

ושני כתובים הבאים כאחד אין מלמדין –

And two verses that come as one cannot teach

Overview

The rule is that one may derive benefit from the monies received from a sale of פסוקים, except when selling ע"ז or פירות שביעית, where we derive from תופס דמיו that they are אסור; the monies received from their sales are also אסור. We cannot derive this rule of תופס דמיו by other פסוקים from איסורי הנאה for they are considered תוספות¹. Our questions and explains why this rule is appropriate in this case.

asks: תוספות

תימה היכי הוּו ב' כתובים הבאים כאחד הא לא אתי שביעית מעבודת כוכבים -

It is astounding! How are ע"ז and שביעית considered to be כאחד for we cannot derive שביעית from ע"ז regarding תפיסת דמיו -

דאיכא למיפרך² מה לעבודת כוכבים שכן אסורה בהנאה³ -

For we can challenge the comparison, saying, why it is that the law of תופס דמיו is by ע"ז, since ע"ז is אסורה בהנאה, however שביעית which is not that strict since it is מותר בהנאה, perhaps the law of תופס דמיו does not apply to it.

answers: תוספות

ויש לומר מכל מקום נכתוב שביעית וניתי עבודת כוכבים מינה⁴ -

And one can say that nevertheless it is considered ב' כתובים וכו' for the תורה should have written the rule of תופס דמיו by שביעית (which is not אסור בהנאה), and we would derive ע"ז (which is אסור בהנאה) from שביעית -

וכהאי גוונא מיקרי שפיר ב' כתובים הבאין כאחד בכמה דוכתי -

And even in such a manner (where there is only one case [ע"ז]) which can be derived

¹ The logic behind this ruling is that if it was the intent of the תורה to derive other cases from the שני כתובים, why did the תורה write two כתובים; it could have written one פסוק and we would derive everything (all other איסורים including the other one that was written) from this one פסוק. Obviously the תורה is teaching us that this law (of תופס דמיו) applies only to these two clearly stated cases, but not elsewhere. It follows therefore if for any reason we could not derive either one of the שני כתובים cases from the other, the ruling of ב' כתובים וכו' does not apply, for it was necessary to write it by both cases, since otherwise we could not have derived one from the other.

² If the תורה would write the law of תופס דמיו only by ע"ז we would not be able to derive that the same law applies by שביעית.

³ See footnote # 1. Since the תורה cannot write only the law by ע"ז because we will not be able to derive this law by שביעית from ע"ז, so it is no longer ב' כתובים הבאים כאחד. See 'Thinking it over'

⁴ If by שביעית, which is more lenient than ע"ז (for it is not אסור בהנאה), nevertheless it is תופס דמיו, so ע"ז, which is stricter than שביעית (since it is אסור בהנאה), certainly it is תופס דמיו. So there is (seemingly) no need to write the rule of ב' כתובים הבאים כאחד. The reason the תורה writes it is to implement the rule of ב' כתובים הבאים כאחד by ע"ז. The reason the תורה writes it is to implement the rule of ב' כתובים הבאים כאחד by ע"ז.

from the other [שביעית]), it is rightfully considered in many places as **ב' כתובים** - **הבאים כאחד** -

ולא בעינן שיהא כל אחד יכול ללמוד -

And we have no requirement that each one should be able to be derived from the other (if only one can be derived that is sufficient to consider it 'ב' כתובים וכו').

asks: תוספות

ואם תאמר אכתי אי לא כתיב עבודת כוכבים לא הוה ידעינן דינא דעבודת כוכבים משביעית -

And if you will say; there is still a difficulty for if the rule of דמיו would not be written by ע"ז, we would not know the rule of דמיו by ע"ז from שביעית -
שהרי אינם שוים דשביעית אחרון אחרון נתפס והראשונים יוצאים לחולין⁵ -

For the rules of דמיו are not the same by שביעית and ע"ז, for by שביעית the last one exchanged is continuously grabbed by its שביעית status, and the prior ones (which were initially שביעית בקדושת שביעית) are released to become חולין -

ובעבודת כוכבים (עבודה זרה דף נד,ב) איכא למאן דאמר חליפין וחליפי חליפין אסורין⁶ -

However by ע"ז there is one who maintains that the exchange of ע"ז and even the exchange of the exchange are forbidden -

ואפילו למאן דאמר חליפי חליפין מותרים⁷ אכתי לא הוי כשביעית שהאחרון נתפס⁸ -

And even according to the one who maintains that the exchange of the exchange is permitted, nevertheless it is still not like שביעית where the last exchanged item is שביעית בקדושת שביעית. Therefore ע"ז cannot be considered 'ב' כתובים וכו'; since their respective rules are different it was necessary for the תורה to write these rules in both cases.

answers: תוספות

ויש לומר מדכתיב (דברים ז) כי חרם הוא⁹ דמשמע מינה דלדרשא אתא -

⁵ There are certain restrictions regarding פירות which grew on שביעית, which are שביעית בקדושת שביעית. The same applies to other פירות which were exchanged for שביעית apples, in the following manner. If for example there were שביעית grapes and the owner exchanged them for non-שביעית apples, the rule is that the apples and the grapes are both נתפס בקדושת שביעית. If the apples were then exchanged for fish, the fish and the grapes are שביעית בקדושת שביעית and the apples are נתפס בקדושת שביעית. This process continues, the original שביעית פירות and the last item to be exchanged are שביעית בקדושת שביעית and all the items that were exchanged in the interim are לחולין.

⁶ The original ע"ז is בהנאה אסור, and the same rule applies for the apples that it was exchanged for, and also the fish which were exchanged for the apples; all three are ע"ז, as opposed to שביעית where only the first and last are ע"ז, not the exchanged items in between. This מ"ד derives this ruling from the פסוק (see footnote # 11) of ויהי חרם כמוהו, which teaches us כמותו הוא חרם, which teaches us כמותו הוא חרם, which teaches us כמותו הוא חרם.

⁷ This means that in the case mentioned above (footnote # 6) The apples are אסור but the fish is מותר. He derives it from the word חרם כמותו (see footnote # 11), which is interpreted to mean חליפין חליפין חליפין.

⁸ In the case mentioned by שביעית, the fish (which is the אחרון) is נתפס and the apples are חולין, however by ע"ז, the apples are אסור and the fish is מותר (according to this מ"ד).

⁹ Others amend this to read ויהי חרם כמוהו (see [also] מהרש"א).

And one can say,¹⁰ since it is written¹¹ regarding ע"ז that (כי חרם הוא) [והיית חרם] - דרשה - פסוק is coming for a כמֹהוּ, this indicates that לומר דעבודת כוכבים ושביעית הוּו ב' כתובים הבאים כאחד¹² -

To say that ע"ז and שביעית are כתובים הבאים כאחד –

clarifies:

דליכא למימר דאיצטריך לגופיה לאשמועינן דחליפי חליפין מותרים¹³ -

For we cannot say that these words of חרם כמֹהוּ are necessary for its own sake to teach us that חליפי חליפין of ע"ז are מותרים -

דהא ידעינן מדכתיב (שם) כמֹהוּ¹⁴ דמשמע שאינו עושה כיוצא בו אלא פעם אחת:

For this we already know since it is written 'כמֹהוּ' (like him), which indicates that it can only make something forbidden similar to itself, only one time, but no more (no חליפי חליפין), therefore we can assume that וְהֵייתָ חרם כמֹהוּ teaches again that ע"ז is תופס דמיו in order to make כתובים הבאים כאחד ע"ז ושביעית ב' כתובים הבאים כאחד דמיו.

Summary

It may be considered 'וכו' even if only one cannot be derived from the other. It is also considered 'כתובים' even if the details cannot be derived as long as the main rule can be derived from the other case.

Thinking it over

It appears from תוספות that פירות שביעית are בהנאה.¹⁵ Previously¹⁶ it seemed from תוספות that פירות שביעית are אסור בהנאה.¹⁷ How can we reconcile the two תוספות?¹⁸

¹⁰ See מהרש"א (on the מיעוטי ד"ה) that this answer is only according to the מ"ד that מותרים are חליפי חליפין, but not according to the מ"ד that אסורים are חליפי חליפין.

¹¹ לא תביא תועבה אל ביתך וְהֵייתָ חרם כְּמֹהוּ שְׁקֵץ תִּשְׁקָצוּ וְתַעֲבֹדוּ וְתִשְׁקָצוּ וְתַעֲבֹדוּ כִּי חָרָם הוּא. עקב פסוק כו.

¹² question was that they are not כתובים ב' since this rule needs to be stated by ע"ז to tell us the difference there is by ע"ז that חליפי חליפין are מותרים (which we derive from כמֹהוּ [see footnote # 7]); however why was it necessary for the תורה to write 'וְהֵייתָ' (which teaches the main rule that ע"ז is תופס דמיו); that rule we could derive from שביעית. We must therefore say that the reason the תורה writes חרם כְּמֹהוּ (even though we can derive the [main] rule that ע"ז is תופס דמיו from שביעית, nevertheless the תורה repeats this main rule by ע"ז) is to teach us that ע"ז ושביעית are כתובים ב' הבאים כאחד.

¹³ Seemingly we need the words of וְהֵייתָ חרם כְּמֹהוּ to teach the limitation that חליפי חליפין are מותרים.

¹⁴ The תורה could have written וְהֵייתָ חרם כְּמֹהוּ (or something similar) without writing וְהֵייתָ, we would know דמיו from שביעית and we would know חליפי חליפין מותרים from כמֹהוּ; why write וְהֵייתָ. It must be in order to make ע"ז ושביעית כתובים ב' הבאים כאחד.

¹⁵ See (text by) footnote # 3.

¹⁶ See [TIE footnote # 12]. תוס' נ"ב, ד"ה המקדש.

¹⁷ See מהרש"א and רש"י on that תוספות.

¹⁸ See נחלת משה.