

OVERVIEW of the Daf

1) The tum'ah of a non-Jewish boy (cont.)

Ravina identifies the age at which a non-Jewish girl is t'meiah as a zavah.

The necessity for this statement is explained.

2) Oil (cont.)

The Gemara records a conversation between R' Yehudah Nesiah and R' Simlai about permitting bread made by non-Jews in addition to permitting oil manufactured by non-Jews.

The Gemara briefly discusses another case permitted by R' Yehudah Nesiah which could then make him subject to the characterization of a "permitting Beis Din."

A detail related to R' Yehudah Nesiah's ruling concerning the get is clarified.

Abaye explains the point of dispute between R' Yehudah Nesiah and Rabanan concerning a retroactive get.

3) Yosi ben Yoezer's three lenient rulings

Yosi ben Yoezer's first ruling related to the kashrus status of a grasshopper called אייל קמצא.

Two opinions are given for the identity of the אייל קמצא.

The Gemara explains the point of dispute between Yosi ben Yoezer and Rabanan according to each opinion of the identity of the אייל קמצא.

Yosi ben Yoezer's second lenient ruling was that "beverages" of the Bwis HaMikdash butchering place are t'horim.

Rav and Shmuel disagree about the extent of the ruling that

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REVIEW and Remember

1. Why did R' Yehudah Nesiah refuse to permit bread baked by gentiles?
2. What were the three things permitted by Yosi ben Yoezer?
3. What is the point of dispute between Rav and Shmuel concerning "beverages" from the butchering place of the Beis HaMikdash?
4. According to the Gemara's conclusion, what was Yosi ben Yoezer's lenient ruling concerning tum'ah?

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 By Dr. & Dr. Ron Sanders
 Mr. & Mrs. Binyomin Sanders
 In loving memory of their mother
 לע"נ מרת רחל בת ר' יוסף הכהן, ע"ה

Distinctive INSIGHT

Everyone agrees that the גט is not valid in this case

הכל מודים לכשתצא חמה מנרתיקה לכו נפקא קאמר לה

A man gave his wife a divorce before leaving on an excursion overseas with a condition that it would be valid if he did not return by the end of twelve months, and he died during the twelve months. Raboseinu say that the divorce is not valid, because when the twelve-month term ended, the husband was dead, and a dead man cannot divorce his former wife. R' Yose rules that the divorce is valid, because the date recorded on the document indicates that the husband intended that at the end of twelve months, the divorce retroactively be valid from the date it was given, and at that time he was still alive. The details of this case are presented in the Gemara.

Rebbe told R' Simlai that he had issued permission in this case for a woman to get remarried without requiring yibum or chalitzah. Abaye continues and notes that according to all opinions, if a man gives his wife a divorce document at night, and he gives instructions that it be valid from "the moment the sun comes out," the divorce is certainly not valid until morning. R' Yose usually says that the date in a divorce document indicates that the husband meant for the divorce to be valid "from today" (when it was delivered). Yet, even R' Yose agrees that in this case, if the man would die during the night the divorce would not be valid. Rashi explains that by writing the date of the previous night, and by specifying that the divorce be valid only when the sun rises, it is as if the husband wrote two expressions, "Today, and as of the moment I die—היום ולאחר מיתה," which the Gemara in Gittin (72a) defines as an uncertain situation. We do not know how to interpret the husband's intent, whether he means as of today when I die, or whether he means to reverse his instructions of "today" and he only wants it to be valid as of when he dies. Here, too, the divorce is not valid as a certainty.

Sefer Binyan Shlomo, in his comment to Rashi (ד"ה לכו) notes that according to Rashi's own words, his opening comment that "if the husband dies at night, the גט is not valid," does not mean that it has no validity at all, but it rather means that its validity is not certain. It is a doubtful גט. Furthermore, the wording of the Gemara itself is a bit puzzling, as it introduces this case by saying, "Everyone agrees in this case where the husband states that the divorce will be valid when the sun comes up..." Yet, there is still a difference of opinion, as according to Rabbanan the גט is not valid at all, but according to R' Yose it is a doubtful גט.

ר"ן in Gittin (to 72a) explains that everyone agrees that the גט is not valid, although for different reasons, as we pointed out. Nevertheless, he also mentions that the expression used (הכל מודים) is difficult, because there still is a disagreement among the Tannaim. ■

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 Mr. and Mrs. Myron Cherry
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HALACHAH Highlight

Food cooked by gentiles

אף אוכל שלא נשתנה מברייתו ע"י האור

So too, food that was not changed from the form in which it was created through fire

The Gemara initially suggests that the prohibition against eating food cooked by a gentile is derived from a verse. As the Gemara analyzed the verse it emerged that the restriction is limited to those foods that change from the form in which they were created by fire. Water, therefore, is not prohibited since it does not change when cooked with fire. According to the Gemara's conclusion, food cooked by gentiles is prohibited by Rabbinic decree. Consequently, Poskim disagree whether the limitation that only foods that change by fire are prohibited applies. Ran¹ writes that food that was cooked by a gentile but did not change is permitted even if it is not eaten raw and would be served at a king's meal. Even though the restriction is a Rabbinic enactment, since Chazal used a verse as support for this enactment (אסמכתא) their intent was to limit the restriction in accordance with the guidelines that are inferred from the pasuk.

Ran takes note of the fact that Rambam² does not seem to follow this approach. Rambam explains that the restriction against eating food cooked by gentiles does not include parched grain – קליות – since people do not invite guests to share parched grain. The reason Rambam explained this halacha differently than the Gemara is that the reason the Gemara offers that parched grain is permitted was based on the exposition from the verse cited as the source for this restriction. Since the Gemara concluded that the restriction is not derived from the verse, Rambam had to suggest another rationale why parched grain is permitted. Shach³ observes

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these "beverages" are t'horim and each Amora elaborates on his position.

The Gemara elaborates on Yosi ben Yoezer's third ruling related to the transference of tum'ah from a corpse and explains how the tum'ah was Biblically transmitted, what the Rabanan did to extend that tum'ah and Yosi ben Yoezer's lenient ruling on the matter.

The exposition that there is a difference when one touches someone still in contact with a corpse and when one touches someone who was in contact with a corpse is presented.

Rava rejects the explanation of Yosi ben Yoezer's third lenient ruling and suggests an alternative explanation.

Rava's explanation is unsuccessfully challenged.

A Beraisa is cited in support of this last explanation.

A related incident is recorded.

4) Cooked foods

R' Chiya bat Abba in the name of R' Yochanan identifies the source for the prohibition against eating foods cooked by non-Jews.

Numerous challenges to this source are presented that forces the Gemara to refine its explanation. ■

that Shulchan Aruch does not write that the prohibition against food cooked by gentiles is limited to those foods that changed form from the way it was created through fire indicating that he accepts the position of Rambam and the verse initially cited is completely rejected according to the Gemara's conclusion. The simple reading of the Gemara, however, is more consistent with the position of Ran. ■

1. ר"ן ד"ה וני"ל.
2. רמב"ם פ"י"ז מהל' מאכלות אסורות הי"ז.
3. ש"ך יו"ד סי' קי"ג סק"א. ■

STORIES Off the Daf

An Ill-Timed Precaution

זה גיטך אם לא באתי מכאן עד שנים עשר חודש

A certain man was unsure whether or not he should divorce his wife. Since the roads were dangerous and he was required to travel, perhaps he had no right to risk making her into an agunah chas v'shalom, since he had no idea whether he would be able to return home. On the other hand, he really did not want to divorce her if this was not absolutely necessary. He decided to send a גט with a messenger on the condition mentioned on today's daf. "Give this divorce to my wife and say, 'If your husband comes home by such-and-such a

time, this divorce is invalid. If he does not come home by that time, this divorce is valid."

Since the roads were very difficult to travel, the messenger did not arrive in the wife's town until after the time the husband had mentioned. The messenger wondered whether he could give the woman the divorce even though the condition was now meaningless.

When Rav Eliyahu Mizrahi, ז"ל, was asked about this case, he ruled that she was not divorced. "There are two essential reasons why this גט does not take effect. We must suspect that the husband would not agree to allow the messenger to give the divorce now, since he would be embarrassed for people to hear that he sent a divorce without condition to his wife. In ad-

dition, even if we forget about his possible feelings of embarrassment, he only sent the messenger to give a divorce on condition. Now that the condition is not relevant, the messenger cannot give the divorce since he was not authorized to give the divorce when his condition is no longer relevant."¹

But when the Beis Yosef, ז"ל, was consulted about this he disagreed, as did many other poskim. The Perach Shushan, ז"ל, explained their reasoning. "Since this man explained that he was giving the divorce to protect his wife because he was forced to travel in a place of danger, he obviously meant to give it to her even if his condition no longer applied."² ■

1. הרא"ם בתשובותיו, סי' ל"א וצ"ב
2. שו"ת פרח שושן, אבן העזר, כלל א', סי' א'