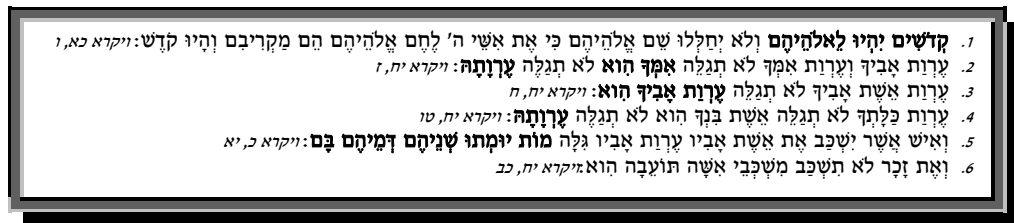


23.7.4

53a (משנה 17) → 54a (זו היא כלתו זו היא אשת בנו)



I סקילה list of those getting מושנה דו

- a **ערייות**: Mother, father's wife, daughter-in-law, male, animal – male perpetrator or female who brings the animal on her
- b **Idolatry**: Cursing God, idolatry, Molekh worship, necromancy (אוב וידעוני)
- c **Other**: מחלל שבת, cursing parents, נערה מאורסה, enticer ("מסית" to זז), instigator ("מדיח"), Sorcerer/wizard, בן סורר ומורה
- d **Note**: "mother" carries two liabilities – for "mother" and "father's wife"
- i **Dissent**: ר' יהודה – only liable for "mother"
- 1 **אם** (contra **ברייתא**): limits double-liability to a wife who is "fit" for his father; else only liable for **אם**
 - (a) **אשת אביו** → no קידושין and חכמים would admit to no כריתות ומב"ד – even חייבי כריתות ומב"ד – אינן קידושין תופסין בחייבי לאוין – ר"ע follows ר' יהודה – חייבי לאוין: **Must be**
 - (b) **אין קידושין תופסין בחייבי לאוין** – איסור קדושה ואיסור מצוה
 - (i) **Challenge**: in defining קדושה ת"ק, defines קדושה ואיסור מצוה as איסורי כהונה (as per v. 1)
 1. **And**: מצוה לשמוע דברי חכמים (since it is a מצוה דרבנן as איסור מצוה)
 2. **And**: both of them have the status of חולצין ולא מייבמין → חולצין are valid
 3. **ידושין תופסין בחייבי לאוין** → he maintains that ר' יהודה reverses the definitions
 - (ii) **Answer**: ר' יהודה reversed it on ת"ק's terms, but he rejects it all as per ר"ע
 - 2 **אשת אביו** (supporting version in **משנה**): ר' יהודה rules that all cases of **אמו** are only **אמו** חייב משום **אמו**, not **אשת אביו**
 - (a) **Explanation1** (**אבני**): v. 2 defines **אמך** היא – only liable for that, not for **אב**
 - (i) **Challenge**: v. 3 defines **אב** היא – should he only be liable for that and not **אמו**?
 1. **Conclusion**: each one cancels out the other → if she is both **אמו** and **אשת אביו**, he'll be **פטור**!
 - (ii) **Rather**: **ערוה** in v. 2 – only 1 **ערוה** liability, even though there may be 2 איסורים
 1. **Challenge**: v. 4 (כלה) reads **ערוה**, yet the **משנה** generates two liabilities (**אשת איש**) and ר' יהודה is silent
 - (iii) **Rather**: since it is one person (mother/father's wife), one liability in spite of 2 איסורים
 1. **Challenge**: daughter-in-law carries two liabilities
 - (b) **Explanation2** (**רבא**): **ערוה אבך** means father's wife & via גז"ש (v. 5) whether or not she is **אמו**
 - (i) **But**: **אמו** is inferred from v. 2 and **אמך** היא singles out one liability
 - (ii) **Supporting ברייתא**: v. 5 – **איש** excludes a minor; **אשת אביו** includes his father's wife, mother or not
 1. **And**: mother who was never father's wife – from **ערוה אביו** גלה – which is **מופנה** and used for גז"ש
 2. **And**: **אשת אביו** is inferred from **איש**, as inferred from **אשת אביו** (from **אוב וידעוני**)
 3. **Note**: this is the punishment; what is the source of the prohibition (**אזהרה**)?
 - a. **Answer**: v. 2 **Question**: how do we know that it isn't to be taken literally? (seeing **ערוה אביו**)?
 - i. **Answer**: same wording as v. 5 – and that is a marital context
 4. **And**: this only teaches father's wife (whether or not she's his mother); what is the source for **אמו**?
 - a. **Answer**: v. 2 equates **אשת אביו** w/ **אמו** for **אשת אביו**
 - i. **And**: גז"ש of **ערוה אביו** (with v. 5) equates them for **עונשין**
 5. **And**: **אמך** היא isolates liability to **אם** alone
 - (c) **רבנן** (contra **יהודה**): maintain that **ערוה אביו** is literal
 - (i) **Challenge**: that's already a violation of v. 6
 - (ii) **Answer**: double liability, as per רב's ruling about a בן נח who has relations with father or uncle
 1. **רבא**: this is only possible in case of ישראל בשוגג for purposes of קרבן (he can't die twice)
 2. **Supporting ברייתא**: relations with father or father's brother carry two liabilities
 - a. **Some say**: this is contra **יהודה** (as above)
 - b. **Others**: it even works with **יהודה** ר' יהודה via ק"ו (from **אחי אביו**); only if **עונשין** מן הדין (אביו/רבא)

- (iii) *And*: their source for אשת אב (not mother) is from v. 2 – לא תגלה
1. ג' יהודה uses that to derive prohibition after death of father
 2. לבנ infers that from אשת אב היא
 - a. ג' uses that to learn that afterwards, only liable for אשת אב, not א"א (ר"י dissents in ברייתא)
 - b. לבנ infer that from אשת אב היא (v. 5), which ר' יהודה used for גז"ש
 - c. *And*: they derive prohibition of אמו (who was never אשת אב) from אמך היא (v. 2)
 - i. *Meaning*: the text equates אמו שהיא אשת אב::אמו שאינה אשת אב
- e *Note*: אשת אב carries liability for אשת אב and אשת איש, even after father's death; whether betrothed or married
- f *Note*: "daughter-in-law" carries same double-liability as "father's wife", even after son's death, even if מן האירוסין
- i *Note* (אבני): כלה is same as son's wife – not independent liabilities