



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

### Yevamos Daf Lamed Gimmel

- The Gemara says that the machlokes between **R' Chiya** and **Bar Kappara** in all 3 previously mentioned cases is actually a fundamental machlokes as to whether or not **R' Yose** holds that issur chal ahl issur by an issur kollel (a more inclusive issur). **R' Chiya** says that he does, and therefore in the 3 machlokes that were mentioned, since they are cases of issur kollel (as will be explained) we will say issur chal ahl issur, and that is why he is chayuv for 2. **Bar Kappara** says that **R' Yose** would say that only when there is issur mosef will we say issur chal ahl issur. Therefore, in the 3 cases he will only be chayuv for one.
  - **Q:** In the first case there is issur kollel, because the person was mutar to do work, but not the Avodah. When Shabbos comes, since it makes him assur to do work, it also takes effect on the Avodah as well. In the second case, the Kohen with a mum was allowed to eat korbanos, but not do the Avodah. When he becomes tamei, since he now also becomes assur to eat the Korbanos, the issur also takes effect on doing the Avodah as well. However, in the 3<sup>rd</sup> case there is no situation of issur kollel!? The issur for the non-Kohen to eat the meat and the issur neveilah that comes about through the melika, happen at exactly the same time (before the melika the bird is assur though me'ila, and this gets removed through the melika)!? **A:** The machlokes between **R' Chiya** and **Bar Kappara** is that **R' Chiya** holds that **R' Yose** would say one is chayuv for 2 when he does something which involves 2 issurim which took effect at the same time. **Bar Kappara** holds that **R' Yose** says the person would only be chayuv for one.
    - The first 2 cases can be said to involve issurim that took effect simultaneously, as follows. The first case is talking about a person who became an adult on Shabbos (he grew "shte saaros"), and therefore the issur of Shabbos and the issur for a non-Kohen to do the Avodah took effect at that time, simultaneously. The second case can either be talking about a case where the Kohen with a mum was tamei and became an adult, and again the 2 issurim therefore take effect simultaneously. The second case can also be talking about where a Kohen cut off his finger with a tamei knife, thus making him tamei and giving him a mum at the same time.
    - **Q:** **R' Chiya** and **Bar Kappara** both swore that they were repeating the view of **Rebbi**. Now, according to **R' Chiya**, we could now say that what he heard from **Rebbi**, that the person is chayuv for 2, was said according to the view of **R' Yose** in a case where the issurim took effect simultaneously, and what **Bar Kappara** heard from **Rebbi** was said according to **R' Shimon** who says (according to **R' Chiya**) that even in this case only one issur will take effect. However, according to **Bar Kappara**, who says that even **R' Yose** says that only one of the issurim will take effect when they happen simultaneously, what would he say that **R' Chiya** heard from **Rebbi**? Would he say that **R' Chiya** was lying!? **A:** It must be that they argued as follows. **R' Chiya** said that even **R' Shimon**, who never says issur chal ahl issur, even when there is issur mosif or issur kollel, will agree that issur chal ahl issur when they happen simultaneously. **Bar Kappara** said, that even in this case **R' Shimon** would say that we don't say that issur chal ahl issur.
    - **Q:** It would make sense why **R' Chiya** would feel it necessary to "swear", because he was going against the accepted view that **R' Shimon** never says issur chal ahl issur. However, why would **Bar Kappara**, who was following the accepted view, feel the need to swear as well? This remains a **KASHYEH**.

- **Q:** According to **Bar Kappara**, he could say that he heard from **Rebbi** the shita of **R' Shimon**, and **R' Chiya** heard the shita of **R' Yose**. However, according to **R' Chiya**, what could he say that **Bar Kappara** heard from **Rebbi**? Would he say that **Bar Kappara** was lying!? **A:** **R' Chiya** will say, that **Bar Kappara** heard from **Rebbi** that **R' Shimon** would say that only one issur takes effect in the first two cases that they argued. Now the reason for that is because those cases (as stated earlier) can be understood as cases of issur kollel, in which case **R' Shimon** says only one would take effect. However, **Bar Kappara** misunderstood that, and thought that since the 3<sup>rd</sup> case is a case of simultaneous taking effect, the same is for the first 2 cases, and yet **Rebbi** said that **R' Shimon** says that only one takes effect. **R' Chiya** would say, it was this misunderstanding that caused **Bar Kappara** to make the mistake that he made.
  - **Q:** A Braisa says, if a non-Kohen does the Avodah on Shabbos, and if a Kohen with a mum does the Avodah while tamei, **R' Yose** says he is chayuv for 2, and **R' Shimon** says he is only chayuv for one. Now, the Braisa does not mention the case of melika. Why not? It must be because in that case **R' Shimon** would agree that he is chayuv for 2, because they happened simultaneously (according to **R' Yose** it is obvious that he would chayuv for both in that case). We see from this Braisa that **R' Shimon** would agree that both issurim would take effect when they come about simultaneously. This is problematic according to **Bar Kappara**!? **A:** TEYUFTA of **Bar Kappara**.
  - **Q:** The Braisa gives the case of a non-Kohen violating Shabbos by doing the Avodah, since he is not allowed to do the Avodah. What part of the Avodah did he do that caused him to violate Shabbos? If he did the shechita, he wouldn't violate Shabbos for that, because the shechita of a non-Kohen is valid!? If he did the kabbalah or the holacha, there is no issur Shabbos D'Oraisa in doing so. If he burned the korbon on the Mizbe'ach, **R' Yose** himself says that the act of burning is only a lav on Shabbos!? **A:** **R' Acha bar Yaakov** said, the case is where he shechted the korbon of the Kohen Gadol on Yom Kippur, and the Braisa follows the view that the shechita of that korbon is only valid when done by the Kohen Gadol.
    - **Q:** If so, why does the Braisa mention a non-Kohen? Even a Kohen other than the Kohen Gadol would violate Shabbos if he did this shechita!? **A:** The Braisa uses the term "zar" to refer to a regular Kohen as well.
    - **R' Ashi** said, the Braisa doesn't say that he will be chayuv for 2 chataos, or 2 lavim, it just says that he is chayuv for 2 violations. If so, it can be talking about any Avodah, even the carrying of the blood, which is assur D'Rabanan as muktzeh. The practical application of knowing how many issurim he has violated will be whether to bury this person among the complete resha'im.

#### MISHNA

- If 2 men gave kiddushin to 2 women, and at the time of chuppah, they exchanged the women and each man ended up living with the woman of the other man, each man will be chayuv for living with an eishes ish. If they were brothers, they will also be chayuv for eishes ach. If the women were sisters they would also be chayuv for achos ishto. If they were niddos, they would also be chayuv for living with a niddah.
  - Before returning the women to their rightful husbands, we wait 3 months to see if they became pregnant from the other man. If they are young girls who cannot become pregnant, we return them to their husbands without waiting. If the girls are daughters of Kohanim, they become assur to eat terumah (to be explained in the Gemara).

## GEMARA

- **Q:** The Mishna says the women were “exchanged”, which suggests that it was intentionally done. Are we dealing with resha'im here!? Also, **R' Chiya** says about this Mishna that there is a possibility for a total of 16 chatas having to be brought. Now, if we are talking about an intentional act, why would a chatas be brought!? **A: R' Yehuda** said, change the Mishna to read “they were exchanged” – meaning that it happened unintentionally. This makes sense based on the later part of the Mishna that says that if the wife is a young girl, she may be returned immediately. Now, if the znus was done intentionally, she would not be permitted to be returned.
  - **Q:** That would not be a proof, because any znus of a minor is always considered to be rape, and a woman who is raped is always permitted back to her husband! **A:** The proof is from the fact that the Mishna suggests that if the women are not pregnant, we return them to their husbands. Now, if this was done intentionally, we would not return them to their husbands!