

הכי קאמר: אינהו עני רשע ערום? זה המשקא בתו בוגרת. ואמר רב כהנא משום רבי עקיבא: הוי זהיר מן היועצד לפי דרכו.

This is what Rav Kahana is saying: Who is a pauper who, due to his poverty, becomes a **conniving, wicked person? This is one who delays** the marriage of **his daughter** who is **a grown woman. And Rav Kahana says in the name of Rabbi Akiva: Beware of one who advises you according to his own interests**, as he is likely motivated by personal gain.

אמר רב יהודה אמר רב: המשאי את בתו לזקן, והמשיא אשה לבנו קטן, והמחזיר אבידה לנכרי – עליו הכתוב אומר: "למען ספות הרנה את הצמאה. לא יאבה ה' סלח לו".

Rav Yehuda says that Rav says: One who marries his daughter to an old man, and one who takes a wife for his minor son, and one who returns a lost item to a gentile are all individuals who are the cause of sin. Marriage to an old man or a minor leaves the woman unsatisfied and is apt to lead to licentiousness. One who returns lost property to gentiles adds to the property that they stole from Jews. **With regard to each of them the verse states:** "Lest there should be among you a man or a woman...whose heart turns away this day from the Lord... saying: I will have peace, even though I walk in the stubbornness of my heart, **that the quenched shall be added to the thirsty. The Lord will not be willing to pardon him**" (Deuteronomy 29:17-19).

מיתיבי: האוהב את אשתו כגופו, והמכבדה יותר מגופו, והמקריב בניה ובנותיו בדרך ישראל, והמשיאן סמוך לפירקן – עליו הכתוב אומר: "וידעת כי שלום אהלך ופקדת נוד ולא תחטא". סמוך לפירקן – שאני.

The Gemara **raises an objection** to one element of the ruling of Rav from a *baraita*: One **who loves his wife as he loves himself, and who esteems her** by giving her clothing and jewelry **more than he esteems himself, and one who instructs his sons and daughters to follow an upright path, and who marries them** to appropriate spouses **adjacent to their** reaching **puberty**, ensures that his home will be devoid of quarrel and sin. **Concerning him the verse states:** "And you shall know that your tent is in peace; and you shall visit your habitation and shall miss nothing" (Job 5:24). The *baraita* indicates that it is a mitzva to marry one's children to appropriate spouses while they are young, contrary to the statement of Rav that one who takes a wife for his minor son causes sin. The Gemara replies: **Adjacent to their reaching puberty is different** from marrying her to a minor, as there is no concern that his daughter will sin during the brief period until her husband reaches puberty.

תנו רבנן: האוהב את שכניו, והמקרב את קרוביו, והנושא את בת אחותו, והמלנה סלע לעני בשעת דוחקו – עליו הכתוב אומר: "אז תקרא נה' יענה".

The Sages taught: One who loves his neighbors, and one who brings his relatives close, and one who marries the daughter of his sister, an example of a woman that he knows and likes before taking her as his wife, and one who lends a sela to a poor man at his time of need, when he has no alternative source of funds, with regard to each of them the verse states: “Break your bread for the hungry, and the poor that are cast out bring to your house; when you see the naked, you shall clothe him, and hide not yourself from your own flesh...**then shall you call, and the Lord will answer;** you shall cry, and He will say: Here I am” (Isaiah 58:7–9).

תנו רבנן: "אתו ואתה" – אותו ואת אחת מהן, דברי רבי ישמעאל. רבי עקיבא אומר: אותו ואת שתיהן.

§ **The Sages taught** with regard to the verse: “And if a man takes a woman and her mother, it is lewdness; they shall be burned with fire both him and them, and there shall be no lewdness among you” (Leviticus 20:14). What is the meaning of “**both him and them**”? It means **him and one of them**, as one woman is his wife. He is liable for engaging in intercourse with the other woman; this is **the statement of Rabbi Yishmael. Rabbi Akiva says:** It means **him and the two of them**.

מאי בינייהו? אמר אביי: משמעות דרשים איכא בינייהו.

The Gemara asks: **What** is the difference **between them**? Clearly Rabbi Akiva does not hold that his wife is punished when he engages in intercourse with her relative. **Abaye says:** The difference **between** Rabbi Akiva and Rabbi Yishmael **is** with regard to **the interpretation of the meaning** of the verse.

רבי ישמעאל סבר: "אתו ואתה" – אותו ואת אחת מהן, שכן בלשון יוני קורין לאחת "הינא". ואם תמותו – מדרשא אתיא. רבי עקיבא סבר: "אתו ואתה" – אותו ואת שתיהן, ואם תמותו הקא כתיבא.

Rabbi Yishmael holds that the term “**both him and them [et’hen]**” means **him and one of them, as in the Greek language one calls** the number **one heina**. The prohibition in the verse is with regard to one who engages in intercourse with the mother of his wife. **And** the prohibition of engaging in intercourse with **the mother of his mother-in-law is derived through an interpretation** of the verses and is not written explicitly in the Torah. **Rabbi Akiva holds** that the term “**both him and them**” means **him and both of them**; the prohibition in the verse is with regard to one who engages in intercourse with his mother-in-law,

and the prohibition for engaging in intercourse with **the mother of his mother-in-law** is also **written here** explicitly.

רבא אָמַר: תּוֹמוֹתוֹ לְאַחֵר מִיתָהּ אֵיכָּא בִּינְיָהּ. רַבִּי יִשְׁמָעֵאל סָבַר: תּוֹמוֹתוֹ לְאַחֵר מִיתָהּ בְּשִׁרְפָּהּ, וְרַבִּי עֲקִיבָא סָבַר: אִיסוּרָא בְּעֵלְמָא.

Rava says: Rabbi Yishmael and Rabbi Akiva agree that the prohibition with regard to the mother of his mother-in-law is derived through interpretation, and the difference **between them** is with regard to one who engages in intercourse with **his mother-in-law after** the **death** of his wife. **Rabbi Yishmael holds** that one who engages in intercourse with **his mother-in-law after** the **death** of his wife is executed **by burning**. The verse indicates: Both him and one of them, meaning that he is liable to be executed by burning even if only one of the pair of his wife and mother-in-law is alive, i.e., when his wife is deceased and he engages in intercourse with his mother-in-law. **And Rabbi Akiva maintains** that in that case, one violates **a mere prohibition** and is not liable to be executed.

מִתְנִי' וְאֵלּוּ הַנִּהְרָגִין: הַרוֹצֵחַ, וְאֹנֶשִׁי עֵיר הַנִּדְחָה.

MISHNA: And these are the transgressors **who are killed** by decapitation in the implementation of the court-imposed death penalty: **The murderer; and the residents of an idolatrous city**, all of whom engaged in idol worship.

רוֹצֵחַ שֶׁהִכָּה אֶת רֵעֵהוּ בְּאֶבֶן אוֹ בְּבַרְזֵל, וְכַבֵּשׁ עָלָיו לְתוֹךְ הַמַּיִם אוֹ לְתוֹךְ הָאֵוֶר, וְאֵינּוּ יָכוֹל לַעֲלוֹת מִשָּׁם וָמָת – חַיִּב.

The mishna elaborates: In the case of **a murderer who struck another with a stone or with iron, or held him in the water or in the fire, and** the victim **could not extricate himself from there and he died**, the murderer is **liable** to be executed.

דִּחְפוּ לְתוֹךְ הַמַּיִם אוֹ לְתוֹךְ הָאֵוֶר, וְיָכוֹל לַעֲלוֹת מִשָּׁם וָמָת – פָּטוּר. שִׁסָּהּ בּוֹ אֶת הַכֶּלֶב, שִׁסָּהּ בּוֹ אֶת הַנָּחָשׁ – פָּטוּר. הַשִּׁיד בּוֹ אֶת הַנָּחָשׁ: רַבִּי יְהוּדָה מַחְיִיב, וְחַכָּמִים פּוֹטְרִין.

If **one pushed** another **into the water or into the fire and** that person **could have extricated himself from there** but failed to do so, **and he died**, the one who pushed him is **exempt** from punishment by a court, as he caused the death but did not actually kill the victim. For the same reason, if **one set a dog against** another and the dog killed him, or if **one set a snake against** another and the snake killed him, the one who set the dog or the snake is **exempt** from punishment. If he imbedded the snake's fangs into another and **caused the snake to bite him** and kill him, **Rabbi Yehuda deems** him **liable** to be executed, as he is a

murderer, **and the Rabbis exempt** him, as they maintain that he indirectly caused the individual's death.

גמ' אָמַר שְׁמוּאֵל: מִפְּנֵי מָה לֹא נֶאֱמָרָה "יָד" בְּבִרְזֵל? שֶׁהִבְרִיז מִמֵּית בְּכָל שְׁהוּא.

GEMARA: The verses state with regard to a murderer: "And if he struck him with a stone in hand, by which a man may die...or if he struck him with an instrument of wood in hand, by which a man may die, and he died, he is a murderer; the murderer shall be put to death" (Numbers 35:17-18). The term "in hand" indicates that one is liable for murder only if he utilized a stone or a wooden instrument that was of at least a certain measure. **Shmuel says: For what reason was the term "in hand" not stated with regard to the iron instrument, as it is written: "But if he struck him with an instrument of iron, so that he died" (Numbers 35:16)? The reason is that an iron instrument of any size kills.**

תִּנָּיָא נָמִי הָכִי: רַבִּי אוֹמֵר, גָּלוּי וְיָדוּעַ לִפְנֵי מִי שֶׁאָמַר וְהָיָה הָעוֹלָם שֶׁהִבְרִיז מִמֵּית בְּכָל שְׁהוּא, לְפִיכָךְ לֹא נִתְּנָה תוֹרָה בּוֹ שִׁיעוּר. וְהָיָה מִיֵּלֵי דְבִרְזִיָּה מִיָּבְרִז.

This is also taught in a baraita. Rabbi Yehuda HaNasi says: It is revealed and known before He Who spoke and the world came into being that an iron instrument of any size kills. Therefore, the Torah did not provide a measure for it. The Gemara comments: **And this statement applies only when the murderer stabbed him with the iron instrument. But in a case where the murderer struck another with an iron instrument, he is liable only if the instrument was at least a certain measure capable of causing death.**

וְכַבֵּשׁ עָלָיו לְתוֹךְ הַמַּיִם. רִישָׁא רַבּוּתָא קָא מִשְׁמַע לֵן, וְסִיפָא רַבּוּתָא קָא מִשְׁמַע לֵן. רִישָׁא רַבּוּתָא קָא מִשְׁמַע לֵן: אָף עַל גַּב דְּלֹא אִיהוּ דְּחָפּוּ, כִּינּוֹן דְּאִין יָכוֹל לַעֲלוֹת מִשָּׁם וָמָת – סִיפָא רַבּוּתָא קָא מִשְׁמַע לֵן: אָף עַל גַּב דְּדְחָפּוּ, כִּינּוֹן דְּיָכוֹל לַעֲלוֹת מִשָּׁם וָמָת – פְּטוּר.

§ The mishna teaches: **Or held him in the water** and that other person **died**, the murderer is liable. The Gemara comments: **The first clause of the mishna teaches us a novel element, and the latter clause of the mishna teaches us a novel element. The first clause teaches us a novel element: Even though it was not he who pushed the individual into the water, since he held the victim and the victim could not extricate himself from there and he died, the one who held him in the water is liable to be executed. The latter clause teaches us a novel element: Even though he pushed the individual into the water, since the victim could have extricated himself from there but failed to do so and he died, the one who pushed him is exempt from punishment.**

כבש – מנלן? אָמר שמואל: דאָמר קרא "או באיבה", לרבות את המצמצם.

The Gemara asks: **From where do we** derive that one who **held** another in the water is liable to be executed? **Shmuel says:** It is derived from a verse, **as the verse states: "Or in enmity** he struck him with his hand and he died, the assailant shall be put to death; he is a murderer" (Numbers 35:21). The phrase "or in enmity" serves **to include one who confines** another in a place where he cannot survive.

ההוא גברא דצמצמה לחיותא דחבריה בשימנשא, ומתה. רבינא מחייב, רב אחא בר רב פטר.

There was **a certain man who confined the animal of another** in a place **in the sun and it died** from exposure to the sun. **Ravina deemed** the man **liable** to recompense the owner as though his action caused the death of the animal. **Rav Aha bar Rav deemed** him exempt from recompensing the owner, as it was not his action that caused the death of the animal.

רבינא מחייב, קל וחומר: ומה רוצם שלא עשה בו שוגג כמזיד ואונס פריצון, חייב בו את המצמצם.

The Gemara elaborates: **Ravina deemed** him **liable** to recompense the owner, and he derived it by means of **an a fortiori** inference: **Just as** with regard to **a murderer, where** the Torah **did not render** the legal status of one who kills **unwittingly**, who is exiled, **like** that of one who kills **intentionally**, who is executed, **and** did not render the status of one who kills **due to circumstances beyond his control**, who is exempt from punishment, **like** that of one who kills **with intent**, who is liable, nevertheless the Torah **rendered one who confines** another in a place where he cannot survive **liable** to be executed, even though he did not perform an action;
