



55b

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

evident **from** the fact **that the latter clause** of the mishna includes two reasons for the killing of the animal, namely both the **calamity and the shame** caused by the animal, that **the first clause**, the first reason stated in the mishna, is referring to a case of **a calamity with-out shame? And what are the circumstances** of a calamity without shame? It is the case of **a gentile who engages in intercourse with an animal**. In that case there is a calamity, as the gentile is executed, but his shame is not the concern of the Jewish court.

- לא סיפא תקלה וקלון רישא הא קמ"ל דאפילו קלון בלא תקלה נמי
אוחזרין וקורין דאנן וישראל דבא על בהמה רשעו וקדשו בר



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- לא סיפא תקלה וקלון רישא הא קמ"ל דאפילו קלון בלא תקלה נמי מיחייבי והיכי דמי ישראל הבא על הבהמה בשוגג וכדבעי רב המנונא 2

The Gemara rejects this proof: **No. The latter clause** is referring to a case of both a **calamity and shame**, but **this first clause teaches us that even** in a case where there is a circumstance of **shame alone without the calamity** of execution, the court is **obligated** to kill the animal. Although the mishna employs the term: Calamity, it is possible that this is referring to the calamity of the transgression, not the execution of the transgressor. **And what are the circumstances** of this case? It is a case of a **Jew who unwittingly engages in intercourse with an animal**, and this is just like the case about which **Rav Hamnuna raises a dilemma.**

- דרשו רב דאנוס וישראל דרש על דרדאד רישו אדו חבל וקלון 3



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raises a dilemma.

- דבעי רב המנונא ישראל הבא על הבהמה בשוגג מהו תקלה וקלון בעינן והכא קלון איכא תקלה ליכא או דילמא קלון אע"פ שאין תקלה

As Rav Hamnuna raises a dilemma: With regard to a Jew who unwittingly engages in intercourse with an animal, what is the *halakha*? Is the animal stoned to death? **Do we need both a calamity and shame** in order to put it to death, **and** therefore **here** the animal is not killed, as **there is shame**, but **there is no calamity** of execution, **or perhaps shame** is enough, **even if there is no calamity**?

- אמר רב יוסף תא שמע בת שלש שנים ויום אחד מתקדשת בביאה ואם בא עליה יבם קנאה וחייבין עליה משום אשת איש



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- אמר רב יוסף תא שמע בת שלש שנים ויום אחד מתקדשת בביאה 4
ואם בא עליה יבם קנאה וחייבין עליה משום אשת איש

Rav Yosef says: Come and hear a resolution from a mishna (*Nidda* 44b): A girl who is **three years and one day old** whose father arranged her betrothal is **betrothed with intercourse**, as the legal status of intercourse with her is that of full-fledged intercourse. **And** in a case where the childless husband of a girl who is three years and one day old dies, if his brother, the *yavam*, **engages in intercourse with her, he acquires her** as his wife; **and** if she is married, a man other than her husband is **liable for** engaging in intercourse with **her due to** the prohibition of intercourse with a **married woman**.

- ומטמאה את בועלה לטמא משכב תחתון כעליון ניסת לכהן אוכלת 5
בתרומה בא עליה אחד מן הפסולים פסלה מן הכהונה



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prohibition of intercourse with a **married woman**.

- ומטמאה את בועלה לטמא משכב תחתון כעליון ניסת לכהן אוכלת בתרומה בא עליה אחד מן הפסולים פסלה מן הכהונה 5

The mishna continues: **And** if she is impure due to menstruation, **she transmits impurity to one who engages in intercourse with her**, who then **renders** all the items designated for **lying beneath** him **impure like** the items designated for lying **above** him. If **she marries a priest**, **she may partake of *teruma*** like any other wife of a priest. If she is unmarried and **one** of the men **who are unfit** for the priesthood, e.g., a *mamzer* or *halal*, **engages in intercourse with her**, **he has disqualified her from** marrying into **the priesthood**, and if she is the daughter of a priest, she is disqualified from partaking of *teruma*.

- ואם בא עליה אחד מכל העריות האמורות בתורה מומתין על ידה 6



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her from marrying into the priesthood, and if she is the daughter of a priest, she is disqualified from partaking of *teruma*.

- ואם בא עליה אחד מכל העריות האמורות בתורה מומתין על ידה
והיא פטורה 6

The mishna continues: **And if one of any of those with whom relations are forbidden, who are stated in the Torah, engaged in intercourse with her**, e.g., her father or father-in-law, **they are executed** by the court **for** engaging in intercourse with **her**, and **she is exempt** because she is a minor.

- אחד מכל עריות ואפילו בהמה והא הכא דקלון איכא תקלה ליכא
וקתני מומתין על ידה 7

The Gemara infers: **One of any of those with whom relations are forbidden** apparently includes **even an animal**. And here, there is



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- אחד מכל עריות ואפילו בהמה והא הכא דקלון איכא תקלה ליכא וקתני מומתין על ידה 7

The Gemara infers: **One of any of those with whom relations are forbidden** apparently includes **even an animal**. **And here, there is shame** but **there is no calamity**, as she is not executed due to her status as a minor, **and yet the mishna teaches: They are executed for engaging in intercourse with her**. Evidently, the animal is killed.

- כיון דמזידה היא תקלה נמי איכא ורחמנא הוא דחס עלה עלה דידה חס אבהמה לא חס 8

The Gemara rejects this proof: **Since she** committed this transgression **intentionally, there is a calamity as well, and it is the Merciful One who has pity on her** due to her young age, and exempts her from punishment. And although the Merciful One **has pity on her, He does**



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- כיון דמזידה היא תקלה נמי איכא ורחמנא הוא דחס עלה עלה
דידה חס אבהמה לא חס 8

The Gemara rejects this proof: **Since she** committed this transgression **intentionally, there is a calamity as well, and it is the Merciful One who has pity on her** due to her young age, and exempts her from punishment. And although the Merciful One **has pity on her, He does not have pity on the animal.** Therefore, it cannot be proven from here that shame without a calamity is sufficient cause for the animal to be put to death, because calamity is present in this case.

- אמר רבא ת"ש בן תשע שנים ויום אחד הבא על יבמתו קנאה ואינו
נותן גט עד שיגדיל ומטמא כנדה לטמא משכב תחתון כעליון 9

Rava says: Come and hear a proof from the subsequent mishna (*Nidda*