

26.2.13

36b (זילו טבולו) → 37b (מאי על ד"א משום ד"א?)

1. וְכָל אֲשֶׁר יִנָּע עַל פְּנֵי הַשָּׂדֶה בְּחָלָל חָרֵב אוּ בְעֶצֶם אָדָם אוּ בְקֶבֶר יִטְמָא שְׁבַעַת יָמִים: במדבר יט:טז
 2. וְכָל אֲשֶׁר יִנָּע בּוֹ הַטְּמָא יִטְמָא וְהַנֶּפֶשׁ הַנִּגְעֶת תִּטְמָא עַד הָעֶרֶב: במדבר יט:כב
 3. הַנֶּגַע בְּמַת לְכָל נֶפֶשׁ אָדָם וְטְמָא שְׁבַעַת יָמִים: במדבר יט:יא

- I Continued analysis of decrees against עכ"ם – inquiry about identity of 2 "דבר אחר" mentioned
- a רנב"י – decree that an עכ"ם is considered a זב from birth – to keep children from playing with him
- i Note: this question was posed to רבי and he confirmed that the decree begins at birth
- 1 But: ראוי לביאה – ר' ruled that it starts at 9 yrs. old – ר' concurred
- (a) Application: → decree on girls as נדות should begin at 3
- (b) Justification: קמ"ל → there is no concern that ישראלים will play with her → קמ"ל
- II Conversation between ר' and his servant re: permitting 3 things – יהודה נשיאה
- a Servant: "soon you'll permit bread"
- b Response: בי דינא שריא – if I do that, I'll be guilty of permitting 3 things –
- i Per: יוסי בן יועזר testifying about:
- 1 Locusts: the כשרות of a particular one
- (a) Identity: שושיבא (dispute about elongated head) or סוסבית (dispute if wings don't fully cover legs)
- 2 Slaughterhouse: in the עזרה – all the liquids are טהור
- (a) דב: absolutely טהור; he maintains טומאת משקין דרבנן and they didn't extend to בעזרה בית מטבחים
- (b) שמואל: they may be טמא, but cannot be טמא others; טומאת משקין דאורייתא – didn't extend to טומאת אחרים
- 3 טמא מת: someone who touches a מת is טמא (!)
- (a) Challenge: this is a stringency and טומאת מת במגע is מה"ת (v. 1)
- (i) Answer: מה"ת, only the one who touches the מת is טמא;
1. And: דאורייתא extended to touching the one who touched – and he repealed back to דאורייתא
2. Challenge: this is also מה"ת (v. 2)
- (ii) Rather: מה"ת, touching via חיבורין⁵ is טומאת שבעה, w/o חיבורין is טומאת ערב (per resolution of vv. 1-3)
1. ד"נ: they extended טומאת שבעה to טומאת בחיבורין – and he repealed back to דאורייתא
- (iii) Block (דבא): ר"נ never said that – rather he permitted ברה"ר
1. Challenge: ספק טומאה ברה"ר – (derived from סוטה)
- a. Answer: although ספק טומאה ברה"ר טהור, we don't publicize – but יוסי בן יועזר did
- b. Conclusion: ספק טומאה ברה"ר advised anyone who encountered ר' ינאי to go to מקווה
- c Comeback: you've only permitted one thing – even if you permit פת, it'll only be 2
- d Response: also lenient re: status of woman with delayed גט & בעל dies in interim (may marry – no ייבום)
- i Note: his reasoning was based on ר' יוסי's approach – זמנו של שטר מוכיח עליו (→ valid as of date written)
- ii note: his colleagues didn't agree
- iii Question: when he tried to permit, did he intend immediate permission (upon death) or after the תנאי-period?
- iv (note: same question could be asked about משנה that permits, but it was asked regarding this gathering)
- 1 Note (אביי): all agree that if he stipulated that the גט was valid when an event takes place (e.g. when the sun rises), then only valid at time it occurs (e.g. morning)
- (a) And: if he stipulated that it is valid on condition that an event should occur (e.g. if the sun rises), it is a תנאי and valid immediately (retroactively from night before when sun rises)
- (i) As per: הונא ר' הונא – על מנת – מעכשיו ≡ על מנת
- (b) Dispute: if he stipulated that the גט is valid if an event should occur (e.g. if the sun rises)
- (i) דבי: holds like ר' יוסי – זמנו של שטר מוכיח עליו – ר' יוסי – as if he said מתי – מעכשיו → valid retroactively
- (ii) דבנן: do not accept ר' יוסי – as if it was a delayed גט and only valid after the period elapses

⁵ touching the person who is simultaneously touching the מת, as opposed to touching him afterwards