

Talmud Makos Review Lesson 62 - DAF 13A:
TRANSGRESSIONS FOR WHICH ONE IS LASHED

Mishnah: The following are lashed:

1. One who has Bi'ah with his sister, with the sister of his father, mother, or wife, with the wife of his brother or paternal uncle, or with a Nidah (whenever he is lashed, she is also);
 2. A Kohen Gadol who has Bi'ah with a widow, any Kohen who has Bi'ah with a divorcee or Chalutzah, a Yisrael who has Bi'ah with a Mamzeres (one who was born (or descends from) a Bi'ah of Arayos forbidden by Kares) or Nesinah (a convert from the seven Kena'ani nations), or a Mamzer or Nasin who has Bi'ah with a Bas Yisrael;
 - If a Kohen Gadol has Bi'ah with a widow who is a divorcee, he is liable for two transgressions (receives two sets of 39 lashes);
 - If any Kohen has Bi'ah with a divorcee who is a Chalutzah, he is liable only once.
 3. A Tamei person who eats Kodesh or enters the Mikdash;
 4. One who eats Chelev (forbidden lard), blood, Nosar, Pigul (Kodshim offered with improper intent) or Tamei Kodshim, or Chametz during Pesach;
 5. One who slaughters and offers a Korban outside the Mikdash;
 6. One who eats or does Melachah on Yom Kipur;
 7. One who prepares (scented oil according to the formula for the) Shemen ha'Mishchah (anointing oil) or incense (according to the formula for the incense offered to Hash-m, for his own use), or anoints with Shemen ha'Mishchah (the very oil used to anoint the Mishkan, Kohanim Gedolim, and kings);
 8. One who eats Neveilos, Treifos, Shekatzim u'Rmasim (insects or creeping creatures);
 9. One who eats Tevel, Ma'aser Rishon from which Terumas Ma'aser was not taken, or Ma'aser Sheni or Hekdesh which were not redeemed.
 - **R. Shimon** says, one who eats any amount of Tevel is liable (lashed);
 - **Chachamim** say, he is not lashed unless he eats a k'Zayis (an olive's worth).
1. **R. Shimon:** Don't you agree that one is liable for eating a (full) ant of any size?
 2. **Chachamim:** That is because it is a full creation.
 3. **R. Shimon:** A wheat kernel is also a full creation!

(a) Our Mishnah includes in the list of 'those who get lashed', seven cases of Arayos that are Chayav Malkos 'a sister, a paternal and a maternal aunt, a wife's sister and brother's wife (sisters-in-law), a father's brother's wife (an aunt by marriage) and a Nidah - which are all Chayav Kareis as well.

(b) The list of 'Lokin' is not comprehensive, seeing as there are three hundred and sixty-five La'avin (most of which are subject to Malkos). The Tana chose to insert ...

1. ... Tevel, Ma'aser Rishon she'Lo Nitlah Terumaso and Hekdesh she'Lo Nifdeh - because in neither case is the La'av clearly spelt out in the Torah.
2. ... Ma'aser Sheini that has not been redeemed - because, it is similar to Hekdesh she'Lo Nifdeh, inasmuch as it too, is based on the fact that it has not been redeemed.
3. ... most other La'avin - because there is a Chidush (novel insight) attached to each one.

(c) The Tana includes 'Almanah le'Kohen Gadol' and 'Gerushah va'Chalutzah le'Kohen Hedyot' in the list - to teach us that a Kohen Gadol who marries a woman who is both, receives two sets of Malkos.

(d) Nevertheless, a Kohen only receives one set of Malkos for a woman who is both a Gerushah and a Chalutzah - because Chalutzah does not have its own Pasuk, and is only learned from a superfluous word ("ve'Ishah") that is written in the Parshah of Gerushah (see also Tosfos DH 'Gerushah').