

29 Elul 5777  
Sept. 20, 2017



Sanhedrin Daf 66

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Mishna**

Someone, who desecrates *Shabbos*, by performing a *melachah* (*forbidden labor*) for which one is liable to receive *kares* if done willingly, and to bring a *chatas* if done by accident, is stoned. [*He is stoned if he does this willingly, with witnesses, and with proper warning.*] (66a)

### **No Chatas; No Kares**

The *Gemora* asks: This implies that there is a Torah prohibition on *Shabbos* that does not make one liable to bring a *chatas* if he transgresses it by accident nor *kares* if he transgresses it willingly. What is this prohibition?

The *Gemora* answers: It is going out of one’s “*techum*” - - “boundary” according to Rabbi Akiva, and it is lighting a fire according to Rabbi Yosi. (66a)

### **Mishna**

If someone curses his father and mother, he is not liable to be stoned unless he does so with the Name of Hashem. If he does so with a Name that is not the primary name of Hashem (*but rather a descriptive of Hashem*), Rabbi Meir says he is liable, while the *Chachamim* say he is not. (66a)

### **Cursing his Father and Mother**

The *Gemora* asks: Who are the *Chachamim*?

The *Gemora* answers: It is Rabbi Menachem the son of Rabbi Yosi.

The *braisa* states: Rabbi Menachem the son of Rabbi Yosi says: *When he states the Name, he should die*. Why does it say *the Name*? This teaches regarding someone who curses his father and mother that he is not liable until he curses with the Name of Hashem.

The *braisa* states: *Man*. Why does it say *man, man*? This includes the daughter of a *tumtum* (*signs of a male and female*) and *androginus* (*undetermined sex*). *That he will curse his father and mother*. This only tells us regarding cursing both his father and mother. What if he curses only his father or only his mother? The verse therefore states: *His father and mother he cursed, his blood is in him*. [*Rashi explains that the word cursed is both in the beginning of the verse and the end, to show that either cursing one’s father or mother make him liable.*] These are the words of Rabbi Yoshiya. Rabbi Yonasan says: The verse implies that it could be both, or one alone is enough, as long as the Torah does not say “*together.*”



*He should surely die.* You say this means stoning. Perhaps it is one of the other types of death mentioned in the Torah? The verse here says: *his blood is in him*, and the verse later says: *their blood is with them*. Just like that verse is regarding stoning, so too this verse must be regarding stoning.

We know that the verse cites the punishment. Where does it warn against this sin? The verse states: *You should not curse a judge*. If his father was a judge, he is included in this prohibition. If his father was a leader, he is included in the prohibition: *and a leader among his nation you should not curse*. If he is not a judge or a leader, what is the warning not to curse him? We can formulate a comparison from these two sources (*binyan av*). A leader is unlike a judge, and a judge is unlike a leader. A judge is unlike a leader, as one must listen to the ruling of a judge, but they do not have to listen to the ruling of a leader. A leader is unlike a judge, as one is commanded not to rebel against a leader, but not to a judge (*when it does not involve a ruling*). The similarity between the two is that they are members of your nation, and you are commanded not to curse them. We will therefore also include your father, who is a member of your nation and therefore you are commanded not to curse him.

The *Gemora* asks: However, the similarity between a judge and leader is that the commandment stems from their position of greatness.

The *Gemora* answers: This is why the verse states: *one should not curse a deaf person*. This refers to the humble people amongst your nation (*this shows we can include a father*).

The *Gemora* asks: The prohibition regarding a deaf person is due to his handicapped status (*and therefore cannot be compared to parents*).

The *Gemora* answers: A leader and judge can show that this is not only regarding the handicapped.

The *Gemora* asks: The leader and judge are special because of their special status!?

The *Gemora* answers: A deaf person can show that one does not have to have an advantage to have this prohibition!

The *Gemora* continues: The nature of each thing is unlike the other. Their common denominator is that they are members of your nation and you are warned not to curse them. So too, one is forbidden to curse their parents, who are also members of their nation.

The *Gemora* asks: However, all of the above (*a leader, judge, and deaf person*) besides parents are special. [*How can we derive that this applies to parents who do not have a special status?*]



The *Gemora* answers: The verse should say: *a judge and a deaf person or a leader and a deaf person*. Why does it say *judge (separately)*? [*Rashi explains that we could have derived either leader or a judge if the verse would have said a leader or judge and a deaf person.*] It must be to teach that we should include a parent.

The *Gemora* asks: This is understandable according to the opinion that the word “*Elohim*” is secular and refers to judges. However, according to the opinion that it refers to Hashem, what is the answer to the question above? [*According to this opinion, we in fact derive that one cannot curse a judge from the fact that it says this regarding a leader and deaf person. This means there is no longer an extra verse from which we can derive that one cannot curse his parents.*] This is as the *braisa* states: *Elohim (in the context of this verse)* refers to judges. These are the words of Rabbi Yishmael. Rabbi Akiva says: *Elokim* in this context is holy (*and the verse is warning not to curse Hashem*). Rabbi Eliezer ben Yaakov says: How do we know that one cannot curse Hashem? The verse says *Elokim you should not curse*. According to the opinion that says the name of *Elohim* is secular and refers to judges, we derive that one cannot curse Hashem from the fact that one cannot curse the judges. According to the opinion that says the name of *Elokim* refers to Hashem, we derive that one cannot curse judges from the fact that one cannot curse Hashem.

The *Gemora* asks: It is understandable according to the opinion that says the name *Elohim* refers to judges that we derive one cannot curse Hashem from the fact that one cannot curse the judges. However, according to the other opinion, how can we derive that one cannot curse judges? Perhaps the warning is only regarding Hashem!?

The *Gemora* answers: If so, the verse should write *do not curse with one lamed (lo sakel)*. Why does it say it with two *lameds (sikalel)*? It must be to teach us both lessons. (66a – 66b)

### **Mishna**

If one cohabits with a betrothed woman, he is only liable to be stoned if she is a *na'arah (twelve to twelve and a half)*, a virgin, betrothed, and still living by her father's house. If two people cohabited with her, the first is liable to be stoned, while the second is liable to be strangled. (66b)

### **Her Punishment**

The *braisa* states: *A na'arah*, and not a *bogeres (over twelve and a half)*. *A virgin* and not one who previously had relations with a man. *A betrothed woman* and not one who is married. *In her father's house* excludes a case where the father already gave her over to the messengers of her future husband. Rav Yehudah says in the name of Rav: These are the words of Rabbi Meir. However, the *Chachamim* say: *A na'arah who is betrothed* even includes a girl who is a minor.

Rav Acha from Difti asked Ravina: How do we know that our *Mishna* is in accordance with Rabbi Meir and excludes a minor? Perhaps it reflects the opinion of the Rabbis, and excludes a *bogeres*?

He answered: The *Mishna* says he is not liable *until* she is a *na'arah*, virgin, and betrothed. If you were correct, it would say he is only liable *if* she is a *na'arah*, virgin, and betrothed. [*This gives more room to include a minor.*]

Rabbi Yaakov bar Ada asked Rav: According to Rabbi Meir, what is the law if one cohabited with a betrothed minor? Is the Torah excluding him from being liable to receive any form of the death penalty, or only from being stoned?

He replied: It is logical that he is only excluded from being stoned.

He asked: Doesn't the verse say: *And both of them shall die*? This teaches that they both must be equal in their punishment! Rav was quiet.

Shmuel asks: Why was Rav quiet? He should have replied that the verse states: *and the man who lay with her alone will die!*

The *Gemora* notes that this is actually an argument amongst the *Tannaim* in the following *braisa*: *And both of them shall die*. This teaches us that they both must be equal in their punishment. These are the words of Rabbi Yoshiyah. Rabbi Yonasan says: The verse says: *and the man who lay with her alone will die*. What does he do with the verse: *and both of them shall die*? He understands that this excludes acts of stimulation (where she does not have pleasure from it; *the man does*

*not have actual relations with her but still derives pleasure, while she does not benefit at all - see Rashi*). The other opinion does not understand that the verse excludes this, as it is clearly considered nothing close to relations. What does the other opinion do with the verse *alone*? He understands that it is the source for the following *braisa*: If ten people cohabited with her, but she is still a virgin (*they had unnatural relation with hers*), they are all stoned. Rebbe says: The first is stoned, but the others are strangled.

The *braisa* states: *If the daughter of a Kohen profanes herself through adultery*. Rebbe says: This refers to a beginning. The verse states similarly: *and the man who lay with her alone will die*.

The *Gemora* asks: What is he saying?

Rav Huna the son of Rav Yehoshua says: Rebbe holds like Rabbi Yishmael, who says that a *Kohen's* betrothed daughter is liable to burning, but not a *Kohen's* married daughter. He therefore is saying: If this is her first time she had relations, she is burned. If not, she is strangled.

The *Gemora* asks: What did he mean when he said "The verse states similarly etc."?

The *Gemora* answers: He meant that the promiscuity of a *Kohenes* is compared to that of a betrothed woman. Just like a betrothed *na'arah* is only stoned if it was her first time, so too, a *Kohen's* daughter is only burned if it was her first time.

Rav Bibi bar Abaye said that his master, Rav Yosef explained Rebbe's statement differently. Rebbe agrees with Rabbi Meir, who ruled that if a *Kohen's* daughter married someone unfit for her (*such as a mamzer*), she is liable to strangulation (*not burning – if she committed adultery afterwards*). This is what Rebbe was saying: If her first desecration came through adultery, she is executed by burning. If not (*she was desecrated through her marriage first*), she is executed by strangulation. (66b – 67a)

#### DAILY MASHAL

#### Five Interpretations of the Word 'Al

The *beraisa* in our *sugya* offers five interpretations for the words "Do not eat on the blood" (Vayikra 19:26), from which we learn five laws – all of them accepted as the halachah – concerning five different topics. In his commentary of the Torah, the Malbim explains that all the halachos stem from five different interpretations of the word 'al ("on"):

- 1) "With", as in "the men came with ('al) the women" (Shemos 35:22). We must therefore not eat meat "on" – i.e., **with** – the blood, referring to an animal that is still alive in the sense that its "blood" is its soul.
- 2) "Next to", as in "they caught up with them camping next to ('al) the sea" (Shemos 14:9). We must therefore not eat the meat of a sacrifice next to its blood – i.e., before its blood is poured on the altar.
- 3) "Because of", as in "You are going to die because of ('al) the woman" (Bereishis 20:3). A mourners' meal (*s'eudas havraah*) is therefore not eaten by the mourners of someone executed by the Sanhedrin.
- 4) "After", as in "after ('al) the permanent (*tamid*) sacrifice" (Bemidbar 28:10). The members of the

Sanhedrin who condemned a person to execution therefore must fast on the day of the execution.

5) "To", as in "Chanah prayed to ('al) Hashem" (Shmuel I, 1:10). The Torah therefore warns a rebellious son not to eat (by stealing meat and wine from his father) in a manner that might bring him to the death penalty (as if the verse read "Do not eat **to** the blood").

These amazing interpretations show our sages' deep understanding of the simple meanings of the words of the Torah!