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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

**Variations of the Same Prohibition**

Rabbi Elozar said in the name of Rabbi Hoshaya: Rabbi Yochanan ben Nuri and Sumchos said the same thing (*that it is regarded as three separate violations, even if they are variations of the same prohibition*): Rabbi Yochanan ben Nuri - as stated above. As to Sumchos, we have learned in a *Mishna*: If he slaughtered it (an animal) and then its daughter’s daughter (the animal’s calf’s offspring) and then the daughter (the calf), he incurs forty lashes. Sumchos said in the name of Rabbi Meir: He incurs eighty lashes.

Rava said: Perhaps there is no comparison. Maybe Rabbi Yochanan ben Nuri maintains his view only in the instance of our *Mishna*, because the prohibitions are at least of different designations; for she is described as “his mother-in-law,” and also as “his mother-in-law’s mother,” and “his father-in-law’s mother.” In the instance, however, concerning the slaughtering of it and its offspring, where there is only one designation, and all such cases are known by one name, maybe he will incur only one set of lashes.

Rav Nachman bar Yitzchak (*disagreed with the linkage between the two disputes, but in the opposite direction, and he*) said: Perhaps Sumchos maintains his view only in the case of the law concerning the slaughtering of it and its offspring, because the bodies are distinct; in the instance of our *Mishna*, however, where the bodies are not distinct (*for there is only one object*), I might perhaps

argue that Sumchos holds like the ruling of Rabbi Avahu delivered in the name of Rabbi Yochanan, for Rabbi Avahu said in the name of Rabbi Yochanan: *They are close relatives; it is a depraved plot*. The Torah indicates that they are all one depraved plot (*and he is liable only one time for all the “mother-in-law” variations*). (14b – 15a)

**Mishna**

Rabbi Akiva said: I once asked Rabban Gamliel and Rabbi Yehoshua at the meat market held at Eima’um when they had gone to buy an animal for the upcoming marriage feast of Rabban Gamaliel’s son: If one inadvertently cohabits with his sister, his father’s sister and his mother’s sister (*in one lapse of awareness*), 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* (*which the Gemora will explain*). (15a)

**Designations and Bodies**

The *Gemora* asks: How is Rabbi Akiva’s inquiry to be understood? If as is stated (*that there were three different women, one was his sister, one was his father’s sister and*

*the other was his mother's sister*), what question is there, seeing that there are three designations as well as three different people? Rather, his question was as follows: What is the law 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? Do we argue that there are three different designations (*and he should be liable for three chatas offerings*), or do we say that there are not separate bodies (*and he should be liable for only one*)?

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?

The *Gemora* notes 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 this kal vachomer is obviously flawed*), but rather, they derive this *halachah* from the extra expression of "his sister," and therefore one is liable (*for three separate chatas offerings*) for cohabiting with his sister, who is also his father's sister and his mother's sister.

Rav Adda bar Ahavah said: This can arise in the case of a sinner the son of a sinner: If a man cohabited with his own mother who bore him two daughters (*who are actually his sisters*). The man then went and cohabited with one of the sisters (*his own daughter*) who bore him a 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. He is indeed a sinner, the son of a sinner.

The *Gemora* cites a *braisa*: If one cohabited (*inadvertently with one of his relatives*), and then again and then again (*in one spell of unawareness*), he is liable (*to a chatas offering*) for each and every act; these are the words of Rabbi Eliezer. The Sages say: He is liable only once. The Sages, however, agree with Rabbi Eliezer that if a man cohabited at the same time (*during one spell of unawareness*) with his five wives who were all *niddos*, that he is liable for each and every act. This is because he caused each of them to be liable (*to a chatas, and since they, collectively, must bring five chatas offerings, he as well must bring five chatas offerings*).

Rava said to Rav Nachman: Do we say the logic of "since he caused each of them to be liable"? Surely it has been taught in a *braisa*: If a man committed several acts (*of cohabitation*) in one spell of unawareness (*for the entire time, he did not realize that she was forbidden to him*), and she committed them in five separate spells of unawareness (*for after each act of cohabitation, she became aware of her transgression, but then fell into another spell of unawareness*), he is liable to only one offering, but she is liable for each and every act!?

Rather, the *Gemora* concludes that it is because there were distinct bodies (*and that is why he is liable for several offerings*).

The Gemora inquires: If one (*inadvertently*) harvests (on Shabbos, in the amount of a dried fig – the minimum measure to make one liable) and then (*in the same spell of unawareness*) harvested again, what would be the law according to Rabbi Eliezer (*who holds that the man is liable for each and every act of cohabitation, even though it was in one spell of unawareness*)? Is Rabbi Eliezer's reason there (*by cohabiting many times with an ervah*) because two prohibited acts were committed, and that was why he ruled that he was liable for each and every act, so here also since he committed two acts (*he is liable for each and every act*); or perhaps, Rabbi Eliezer's reason there is because the two acts of cohabitation could not be combined with each other, and therefore Rabbi Eliezer said that he was liable for each act; in the instance, however, where a man harvested in the size of a dried fig, and then harvested again in the size of a dried fig, both in one spell of unawareness - since it was possible for the two dried fig-sizes to be combined in one harvesting, he should be liable to one sacrifice only? What would be the ruling?

Rabbah answered: Rabbi Eliezer's reason there is because two prohibited acts were committed, and here also two prohibited acts were committed (*and therefore he will be liable for two offerings*). Rav Yosef said: Rabbi Eliezer's reason there is because the two acts (*of cohabitation*) could not be combined with each other, but here, where the two acts could have been combined with each other, he will be liable to one offering only.

Abaye asked to Rabbah, citing the following *braisa*: Rabbi Eliezer declares one liable (*to separate chatas offerings*) for *tolados* (*the secondary labors that are forbidden on Shabbos*) even when they were performed together with their respective *av melachah* (*the primary category of labor*). **[On Shabbos, one is forbidden from doing labor. We have it by tradition that there are thirty-nine main categories of work. Each of those head a category of**

**labor that is forbidden. Other types of work that are similar to those are regarded as secondary, or as a sub-category of the "father" labors. Planting is an example of a labor that is forbidden, and is one of the thirty-nine main categories. Watering a plant would be a secondary labor of planting. R' Eliezer maintains that if one plants grain and waters a plant in one spell of unawareness, he is liable for two separate offerings.]** From this we may infer that if, however, the same primary labor was performed twice in one spell of unawareness, he would be exempt (*from a second chatas offering*). Now, should you be correct in saying that Rabbi Eliezer's reason is because two prohibited acts were committed, why should he be exempt here?

The Gemora answers: Mar the son of Rabbana said: I and Rav Nachumi bar Zecharyah have explained this as follows: Here we are dealing with a branch of a vine which was hanging over a fig tree (*and there were figs there, but no grapes*), and he cut off both at one time. [*With one motion he cut off the vine branch, which he needed for firewood, as well as a fig from the tree, which he wanted for its fruit. Cutting branches for firewood is a toladah, since it was not done for the sake of its fruit; plucking the figs is an av melachah. R' Eliezer holds that he is liable to two offerings even though only one action was performed.*] Rabbi Eliezer therefore rules that he is liable (*for two offerings*), since both the designations and the bodies were distinct. In what circumstances, then, would someone be exempt (*from a second offering, according to R' Eliezer*) when harvesting and harvesting? It would be in a case where he cut off two dried figs' measures of produce in one stroke. [*He is only liable for one chatas offering, for it is one designation and it is not two distinct bodies.*] But if he cut off one dried figs' measure of produce and then cut another dried figs' measure of produce (*in one spell of unawareness*), he is indeed liable to two offerings. (15a )



### **Mishna**

And Rabbi Akiva further asked them: If a limb is dangling from the body of an animal, what is the law? [*If a limb of an animal is completely severed from the animal, it transmits tumah like a neveilah; it conveys tumah through contact and carrying.*] They replied: The answer to this we have not heard, but we have heard the following: A limb dangling from the body of a person is *tahor* (and does not convey tumah). And this is what those that were afflicted with boils used to do in Jerusalem (*on the eve of Pesach in order that they and their surgeons would not become tamei on account of the amputated limb; they went to the surgeons in order not to appear repulsive by the festival*). He would go on the eve of *Pesach* to the surgeon, and he would cut the limb until only a hairsbreadth of the limb was left. He then stuck the limb on a thorn and the patient would pull himself away from it. In this manner, both him and the surgeon could participate in the *pesach* offering. And, it seems, that we may resolve your inquiry through a *kal vachomer* (*that if a limb from a person, which is susceptible to tumah even while still alive, is considered tahor, then surely it is so in the case of an animal, which is not subject to tumah while alive*). (15a – 15b)

### **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).