

23.9.1

75a (משנה א') → 76b (איסורא בעלמא)

1. ואיש אשר יקח את אשה ואת אמה זמה הוא באש ישורפו אתו ואתהו ולא תהיה זמה בתוכם: ויקרא פרק כ פסוק יד
 2. ערות אשה ובתה לא תגלה את בת בנה ואת בת בתה לא תקח לגלות ערותה שארה הנה זמה הוא: ויקרא פרק יח פסוק יז
 3. ערות בת בנה או בת בתה לא תגלה ערותו כי ערותך הנה: ויקרא פרק יח פסוק י
 4. ובת איש מהו כי תחל לזנות את אביה היא מחללת באש תשרף: ויקרא פרק כא פסוק ט
 5. אל תחלל את בתך להזנותה ולא תזנה הארץ ומלאה הארץ זמה: ויקרא פרק יט פסוק כט
 6. והיה בשמעו את דברי האלה הזאת והתברר בלבבו לאמר שלום יהיה לי כי בשרותי לבי אלך למען ספות תרוה את הצמאה: דברים פרק כט פסוק יח
 7. וידעת כי שלום אהלך ופקדת נדך ולא תחטא: איוב פרק ה פסוק כד
 8. אז תקרא וחי יענה תשובע ויאמר הנני אם תסיר מתוך מוטה שלי אצבע ודבר און: ישעיהו פרק נח פסוק ט

- I 'אשה ובתה': list of those who get שריפה: "a woman and her daughter" and בת כהן
- a Subsumed under "אשה ובתה":
 - i daughter, son's daughter and daughter's daughter
 - ii wife's daughter, her daughter and wife's son's daughter
 - iii mother-in-law, her mother and wife's father's mother
- II Analysis:
- a From use of "אשה ובתה", as opposed to "a woman after marrying her daughter" → both are אסורות (שריפה)
 - i According to אב"י (see below, עו:), our משנה could be ר"ע, who reads v. 1 as referring to חמותו ואם חמותו
 - ii But: according to רבא, both ר"ע and ישמעאל ר"י agree that אם חמותו is not explicit in text – who is author?
 - 1 Answer: רבא reads our משנה as "a woman after marrying her daughter"
 - iii Challenges from end of משנה: derivation to include חמותו is difficult to both רבא and אב"י; אב"י a challenge to אם חמותו
 - 1 Answers: included along with חמיו (for metrical purposes) which, all agree, is not explicit
 - b Source: vv. 1 and 2 are tied via זמה::זמה, giving us (אזרה ועונש) ancestry::descendence; male::female; "up"::"down"
 - i Analysis:
 - 1 Male::female: אב"י – equates man's own consanguinity with his wife's, as per רבא's report of אב"י's יצחק בר אבדימי
 - 1 זמה::זמה, הנה::הנה v. 3 to v. 2 to v. 1 via דרשה tying
 - 2 "up" "down": cannot mean son's daughter::daughter's daughter – they're mentioned together
 - (a) Rather: must mean FIL's mother::MIL's mother
 - (i) Challenge: then it should read "down like up", not "up like down"
 - (ii) Answer: there is a version of the ברייתא that reads "down like up"
 - 1. Challenge: then זמה::זמה gains nothing – there is no זמה written in re: ואם חמותו
 - (b) Alternatively (אב"י): just as we go down 3 generations; so we go up 3 generations (אם חמיו, אם חמות)
 - (i) And: just as "down::up" re: עונש, so too with אזרה
 - (c) challenge: refer to proximity/distance of consanguinity
 - (i) challenge: if so, just as her M's M is אסורה, so his M's M should be אסורה (she isn't מה"ת -- she's a שניה)
 - 1. defense (אב"י): verse states היא היא – limits liability to one generation
 - 2. Defense (רבא): whether we apply גז"ש broadly (דון מינה ומינה) or narrowly (דון מינה ואוקי באתרה) – defeated
 - a. challenge – just as אמה is אם אמה, so אמו should be דמ"מ
 - i. However: if שריפה is more severe (ר"ש) אמו is בסקילה
 - ii. And: if ק"ו – אמו is בסקילה, how could אמו be אם שריפה?
 - iii. And: in her case, we don't distinguish between generations (שריפה); here we do?
 - iv. Note: according to רבנן (סקילה חמורה) –last challenge is only valid one – and sufficient
 - b. דמ"מ: we would give סקילה to אמו
 - i. If שריפה is severe, note that אמה is שריפה, but here אמו בסקילה
 - ii. And: just as we don't distinguish between בתה and אמה, so אמו לא בתו
 - iii. Note: according to רבנן (סקילה חמורה) –last challenge is only valid one – and sufficient
 - (ii) Further challenge: just as his daughter-in-law is אסורה, so too his wife's DIL (who is מותרת)
 - 1. defense (אב"י): verse states היא היא בנק היא – limits liability to his DIL, not her's

2. *Defense* (דבא): whether we apply גז"ש broadly (דון מינה ומינה) or narrowly (דון מינה ואוקי באתרה)-defeated
- a. *Challenge* – just as בסקילה is כלתו, so בסקילה should be כלתה
 - i. *However*: if סקילה is more severe (רבנו), he gets סקילה for אמו but שריפה for אמה
 - ii. *And*: his daughter is שריפה but her DIL would be סקילה?
 - iii. *And*: his own circumstances argue – his daughter is שריפה and his DIL is סקילה
 - iv. *Rather*: just as in his case, we don't distinguish between his mother and his DIL
 - v. *So too*: in her case, we don't distinguish between her mother and her DIL
 - vi. *Note*: according to ר"ש (שריפה חמורה) – only the last question is valid (and sufficient)
 - b. *Defense*: just as אסורה is כלתה, so too כלתה – but here it would be שריפה – as per אמה
 - i. *Challenge*: according to רבנו, אמו is בסקילה, but שריפה is חמותו
 - ii. *And*: just as we distinguish between בתו/כלתו, we should distinguish between בתה/כלתה
 - iii. *Note*: according to ר"ש (שריפה חמורה) – only the last question is valid (and sufficient)
- ii *Source for עונש* *בתו מאנוסתו*
- 1 *אבי* – ק"ו – if he is punished for his D's D, certainly for בתו
 - (a) *Challenge*: אין עונשין מן הדין
 - (i) *Defense*: this isn't derived via ק"ו, it is just a clarification
 - 2 *דבא* (as per above) הנה, הנה, זמה, זמה
 - 3 *אביו* (בת כהן) v. 4
 - (a) *Challenge*: she gets שריפה but not her paramour (חנק or סקילה);
 - (i) *Similarly*: should be that the daughter gets שריפה but father gets something else
 - (b) *Defense*1 (*אבי*): v. 4 points to her defiling father's house – but here, where אביה חיללה – both get same
 - (c) *Defense*2 (*דבא*): in that case, the paramour was "moved" from דין בת כהן to דין בת ישראל (בועל בת ישראל)
 - (i) *But*: in this case, there is nowhere to move him to
- iii *Source for אזהרה* *בתו מאנוסתו*
- 1 *אבי* *ורבא*: same as source for עונש (above)
 - 2 *But*: according to אביו דר' אביו – what is his source?
 - (a) *Answer*: ר' אילעא – v. 5
 - (b) *Challenge*: this is איסור of handing his daughter over to a man for sexual purposes other than marriage
 - (i) *Answer*: then, it could state לא תחלל – לא תחלל implies both
 - (ii) *Question*: how do אביו *ורבא* understand לא תחלל?
 1. *Answer*: this is the prohibition of marrying off a daughter to an old man
 - a. *Reason*: she will likely מזנה תחתיו (due to his age)
 2. *As per*: *ברייתא* re: v. 5
 - a. *ל"א* refers to marrying a daughter off to a זקן
 - b. *ל"ע* refers to marrying a daughter as a בוגרת (explanation below)
 - i. *ל"א כהנא בשם ר"ע*: a poor man is a רשע ערום who kept his daughter around beyond marriageable age to work at the house and delayed marrying her off
 - ii. *Tangential advice from ר"ע בשם ר"ע*: be careful about one who gives self-serving advice
 3. *דב*: one who marries his daughter to a זקן or marries a woman off to his minor son and one who returns an אבידה to a non-ישראל is considered the referent of v. 6
 - a. *Challenge*: loving one's wife like himself, honoring her more than himself, guiding his children in a straight path and *marrying off his children לפירקן* – gets v. 7!
 - b. *Answer*: if they are just at that point, it is permissible (not later)
 - c. *Tangential parallel ברייתא*: v. 8

III Exegesis of v. 1 – אותו ואתהו

 - a *איתיהו* means "one of them" (the second one married), as per Greek meaning of הינא (one)
 - b *אתיהו* means "both of them" and the referents are mother-in-law and her mother
 - i *איתיהו* agree on הלכה, disagree about meaning of text; *אתיהו* (ר"י) inferred from דרשה
 - ii *איתיהו*: they agree that *אתיהו* is not explicit; *איתיהו* means that they must both be alive for איסור to obtain; *איתיהו* holds איסור exists even if only one is alive
 - 1 Meaning: if daughter (wife) died, *איתיהו* still finds full liability for *אתיהו*; *איתיהו* – ר"ע; *איתיהו* – ר"י