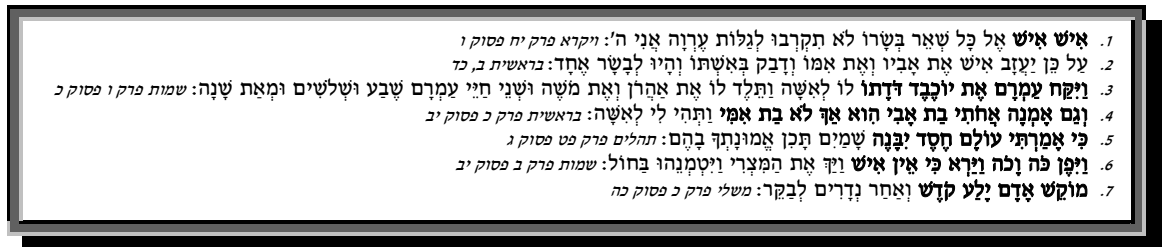


23.7.8

57b (מוקש אדם ילע קדש) → 58b (תנו רבנן איש)



I Specific prohibitions and culpability for נח vis-à-vis בני נח

a ברייתא – v. 1 extends עריות to בני נח

b Challenge: we learned that from לאמר (above - ויצו ה"א -)

i Answer: ויצו covers "their" עריות איש איש, extends to a married Jewish woman (e.g.)

1 Support: as per סיפא – if the ב"נ has relations with an ערות ישראל, he is judged as per ישראל

2 Practical application: requirement of עדה (ב"ד), עדים and התראה

(a) Challenge: why should the threshold be higher there?

3 Rather (יוחנן): application to נערה המאורסה, which isn't in their system – judged as ישראל

(a) Challenge: do we judge regular איש אשת איש with their system?

(i) חנק – נערה המאורסה – if a married woman – חנק – וסקילה – נערה המאורסה with ב"נ had relations with ברייתא

(ii) Answer (רנב"י): איש אשת איש here refers to a woman who had חופה but wasn't yet נבעלה – judged as ישראל

(b) Supportive ברייתא – ר"מ – any ערוה for which ישראל are killed, ב"נ are forbidden; חכמים – there are a lot of עריות for which ישראל isn't killed, but ב"נ are warned

(i) And: if he has ביאה with ישראל – עריות ישראל – judged as ישראל; if with ב"נ – עריות ב"נ – judged as ב"נ –

1. Only application: נערה המאורסה

2. Question: why not include also one who had חופה w/o ביאה (yet)

3. Answer: authored by תנא דבי מנשה – all מיתות ב"נ – חנק, same as ישראל איש ישראל

(ii) Challenge to ר"מ above: ברייתא where he opines that some כריתות are forbidden to ב"נ

1. Resolution: ר"מ following ר"א, who applies v. 2 to כריתות ר"מ;

a. And: the earlier ברייתא ר"מ following ר"ע, who applies v. 2 to חייב מב"ד

i. And: both agree that זכר, נאוף and bestiality are forbidden from אחד...ודבק.

4 Revisiting the ברייתא (above):

(a) ד"א:

(i) אביו: father's sister

1. Reason: can't be "father" – that's covered by ודבק (not זכר)

a. And: can't be "father's wife" – that's covered by אשתו (ולא אשת חבירו)

b. Challenge: perhaps it refers to אביו לאחר מיתת אביו

c. Answer: parallel with אמו (in פסוק); in אמו, it is independent of אישות

(ii) אמו: mother's sister

1. Reason: can't be "mother" – covered under באשתו (ולא באשת חבירו) באשתו

a. Challenge: perhaps it extends to אביו לאחר מיתת אביו

b. Answer: parallel with אביו; just as it isn't really אביו, so too it isn't really אמו

(b) ד"ע:

(i) אביו: father's wife (can't be "father" as above)

1. Challenge: can't be "father's wife" as that is also covered under אשתו חבירו ולא אשת חבירו

a. Answer: refers to אביו אשת אביו after death of father

(ii) אמו: mother

1. Challenge: covered under אשתו חבירו ולא אשת חבירו

a. Answer: refers to his mother who was never married to father (e.g. מאנוסתו)

(c) Point of dispute:

(i) ד"א: sees symmetry between אמו:אביו as central

(ii) ד"ע: prefers to reckon real עריות, not just שאר (e.g. aunts) over symmetry

(d) Challenges:

(i) v. 3: wasn't she his paternal and maternal aunt?

1. Answer: she was only a paternal aunt

(ii) v. 4: implies that his mother's daughter is אסורה (as per ר"א)

1. answer: entire presentation is inexact – she was his niece, but he was explaining that his relationship to her was through his father, not his mother (הרן was only a paternal brother)

(iii) v. 5: is applied to קין marrying his sister; אדם could have married his daughter, but wanted the world to be built on "חסד"

II Misc. laws of בני נח

a A slave: may marry his mother and his daughter

i Reason: he is no longer a בן-נח, nor is he fully a ישראל yet

b If: a בן נח assigned a שפחה as common-law wife to his slave, and then had relations with her – חייב מיתה –

i Note: she is considered his wife when she is called thus; considered "free" when she uncovers her hair in public

c If: a בן-נח has relations with his wife שלא כדרכה, חייב מיתה, שלא כדרכה

i Reason: v. 2 – דבוק

1 Challenge (רבא): nothing is executable for ב"י which isn't convictable for ישראל

ii Rather: if a בן-נח has ביאה שלא כדרכה with another's wife, not liable –

1 Reason: v. 2 requires a violation of אשת חבירו to be דבוק

d א' חנינא: if a בן נח strikes a ישראל, חייב מיתה, as per v. 6 (the מצרי was חייב מיתה for striking the ישראל)

i Tangential: if a בן נח slaps the face of a ישראל, it is like slapping the face of the שכינה, as per v. 7