



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Sanhedrin Daf Nun Gimmel

- **R' Zeira** asked **Abaye**, regarding the aveiros which carry the skila punishment, which don't say so explicitly in the pasuk, but are rather learned from a gezeira shava from "Ov and Yidoni", what words is it learned from – is it "mos yumsu" or "dimeihem bam"? **Abaye** said, it is from the words "dimeihem bam", because if you will say it is from "mos yumsu", what are the words of "dimeihem bam" needed for?
  - **Q:** If it is learned from "dimeihem bam", what are the words "mos yumsu" needed for?  
**A:** They are needed as used in a Braisa, which teaches that if the prescribed misah cannot be given to a murderer for any reason, it is mutar to kill him by using any means possible.
  - **Q:** **R' Acha MiDifti** asked **Ravina**, if it would be learned from "mos yumsu", why would **R' Zeira** have found that difficult to understand? It can't be that **R' Zeira** felt that if the gezeira shava is on the words "mos yumsu" then a married woman who is mezaneh should get skila based on this gezeira shava as well, and not chenek, because since the Torah says that an arusah who is mezaneh gets skila, it must be that a nesuah does not get skila!? It can't be that he felt that if the gezeira shava is on the words "mos yumsu" then one who hits his father or mother should get skila based on this gezeira shava as well, and not chenek, because instead of learning from Ov and Yidoni to give skila we can learn from zenus of a married woman to give chenek, and when we have a choice to learn l'chumra or l'kula we learn l'kula!? **A:** **Ravina** answered, his difficulty was, that if it is learned from "mos yumsu", why don't we learn all these cases of skila from the case of zenus of a married woman and give them all chenek instead of learning from Ov and Yidoni to give them skila.

### MISHNA

- The following are the ones who get skila: a man who is mezaneh with his mother, or with his father's wife, or with his daughter in law, or with another man, or with an animal, or a woman who brings an animal onto her, one who curses Hashem, or worships avodah zara, or gives of his offspring to the Molech, one who practices Ov or Yidoni, one who is mechalel Shabbos, one who curses his father or mother, one who is mezaneh with a naara hame'orasa, one who convinces the people of a city to worship avoda zara, one who practices kishuf, and a "ben sorer umoreh".
  - A person who is mezaneh with his mother is chayuv for being mezaneh with his mother and for being mezaneh with his father's wife. **R' Yehuda** says, he would only be chayuv for being mezaneh with his mother.
  - A person who is mezaneh with his father's wife is chayuv for being mezaneh with his father's wife and for being mezaneh with a married woman. He is chayuv for being mezaneh with his father's wife even if his father is no longer alive, and whether she was married to his father with eirusin or nissuin.
  - A person who is mezaneh with his daughter in law is chayuv for being mezaneh with his daughter in law and for being mezaneh with a married woman. He is chayuv when his son is still alive and even after he has died. He is chayuv whether she was married to his son with eirusin or nissuin.

### GEMARA

- A Braisa says, **R' Yehuda** said, if his mother was not fit to marry his father (their marriage was not effective) and he was mezaneh with his mother, he would only be chayuv for being mezaneh with his mother, not for being mezaneh with his father's wife.

- **Q:** What is meant that she was “not fit to marry his father”? It can’t mean that the father and mother were assur to each other with kares or with the death penalty, because that would mean that the **Rabanan** (who argue with **R’ Yehuda**) hold that he would be chayuv for being mezaneh with his father’s wife in that case, and that can’t be, because the kiddushin would never have been effective!? **A:** Rather, the case is that they were assur to each other with a lav, and **R’ Yehuda** holds like **R’ Akiva** who says that kiddushin is not effective between people who are assur to each other with a lav.
  - **Q:** **R’ Oshaya** asked, a Braisa says that **R’ Yehuda** requires chalitza in a case where the relationship was one which was assur with a lav. Now, if **R’ Yehuda** holds like **R’ Akiva**, then such a relationship should not need chalitza!? **A:** **R’ Yehuda** in that Braisa stated his opinion according to the view of the **T”K**, but he himself would hold that chalitza is not necessary.
- **R’ Yitzchak** taught a Braisa where **R’ Yehuda** says like he does in our Mishna, that the person would only be chayuv for being mezaneh with his mother (even if she was legally married to his father). **Abaye** explained, the reason is that the pasuk says “imcha hee”, which teaches that he is only chayuv for her being his mother, not for her being his father’s wife.
  - **Q:** If so, we should similarly darshen the pasuk of “ervas avicha hee” to teach that he is only chayuv for her being his father’s wife, and *not* for her being his mother!? It can’t be that both pesukim are exclusionary, and a mother that is married to his father would not make him chayuv at all!? Further, how would the **Rabanan** darshen the words “imcha hee”? Rather, we must say that the **Rabanan** use the pasuk for a drasha of **R’ Shisha the son of R’ Idi** (to be explained in the Gemara to come), and we therefore would say that **R’ Yehuda** uses it for this as well. If so, this can’t be the basis for his opinion!? **A:** Rather, **R’ Acha the son of R’ Ika** said, the pasuk regarding zenus with a mother says “ervasa” (written in the singular), which teaches that he is chayuv for one ervah, but not for two.
    - **Q:** If so, when the pasuk regarding zenus with a daughter in law says “ervasa” it should teach that he is only chayuv for one erava, but yet our Mishna said that he would be chayuv for her being his daughter in law and for her being a married woman, and **R’ Yehuda** did not argue in that case!? Rather, we must say that since it is one woman, even though it is two different issurim, it is written as “ervasa” in the singular. The same would be when that is written for a mother, and this does not show that there is only one issur!? **A:** Rather, **Rava** said, that **R’ Yehuda** learns from a gezeira shava that the pasuk of “ervas avicha” (which simply read seems to teach an issur for a man to be mezaneh with his father) refers to zenus with the wife of one’s father. This seems to include the father’s wife whether she is also the person’s mother or not. The pasuk then says “ervas imcha lo sigaleh” to teach that there is an issur for zenus with a mother even if she is not his father’s wife. The pasuk then says “imcha hee”, which teaches that for a mother he is only chayuv for her being his mother, and not for her being his father’s wife even if they are legally married.
      - There is a Braisa that says like **Rava’s** understanding of **R’ Yehuda**, that “imcha hee” teaches that if one is mezaneh with his mother who is legally married to his father, he is only chayuv for being mezaneh with his mother, and not for being mezaneh with his father’s wife.