

Miscellaneous Principles with *Mitzvot*

1. One prohibition does not take effects while another prohibition is operating unless
 - Both prohibitions take effect at same time
 - The one *issur* allows additional is *issurim* upon itself. Example of a High Priest being possibly liable for 4 *issurim* with one act.
 - The one *issur* encompasses other *issurim* (prohibitions) e.g. eating *gid hanasheh* (sciatic nerve) and eating a *trefah* animal, are 2 separate *issurim*. However, when the animal becomes *trefah* it encompasses also the *gid hanasheh*, and therefore if one eats *gid hanasheh* of a *trefah* animal, he is liable for 2 *issurim*.
It is as if they take place together
(Reference: *Sefer Kedushah Hilchot Issurei Biah* Chapter 17)
2. With impurity where there is a doubt involved, these are regarded as Rabbinic (because prohibition was not definitely established)
Also applies to forbidden foods, forbidden relations and Shabbat)
Reference *Sefer Kedushah Hilchot Issurei Biah* chapter 18:7
However, if the prohibition would involve *karet*, then it remains Scriptural and would have to involve bringing an *Asham Taluy* (here definitely established)
Reference *Sefer Taharah Hilchot Tumat Met* Chapter 9:12
3. The performance of a positive mitzvah takes precedence over the observance of a negative mitzvah
Reference *Sefer Taharah Hilchot Tumat Tzaraat*
(Also, *Hilchot Nazir* chapter 7: 15, *Hilchot Yibum* chapter 6:11, *Hilchot Shechita* Chapter 13:19)
4. Violates a transgression punishable by both capital and financial punishment. Person will not be obligated for financial compensation even if sin was committed *bishogeg* (unintentionally) i.e. and would not be liable for capital punishment
Similarly, if he violates a transgression punishable by both *malkot* and financial, he should receive the *malkot*, and not pay. If transgression was *bishogeg*, here he would have to pay (i.e. does not receive *malkot*)
Reference *Sefer Nezikin Hilchot Geneva* Chapter 3:1
5. Sins between man and man call for more severe punishment than between man G-d
Reference *Sefer Nezikin Hilchot Geneva* Chapter 7:12
6. Principle. Whenever a conflict exists between the performance of a positive and negative mitzvah, one should ideally try and observe both. If one cannot, then the positive mitzvah takes precedence over the negative e.g. One should try and avoid the problem of *shatnez* and make the *tzitzit* of the same material as the garment, even although it appears that *shatnez* does not apply to *tzitzit* (i.e. garment could be linen, and *tzitzit* wool)
Reference *Sefer Ahavah Hilchot Tzitzit* Chapter 3
7. Whenever a forbidden substance is prohibited *Deoraita*, it is forbidden to do business with it.
Doing business means making it one's livelihood rather than just a one-off temporary

benefit.

Reference *Sefer Kedushah Hilchot Maachalot Assurot* Chapter 8