

OVERVIEW of the Daf

1) The meaning of the instruction "Write" (cont.)

The Gemara continues its unsuccessful challenge to R' Yossi's position that when a husband tells witnesses to write a גט they may instruct others to do the writing in their place.

The Gemara reaches clarity regarding R' Yossi's position and explains Shmuel's uncertainty in light of this new understanding.

2) Transferring words

Shmuel in the name of Rabbi rules according to the position of R' Yossi that one agent cannot transfer words (i.e. instructions) to another agent.

R' Shimon asked his father Rabbi why he ruled like R' Yossi when other Tannaim disagree and Rabbi answered that R' Yossi's reasons are very strong.

A related Baraisa that recounts the praises of different Tannaim is recorded.

3) Appointing agents to instruct the scribe and witnesses

R' Huna in the name of Rav taught that if a husband told two agents to instruct a scribe to write a גט and witnesses to sign the גט it is valid but it should not be done.

Ulla or R' Nachman explain that the reason this practice should not be followed is the concern that the wife may hire people to falsely instruct the scribe and witnesses to write a גט.

This explanation is unsuccessfully challenged.

There is also a disagreement whether it is acceptable לכתחלה for a husband to tell two people to instruct a scribe to write a גט and they should sign as witnesses.

4) Instructing many people to write a גט

A Baraisa is cited that discusses the different halachos of a husband who instructs many people to write a גט.

The Gemara inquires about the halacha of a case where the husband enumerates the names of all the people. Does that mean he wants them all to sign the גט or not?

R' Huna asserts that enumerating them is not the same as instructing them all to write the גט and R' Yochanan in the name of R' Elazar of Rome asserts that enumerating them is the same as instructing them all to write the גט.

R' Pappa suggests that R' Huna and R' Yochanan refer to different cases and do not disagree.

The Gemara records an enactment of R' Yehudah about how the scribe is to write a גט when the husband gave

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Distinctive INSIGHT

Isi ben Yehuda lauds the sages

רבי ישמעאל חנות מיוזנת, רבי עקיבא אוצר בלום

In the Baraisa, Isi ben Yehuda lists the accolades of the Rabbin. Rabbi Yishmael, he says, was as a "well-stocked store." Rashi explains that this refers to a well-stocked wine store which has all its merchandise ready and available, and the proprietor does not have to ask his customers to wait until he brings them what they need. Accordingly, the nature of the compliment to Rabbi Yishmael was by inferring that his teachings were readily available, and his students never were wanting for information. Ben Yehoyada notes that wine is specifically an appropriate symbol of Torah knowledge. Wine has a full range of variations, with some being stronger and more potent than others. The Torah of Rabbi Yishmael contained words of wisdom fit for all.

Tosafos understands the word "מיוזנת" to be from the word "מזון," thus suggesting that the analogy was to a store filled with provisions, while others have a text which reads "מיוזנת," from the word "זיון," indicating a store which is decorated with a full supply of any item a customer might desire. Rabbi Yishmael was proficient in many areas of wisdom.

Rabbi Akiva is described as an "אוצר בלום" - a storehouse which was full, with a wide-range of inventory. Rashi explains this reference based upon the description in Avos D'Rebbe Nosson (18:1). Rabbi Akiva can be compared to a poor man who took his basket and went to the field. He collected a full variety of whatever grains, stalks and fruits that he could find. When he later came home, he took everything out and sorted it in an organized and useful manner. So, too, Rabbi Akiva learned verses, Midrash, halachos and Aggados. He reviewed everything in order to know it well, and when he taught his own students, he presented everything in an organized and methodical manner.

Rashi explains that the word "בלום" means "sealed" or "shut closed". When Rabbi Akiva studied, he remained focused and intent on the words of his Rebbe, and he did not interrupt. ■

REVIEW and Remember

1. Explain מילי לא מימסרן לשליח.
2. What type of fraud are witnesses willing to commit?
3. What is the halacha when a husband enumerates a group of people to write a גט for his wife?
4. How did R' Sheishes demonstrate that the Reish Galvava's servants were not trustworthy concerning אבר מן החי?

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HALACHAH Highlight

Stealing for the purpose of a mitzvah

זיל גנוב אייני לי חדא כרעא מחיותא

Go, steal and bring me one leg from the animal

Our Gemara relates that the Reish Galvasa asked R' Sheishes why he does not eat in his home and R' Sheishes replied that he is suspicious that the Reish Galvasa's servants may serve a limb from a living animal - אבר מן החי. When the Reish Galvasa asked him for proof to the accuracy of this accusation R' Sheishes instructed his servant to steal some meat in order to bring to light the unscrupulous practices of the Reish Galvasa's servants. Teshuvos Yad Eliyahu¹ cites this incident as proof that it is permitted to steal with the intention of paying the victim immediately back, as long as it is done for the sake of a mitzvah. It is true that the Gemara in Bava Metzia (61b) rules that it is prohibited to steal to cause one's friend distress or with the intent to repay the victim twice the value of the stolen property (כפל). This is limited, however, to a case where the theft is not done with the intent to perform a mitzvah but when done for the sake of a mitzvah it is permitted.

Netziv² maintains that it is not permitted to steal even for the sake of a mitzvah and offers another explanation of R' Sheishes's instruction to his attendant to steal the leg of one of the animals. Ben Yehoyada³ suggests that in this case it was permitted to steal since the Reish Galvasa authorized him to prove the claim that his servants were not trustworthy. Furthermore, this case involves stealing to prevent someone from transgressing some prohibition which carries more weight than simply trying to fulfill a mitzvah.

STORIES Off the Daf

The shared message

"אמר לעשרה כתבו גט ותנו..."

A certain man wished to send a very important message to his business partner on the other side of a fairly big city. It was imperative that it reach this man quickly and the merchant could not take it himself. He was afraid to send it with a messenger. How could he be sure that the messenger would fulfill his assignment? He decided that the only way to be absolutely certain would be to convince the messenger to swear. He could be quite comfortable that the person would never transgress a vow.

The merchant summoned three men who owed him favors and "swore them in" to bring the document to his business partner and report back with a reply. When he explained that this was the only way he would have peace and feel secure that they would not back out, the three men swore.

As they were setting off, they were confronted with a sticky halachic quandary. They had each sworn to bring the message, but since there was only one message, who would carry it? Of course they could hold it together the entire way, but although each was willing to take the document alone or with company, they did not wish to look like fools in front of the entire city. But if only one carried it and the others accompanied him, would the

two who didn't physically carry the message transgress their vow?

They consulted with the Ben Ish Chai, zt"l, regarding this matter and he allayed their fears. "In Gittin 67 we find that if a husband tells ten men: 'All of you write a גט and give it to my wife,' one of the ten writes it for all of them. If he specified that all should write it, one writes it in front of all of them... If he specified that all of them take the divorce to his wife, one takes it in front of all of them. This is the halachah in the Rambam, Tur and Shulchan Aruch.

He concluded, "The same holds true in your case. If one takes it in front of the other two, it is as if all three took it."¹

1. שו"ת תורה לשמה, סימן רצ"ה

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instructions to the scribe and witnesses in the presence of many people.

Rava challenges this enactment and therefore presents a modified version of the enactment.

הדרן עלך האומר

5) **MISHNAH:** The Mishnah discusses the validity of statements made by someone afflicted with קורדייקוס and how to obtain instructions from someone who is mute.

6) קורדייקוס

Shmuel identifies the cause of קורדייקוס and the Gemara explains why it is important to assign a name to the condition and presents its remedy.

Abaye cites remedies for different ailments.

A related incident is recorded.

The Gemara begins to retell the incident of R' Sheishes and the servants in the home of the Reish Galvasa. ■

ly trying to fulfill a mitzvah. Interestingly, Mishnah Berurah⁴ writes that one should not violate any prohibitions in order to fulfill the obligation to wash one's hands in the morning. Therefore, one should not take the water his friend prepared for his own washing unless he is certain that he will be able to immediately replace the water that he took. This could possibly be understood as support for the position that it is permitted to steal for the sake of a mitzvah. ■

1. שו"ת יד אליהו סי' צ"ח.
2. עי' העמק שאלה סוף ח"ג בהשמטות לשאלתא ד' אות ה'.
3. בן יהוידע לסוגיין.
4. מ"ב סי' א' סק"ב. ■

