

23.3.5; 27b (משה ד') → 28b (והא איקרבא דעתיה לגבה)

1. לא יומתו אבות על בנים ובנים לא יומתו על אבות איש בחטאו וימתו: דברים פרק כד פסוק טז  
 2. נצר חסד לאלפים נשא עון ופשע וחסאה ונקה לא ונקה פקד עון אבות על בנים ועל בני בנים על שלשים ועל רבעים: שמות פרק לד פסוק ז  
 3. והנשארים בכם ימקו בעונם בארצת איביכם ואף בעונות אבתם אתם ימקו: ויקרא פרק כו פסוק לט  
 4. וכשלו איש באחיו כמפני חרב ורדף אין ולא תהיה לכם תקומה לפני איביכם: ויקרא פרק כו פסוק לו  
 5. משפט אחד יהיה לכם כגר כאזרח יהיה כי אני ה' אלהיכם: ויקרא פרק כד פסוק כב  
 6. ערות אחי אביד לא תגלה אל אשתו לא תקרב דדתך הוא: ויקרא פרק יח פסוק יד

- I 'משנה ד' invalidity of witnesses (and דינים) due to kinship
- a ר"ע:
- i List of 9 – each includes them, their sons and their sons-in-law
- |                    |                                     |                                  |
|--------------------|-------------------------------------|----------------------------------|
| 1 Brother          | 5 Father's sister's husband (uncle) | 7 Mother's husband (step-father) |
| 2 Father's brother | 6 Mother's sister's husband (uncle) | 8 Wife's father                  |
| 3 Mother's brother |                                     | 9 Wife's sister's husband        |
| 4 Sister's husband |                                     |                                  |
- ii #10 – only he is invalid, not his sons nor sons-in-law
- 1 Wife's son (step-son)
- b יוסי: the משנה ראשונה only lists inheriting relatives:
- i Father's brother (uncle)
- ii Father's brother's son (cousin)
- 1 And: anyone else who can inherit from him – if he is a קרוב at the time (of the act and/or עדות)
- 2 But: if he was originally a קרוב and became dis-related – כשר
- 3 Dissent (ר' יהודה): if his daughter dies but leaves children, his (former) son-in-law is still פסול
- c Source for invalidity of קרובים v. 1, which cannot mean "not bearing parents'/children's sins", as per v. 2-4
- i Note: this source only invalidates parents and brothers and only paternal relatives
- 1 Maternal relatives and cousins: extended via אבות אבות, יומתו יומתו
- 2 And: extension to דיני ממונות via v. 5
- d רב's extension: רב suggests symmetry, which leads to שלישי ברשותו being קורבה
- i Suggestion: he gets it from our משנה and reads חתניה as "sons-in-law of the sons" (3<sup>rd</sup> gen.)
- 1 Rejection: then it should teach "sons and grandsons" (defense: teaches בעל כאשתו)
- 2 Rejection: רב's multiplicative "8→24" should be "8→32"
- (a) Rather: משנה means "sons-in-law" of the principal; רב ruled like ר"א who also invalidated בשני
- (i) But: רב permits בשני שלישי
- (ii) Answer: רב holds like ר"א (based on reading בנים ובנים על אבות על בנים) but not to the same extent
- e רב's application: mother-in-law's brother, or either of her nephews
- i Support: משנה rules that sister's husband and his son-in-law etc. – by reciprocity, רב's rule is supported
- 1 Story: רב was asked if a man can testify for/against his step-son's wife
- (a) Answer: husband and wife are as one (→ פסול), as per v. 6
- f Analysis of next clause: son of mother's husband
- i Challenge: that is his brother
- ii Answer: includes step-brother
- 1 Dissent: ר"ח permitted a step-brother to testify, interpreting our משנה as paternal and maternal brothers
- 2 Note (ר"ח): father of groom and father of bride may testify
- 3 דב"ח: a man may testify for his fiancée
- (a) דבינא: only to have her lose money, not gain (as he will gain it later)
- (b) Rejection: in either case, he cannot testify
- (i) Clarification: רב"ח was misled by ruling that fiancées are not מטמא for each other (e.g. if he is a כהן and she dies), nor mourn for each other; if she dies, he doesn't inherit her estate and if she dies, he keeps the כתובה,
1. Distinction: that is dependent on a full marital relationship of שאר which doesn't yet exist
2. But here: it is due to emotional/financial attachment, which exists already
- II 'משנה ה' (still יהודה ר'): disqualification due to emotional attachment to דינ
- a אוהב – if he is his "best man" – only during the week of the wedding (or that day)
- b שונא – if he hasn't spoken with דינ for 3 days due to enmity
- i Dissent (רבנן): ישראל עם isn't suspected of lying due to such emotional entanglements