

**A** בס"ד

Intro

Today we will learn בע"ה of מסכת סנהדרין דף מ"ה  
Some of the topics we will learn about include.

The Machlokes in the Mishnah regarding

האשה נסקלת ערומה

Whether a woman was stoned unclothed OR fully clothed?

The question in whether this contradicts their opinions regarding

חיישינן להרהור

Whether we are concerned for the bystanders' inappropriate thoughts?

The process of the actual סקילה.

דחייה

First the convicted was pushed down the height of three stories. If he remained alive, then

סקילה

He was stoned once by one עד, and afterward by all the Yidden.

Halachah of שמואל

נקטעה יד העדים פטור

If AFTER the witnesses testified their hands were cut off, the defendant goes free and he does not receive סקילה,

**A**

האשה נסקלת ערומה

חיישינן להרהור

דחייה  
סקילה

נקטעה יד העדים פטור

**B**

because the Pasuk requires

יד העדים תהיה בו בראשונה

The witnesses must actually stone him with their hands, while here they cannot do so because they have no hands.

And שמואל holds

בעינן קרא כדכתיב

The literal wording of the Pasuk is mandatory.

A discussion in whether we say

בעינן קרא כדכתיב

טהרת מצורע

In part of the purification process of a מצורע, the Kohen must take blood of the אשם, קרבן אשם, and oil, and apply them to the מצורע's right earlobe, thumb of his right hand and the large toe of his right foot.

There is a Machlokes regarding

אין לו בהן יד בהן רגל און ימנית

If a מצורע did not have these limbs, whether, or not, he can become טהור?

**B**

יד העדים תהיה בו בראשונה

בעינן קרא כדכתיב

טהרת מצורע

אין לו בהן יד  
בהן רגל און ימנית

1 So let's review ...

The Mishnah continues with the procedure of סקילה, a person who was sentenced to be stoned to death.

Zugt Di Mishnah

היה רחוק מבית הסקילה ארבע אמות מפשיטין אותו את בגדיו

When the convicted arrived to within four Amos of the stoning site, they remove his clothing.

האיש מכסין אותו מלפניו והאשה מלפניה ומאחריה דברי רבי יהודה

says the convicted person - both man or woman - was stoned unclothed, except for a small cloth in the front; while a woman was covered both front AND back.

וחכ"א האיש נסקל ערום

ואין האשה נסקלת ערומה

The חכמים disagree and say that only a man was stoned unclothed, but a woman was stoned fully clothed.

As the Gemara explains, רבי יהודה holds

האשה נסקלת ערומה

Because the Pasuk states

ורגמו אותו

אותו בלא כסותו

The word אותו excludes;

Only the actual person, but no clothing;

And

לא שנא איש ולא שנא אשה

The Pasuk does not differentiate between a man or woman.

While the חכמים hold

אין האשה נסקלת ערומה

Because

ורגמו אותו

אותו ולא אותה

The Chachamim agree that the word אותו excludes, but differently;

Only a man, but not a woman;

And אותו cannot refer to the actual סקילה, because a

woman also receives סקילה, as another Pasuk states

... והוצאת את האיש ההוא או את האשה ההיא

וסקלתם באבנים ומתו

Therefore, we must say that אותו comes to minimize

אותו בלא כסותו

הא אותה בכסותה

Only a man is stoned unclothed, but a woman is stoned fully clothed.

1

משנה

היה רחוק מבית הסקילה ארבע אמות מפשיטין אותו את בגדיו

When the convicted arrived to within four Amos of the stoning site, they remove his clothing.

חכמים

האיש נסקל

ערום

ואין האשה נסקלת

ערומה

The חכמים say that only a man was stoned unclothed, but a woman was stoned fully clothed.



ורגמו אותו

אותו ולא אותה

The word אותו excludes only a man, but not a woman;

And אותו cannot refer to the actual סקילה, because a woman also receives סקילה, as another Pasuk states

והוצאת את האיש ההוא

או את האשה ההיא ...

וסקלתם באבנים ומתו

Therefore, we must say that אותו comes to minimize

אותו בלא כסותו

הא אותה בכסותה

רבי יב/דב

האיש מכסין אותו

מלפניו

והאשה מלפניה

ומאחריה

The convicted person - both man or woman was stoned unclothed, except for a small cloth in the front;

while a woman was covered both front and back.



ורגמו אותו

אותו בלא כסותו

The word אותו excludes; Only the actual person, but no clothing;

לא שנא איש

ולא שנא אשה

The Pasuk does not differentiate between a man or woman.

2 The Gemara asks

למימרא דרבנן  
חיישי להרהורא  
The רבנן hold that a woman may not be stoned unclothed even though this would be beneficial to her in that she would die sooner. Apparently, because the רבנן are concerned that bystanders will have inappropriate thoughts.

ורבי יהודה  
לא חייש להרהורא  
While רבי יהודה holds that a woman must be stoned unclothed. Apparently, he is not concerned that this will result in הרהור.

However, the Mishnah in מסכת סוטה implies the opposite;  
הכהן אווז בבגדיה  
אם נקרעו נקרעו ואם נפרמו נפרמו  
עד שמגלה את לבה  
וסותר את שיערה

The רבנן hold that the Kohen grabs the סוטה's collar and he need not be careful that it should not rip or even shred, until he uncovers her bosom. In addition, he undoes her hair.

רבי יהודה disagrees and says  
אם היה לבה נאה לא היה מגלהו  
ואם היה שיערה נאה לא היה סותרו  
He would not uncover her bosom or let her hair down if she was particularly attractive.

In this case, it seems that the רבנן are NOT concerned for הרהור, while רבי יהודה IS concerned for הרהור?

2

למימרא ...

*רבנן*  
**חיישי להרהורא**  
The רבנן hold that a woman may not be stoned unclothed even though this would be beneficial to her in that she would die sooner. Apparently, because they are concerned that bystanders will have inappropriate thoughts.

*רבי יהודה*  
**לא חייש להרהורא**  
While רבי יהודה holds that a woman must be stoned unclothed. Apparently, he is not concerned that this will result in הרהור.

However, the Mishnah in מסכת סוטה implies the opposite;

**הכהן אווז בבגדיה  
אם נקרעו נקרעו ואם נפרמו נפרמו  
עד שמגלה את לבה  
וסותר את שיערה**

The רבנן hold that the Kohen grabs the סוטה's collar and he need not be careful that it should not rip, and she becomes uncovered. In addition, he undoes her hair.

*רבי יהודה*  
**אם היה לבה נאה לא היה מגלהו  
ואם היה שיערה נאה לא היה סותרו**  
He would not uncover her or let her hair down if she was particularly attractive.

In this case, it seems ...

The רבנן  
are not concerned  
for הרהור

רבי יהודה  
is concerned  
for הרהור



3 The Gemara first resolves the contradiction according to רבי יהודה  
 In the case of סוטה, there IS concern for הרהור, because שמא תצא מב"ד זכאה ויתגרו בה פירחי כהונה  
 We are concerned that the young Kohanim might sin with her if she survives.  
 However, in the case of a woman who is stoned, there is NO concern for הרהור, because הא מקטלא  
 She is about to die, and therefore there is no concern of someone committing a sin with her later.  
 And we are not concerned that they may be incited to pursue another woman, because אין יצר הרע שולט  
 אלא במי שענינו רואות  
 A person is mainly affected by what he sees.

Now, according to the רבנן, in both cases, the issue is not הרהור:  
 In the case of סוטה  
 מגלה את לבה  
 וסותר את שיערה  
 The purpose of which is so that ונוסרו כל הנשים  
 Other women shall take heed and act modestly. And the need for this lesson overrides any concern for הרהור.

In the case of סקילה however, אין האשה נסקלת ערומה  
 She is not stoned unclothed;  
 But the reason is NOT because of possible הרהור; but rather because there is no need to humiliate her, since אין לך ייסור גדול מזה  
 There is no greater warning than witnessing her death. And once there is no need, it's actually forbidden to humiliate her, because the מצוה of ואהבת לרעך כמוך  
 Obligates us to ברור לו מיתה יפה  
 The death penalty must be administered in the least painful or humiliating way.

Now, נסקלת ערומה, unclothed, she will die quicker, but suffer embarrassment.  
 Therefore, the Machlokes is as follows:  
 מר סבר בזיוני עדיפא ליה  
 The רבנן hold  
 אין האשה נסקלת ערומה  
 Because she would rather not be humiliated even at the expense of greater suffering.  
 ומר סבר ניחא דגופיה עדיף  
 רבי יהודה holds  
 נסקלת ערומה  
 Because a person would rather suffer less physical pain even at the expense of humiliation.  
 =====

3 The Gemara first resolves the contradiction according to רבי ירמיה  
 In the case of סקילה, there is no concern for הרהור, because הא מקטלא  
 She is about to die, and therefore there is no concern of someone committing a sin with her later.  
 And we are not concerned that they may be incited to pursue another woman, because אין יצר הרע שולט  
 אלא במי שענינו רואות  
 A person is mainly affected by what he sees.

According to the רבנן, in both cases, the issue is not כפרור:  
 In the case of סקילה however, אין האשה נסקלת ערומה  
 She is not stoned unclothed; Not because of possible הרהור; but rather because there is no need to humiliate her, since אין לך ייסור גדול מזה  
 There is no greater warning than witnessing her death. And once there is no need, it's actually forbidden to humiliate her, because the מצוה of ואהבת לרעך כמוך - obligates us to ברור לו מיתה יפה  
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 רבנן hold  
 אין האשה נסקלת ערומה  
 Because she would rather not be humiliated even at the expense of greater suffering.  
 ומר סבר ניחא דגופיה עדיף  
 רבי יהודה holds  
 האשה נסקלת ערומה  
 Because a person would rather suffer less physical pain even at the expense of humiliation.

4 Zugt Di Mishnah

בית הסקילה היה גובה שתי קומות  
 The stoning area was the height of two people and the  
 convicted was pushed from the roof, and together with his  
 own height, the fall was the height of three people.  
 אחד מן העדים דוחפו על מתניו  
 נהפך על לבו הופכו על מתניו  
 One of the עדים pushes him from so that he falls on his  
 hips. And if he landed on his chest, the עד flips him onto  
 his side.

ואם מת בה יצא  
 ואם לאו השני נוטל את האבן ונותנו על לבו  
 If he died from the fall, they do not stone him; but if he did  
 not die from the fall, the two עדים pick up a large stone,  
 and the second עד throws it onto his chest.

אם מת בה יצא  
 ואם לאו רגימתו בכל ישראל  
 If he died from this stone, there is no further stoning; but if  
 not, then all the bystanders pelt him with stones, as the  
 Pasuk states  
 יד העדים תהיה בו בראשונה להמיתו  
 ויד כל העם באחרונה  
 =====

4

משנה

**בית הסקילה היה גובה שתי קומות**  
 The stoning area was the height of two people  
 and the convicted was pushed from the roof,  
 and together with his own height,  
 the fall was the height of three people.

**אחד מן העדים דוחפו על מתניו**  
**נהפך על לבו הופכו על מתניו**  
 One of the עדים pushes him from so that he  
 falls on his hips. And if he landed on his chest,  
 the עד flips him onto his side.

**אם מת בה יצא**  
**ואם לאו**  
**רגימתו בכל ישראל**  
 If he died from this stone,  
 there is no further stoning;  
 but if not,  
 then all the bystanders  
 pelt him with stones,

**ואם מת בה יצא**  
**ואם לאו**  
**השני נוטל את האבן**  
**ונותנו על לבו**  
 If he did not die from the fall,  
 the two עדים pick up a large  
 stone, and the second  
 עד throws it onto his chest.

as the Pasuk states

**יד העדים תהיה בו בראשונה להמיתו**  
**ויד כל העם באחרונה**



5 The Gemara brings the source for דחייה, to be pushed down, and סקילה, to be stoned, from a Pasuk in יתרו פרשת that refers to the Issur of not to touch סיני הר during מתן תורה.

The Pasuk states  
לא תגע בו יד  
כי סקול יסקל או ירה יירה  
סקול means to be stoned, and ירה means to be thrown.

The Pasuk repeats both words  
סקל יסקל או ירה יירה  
To teach  
בסקילה ובדחייה  
If the person did not die from the fall, he is stoned until he dies.

And the word או teaches  
שאם מות בדחייה יצא  
If the person did die from the fall, then מיתת סקילה was fulfilled, and actual stoning is not required.

And the words יסקל and יירה that are לשון עתיד teach  
שאף לדורות כן  
This also applies to the מיתת סקילה of future times.  
=====

5 *The Gemara brings the source for*  
**דחייה**  
*to be pushed down, and*  
**סקילה**  
*to be stoned,*  
*from a Pasuk in יתרו פרשת that refers to*  
*the Issur of not to touch סיני הר during מתן תורה.*

*The Pasuk states*  
**לא תגע בו יד**  
**כי סקול יסקל או ירה יירה**  
סקול means to be stoned, and ירה means to be thrown.

*The Pasuk repeats both words*  
**סקל יסקל או ירה יירה**

*To teach*  
**בסקילה ובדחייה**  
If the person did not die from the fall,  
he is stoned until he dies.

*And the word "או" teaches*  
**שאם מות בדחייה יצא**  
If the person did die from the fall, then מיתת סקילה was fulfilled, and actual stoning is not required.

*And the words יסקל and יירה that are לשון עתיד teach*  
**שאף לדורות כן**  
This also applies to the מיתת סקילה of future times.

6 The Gemara continues

אמר שמואל

נקטעה יד העדים פטור

If after the witnesses testified, their hands were cut off, the defendant goes free and he does not get סקילה, because the Pasuk requires

יד העדים תהיה בו בראשונה

The witnesses must actually stone him with their hands, while here they cannot do so because they have no hands.

And שמואל holds

בעינן קרא כדכתיב

The Pasuk must be fulfilled exactly as written.

The Gemara says however

עדים גידמין דמעיקרא

חייב

If before the witnesses testified their hands were already cut off, the defendant does get סקילה, because

דאמר קרא יד העדים

שהיתה כבר

Only if they previously did have hands previously, the עדים must perform the סקילה with their hands; but if they did not have hands previously, the עדים can perform the סקילה without their hands, because as Rashi explains

זו היא יד שלהם

Their arm is considered their hand.

6

*אמר שמואל*

**נקטעה יד העדים פטור**

*If after the witnesses testified, their hands were cut off, the defendant goes free and he does not get סקילה,*

*because the Pasuk requires*

**יד העדים תהיה בו בראשונה**

*The witnesses must actually stone him with their hands, while here they cannot do so because they have no hands.*

*And שמואל holds*

**בעינן קרא כדכתיב**

*The Pasuk must be fulfilled exactly as written.*

**עדים גידמין דמעיקרא חייב**

*If before the witnesses testified their hands were already cut off, the defendant does get סקילה,*

*because*

**דאמר קרא "יד העדים" שהיתה כבר**

*Only if they previously did have hands previously, the עדים must perform the סקילה with their hands; but if they did not have hands previously, the עדים can perform the סקילה without their hands,*

*because as Rashi explains*

**זו היא יד שלהם**

*Their arm is considered their hand.*

7 The Gemara proceeds with a discussion of בעינן קרא כדכתיב  
 Whether the Pasuk must be fulfilled exactly as written  
 And the Gemara concludes that this is actually a מחלוקת תנאים  
 in a Mishnah in מסכת נוזר

אין לו בהן יד, בהן רגל, און ימנית  
 אין לו טהרה עולמית  
 If a מצורע did not have a thumb on his right hand or a big  
 toe on his right foot, or he did not have a right earlobe, the  
 תנא קמא holds he cannot become purified, because the  
 Pasuk specifies that they must apply the דם אשם and the  
 oil onto these limbs, and the תנא קמא holds  
 בעינן קרא כדכתיב

holds רבי אליעזר  
 נותן על מקומו ויוצא  
 They can apply the blood and oil to the area of these  
 limbs, and he becomes טהור.

holds רבי שמעון  
 נותן על שמאלו ויוצא  
 They can apply the blood and oil to the left thumb, toe and  
 earlobe, and he becomes טהור;  
 And both רבי אליעזר and רבי שמעון hold  
 לא בעינן קרא כדכתיב

7

**בעינן קרא כדכתיב**  
 Whether the Pasuk must be fulfilled exactly as written  
 And the Gemara concludes  
 that this is actually a מחלוקת תנאים in a Mishnah in  
 מסכת נוזר

**אין לו בהן יד, בהן רגל, און ימנית**  
**אין לו טהרה עולמית**  
 If a מצורע did not have a thumb on his right hand or a big  
 toe on his right foot, or he did not have a right earlobe,  
 the תנא קמא holds he cannot become purified,  
 because the Pasuk specifies  
 that they must apply the דם אשם and the oil  
 onto these limbs.

The תנא קמא holds

**בעינן קרא כדכתיב**

<p>רבי אליעזר</p> <p><b>נותן על שמאלו</b> <b>ויוצא</b></p> <p>They can apply the blood          and oil to the left thumb,          toe and earlobe,          and he becomes טהור;</p>	<p>רבי שמעון</p> <p><b>נותן על מקומו</b> <b>ויוצא</b></p> <p>They can apply the          blood and oil to the area          of these limbs, and he          becomes טהור.</p>
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And both רבי אליעזר and רבי שמעון hold  
**לא בעינן קרא כדכתיב**