



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

### ***Tumah of a Gentile***

Ravina says: Therefore, a gentile girl who is three years and one-day old is impure as a *zavah*, being that she is capable of cohabitation at that age.

The *Gemara* asks: This is obvious!? [The same way *tumah* of a boy is associated with his capability of cohabiting, so too it should apply by a girl!?!]

The *Gemara* answers: One might think that while an older gentile boy (*nine years old*) would know how to entice a Jew to sin, a girl of this age would not, and therefore should not be considered impure if she is a *zavah*. This is why Ravina must say his law (*that she is impure anyway*). (37a1)

### ***A Permitting Beis Din***

Rabbi Yehudah Nesiah was walking and leaning on the shoulders of Rabbi Simlai, who was his attendant. He said to him: Simlai, you were not in the *Beis Medrash* yesterday when we permitted the oil of gentiles. Rabbi Simlai replied: In our days, you will even end up permitting the bread of gentiles (*which is forbidden*).

Rabbi Yehudah replied: If we did this they would call us, "a permitting *Beis Din*." This is as the *Mishnah* says: Rabbi Yosi ben Yoezer from Tzreidah testified that the type of grasshoppers called *ayal* are kosher, and may be eaten.

He also testified that liquids of the *Beis HaMikdash* butchering area are *tahor*, and cannot become *tamei*. [The liquids were the blood that would flow from the sacrifices and the water used to wash the meat after slaughtering. In general, these liquids are only considered *tamei* Rabbinically, and in the butchering area of the *Beis HaMikdash*, there was no decree enacted because this would lead to *kodashim* being destroyed.] He also testified that if someone touches a corpse he becomes impure. They called him "Yosef the permitter."

Rabbi Simlai said: He permitted three things (*the Gemara will explain why the law about the corpse is considered permitting*), while you only permitted one. Even if you would permit something else, you would only have permitted two things.

Rabbi Yehudah answered: I have already permitted something else as well. This is as the *Mishnah* states: If a man says to his wife, "Here is your *get* if I do not come back within twelve months," and he died within the twelve months, the divorce is not valid. Regarding this law, there is a *Baraisa* that states: Our Rabbis allowed her to marry again (*even without chalitzah; she is regarded as being divorced*). And it was said: Who are these Rabbis? Rav Yehudah said in the name of Shmuel: It is the *Beis Din* that permitted the olive oil of idolaters (*Rabbi Yehudah Nesiah*). And the reason why the Rabbis permitted her to get married is because they hold like Rabbi Yosi who said that the date of the document indicates that the divorce

is valid retroactively. [Even if the husband died, the divorce is still valid because the date written on the document was the date that the get was drawn up and delivered to the wife, and it is valid retroactively.]

Rabbi Abba the son of Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: Rabbi Yehudah the Nesiah, the son of Rabban Gamliel bar Rebbe ruled that she is permitted to remarry, but none of his colleagues agreed with him. Others report that they disagreed with him during his whole life.

Rabbi Elazar asked a certain elder: When you permitted her to marry, did you permit her to do so immediately (when the husband died), or only after twelve months? The *Gemara* explains: Did you permit her to remarry immediately, since there is no chance of his coming again, or did you permit her to remarry only after twelve months, when his condition would be fulfilled?

The *Gemara* asks: But should not this inquiry be asked regarding our *Mishnah*: If a man said to his wife: "Your *get* should be effective from now if I do not come back within twelve months," and he died within the twelve months, the divorce is valid. Would it be a *get* immediately, seeing that he will not come again, or only after twelve months when his condition will have been fulfilled?

The *Gemara* answers: Indeed it might have been, but it was put in this way because the elderly man who was asked had been present on that occasion.

Abaye said: Everyone would agree where the husband said (at night), "Here is your *get* when the sun comes out of its sheath," he means to say that the *get* should take effect only when the sun comes out, and if he dies during the night, it would be a *get* after his death (and be

invalid). If he says, "On the condition that the sun comes out of its sheath," he means that it should take effect from now, since Rav Huna said in the name of Rebbe that when one uses the expression "on condition," it is equivalent to saying "from now." Where the opinions differ is when he says "if the sun comes out." The Rabbis adopts the view of Rabbi Yosi, who holds that the date recorded on the document indicates that he wants it to be retroactively effective, so that his words are analogous to "from today if I die," or "from now if I die." However, the *Tanna* of our *Mishnah* did not accept the view of Rabbi Yosi, and his words are analogous to a *get* given with the condition "if I die" by itself. (37a1 – 37a5)

### ***Kosher Grasshopper***

It was stated above: Rabbi Yosi ben Yoezer from Tzreidah testified that the type of grasshoppers called *ayal* are kosher, and may be eaten. He also testified that liquids of the Beis HaMikdosh butchering area are *tahor*, and cannot become *tamei*. He also testified that if someone touches a corpse he becomes impure. They called him "Yosef the permitter."

The *Gemara* asks: What type of grasshopper was this "*ayal*"?

Rav Pappa says: It was a *shoshiva*. Rav Chiya bar Ami in the name of Ulla says: It was a *susbil*.

Rav Pappa says it was a *shoshiva*, and the controversy was about its elongated head. One says a long head shows that it is not kosher, and the other says it can be kosher. Rav Chiya bar Ami says in the name of Ulla that everyone agrees that a long head is a sign that it is forbidden. The argument regarding the *susbil* is regarding the fact that its wings just barely cover most of its body. One opinion says that as long as it covers, this is good



enough. One opinion says that it has to clearly cover most of the body. (37a5 – 37b1)

### ***Tamei Liquids***

He also testified that liquids of the Beis HaMikdosh butchering area are *tahor*, and cannot become *tamei*.

The *Gemara* asks: What does it mean that they are *tahor*?

Rav says: He means they are pure (*and cannot become tamei*). Shmuel says: He means that they are pure from contaminating other things, but they themselves can become *tamei*. Rav says they are pure because he holds that impurity of liquids is only Rabbinic in nature. The Rabbis only decreed such impurity regarding regular liquids, not these liquids. Shmuel understands that they themselves are impure as the impurity of liquids is a Torah concept. The fact that they make others impure is a Rabbinic concept, and the Rabbis did not make this decree by the liquids of the butchering place (*in the Azarah*). (37b1)

### ***Contact with a Corpse***

He also testified that if someone touches a corpse he becomes impure. They therefore called him “Yosef the permitter.”

The *Gemara* asks: They should call him “Yosef the forbiddler!” Additionally, this is a Torah law, as the verse says: *And whoever will touch on the face of the field a dead person killed by a sword or a dead person (a bone of a person or a grave should be impure for seven days)!*

The *Gemara* answers: According to Torah law, only one who touches a corpse becomes impure, as opposed to someone who comes in contact with that person. The

Rabbis decreed that even such a person is impure. He ruled that only the first person is impure.

The *Gemara* asks: The second person being impure is also a Torah law, as the verse says: *And whoever touches the impure person becomes impure!*

The Rabbis said before Rava, in the name of Mar Zutra the son of Rav Nachman who said in the name of Rav Nachman: According to Torah law, one is only impure for seven days if he touches another person who is touching the corpse at that moment. If the first person is no longer touching the dead person, the second person is only impure for one night. The Rabbis decreed that even in the latter case he is impure for seven days, and Rabbi Yosi rejected this and said he should only be impure for one night.

The *Gemara* asks: What is the Torah source for these laws?

The *Gemara* answers: The verse says: *And whoever will touch the corpse of any person killed by a sword or a dead person (a bone of a person or a grave) should be impure for seven days.* It also says: *And whoever touches the impure person becomes impure.* It then says: *And the soul that touches should be impure for a night.* How can all of this be reconciled? It must be that if the two people are touching each other, they are impure for seven days, while if the second person is touching the first when he is no longer in contact with the corpse, he is only impure for one night.

Rava said: Didn't I tell you not to hang empty jugs on Rav Nachman? Rav Nachman merely said that Rabbi Yosi permitted a doubtful case of impurity in the public domain. [*In other words, he said that one who clearly*



*comes in contact with a corpse is impure, not one who might have come in contact.]*

The *Gemara* asks: Don't we derive from *sotah* that just as it (*the seclusion of a sotah and the person she was warned about*) only takes place in the private domain, so too doubtful impurity is only ruled stringently in a private domain? [*What did Rabbi Yosi permit? This law is well known!*]

The *Gemara* answers: Rabbi Yochanan stated that while this is the law, people should not rule this way (*and should in practice be stringent*). Rabbi Yosi ruled this way.

The *Baraisa* also states: Rabbi Yehudah set beams into the ground indicating where the boundaries of the public and private domains were.

When people who had possibly become impure in the public domain came before Rabbi Yannai, he would say: "Here is some water down by the river, go immerse yourself." (37b2 – 37b3)

### ***Cooked Foods***

The *Mishnah* states: One cannot eat food cooked by gentiles.

The *Gemara* asks: How do we know this?

Rabbi Chiya bar Abba says in the name of Rabbi Yochanan: The verse says: *Food with money you should give me and I will eat, and water for money you will give me and I will drink*. The food must be like the water. Just like the water has not been changed from its natural state, so too the food cannot have been changed from its natural state.

The *Gemara* asks: If so, it should be forbidden to purchase kernels of wheat that have been sweetened! This cannot be true, as the *Baraisa* says they are permitted!?

The *Gemara* answers: Rather, it means that just as the water has not been changed from how it was created, so too the food cannot be changed from how it was created.

The *Gemara* asks: It should be forbidden to purchase different types of wheat flour! This cannot be true, as the *Baraisa* says they are permitted!?

Rather, the *Gemara* answers: They must be like water. Just as water was not changed from its original state through fire, the food may also not be altered from its original state through fire.

The *Gemara* asks: Is there any mention of fire in the verse?

Rather, the *Gemara* answers: It is forbidden by Rabbinic law and the verse is merely a Scriptural support for this. (37b3 – 38a1)

DAILY MASHAL

### **The Severity of Tumas HaMeis**

As is well known, and as proven from our *sugya*, the impurity of having been in contact with a corpse is severer than any other impurity. The *Chezkuni* mentions an interesting reason: so that people should not be too much in contact with their departed dear ones and should not suffer too much sorrow.