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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

Who is this authority who holds that a comprehensive prohibition alone cannot be superimposed upon an existing prohibition whereas a comprehensive prohibition which also imposes a graver penalty can? — Rava said: It is Rabbi Yosi HaGelili, for we have learned: If a person that was tamei ate either tamei or tahor consecrated food, he is liable.<sup>1</sup> Rabbi Yosi HaGelili says: If a person that was tamei ate tahor consecrated food he is liable, but if he ate tamei consecrated food he is not liable, for he has only eaten what was tamei.<sup>2</sup> They replied to him: Even where he that was tamei ate what was tahor, as soon as he touched it he has rendered it tamei!<sup>3</sup> [Now it was asked regarding this:] The Rabbis have surely replied well to Rabbi Yosi HaGelili? And Rava explained that where the person was rendered tamei and only later the meat was rendered tamei, all agree that he is liable, for the prohibition involving the penalty of kares came first.<sup>4</sup> They differ only where the meat was first rendered tamei and later the person became tamei.<sup>5</sup> The Rabbis adopt the principle of a comprehensive prohibition, arguing thus: Since he would

now be liable for [eating] any piece of [consecrated] food that was tahor he is also liable for [eating] a piece that was tamei. Rabbi Yosi HaGelili does not adopt the principle of a comprehensive prohibition, for he does not accept the argument ‘since.’

The Gemara asks: But according to Rabbi Yosi HaGelil, even though he holds that the comprehensive prohibition which involves only a light penalty cannot [be superimposed upon an existing prohibition], surely the comprehensive prohibition which involves a graver penalty ought to be superimposed upon the prohibition with the light penalty! And what is [the gravity] here? It is in respect of the tumah of the person, since it involves the penalty of kares!

Rav Ashi replied: But who shall say that it is in respect of the tumah of the person that the gravity lies, perhaps the gravity is in respect of the tumah of the meat, since it can never be rendered tahor by [immersion in] a mikvah?<sup>6</sup>

<sup>1</sup> To the penalty of kares if he did so deliberately, or to bring a chatas if he did so inadvertently.

<sup>2</sup> And for eating consecrated food that was tamei there is only the penalty of lashes but not kares.

<sup>3</sup> And yet he is liable.

<sup>4</sup> As soon as a person has become tamei he is precluded from eating consecrated food under the penalty of kares, and this restriction enforced by the penalty of kares is not removed even if the consecrated meat has subsequently become tamei.

<sup>5</sup> When consecrated meat is rendered tamei all are precluded from eating it under the penalty of lashes, and if subsequently a person becomes tamei he is still precluded from eating the

tamei meat but now under the penalty of kares; moreover, the restriction in his case now is comprehensive in that he is now precluded from all consecrated food, tahor as well as tamei.

<sup>6</sup> Whereas the tamei person would become tahor after immersion in a mikvah. The position therefore is that although Rabbi Yosi maintains generally that a comprehensive prohibition cannot be superimposed upon an existing prohibition there is no reason to suppose that he would hold this view in respect of a comprehensive prohibition involving a graver restriction. Thus he is in agreement with the view of the Sages.

The Gemara asks: And does Rabbi Yosi HaGelili hold the view that a comprehensive prohibition cannot [be superimposed upon an existing prohibition]? Behold it has been taught: If Yom Kippur happened to fall on the Sabbath and a person inadvertently did work, from where do we know that he is guilty and also: It is Yom Kippur;<sup>7</sup> these are the words of Rabbi Yosi HaGelili. Rabbi Akiva says: He has only incurred liability once.

Ravin sent [from Eretz Yisroel the following message] in the name of Rabbi Yosi son of Rabbi Chanina: The construction of the teaching is as stated save that the authorities must be reversed.<sup>8</sup>

Rav Yitzchak bar Yaakov bar Giyori sent the following in the name of Rabbi Yochanan: According to the view of Rabbi Yosi HaGelili, now that we have reversed the authorities, if a person being unaware that it was the Sabbath but knowing full well that it was Yom Kippur [did work then] he is liable,<sup>9</sup>

<sup>7</sup> Here the prohibitions of the Sabbath and of Yom Kippur come into force simultaneously, i.e., on the Friday evening after sunset; nevertheless Rabbi Yosi regards the person guilty for transgressing both prohibitions. Now if Rabbi Yosi were to hold that a comprehensive prohibition or one that involves a graver penalty can be superimposed upon an existing prohibition, then it is clear to understand his view here with regard to simultaneous prohibitions; since whichever of the two prohibitions were to set in first the other could be superimposed, for the Sabbath involves a graver penalty than that of Yom Kippur (the former death and the latter kares); and, on the other hand, the prohibition of Yom Kippur is more comprehensive than that of the Sabbath (on the Sabbath only work is prohibited while on Yom Kippur eating is also prohibited). If, however, Rabbi Yosi were to hold that a comprehensive prohibition or one that involves a graver penalty cannot be superimposed upon an existing prohibition, what is his reason here for holding that two prohibitions can come into force simultaneously?

if [he did so] knowing full well that it was the Sabbath but being unaware that it was Yom Kippur he is not liable.

What is the reason [for this distinction]? — Abaye answered: The Sabbath is fixed and determined from all time, but Yom Kippur is determined by the Beis Din.<sup>10</sup> Rava said to him: But in fact both [prohibitions] set in simultaneously! — Rather explained Rava: It was a time of religious persecution,<sup>11</sup> and they sent word from there [Eretz Yisroel] that Yom Kippur of that year should be observed on a Sabbath.<sup>12</sup> When Ravin came and also all those who came down [from Eretz Yisroel to Bavel], they explained it as Rava did.

The Mishnah had stated: Rabbi Yehudah argued: Wasn't the gid hanasheh forbidden from the time of the sons of Yaakov?

It was taught: [The Rabbis] said to Rabbi Yehudah: Does it say [in the Torah]: Therefore the children of Yaakov are not to eat? Surely it says: Therefore the children of Israel are not to

<sup>8</sup> And it was Rabbi Yosi who said that the offender had only incurred guilt once; for according to Rabbi Yosi in no circumstances can a prohibition be superimposed upon another prohibition, whether both come into force simultaneously or the later one is a comprehensive prohibition or one that involves a graver penalty.

<sup>9</sup> To bring a chatas for breaking the Sabbath inadvertently.

<sup>10</sup> It is therefore considered as if the Sabbath set in first, so that the prohibition of Yom Kippur cannot be superimposed upon the existing prohibition of the Sabbath. Consequently the only prohibition that enters into consideration is that of the Sabbath, and if a person did work knowing full well that it was the Sabbath, he is not liable to bring a chatas, for no offering may be brought for a deliberate transgression.

<sup>11</sup> And the observance of Yom Kippur in its proper time was proscribed.

<sup>12</sup> Although that day was not the correct date of Yom Kippur. Consequently any breach of the sanctity of that day can only be considered as a transgression of the Sabbath but not as a transgression of Yom Kippur.

eat. Now they were first styled the children of Israel only at [the giving of the law at] Sinai; therefore [we must say that] the law [of the gid hanasheh] was given at Sinai, but was written in its present place to indicate the reason why it was prohibited.

Rava raised an objection against this: It is written: And the sons of Israel carried Yaakov their father!<sup>13</sup>

The Gemara answers: That was after the incident.<sup>14</sup>

Rav Acha the son of Rava said to Rav Ashi: Then it should be prohibited from that time<sup>15</sup> onwards, should it not? — He replied: Was the Torah given at various times? And that time was neither the time of the incident nor the time of the giving of the Law.<sup>16</sup>

Our Rabbis taught: The [prohibition of eating a] limb [severed] from a living creature applies to cattle, wild animals and to birds, whether they be tahor or tamei these are the words of Rabbi Yehudah and Rabbi Eloazar; but the Sages say: It applies only to kosher animals.

Rabbi Yochanan said: Both views were inferred from the same verse, viz., Only be strong in not eating the blood, for the blood is the life; and you shall not eat the life with the flesh. Rabbi Yehudah and Rabbi Elozar hold that where you are forbidden the blood [of an animal] you are also forbidden the limbs severed from it, and as you are forbidden the blood of non-kosher animals you are also forbidden the limbs severed from them. The Sages, however, maintain: It is written: And you shall not eat the life with the flesh, but the flesh alone [you may eat]; therefore, where you are

<sup>13</sup> The reference is to the children of Yaakov carrying their father to Egypt; thus they are styled 'the children of Israel' before the giving of the Law at mount Sinai.

<sup>14</sup> When Yaakov wrestled with the angel, after which incident God changed his name from Yaakov to Israel.

permitted the flesh [of the animal] you are forbidden the limbs severed from it, but where you are not permitted the flesh [of the animal] you are not forbidden the limbs severed from it.

## DAILY MASHAL

### *Dust and Ashes: Past and Future*

The *Gemora* says that "in reward for that which Avraham said – "...and I am dust and ashes" – his children merited two *mitzvos*: the ashes of the red heifer and the dust of the wayward wife (*sotah*)." Dust, earth, has no form but something can be created therefrom, such as a utensil, by mixing dust with water, or sowing in it fruit or vegetables. In the past it was nothing. Ashes are the opposite: in the past it may have been glorious but its future is utterly useless. In his humility, Avraham said that he never had any worth, like dust, and that he will always remain so, like ashes. Therefore, measure for measure, his children merited the ashes of the red heifer, which serve to purify from now on, and the dust of the *sotah*, which serves to ascertain purity in the past (*Beis HaLevi, Vayeira*).

<sup>15</sup> From the time that they were first designated 'children of Israel', that is, when Yaakov was taken to Egypt.

<sup>16</sup> A particular law could have been ordained either generally at the giving of the Law at Sinai, or specially, even before Sinai, at the occurrence of the event that gave rise to that law, but at no other period.