

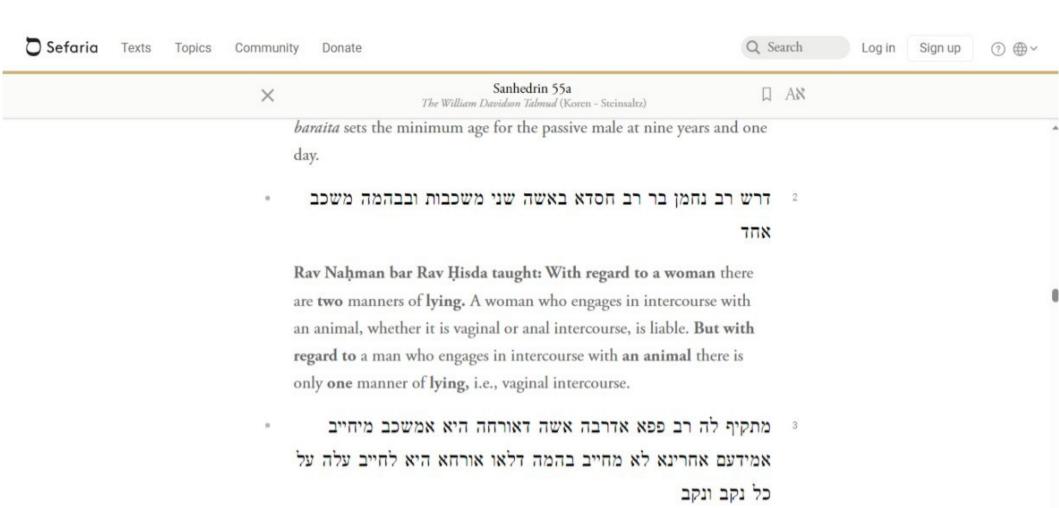
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הבא על הבהמה בין כדרכה בין שלא כדרכה והאשה המביאה את
 הבהמה עליה בין כדרכה בין שלא כדרכה חייב

or one who engages in intercourse with an animal, whether in a typical manner or in an atypical manner, i.e., anal intercourse, and similarly a woman who engages in intercourse with an animal, whether in a typical manner or in an atypical manner, is liable. This baraita sets the minimum age for the passive male at nine years and one day.

דרש רב נחמן בר רב חסדא באשה שני משכבות ובבהמה משכב אחד

Rav Naḥman bar Rav Ḥisda taught: With regard to a woman there



Day Danna chicate to this opinion: On the contrary a woman whose

only one manner of lying, i.e., vaginal intercourse.

מתקיף לה רב פפא אדרבה אשה דאורחה היא אמשכב מיחייב אמידעם אחרינא לא מחייב בהמה דלאו אורחא היא לחייב עלה על כל נקב ונקב

Rav Pappa objects to this opinion: On the contrary, a woman, whose typical manner of intercourse is vaginal, is rendered liable for lying with an animal only in that manner; she is not rendered liable for something else, i.e., for engaging in anal intercourse with an animal. With regard to a man who engages in intercourse with an animal, by contrast, since it is not its typical conduct to engage in intercourse with a man, he should be rendered liable for engaging in intercourse with it through each and every orifice.

תניא (דלא כתרוייהו) זכר בן תשע שנים ויום אחד הבא על הבהמה

תניא (דלא כתרוייהו) זכר בן תשע שנים ויום אחד הבא על הבהמה בין כדרכה בין שלא כדרכה והאשה המביאה את הבהמה עליה בין כדרכה בין שלא כדרכה חייב

It is taught in a baraita in accordance with neither of their opinions:

One who engages in homosexual intercourse with a male aged nine
years and one day, or one who engages in intercourse with an
animal, whether in a typical manner, or in an atypical manner, i.e.,
anal intercourse, and similarly, a woman who engages in intercourse
with an animal, whether in a typical manner or in an atypical
manner, are liable. Evidently, there is no difference between the nature
of the transgression of a woman who engages in bestiality and a man
who engages in bestiality in this regard.

א"ל רבינא לרבא המערה בזכור מהו



א"ל רבינא לרבא המערה בזכור מהו

Ravina said to Rava: With regard to one who performs the initial stage of intercourse with another male, i.e., insertion of the penis, without completing the intercourse, what is the halakha? Is he liable for engaging in homosexual intercourse?

• המערה בזכור (ויקרא יח, כב) משכבי אשה כתיב ביה אלא המערה • בבהמה מהו

The Gemara comments: With regard to one who performs the initial stage of intercourse with a male, what is the question? The expression "as with a woman" (Leviticus 18:22) is written with regard to him, which indicates that any act that is considered an act of intercourse with a woman is also considered an act of intercourse with a man. Rather, the question is as follows: With regard to one who performs the initial



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א"ל אם אינו ענין להעראה דכתיבא גבי אחות אביו ואחות אמו
דלא צריכא דהא איתקש להעראה דנדה תניהו ענין להעראה
דבהמה

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Rava said to him: In the verse: "And you shall not uncover the nakedness of your mother's sister nor of your father's sister; for he has made naked [he'era] his relative" (Leviticus 20:19), the word he'era alludes to the initial stage of intercourse [ha'ara]. If the word he'era is not needed for the matter of the initial stage of intercourse in the context where it is written, i.e., for the prohibition of intercourse with one's father's sister and one's mother's sister, as it is not necessary in that context since the halakha of the initial stage of intercourse with regard to all forbidden sexual relations is compared by the Torah to the halakha of the initial stage of intercourse mentioned with regard to a menstruating woman, apply it instead to the matter of the initial

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מכדי בהמה מחייבי מיתות ב"ד היא למה לי דכתיב להעראה דידה

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מכדי בהמה מחייבי מיתות ב"ד היא למה לי דכתיב להעראה דידה גבי חייבי כריתות לכתביה גבי חייבי מיתות בית דין וליגמור חייבי מיתות בית דין מחייבי מיתות בית דין

The Gemara asks: Since one who engages in intercourse with an animal is among those who are liable to receive a court-imposed death penalty, why do I need the halakha of one who performs the initial stage of intercourse with an animal to be written in a verse concerning those who are liable to receive karet, i.e., the case of one who engages in intercourse with his aunt? Let the Torah write this halakha with regard to those who are liable to receive a court-imposed death penalty, and one would then derive this halakha concerning those who are liable to receive a court-imposed death penalty from the halakha of those who are liable to receive a court-imposed death penalty, and not from the less relevant halakha of one who engages in intercourse with his aunt that halakha of one who engages in intercourse with his aunt that halakha of one who engages in

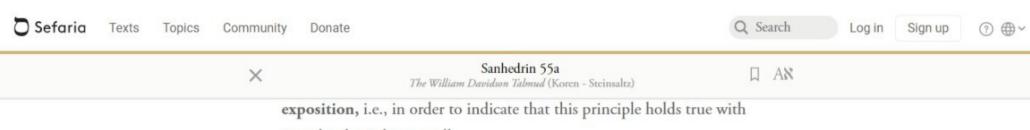
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penalty, and not from the less relevant *halakha* of one who engages in intercourse with his aunt, who is punished with *karet*.

הואיל וכוליה קרא לדרשא הוא דאתי כתיבא נמי מילתא דדרשא

The Gemara answers: Since the entire verse about the punishment of one who engages in intercourse with the sister of his father or mother is superfluous, and comes for the sake of exposition, as this *halakha* is already stated in other verses (see Leviticus 18:12–13), this matter, i.e., the fact that the initial stage of intercourse is halakhically defined as intercourse, is also written in this verse for the purpose of an exposition, i.e., in order to indicate that this principle holds true with regard to bestiality as well.

• בעא מיניה רב אחדבוי בר אמי מרב ששת המערה בעצמו מהו אמר ליה קבסתו



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י בעא מיניה רב אחדבוי בר אמי מרב ששת המערה בעצמו מהו אמר ליה קבסתן

Rav Aḥadevoi bar Ami asked Rav Sheshet: With regard to one who performs the initial stage of homosexual intercourse on himself, what is the *halakha*? Is he liable for homosexual intercourse? Rav Sheshet said to him: You disgust me with your question; such an act is not possible.

אמר רב אשי מאי תיבעי לך בקושי לא משכחת לה כי משכחת לה
 במשמש מת למאן דאמר משמש מת בעריות פטור הכא פטור
 ולמאן דאמר חייב הכא מיחייב תרתי מיחייב אשוכב ומיחייב
 אנשכב

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Rav Ashi said: What is your dilemma? With regard to doing so with an erect penis, you cannot find such a case. You can find it only when one performs this act of intercourse with a flaccid penis. And the halakha is subject to a dispute: According to the one who says that a man who engages in intercourse with a flaccid penis, with one of those with whom relations are forbidden, is exempt, as that is not considered intercourse, here too, when one does so to himself, he is exempt. And according to the one who says that he is liable, he is rendered liable here for transgressing two prohibitions according to Rabbi Yishmael; he is rendered liable for engaging in homosexual

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בעו מיניה מרב ששת עובד כוכבים הבא על הבהמה מהו תקלה וקלון בעינן והכא תקלה איכא קלון ליכא או דילמא תקלה אע"פ שאין קלון

The students asked Rav Sheshet: With regard to a gentile who engages in intercourse with an animal, what is the halakha? Must the animal be killed? The Gemara elaborates: Do we need two reasons to kill the animal, namely that it caused a calamity and that it caused shame, and therefore here the animal is not killed, as while there is a calamity, as it caused a person to sin and be executed, there is no shame, as the Jewish court is not responsible for the shame of a gentile? Or perhaps one reason is enough, and an animal is killed because of the calamity it caused even if there is no shame?

- אמר רב ששת תניתוה מה אילנות שאין אוכלין ואין שותין ואין

אמר רב ששת תניתוה מה אילנות שאין אוכלין ואין שותין ואין מריחין אמרה תורה השחת שרוף וכלה הואיל ובא לאדם תקלה על ידן המתעה את חבירו מדרכי חיים לדרכי מיתה על אחת כמה וכמה

Rav Sheshet said: You learned the answer to this question in a baraita: If with regard to trees, which neither eat nor drink nor smell, and nevertheless, if they are used in idolatrous rites, the Torah says:

Destroy, burn, and demolish them (see Deuteronomy, chapters 7, 12), and the reason is since a calamity was caused to people by them, then with regard to one who leads another astray from the ways of life to the ways of death, all the more so he is liable to be destroyed. It can be derived from here that any item used for a transgression that renders one liable to be executed should be destroyed.



אלא מעתה עובד כוכבים המשתחוה לבהמתו תיתסר ומקטלא מי איכא מידי דלישראל לא אסר ולעובד כוכבים אסר

The Gemara challenges this ruling: If that is so, in the case of a gentile who bows down to his animal, the animal should be forbidden, i.e., it should be prohibited to derive benefit from it, and it should be killed. The Gemara answers: Is there anything that is not forbidden to a Jew, but is forbidden to a gentile? Since a Jew who bows down to an animal does not render it forbidden (see *Temura* 29b), a gentile who does so does not render it forbidden either.

ישראל גופיה ליתסר מידי דהוה ארביעה אמר אביי זה קלונו מרובה וזה קלונו מועט

The Gemara challenges that assumption: With regard to a Jew himself who bows down to his animal, let the animal be forbidden, just as it is



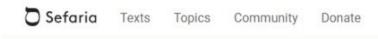
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The Gemara challenges that assumption: With regard to a Jew himself who bows down to his animal, let the animal be forbidden, just as it is in a case of bestiality, when the animal is forbidden and is killed.

Abaye says: The cases are not the same. In this case, where one commits bestiality, his shame is great; but in that case, where one worships an animal, his shame is slight, and he will not be so disgraced if the animal is left alive.

והרי אילנות דאין קלונן מרובה ואמרה תורה השחת שרוף וכלה
 בבעלי חיים קאמרינן דחס רחמנא עלייהו

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רבא אמר אמרה תורה בהמה נהנית מעבירה תיהרג

Rava says that there is a different reason for the distinction between an animal that was worshipped and an animal with which one committed bestiality: The Torah states that because the animal enjoyed the transgression, it must be killed. This cannot be said about an animal that was worshipped.

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The Gemara asks: But with regard to trees that are used in idolatrous rites, which do not enjoy the transgression, nevertheless the Torah says: Destroy, burn, and demolish. The Gemara answers: We are speaking of living animals. The halakha is different there, as the Merciful One has pity on them. Therefore, an animal is killed only if



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י ת"ש ד"א שלא תהא בהמה עוברת בשוק ויאמרו זו היא שנסקל פלוני על ידה מאי לאו

The Gemara suggests: Come and hear a resolution from the mishna to



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The Gemara suggests: Come and hear a resolution from the mishna to the dilemma concerning an animal with which a gentile committed bestiality: Alternatively, it is so that this animal will not pass through the marketplace, and those who see it will say: This is the animal because of which so-and-so was stoned, and its existence would shame his memory. What, is it not

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מדסיפא תקלה וקלון רישא תקלה בלא קלון והיכי דמי עובד כוכבים הבא על הבהמה