

Avodah Zarah – Simanim

פרק ב – אין מעמידין

דף לז – Daf 37

1. When does a *get* על תנאי take effect if the husband died, guaranteeing the תנאי's fulfillment?

Rebbe Yehudah Nesiah declined to permit bread of idolators, so they would not be called שריא בית דינא – “a permissive *Beis Din*,” having already permitted their oil, and having ruled leniently regarding a *get* given “on condition that I do not return within twelve months,” and the husband died in the interim. A Mishnah disqualifies the *get* (since he died before the *get*'s effectiveness, after the תנאי's fulfillment), and subjects her to יבום. Rebbe Yehudah Nesiah permitted her to remarry, ruling like Rebbe Yose that זמנו של שטר – *the date in the document proves its intent to be effective retroactively*.

Rebbe Elazar asked an elder about Rebbe Yehudah's lenient ruling: כי שריתוה: – *when you permitted her, since he would definitely not return*, or only after the twelve months, דהא איקיים ליה תנאיה – *because the condition is then fulfilled*? This question is equally relevant where one explicitly stipulated that the *get* should take effect “from now if I do not return,” etc., and he died in the interim. Still, Rebbe Elazar asked this elder, who was present at Rebbe Yehudah's ruling.

2. משקה בי מטבחיא "דכן".

Yose ben Yoezer ruled that משקה בי מטבחיא דכן – *the “beverages” of the shechitah place in the Mikdash are tahor*. This refers to the seven liquids normally subject to contracting and transmitting *tumah* and teaches that these liquids in the Mikdash's *shechitah* area are not subject to the Rabbinic decree of *tumah*. Rav and Shmuel debate its meaning. Rav says: דכן ממש – they are *literally tahor* and cannot contract *tumah*. He holds טומאת משקין דרבנן – *tumah of liquids altogether is Rabbinical*, and was only enacted for ordinary liquids, but not for those of the בי מטבחיא in the Mikdash, which are entirely *tahor*. Shmuel says: אבל טומאת עצמן יש – *they are “tahor” insofar as they cannot be metamei other things*, but they themselves are subject to contracting *tumah*. This is because Shmuel holds טומאת משקין – *tumah contraction of liquids is mid'Oraysa* (and therefore applies universally), but their ability to be *metamei* others is only *Rabbinical*, and this decree was not enacted for the liquids of בי מטבחיא.

3. ספק טומאה ברשות הרבים: טומאת מת

Yose ben Yoezer's third lenient ruling was ועל דיקרב למיתא מסאב – *and one who touches a dead body is tamei*. The Gemara objects that this implies a *stringency*, not a leniency, and furthermore, one who touches a מת is *tamei* מדאורייתא!? It first answers that although even one who touches a person who touched a מת is *tamei* מדאורייתא, the Biblical law is: בחיבורין טומאת שבעה – if he touches the person *while he is touching* the מת, he contracts *seven-day tumah*, but שלא בחיבורין טומאת ערב – if he touched him *when he is not touching* the מת, he only contracts *tumah* until *nightfall*. The Sages decreed even this case *tamei* for seven days, but Yose reinstated the Biblical law of *tumah* only until *nightfall*. Rava rejected this interpretation and instead explains that Yose ruled leniently regarding ספק טומאה ברשות הרבים – *doubtful tumah which occurred in a public domain*. Biblically, this is ruled *tahor*, but Rebbe Yochanan said אין מורין – *we do not rule this way publicly*, and Yose publicly ruled like this leniency. When such cases came before Rebbe Yannai, he said: הא מיא בשיקעתא דבנהרא – *There is water in the depths of the river*; זילו – *go immerse yourselves!* [he would not rely on the leniency when it could easily be resolved].

Siman – Laser Tag

During the heated laser tag match, when a husband handed his wife a *get*, saying, “If I don't return within twelve months, this is valid,” and then got zapped when he was caught in the crossfire in the שחיטה zone, between the טומאת משקין דרבנן and טומאת משקין דאורייתא teams, the referee told a player who wasn't sure if he touched the corpse when it landed outside that ספק טומאה ברשות הרבים טהור.

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Laser Tag



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3 things to remember

1. When does a get על תנאי take effect if the husband died, טמא eht gnieetnaraug's fulfillment?
2. "מסקה בי מטבחיא" דכן
3. Yose ben Yoezer's leniency: טמא טהור

