The pasuk then says "mos yumas", which through a gezeira shava from Ov and Yidoni teaches that the person is put to death with skila. The warning for this is learned from the pasuk of "Elohim lo sikaleil v'nasi b'amcha lo sa'or". This can serve as a warning if one's father is a judge or a nasi. What about a case where the father is neither? A judge is unique in that one must follow his decisions. A Nasi is unique in that one may not rebel against him. The commonality between the two is that they follow the halachos and act properly and one may therefore not curse them. We can therefore say that the same would apply to a parent, who acts properly and may therefore not be cursed. If you will ask that maybe it is their positions of power that create the issur to curse them, I will answer that the pasuk says "lo sikaleil cheireish", which shows that even people not in power may not be cursed. If you will ask that the reason a cheireish may not be cursed is because he is protected due to his humbleness, I will tell you that that is not true, based on the fact that the warning applies to a judge and a Nasi as well. The commonality between them is that they follow the halachos and act properly and one may therefore not curse them. We can therefore say that the same would apply to a parent, who acts properly and may therefore not be cursed. We can ask that those three are different in that they are different than the general population!? If so, the Torah should have only written the issur to curse a cheireish and *either* the issur for a judge or a Nasi and we could have learned the other from the two. The extra issur is used to teach that it is assur to curse even a father alone.

- **Q:** The Braisa's drasha only fits according to the view who says that the word "Elohim" in this pasuk refers to a judge. However, according to the view that it refers to Hashem, there is no extra issur written, so how will he learn the issur for a father? **A:** According to the view that "Elohim" refers to a judge, we would learn the issur to curse Hashem from the fact that there is an issur to curse a judge. According to the view that "Elokim" refers to Hashem, since the pasuk says "sikalel", with two "lameds", we also learn an issur to curse a judge from there as well. Therefore, we still have an extra issur from which we can learn the issur to curse a father.

#### MISHNA

- One is not chayuv skila for being mezaneh with a naarah hame'orasa unless the girl is a naarah, a besulah, an arusah, and is still living in her father's house.
  - If two people are mezaneh with a naarah hameora'sah, the first person would be chayuv skila and the second person would be chayuv chenek.

#### GEMARA

- A Braisa says, the pasuk says "naarah" which means she is not a bogeres, "besulah" which means she is not a be'ulah, "me'orasa" which means she is not a nesuah, "beis aviha" means to exclude the case where she was already given over to the messengers of the husband.
- **R' Yehuda in the name of Rav** said, this is the view of **R' Meir**, but the **Chachomim** hold that "naarah me'orasa" even includes a ketana as well.
  - **Q: R' Acha MiDifti** asked **Ravina**, why must you say that the Mishna follows **R' Meir**, and that when the Mishna says "unless the girl is a naarah" it comes to exclude a ketana? Maybe the Mishna follows the **Rabanan** and the Mishna means to exclude only a bogeres!? **A: Ravina** said, the fact that the Mishna says he is not chayuv skila "ahd shetihei naarah..." means that the Mishna says he is not chayuv *until* she is a naarah, which clearly comes to exclude a ketana, and therefore must be following the view of **R' Meir**.
  - **R' Yaakov bar Ada** asked **Rav**, according to **R' Meir**, if someone is mezaneh with a ketana who is an arusa is he not chayuv misah at all, or is he chayuv misah, just not skila? **Rav** said, it seems logical that he is only excluded from skila, but not the death penalty in general. **R' Yaakov** asked, the pasuk says "umeisu gam shneyhem", which teaches that one is only put to death if they are both capable of being put to death, and if she is a ketana she is not capable of being put to death!? **Rav** remained quiet. **Shmuel** said, **Rav** could have answered that another pasuk says, "umeis ha'ish...levado", which teaches that even if one of the people cannot be put to death, the other one can!
    - We find this to be a machlokes among Tanna'im, where **R' Yoshiya** said like **R' Yaakov** based on his pasuk and **R' Yonason** said like **Shmuel** based on his pasuk.
- A Braisa says, the pasuk says "u'bas ish Kohen ki seicheil liznos". **Rebbi** darshens the word "seicheil" to teach that the pasuk is referring to where she "begins with zenus". Similarly, the pasuk says "umeis ha'ish asher shachav imah levado".
  - **R' Huna the son of R' Yehoshua** explains, **Rebbi** holds like **R' Yishmael** who says that the daughter of a Kohen gets sreifa only if she was mezaneh as an arusah, not as a nesuah. Based on this, **Rebbi** means to say that if she "began with zenus" when she was a besulah she gets sreifa, but if the zenus happened after that she would get chenek.
  - **Q:** What is meant when the Braisa says "similarly the pasuk says...."? **A:** It means to say that just as in the case of the naarah hame'orasa it refers to her first bi'ah that was the act of zenus, and that is what gives her the more stringent skila, so too regarding the daughter of a Kohen, it is when it is her first bi'ah that she is given the more stringent sreifa.
  - **R' Bibi bar Abaye** said that his rebbi, **R' Yosef**, did not explain it in this way. Rather, **Rebbi** can be explained as holding like **R' Meir**, who holds that if the daughter of a Kohen married one of the pesulim and is then mezaneh she only gets chenek. **Rebbi** means to say that if the beginning of her desecration is this zenus, she gets sreifa, but if she was already desecrated (she had married a passul) her zenus will only make her chayuv in chenek.

- **Q:** What is meant when the Braisa says “similarly the pasuk says....”? **A:** It was quoted as a way to remember the halacha, not to teach anything similar or further.