

## OVERVIEW of the Daf

1) Selling a slave to someone who lives outside of Eretz Yisroel (cont.)

The Gemara explains why R' Anan did not know in which case Shmuel ruled that the money must be returned and in which case he ruled that it does not have to be returned.

R' Yosef suggests a rationale why when a slave is sold to outside of Eretz Yisroel, the purchaser is penalized rather than the seller.

Abaye unsuccessfully challenges this explanation.

The Gemara retells an incident of a slave who fled from his owner to Eretz Yisroel.

This incident leads the Gemara into a discussion of the proper interpretation of a pasuk in Devarim.

Another incident involving a slave that fled from his owner in Bai Kutai is presented.

An additional incident involving the residents of Bai Kutai is recorded.

2) **MISHNAH:** The Mishnah mentions two enactments for the benefit of society that relate to captives.

3) **Redeeming slaves for more than their value**

The Gemara inquires about the rationale of the enactment that captives are not redeemed for more than their value.

An answer is suggested but rejected by Abaye and the matter is left unresolved.

4) **Assisting captives to escape**

The difference between the two opinions in the Mishnah related to the enactment against assisting slaves to escape is identified.

A related incident is presented.

5) **MISHNAH:** The Mishnah rules that one is not permitted to buy sacred items from idolaters for more than their value.

6) **A Sefer Torah found by a non-Jew**

The Mishnah seems to indicate that a Sefer Torah found in the possession of a non-Jew may be used for Torah reading.

This inference is rejected.

7) **A Sefer Torah found by a heretic or non-Jew**

R' Nachman teaches the tradition about what is done with a Sefer Torah that is found or written by a heretic or non-Jew.

Three Beraisos present three different rulings about what is done with a Sefer Torah written by a non-Jew.

The Gemara explains that each of the three Beraisos follows a different Tanna.

The opinion of R' Shimon ben Gamliel, who seemingly permits a Sefer Torah that was written without the proper intent, is explained.

8) **Purchasing sacred items for more than their value**

A Baraisa rules that one is permitted to buy sacred items from an

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## Distinctive INSIGHT

*The omen of the advice of the dove*

אמר כנסת ישראל כיונה מתילא, שמע מינה מתרחיש לי ניסא

The daughters of Rav Nachman were captured, and Rav Illish was captured together with them. One day during their ordeal, Rav Illish was sitting next to a man who understood the language of the birds. When a raven told Rav Illish to flee his captors, Rav Illish did not trust the bird's message, as he knew that ravens lie. However, when a dove came and told him to flee his captors, Rav Illish declared, "The congregation of Israel is compared to a dove," and he took this as a sign from the heavens that a miracle would occur and he would be able to escape, and he did.

The Torah prohibits relying on superstitions or heeding omens. The Gemara in Sanhedrin (66a) explains that this includes associating significance to the movements of weasels, birds and the stars. It would therefore seem that Rav Illish utilized an omen in determining his dangerous and ultimately miraculous escape. How was he permitted to do this?

Sefer **כפתור ופרח** explains that the prohibition is only in effect when relying upon birds other than ravens or doves. However, these birds are reliable, as these were the ones which serviced Noah when the flood ended and he wished to exit the ark.

Another explanation is based upon the words of the Chinuch (Mitzvah 249) who explains that attributing powers to arbitrary events and occurrences leads a person to believe that whatever happens to him is determined by fate, and not controlled by Hashem. Belief that the movements of a black cat or the alignment of the stars are the cause for anything to happen in a person's life is denial of freedom of choice and the merit which is earned due to Torah observance and a close relationship with Hashem. The verse (Bamidbar 23:23) lauds the Jewish nation in that "there is no divination in Yaakov, and no sorcery in Yisroel." Accordingly, a talmid chacham such as R' Illish, who had firm and complete trust in Hashem, was able to use the words of the dove to direct him, without its leading him to any form of weakness in his **אמונה**.

Other reasons why this was permitted are also given. Due to the dangerous condition of the captivity, R' Illish was allowed to heed the words of the dove. Others say that we cannot rely on arbitrary omens, but the words of the dove—**שיחת העופות**—is a tried and tested method, for those who understand it. ■

## REVIEW and Remember

1. Who is responsible for stealing food; the mouse or the hole in the wall?
2. Why were the daughters of R' Nachman capable of stirring a boiling pot with their hands?
3. What should be done with a Sefer Torah written by an idolater?
4. What did Abaye do to cause the Arab woman to throw a bag of tefillin into the river?

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# HALACHAH Highlight

*A Sefer Torah and Tefillin written by a heretic*

אמר ר' נחמן נקטינן ספר תורה שכתבו מין ישראל

R' Nachman stated: We have a tradition that a Sefer Torah written by a heretic should be burned

Beis Yosef<sup>1</sup> notes a contradiction between two rulings of Tur. In Hilchos Tefillin, Tur rules that tefillin that were written by a heretic should be buried (יגנוז)<sup>2</sup> and in the halachos of writing a Sefer Torah he rules that a Sefer Torah written by a heretic should be burned. Beis Yosef suggests that regarding a Sefer Torah, Tur follows the opinion of R' Nachman who says to burn a Sefer Torah written by a heretic but when it comes to tefillin he follows the ruling of R' Hamnuna the son of Rava from Pashrunia who rules that sacred items written by a heretic should be buried. The reason to rule about a Sefer Torah one way and tefillin and other sacred items another way is that heretics will write Sifrei Torah for their own studies. Since it is written for heretical intent it is logical that it should be burned but since heretics do not wear tefillin it is safe to assume that the tefillin were not manufactured with heretical intent and therefore should be buried rather than burned. Beis Yosef takes note of the fact that Rambam does not distinguish between a Sefer Torah and tefillin and rules explicitly that all sacred items that are written by a heretic should be burned. Shulchan Aruch<sup>3</sup> mentions the opinion of Rambam that tefillin written by an apikoros should be burned and then adds that others rule that they should be buried. Mishnah Berurah<sup>4</sup> notes that since the second opinion is introduced with the words, "And there are those who say – ויש אומרים –" and the first

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idolater for slightly more than their value.

An incident that teaches that one is not permitted to offer too low of a price for sacred items is presented.

9) **MISHNAH:** The Mishnah discusses the parameters of the enactments that one who divorces his wife because of her reputation or because of a vow she took may not remarry her.

10) **Divorcing a woman because of her bad reputation or vow**

R' Yosef bar Minyomi in the name of R' Nachman taught that the Mishnah's ruling applies only when the husband stated explicitly that he was divorcing her because of her bad reputation or vow. ■

opinion is not introduced in this fashion it is an indication that Shulchan Aruch intends to rule in accordance with the first opinion.

Mishnah Berurah in his commentary Beir Halacha<sup>5</sup> notes that Shulchan Aruch used the term apikoros rather than the term heretic that was used by the Gemara and earlier commentators. He therefore emphasizes that in this context the term apikoros refers to a non-Jew who is an avid follower of his idolatry. The reason he emphasizes this point is that there is a version of Rashi that translates the term apikoros as a Jew who does not believe the words of Chazal. This comment, he asserts, is not from Rashi. Although in some cases it would be an accurate translation, in the context of burning sacred items written by an apikoros or heretic we refer specifically to an idolater. ■

1. בית יוסף או"ח סי' ל"ט סעי' ד' ד"ה ורבינו.
2. עי' בחידושי הגהות שם אות א' דכך היתה גירסת הבי"ב בטור.
3. שו"ע או"ח סי' ל"ט סעי' ד'.
4. מ"ב שם ס"ק י"ד.
5. ביאור הלכה שם ד"ה שכתבם אפיקורס. ■

# STORIES Off the Daf

*An Escaping Captive*

"אין מבריחים את השבויים מפני תיקון העולם..."

During World War I, many Jews needed to make great efforts to avoid induction into the virulently anti-semitic armies of their host countries. Most were exceptionally reluctant to appear for the draft since the German or Pole he may kill for his country could very well be a Jewish brother. How could any Jew stand to hear a vanquished foe cry Shema Yisrael before dying? It wasn't as if the countries even treated their Jewish subjects in a dignified way. Why should they fight for a country whose constituency as a whole hates them for being Jewish?

This problem was especially prevalent in Russia. In addition to the many Jews

who were forcibly inducted in the army, there were also forced labor battalions auxiliary to the army. Induction into such a labor squad did not depend on the same standards of eligibility or physical fitness that determined whether one could serve as a soldier. Since no one was really willing to voluntarily join such a group, there were pressgangs that would sweep through various towns and take whomever they could grab off the streets, most often Jews.

When Rav Yechezkel Abramsky, zt"l, was Rav of the town of Smolevitch someone approached him and said, "As your honor knows there are groups canvassing our town for a certain quota of workers, some of whom may never return. I wonder if I am allowed to escape since they will certainly grab another Jew in my stead. Is this halachically permitted?"

"I believe it is," Rav Yechezkel replied. "In Gittin 45 we find that one may not enable captives to escape since the captors

will tighten security and make conditions more difficult for the remaining captives. Another prohibition enacted was that one may not redeem a captive for more than his value. Tosafos comments that this second decree only applies to others on behalf of the captive. But the captive himself may redeem himself for more than his actual value.

"It seems to me that the same is true regarding the decree not to enable captives to escape. This does not apply to the captive himself who may certainly escape... However, since this is a question regarding lives and my rebbi, Rav Chaim Soleveitchik, zt"l, is in nearby Minsk, I will catch the next train and ask for his opinion on the matter."

When Rav Abramsky arrived in Minsk and told this proof to Rav Chaim, his rebbi's face lit up!<sup>1</sup> ■

1. מלך ביפיו, חלק א' ע' 126