



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

Sanhedrin Daf Pey Daled

- The Gemara is in middle of giving the sources for the various halachos of a Braisa:
 - A Kohen who doesn't have a bris milah and does the Avodah – he is only oiver a lav. **R' Chisda** said, this is learned from a pasuk in Yechezkel which says that an "arel" should not come into the Beis Hamikdash.
 - A Kohen who is an onein and does the Avodah – the pasuk regarding the Kohen Gadol says that when he is an onein he should not go out of the Beis Hamikdash and not be mechalel the Mikdash. This suggests that a regular Kohen does have to leave.
 - **Q: R' Adda** asked **Rava**, why don't we use this verbiage of "chilul" to learn a gezeira shava from terumah to teach that an onein who does the Avodah is chayuv misah? **A:** The pasuk is written regarding a Kohen Gadol, and the regular Kohen is inferred from it.
 - A Kohen who sits when doing the Avodah – **Rava in the name of R' Nachman** said, the pasuk says that Hashem chose the Kohen "laamod ulishareis" – to stand and do the Avodah, not to sit.
 - A Kohen who has a "mum" and does the Avodah – **Rebbi** says he is chayuv misah, because the pasuk uses verbiage of "chilul", which is used in a gezeira shava from terumah to teach that he is chayuv misah.
 - **Q:** Why not learn the gezeira shava from nossar, and learn that he is chayuv kares, since nossar is more similar to it than terumah? **A:** Rather, he learns a gezeira shava from a tamei Kohen who does the Avodah, because that is even more similar to him.
 - The **Rabanan** say he is not chayuv misah, because they darshen the word "bo" in the pasuk of a tamei Kohen who eats terumah to teach that such a Kohen gets misah, but a Kohen with a mum who does the Avodah does not get misah.
 - A person who knowingly commits me'ilah – **Rebbi** says he is chayuv misah. **R' Avahu** explained, that **Rebbi** learns a gezeira shava on the word "cheit" from terumah. The **Rabanan** say he is not chayuv misah, because they darshen the word "bo" in the pasuk of a tamei Kohen who eats terumah to teach that such a Kohen gets misah, but one who knowingly commits me'ilah does not.

ZAR SHESHIMEISH BAMIKDASH

- A Braisa says, **R' Yishmael** said, the pasuk regarding this says "v'hazar hakareiv yumas" and the pasuk regarding the people of Korach says "kol hakareiv hakareiv ehl mishkan Hashem yamus". Just as by Korach it was misah at the Hands of Heaven, so too a non-Kohen who does the Avodah is chayuv misah at the Hands of Heaven. **R' Akiva** says, we rather learn from the pasuk of a false navi, where it also says "yumas", and just as he gets punished with skila, the non-Kohen does as well. **R' Yochanan ben Nuri** says, just as the false navi gets chenek, the non-Kohen does as well.
 - **R' Akiva** says we should learn "yumas" from "yumas" and not from "yamus". **R' Yishmael** says, we should learn an ordinary person from an ordinary person, and not from a navi. **R' Akiva** holds that a false navi is a regular person.
 - **R' Akiva and R' Yochanan ben Nuri** argue in the machlokes between **R' Shimon and the Rabanan**, where the **Rabanan** hold this person gets skila and **R' Shimon** holds he gets chenek.
 - **Q:** The Mishna said that **R' Akiva** says the non-Kohen who does the Avodah gets chenek, so how can the Braisa say that he says to give him skila? **A:** There are two Tanna'im who argue with regard to what **R' Akiva** holds. The Mishna is the view of **R' Shimon** according to **R' Akiva**, and the Braisa is the view of the **Rabanan** according to **R' Akiva**.

HADRAN ALACH PEREK EILU HANISRAFIN!!!

PEREK EILU HEIN HANECHENAKIN -- PEREK ASIRI

MISHNA

- The following people are chayuv chenek: one who hits his father or his mother, one who kidnaps a Yid, a zaken who rebels against the Sanhedrin, a false navi, one who says nevu'ah in the name of an avoda zara, an adulterer, the eidim zomeimim who testified against the daughter of a Kohen, and the man who was mezaneh with the daughter of a Kohen.

GEMARA

- The pasuk regarding hitting a parent says, “umakeh aviv v’imo mos yumas”, and when the Torah writes an unspecified misah it refers to chenek.
 - **Q:** Maybe misah is only if the parent died as a result of the hitting? **A:** Can you even think that murder of any other person gets sayif, but murder of a father would only get chenek!?
 - **Q:** That answer works according to the view that sayif is more stringent. However, according to the view that it is more lenient it doesn't work!? **A:** When the Torah refers to a hitting that kills someone it explicitly says so. For example, “makeh ish vameis”, and “oy b’eiva hikahu biyado vayamos”. This teaches that when the Torah says “hitting” without mentioning “dying” it means the person did not die.
 - The Torah needed to write the pasuk of “kol makei nefesh” (which is murder) and the pasuk of “makeh ish vameis” (which is also murder). If it had only written the second pasuk we would think one is only chayuv for killing “ish” – a man, who is chayuv in mitzvos, but not if he kills a katan. If it would only have written “kol makei nefesh” we would think a person is even chayuv if he kills a neifel.
 - **Q:** Maybe one is put to death for hitting a parent even when he does not cause a wound? Why does a Mishna say he is only chayuv if he causes a wound? **A:** We have a hekesh from “makeh adam” and “makeh beheima”. Just as one is not chayuv for hitting an animal unless he makes a wound (as we learn from the word “nefesh” in the pasuk), one is also not chayuv for hitting a parent unless he makes a wound.
 - **Q: R’ Yirmiya** asked, one is chayuv for weakening an animal if he overloads it, even if he does not make a wound!? **A:** Rather, the word “nefesh” is not needed to teach anything regarding a beheima, so we use it to teach regarding hitting a parent, that he is only chayuv if he makes a wound.
 - **Q:** If so, what is the hekesh used for? **A:** For the Braisa of **Chizkiya** (that if someone does an aveira b’shogeg for which there would be misah if he had done it b’meizid, he is patur from any monetary obligation for that act).
 - **Q:** What about according to those who disagree with **Chizkiya**? **A:** It teaches that just as if someone hits an animal to heal it, he would not be chayuv for the wound, so too if someone hits a parent to heal them, he would not be chayuv. We find this given as an answer to the question of whether a son may let blood for a parent. **R’ Masna** said he could, based on the pasuk of “v’ahavta l’rei’acha kamocho” and **R’ Dimi bar Chinina** said he could, based on this hekesh.
 - **Rav** would not allow a son to remove a splinter from a parent and **Mar the son of Ravina** would not allow a son to open a blister for a parent, because of the risk that he would cause bleeding, which would make him over an issur b’shogeg.
 - **Q:** If so, one should not be allowed to do so for anybody, because it is assur to wound anybody!? **A:** Any other person would be a shogeg on a lav, by a parent it would be a shogeg on a chiyuv chenek.

- **Q:** A Mishna says that one may remove a splinter on Shabbos. Why don't we say that he may cause bleeding, which would be a shogeg on a chiyuv skila!? **A:** He would be doing a destructive act, which is not assur D'Oraisa on Shabbos.
- **Q:** What about according to the view that even a destructive act is assur D'Oraisa on Shabbos? **A:** That is the view of **R' Shimon**, who holds that one is only chayuv on Shabbos when the melacha is needed for its purpose. Here, he doesn't need the wound, he only wants to remove the splinter. Therefore, he would be patur.