

13.6.2

54a (בהווייתה תהא) → 55a (אחד המערה)

1. ואיש אשר ישכב את אשה דוה וגלה את ערותה את מקרה הערה והיא גלתה את מקור דמיה ונכרתו שניהם מקרב עמם: ויקרא כ, יח  
 2. ואיש אשר יקח את אשת אחיו נדה הוא ערות אחיו גלה ערירים יהיו: ויקרא כ, כא  
 3. וערות אחות אמך ואחות אביך לא תגלה כי את שארו הערה עונם ישאו: ויקרא כ, יט  
 4. כי כל אשר יעשה מכל התועבות האלה ונכרתו הנפשות העשת מקרב עמם: ויקרא יח, כט  
 5. ואיש אשר ישכב את דדתו ערות דדו גלה חטאם ישאו ערירים ומתו: ויקרא כ, כ  
 6. או דדו או בן דדו יגאלנו או משאר בשרו ממשפחתו יגאלנו או השיגה דדו ונגאל: ויקרא כה, מט  
 7. ערות אשת אחיך לא תגלה ערות אחיך הוא: ויקרא יח, טז

- I. Discussion about הערא – finding a source for considering הערא to be equal to ביאה from the תורה
- a. **א. עולא** v. 1 (נדה) mentions it explicitly
- i. *Extension to rest of עריות*: cannot infer directly from נדה (via **בנין אב**) since a נדה renders **בועל** into **טמא**
  - ii. *Proposal*: v. 2; **אשת אח** is called “נדה” to extend העראת נדה to **אשת אח**
    1. *Rejection*: cannot infer from **אשת אח**, as that **איסור** could continue to increase (if brothers marry more)
  - iii. *Rather*: inferred from **אחות אמ** and **אחות אב** (v. 3)
    1. *Challenge*: these are **איסורים** which he didn’t effect (he was born into them)
  - iv. *Conclusion*: cannot infer from any one of these three; perhaps we could infer from two of them
    1. *Possibility*: if we infer from **אשת אח** and **אחות אב ואם**
      - (a) *Block*: those are consanguinity
    2. *Possibility*: infer from נדה and **אחות אב ואם**
      - (a) *Block*: these are **איסורים** which he doesn’t generate
    3. *Rather*: we can infer from נדה and **אשת אח**
      - (a) *Challenge*: in both of those cases, there is no **היתר** during the life of the one who prohibited
        - (i) *Unlike*: **אשת איש**, who, if he divorces, releases the **ערוה** while alive
        - (b) *Save*: **אשת אח** & **נדה** don’t “release” after death; נדה has a “clock” and **אשת אח** depends on progeny
        - (c) *Repaired challenge*: **נדה ואשת אח** aren’t released by the one who created the **איסור** (unlike **אשת איש**)
- b. **ב. יונה** v. 4 generates analogy between נדה and all עריות
- i. *Question*: if so, why the use of “נדה” in the context of **אשת אח** (v2)
    1. *Answer*: per **הונא** – ר’ הונא – this is a source that **יבמה** has no **היתר** during husband’s life (like נדה during flow)
  - ii. *Question*: why does it mention הערא in context of **אחות אב ואם** (v. 3)
    1. *Answer*: per **רבא**’s answer to **רבנא** – הערא is also liable with **בהמה**
      - (a) *Reason*: since it is unneeded in re: **אחות אב ואם**, must be applied to **בהמה**
      - (b) *Question*: why did the תורה “embed” it in **כריתות** (aunts); since **בהמה** is **מב”ד**
        - (i) *Answer*: since the entire verse is a “**ערוה-provider**”, also adds הערא there
          1. *Per*: **ברייתא** on v. 3 – **אחות אביך** extends to paternal or maternal sisters of father
            - a. *Challenge*: perhaps it is only paternal sister
            - b. *answer*: **אחותו** is both paternal and maternal – should be same here
            - c. *Counter*: **דודה** (wife of uncle) is only father’s **paternal** brother’s wife
              - i. *Discussion*: it seems to be more similar to sister (happens w/o marriage)
              - ii. *Counter*: more similar to aunt, both relations through father
              - iii. *Therefore*: **פסוק** states **אחות אביך** – either kind of sister
          2. *Continued*: **ערוה אחות אמך** – either paternal or maternal sister
            - a. *Question*: why is this needed for both father’s sister as well as mother’s?
            - b. *Justification* (**ר’ אבהו**): if we only had **אחות אב**, **סד”א** that because she has **ייחוס**
              - i. *And*: if we only had **אחות אמ** – **סד”א** because we can verify her consanguinity
        3. *Analysis*: how does the author know that **דודה** is only wife of father’s paternal brother?
          - a. *Answer*: (**רבא**) **דודו::דודו** (vv. 5-6); just as **נאולת קרקע** (v. 6) is only paternal uncle, so v. 5
          - b. *And*: v6 is understood to refer exclusively to **האב**, per **משפחתו**

4. *Note*: from י:ה (ahead) clear that both paternal and maternal sister of his wife is אסורה
- a. *Case*: series of marriages to sisters based on misinformation & consequences when clarified
    - i. *Setup*: man married S1 (W1), she is then reported as dead
    - ii. *he then*: marries PS2 (W2), who is then reported as dead
    - iii. *he*: marries MS1 of PS2 (W3, unrelated to W1), who is then reported as dead
    - iv. *he*: marries PS1 of MS1 (W4 – unrelated to W2), who is then reported as dead
    - v. *then*: marries MS of PS1 (W5), who is then reported as dead;
    - vi. *new information*: all alive
    - vii. *consequence*: may stay married to W1, W3 and W5; אסור to W2/4
    - viii. *if*: W1 really dies, may marry W2 and W4 (full marriage), אסור to W3/5
  - b. *source*: from sister (both maternal and paternal sister included)
    - i. *challenge*: why not infer from דודה (above) – only paternal
    - ii. *answer*: sister is more analogous, as both are his own kin
    - iii. *counter*: דודה is more analogous; both are generated via קידושין
    - iv. *Rather*: inferred from אשת אח; which is also generated via קידושין and is his kin
- iii. *Question*: what is the source for אשת אח to be both PB and MB?
1. *ברייתא*: interprets v. 7 as applying to both
    - (a) *challenge*: perhaps it is only paternal
    - (b) *answer*: just like אחותו is both
      - (i) *counter*: perhaps it is akin to דודה – which is only paternal
      - (ii) *analysis*: אשת אח is more analogous to אחותו – his own kin (unlike דודתו)
      - (iii) *response*: both דודה and אשת אח are generated via קידושין, unlike אחותו
      - (iv) *answer*: that's why v. 7 ends with ערות אחי היא – to extend to both
        1. *challenge*: perhaps both are paternal brother; if he has or doesn't have children
        2. *both*: while husband is alive
        3. *block*: no children during life of husband is inferred per ר' הונא
        4. *rather*: other may be if she has children – after death of husband
          - a. *block*: the last needs no פסוק, inferred from special permission of ייבום when no children
        5. *alternate inference*: perhaps the verses would have been understood as:
          - a. *without children*: she is banned to all but the יבם
          - b. *with children*: she is permitted to all, including the יבם
        6. *alternate to alternate inference*: without children, it is a מצוה; with children – permitted
        7. *or*: if she has children, it is a "merely" inferred from עשה → עשה (and not a לאו)
  - (v) *answer*: v. 7 – is an extra verse
    1. *proposal*: perhaps we should equate wife of MB to wife of PB – for ייבום
    2. *answer*: last word of v. 7 – היא – retains status