



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Lashes and Kares

Rabbi Yitzchak had stated: All sins of illicit relations punishable by *kares* have the same rule. The Torah stated *kares* specifically regarding one’s sister in order to teach that they are only punished with *kares* and not with lashes.

The *Gemora* asks: What do the Rabbis (*Rabbi Akiva and Rabbi Yishmael*) use that verse (*the punishment of kares for one who cohabits with his sister*) for?

The *Gemora* answers: It is used to separate (*each ervah from the other*), as Rabbi Yochanan states: If one committed all the *arayos* transgression (*mistakenly thinking that she was permitted to him*) during one lapse of awareness, he is liable to bring a *korban chatas* for each and every transgression.

The *Gemora* asks: How does Rabbi Yitzchak know this principle?

The *Gemora* answers: He derives it from the verse: *And a woman, in her niddah state of tumah* etc. The extra term “a woman” comes to teach us that one is liable to bring a *korban* for each and every forbidden woman. The *Gemora* notes that the Rabbis also derive this from here.

The *Gemora* asks: If so, what do the Rabbis (*Rabbi Akiva and Rabbi Yishmael*) use that verse (*the punishment of kares for one who cohabits with his sister*) for?

The *Gemora* answers: It is to teach us that one is liable to bring separate *korbanos* for cohabiting with his sister, his father’s sister, and his mother’s sister.

The *Gemora* asks: Is this not obvious!? All three women are different people and they are forbidden on account of three different prohibitions!?

The *Gemora* answers: It teaches us that there would be a separate liability for cohabiting with his sister, who is also his father’s sister and his mother’s sister. And this is possible in the case of a sinner the son of a sinner. [*If someone’s father cohabited with his own mother who bore him two daughters (who are actually his sisters). The father then went and cohabited with one of the sisters (his own daughter) who bore him this son. The son then went and cohabited with the other sister. She is his own sister, his father’s sister, and his mother’s sister.*]

The *Gemora* asks: How does Rabbi Yitzchak know this *halachah*?

The *Gemora* answers: He derives it from a *kal vachomer*, for it was taught in a *braisa*: Rabbi Akiva said: I once asked Rabban Gamliel and Rabbi Yehoshua at the meat market held at Imum when they had gone to buy an animal for the upcoming marriage feast of Rabban Gamaliel’s son: If one cohabits with his sister who is also his father’s sister and his mother’s sister, what is the extent of his offence? Would he be liable to bring one *korban chatas* for all of them, or on each count separately? They said to me: The answer to this we have not heard, but we have heard the following: If one cohabited with five different women during their state of *niddah* in one spell of unawareness, he is liable to bring a *korban chatas* for each one separately. And, it seems, that we may resolve your inquiry through a *kal vachomer* as follows: In the case of the *niddah* that although each transgression is a sin of the same prohibition, he is nevertheless liable to bring a *korban chatas*



for each one separately; surely then he should be held liable on each count where he transgressed three separate prohibitions?

And the Rabbis (*who derive it from a verse, and not through this kal vachomer*) maintain that this *kal vachomer* may be refuted, for how can you derive from the case of *niddah* where several distinct persons are involved (*and that is why he must bring a korban for each prohibition; here, although there are three different prohibitions, she is only one woman*)?

The *Gemora* retracts, for even Rabbi Yitzchak must hold that this *kal vachomer* is flawed, but rather, he derives this *halachah* from the extra expression of “his sister” in the latter part of the same verse.

The *Gemora* asks: And the Rabbis, what is the purpose of repeating the expression “his sister” in the latter part of that verse?

The *Gemora* answers: They say that it teaches us that one is liable for cohabiting with his sister who is both his father’s and mother’s daughter, to indicate that we cannot establish punishments derived through a *kal vachomer*.

Rabbi Yitzchak derives the punishment for this case from the Scriptural warning. Alternatively, he derives it from the extra expression of “his sister” in the beginning of the same verse.

The Rabbis use the extra expression to teach us that one is liable to bring a separate *korban chatas* for compounding the anointing oil and one who anoints himself with the oil that Moshe compounded.

Rabbi Yitzchak holds like that which Rabbi Elozar said in the name of Rabbi Hoshaya, for he said that whenever you find in the Torah two prohibitions, but *kares* is mentioned only once, they are separated with respect to the liability to bring a *korban* (*and each prohibition requires its own korban*). Alternatively, he derives this principle from a different verse.

The *Gemora* notes that the Rabbis would use this verse for that which Rabbi Yochanan said, for Rabbi Yochanan said in the name of Rabbi Shimon ben Yochai: How is it known that a woman is not *tamei* as a *niddah* until the flow of blood emerges through her nakedness (*the normal passage*)? It is from the verse: *And if a man cohabits with a menstruating woman, and he uncovers her nakedness* etc. This teaches us that a woman is not *tamei* as a *niddah* until the flow of blood emerges through her nakedness. (14a – 14b)

Tamei

The *Mishna* listed cases where one incurs lashes: If a *tamei* person eats from sacrificial foods, or if a *tamei* person enters the Temple.

The *Gemora* notes: This is understandable where a *tamei* person entered the Temple, because both the punishment and the Scriptural warning are written. The punishment - as it is written: *he has contaminated the Tabernacle of Hashem, and he shall be cut off from Israel*. The Scriptural warning - as it is written: *and they shall not contaminate their camps*. But with respect to the *tamei* person who ate sacrificial meat, the punishment is written: *And the person that will eat meat of the shelamim offering that is for Hashem, having his tumah upon him, he shall be cut off from his people*. But where is the Scriptural warning for this?

Rish Lakish said: It is written: *She shall not touch any sacred food*. Rabbi Yochanan said that Bardela taught the *gezeirah shavah* of “his tumah, his tumah.” Just as by the case where a *tamei* person entered the Temple, the punishment and the Scriptural warning are written, so too in the case of a *tamei* person who ate sacrificial meat, there is a punishment and a Scriptural warning.

Now, we understand why Rish Lakish does not give the same explanation as Rabbi Yochanan, for he had not received this tradition from his teacher. But, the *Gemora* asks, why should Rabbi Yochanan not accept the explanation of Rish Lakish?



The Gemora answers: He will tell you that the verse, *She shall not touch any sacred food* serves as a Scriptural warning in respect of *terumah*.

Rish Lakish derives the Scriptural warning in respect of *terumah* from the wording: *A man, a man from the offspring of Aaron who is a metzora or a zav shall not eat from the holies until he becomes purified*. Which food is equally applicable to all the offspring of Aaron (including men and women)? This must be referring to *terumah*, and the verse states that if one is *tamei*, he may not eat the *terumah*. Rabbi Yochanan requires two verses – one as a Scriptural warning against a *tamei* person eating *terumah*, and the other as a warning against touching it.

The Gemora asks: How can Rish Lakish use the verse of, *She shall not touch any sacred food* for that purpose (as a Scriptural warning against a *tamei* person from eating sacrificial meat); does he not require it to serve as a Scriptural warning against a *tamei* person touching sacrificial food, for it was stated: If a *tamei* person touches sacrificial meat, Rish Lakish says: He receives lashes; whereas Rabbi Yochanan says that he does not incur lashes. Rish Lakish says that he receives lashes, as it is written: *She shall not touch any sacred food*; Rabbi Yochanan says that he does not incur lashes as that text is the Scriptural warning against touching *terumah* while *tamei*!?

The Gemora answers: Rish Lakish can answer that the *tamei* who touches sacrificial meat is liable to lashes, because the Torah has expressed the prohibition of eating sacrificial meat in terms of touching; while the warning against the eating of sacrificial meat is deduced from the fact that “sacrificial meat” and the “Temple” are placed in juxtaposition (*and just as entering the Temple is punishable with kares, so too a tamei eating sacrificial meat is punishable with kares*). [The Torah compares the two prohibitions: *Just as the prohibition of entering the Beis Hamikdosh (while tamei) involves the loss of life (kares, if violated), so too, the prohibition regarding holy things involves the loss of life. Since by touching holy things, there is no taking of life, the verse is obviously referring to the prohibition of eating holy things. The reason why eating was*

expressed by a term denoting touching is to indicate that touching and eating are equally forbidden.] The Gemora provides support for this derivation from a *braisa*. (14b)

DAILY MASHAL

Torah and Only Torah

Our Gemora cites Rabbi Akiva, that he met Rabban Gamliel and Rabbi Yehoshua in a butcher-shop where they were buying meat for Rabban Gamliel’s son’s wedding. Rabbi Akiva asked them a complicated *halachic* question. Why does Rabbi Akiva relate where he met them and the purpose of their visit?

According to Rabbi Yisrael Lifshitz zt”l, author of *Tiferes Yisrael*, the long narrative points out that Rabban Gamliel, the leader (*nasi*) of all Israel, and Rabbi Yehoshua, his *av beis din*, were busy with preparations for the wedding and went to a humming market. Even so, Rabbi Akiva did not hesitate to approach them with utterly uncommon questions, knowing all the while that they were completely involved in the holy Torah. They, too, were not ashamed to reply in public: “We haven’t heard about it.”

“To teach you that in all their transactions they were only involved in the Torah and the fear of Hashem” (*Tiferes Yisrael*, Kerisos 3:7).