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Gittin Daf 67

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Shmuel's Uncertainty**

*[The Gemora had explained that although Rabbi Yosi said that verbal instructions cannot be passed on to another agent, if the husband had given instructions that they should tell the scribe to write the text of the get, he would admit that the get written by the scribe is valid.]*

The Gemora asks: Does Rabbi Yosi truly admit in such a case? But we learned in the following Mishna: If a get contains the scribe's writing and the signature of one witness, it is valid.

Rabbi Yirmiyah said: The Mishna means that the scribe signed on the get. And Rav Chisda said that this Mishna is following the opinion of Rabbi Yosi, who holds that verbal instructions cannot be passed on to another agent. *[Consequently, we can safely assume that the scribe was designated to sign by the husband himself, and there is no fear that the agent told him to do so on his own authority, so as not to offend the scribe.]* Now, if Rabbi Yosi admits in a case where the husband said, "Tell the scribe to write it," that the get would still be valid, the following disaster could occur: Sometimes, a husband will say to two people, "Tell the scribe to write a get and So-and-so and So-and-so to sign," and out of fear of offending the scribe (that he is unacceptable as a witness), they will agree that one of them should sign and the scribe with him, which is not what the husband said! *[The Mishna did not forbid the scribe from signing a get; evidently, Rabbi Yosi holds that the agents cannot appoint the scribe to sign on the get even if the husband instructed them to do so.]*

The Gemora answers: Since Rav has said that a get of this kind (when the husband told them to tell the agent to sign) is valid, but it should not be done in the Jewish nation, it is not usual (and they therefore were not concerned that a disaster would occur).

The Gemora asks: But is there not the possibility that the husband may tell two people, "Tell the scribe to write and you sign," and out of fear of offending the scribe, they will let the scribe sign along with one of them, which is not what the husband said! *[The Mishna did not forbid the scribe from signing a get; evidently, Rabbi Yosi holds that the agents cannot appoint the scribe to sign on the get even if the husband instructed them to do so.]*

The Gemora answers: In this case also it is said that it is valid, but it should not be done (it is therefore not usual and they were not concerned that a disaster would occur).

The Gemora asks: This is understandable according to the one who holds that it is valid but it should not be done, but to the one who holds that it is valid and may be done, what are we to say?

Rather, the Gemora explains as follows: Rabbi Yosi ruled that in two cases, the get is invalid. *[If the husband told three people, "Give a get to my wife," and they told others to write it and sign it, it is invalid because verbal instructions cannot be passed on to another agent. And if the husband told people to tell others to write and sign the get, it is still invalid, because agents can never pass on*

verbal instructions.] Samuel agreed with him in regard to one (when the husband told them to give the get and they appointed others) and differed from him in regard to the other (when the husband told them to tell others to write and sign the get). [Shmuel was uncertain what the halachah would be when the husband told them to write a get for his wife. If he meant that they should write it themselves, it will be invalid if they appoint others to do so. If he only meant that they should sign the get, they would be able to tell others to write the get, for it is as if the husband expressly told them to appoint others, and Shmuel holds that the get would be valid in such a case.] (66b – 67a)

### **Traits of the Sages**

It was stated above: Shmuel said in the name of Rebbe that the *halachah* is in accordance with Rabbi Yosi, who said that verbal instructions cannot be passed on to an agent.

Rabbi Shimon the son of Rebbe said to Rebbe: Seeing that Rabbi Chanina of Ono and Rabbi Meir disagree with Rabbi Yosi, what was Rebbe's reason for saying that the *halachah* follows Rabbi Yosi?

He replied: Be quiet, my son, be quiet; you have never seen Rabbi Yosi. Had you seen him, you would know that he always had reasons for his views. For we learned in a *braisa*: Issi ben Yehudah used to specify the praiseworthy merits of the various Sages. Rabbi Meir was a scholar and a scribe. Rabbi Yehudah was a scholar when he desired to be. Rabbi Tarfon resembled a heap of nuts. [When he was asked a question, he cited proofs from Scripture, Medrash, Mishnah, halachah and aggadah, like a heap of nuts toppling over one another.] Rabbi Yishmael resembled a well-stocked shop. [Whenever someone asked him something, he replied immediately, without keeping him waiting.] Rabbi Akiva was like a storehouse with compartments. [All his learning was organized by subject

and each subject was taught separately.] Rabbi Yochanan ben Nuri was like a basket of a spice peddler. [He could answer questions from any subject.] Rabbi Elozar ben Azaryah was like an individual's basket of spices. [The spice peddler has many varieties of spices.] The teachings of Rabbi Eliezer ben Yaakov were measured but pure. [He did not issue many rulings, but the halachah follows him.] Rabbi Yosi always had reasons for his views. Rabbi Shimon used to grind a lot and let out only a little. It was taught in a *braisa* that this meant that he used to forget little, and whatever he did forget was only bran (teachings that were not in accordance with halachah). And so too, Rabbi Shimon said to his disciples: My sons, learn my teachings, since my teachings are the cream of the cream of Rabbi Akiva's. (67a)

### **Rulings**

It was stated: If the husband said to two people, "Tell the scribe to write a *get* and So-and-so and So-and-so to sign," Rav Huna said in the name of Rav: The *get* is valid, but it should not be done in the Jewish nation.

The *Gemora* explains the reason for this: We are concerned that the wife (who wants to be divorced) will hire (false) witnesses (to testify that the husband sent them to tell a scribe to write a *get* and that they should sign it).

The *Gemora* asks: Are we concerned for such a thing? But we learned in a *braisa*: If there are (recognizable) witnesses signed on a purchase of a field, or on a bill of divorce, we do not suspect that they signed falsely!?

The *Gemora* answers: While they are not suspected of signing or testifying falsely, they are suspect of making a false statement (to instruct others to sign on the *get*).

If the husband said to two people, "Tell a scribe to write a *get* and you should sign on it," Rav Chisda said: The *get* is

valid, but it should not be done in that manner. Rabbah bar bar Chanah said: It is valid and it may be done like that. Rav Nachman said: The *get* is valid, but it should not be done in that manner. Rav Sheishes said: It is valid and it may be done like that. Rabbah said: The *get* is valid, but it should not be done in that manner. Rav Yosef said: It is valid and it may be done like that. There are those that switch the last two opinions. (67a – 67b)

### **All of You**

The *Mishna* had stated: If he said to ten people, “Write a *get* for my wife,” one may write the *get* and two sign it.

The *Gemora* cites a *braisa*: If he said to ten people, “Write a *get* and deliver it to my wife,” one of them may write it for all of them. If he tells them, “All of you should write it,” one of them should write it in the presence of all the others. If he said to ten people, “Deliver this *get* to my wife,” one of them may deliver it for all of them. If he tells them, “All of you should deliver it,” one of them should deliver it in the presence of all the others.

The *Gemora* inquires: If the husband first counted them (saying, “one, two, three etc. write a *get* for my wife”), what is the *halachah*? [Is this case similar to when he said, “All of you”?]

Rav Huna said: It is not similar to the case where he told them all to write the *get* (and therefore, if two of them sign the *get*, it is valid). Rabbi Yochanan in the name of Rabbi Elozar from Rome said: The two cases are similar.

Rav Papa said: they are not arguing, for one is referring to a case where he counted them all, and the other is referring to a case where he only counted some of them. Some explained it one way (Rabbi Yochanan is discussing a case where he counted them all, and therefore all of them are required to sign, whereas Rav Huna was speaking about a case where he counted two of them, and

therefore, only those that were counted are required to sign). And some explain it the other way (Rav Huna is discussing a case where he counted them all; they do not all have to sign because he did not expressly say, “all of you,” whereas Rabbi Yochanan was speaking about a case where he counted two of them, and therefore, only those that were counted are required to sign).

Rav Yehudah instituted that any time that the husband could have said “all of you” (when there were many people standing there when he issued his instructions), the following should be written in the *get* (to avoid the claim that the *get* is not valid, by saying that the husband did in fact say “all of you”): “He said to us, ‘Write a *get* either all of you or any one of you; sign it, either all of you or any two of you; give it, either all of you or any one of you.’”

Rava asked: Sometimes the scribe will cut his words short and say “all of you” without adding “any one of you,” and people will come and declare the *get* to be invalid.

Rava therefore said that the following words should be inserted: “Write a *get* any one of you; sign it any two of you; give it any one of you. (67b)

WE SHALL RETURN TO YOU, HAOMER

### **Mishna**

If a man was seized with *kurdiakos* (he became delirious; one who drinks a large amount of new wine can become possessed by a demon), and said, “Write a *get* for my wife,” he has said nothing. If he said, “Write a *get* for my wife,” and then he was seized with *kurdiakos*, and he retracted and said, “Do not write the *get*,” his last words mean nothing.

If a man became mute, and they said to him, “Shall we write a *get* for your wife?” and he nodded his head, they

test him three times: If he said “no” for no, and “yes” for yes, they write the *get* and give it. [They ask him three questions where the answer is known. If he signals correctly, we have confirmed his competence, and we may write and give the *get*.] (67b)

### **Sicknesses and their Remedies**

The *Gemora* asks: What is *kurdiakos*?

Shmuel said: It is when one is overcome by drinking new wine from the vat.

The *Gemora* asks: Then why does it not say: If one is overcome by new wine?

The *Gemora* answers: It is to teach us that this spirit is called *kurdiakos*.

The *Gemora* asks: What difference does this make?

The *Gemora* answers: It will affect an amulet (*where the spirit's name must be explicitly mentioned*).

The *Gemora* asks: What is the remedy for this?

The *Gemora* answers: Red meat broiled on the coals, and highly-diluted wine.

Abaye said: My mother (*the woman who raised him*) told me that the remedy for sun-stroke on the first day is a small jug of water; if it lasts two days, the remedy is bloodletting; if it lasts three days, the remedy is to take red meat broiled on the coals and highly-diluted wine. For an old sun-stroke, he should bring a black hen and tear it lengthwise and crosswise. They should shave the middle of the person's head and place the hen on his head and leave it there until it sticks to it. Then he should go and stand in water which is up to his neck until he is quite faint. He then should swim out and sit down until he feels

better. If he cannot do this, he should eat leeks and go and stand in water which is up to his neck until he is quite faint. He then should swim out and sit down until he feels better.

It was stated: If the sun-stroke lasts three days, the remedy is to take red meat broiled on the coals and highly-diluted wine. For a chill, one should take fatty meat broiled on the coals with undiluted wine.

When the household (*servants*) of the Exilarch wanted to persecute Rav Amram the Pious (*for issuing strict halachic rulings*), they made him lie down in the snow. The next day, they would ask him, “What would the master like us to bring him?” He said, “Whatever I tell them, they will do the reverse,” so he said to them, “Red meat broiled on the coals and highly-diluted wine.” They brought him fatty meat broiled on the coals and undiluted wine (*which was the precise remedy that he needed*).

Yalta (*Rav Nachman's wife*) heard (*about his suffering*) and took him in to the bathhouse, and they kept him there until the water turned to the color of blood (*from his perspiration*) and his flesh was covered with pale spots.

Rav Yosef (*when suffering from the chills*) would cure himself by working at the mill (*until he perspired*). Rav Sheishes would carry heavy beams. He said: Work is a great thing, for it makes one warm. (67b)

### **The Exilarch's Unvirtuous Servants**

The Exilarch once said to Rav Sheishes, “Why will the master not dine with us?” He replied, “It is because your servants are suspected of serving limbs from a living animal.” The Exilarch asked him, “How do you know?” He replied, “I will show you.” He then told his attendant to steal a leg from an animal (*that the servants were preparing*) and bring it. When he brought it to him, he said

to the servants, "Place the cuts of the animal before me." They brought three legs and placed them before him. He asked them, "Was this a three-legged animal? [*Would you serve such an animal on the Exilarch's table?*] They then cut a leg off a live animal and brought it. He then said to his attendant, "Now produce yours." He did so, and he then asked them, "Was this a five-legged animal?"

The Exilarch said to him, "If so, let them prepare the food in your attendant's presence and then you can eat it." "Very good," he replied. They brought up a table and placed meat before him, and set in front of him a portion that can choke the blind (*it had a dangerous small bone which would choke Rav Sheishes, since he was blind*). He felt it and took it and wrapped it in his scarf. When he had finished they said to him, "A silver cup has been stolen from us" (*for they wanted to see what he had placed in the scarf*). In the course of their (*supposed*) search for it, they found the meat wrapped in his scarf, whereupon they said to the Exilarch, "See, master that he does not want to eat from us, but only to vex us." He said, "I did eat, but I found in it the taste of an animal with leprosy." They said to him, "No animal with leprosy has been prepared for us today." He said to them, "Examine the place where my portion came from, since Rav Chisda has said that a black spot on white skin or a white spot on black skin is a mark of affliction." They examined it and found that it was so.

When he was about to depart, they dug a pit and threw a mat over it, and said to him, "Come, master, and sit down." Rav Chisda snorted behind him (*as a warning*). Rav Sheishes said to a boy, "Tell me the last verse you have learned." The boy said, "Turn to your right or to your left." He asked his attendant, "What do you see?" He replied, "A mat thrown on the ground." He said, "Turn aside from it." When he got out, Rav Chisda said to him, "How did you know (*to walk around it*)?" He replied, "Firstly, because you snorted, and secondly, from the verse which the boy quoted, and also because the

servants are suspect (of harming me) because they are extremely unvirtuous." (67b – 68a)

## DAILY MASHAL

### *Traits of the Sages*

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little, and whatever he did forget was only bran (*teachings that were not in accordance with halachah*). And so too, Rabbi Shimon said to his disciples: My sons, learn my teachings, since my teachings are the cream of the cream of Rabbi Akiva's.

\*\*\* The Peri Megadim asks: It is forbidden to speak the praises of a person, even in his presence!?

He answers: Rebbe spoke these praises to himself.

\*\*\* The Maharsha asks: Why is it considered a praise about Rabbi Yehudah that he was a scholar when he desired to be? Isn't that derogatory?

The Aruch explains that Rabbi Yehudah was the first of the speakers. The Iyun Yaakov explains that he was humble, and although he had permission from the king to speak first, he did not want this honor, and he only used it when it was absolutely necessary.

\*\*\* The Kesef Mishnah in Hilchos Beis Habechirah (2:18) states that the *halachah* follows Rabbi Eliezer ben Yaakov only when he is mentioned in a *Mishna*, but not when he is mentioned in a *braisa*.

The *Chacham Tzvi* challenges this from the fact that Shimon ben Azai found this rule in the Megillas Setarim, which was written before Rebbe arranged the Mishnayos, so obviously, the rule is all encompassing, even the *braisos*!?

Tosfos Yom Hakippurim asks that the Kesef Mishnah contradicts himself, for he explains the Rambam in Hilchos Teshuvah (2:8) that the Rambam holds like Rabbi Eliezer ben Yaakov because his teachings were measured but pure, and this *halachah* was mentioned in a *braisa*!?

He explains that whenever he is mentioned in a *Mishna*, the *halachah* follows him. However, when he is

mentioned in a *braisa*, it depends upon the logic of his argument.

The Yad Malachei writes that in truth, the Kesef Mishnah holds that the Rambam always rules like Rabbi Eliezer ben Yaakov, even when he is mentioned in a *braisa*. The Kesef Mishnah that was cited above was in fact a gloss from one of his students, and it erroneously got inserted into the text of the Kesef Mishnah.

### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: Why would Geniva's gift to Rabbi Avina be valid without a *kinyan*, if it was only a portion of his possessions? [*It should only be like a shechiv mera if he is giving away everything!*?]

A: When he is going out to be executed, it is different because he was giving his last dispositions (*since he knew that he would not be returning alive*).

Q: The *Mishna* rules that if someone was thrown into a pit and calls out that anyone who hears him should write a *get* to his wife (*specifying his name and his city*), those who hear this should indeed write and send the *get* to his wife. Why are we not concerned that it was a demon (*who are suspect of evil behavior, such as deceiving people*) that issued that proclamation?

A: They saw a shadow of his shadow, and the demon Yonasan told Rabbi Chanina that demons have a shadow, but not a shadow of a shadow.

Q: If the husband gave a *get* to a *sh'liach*, can he give it over to another *sh'liach*?

A: Yes.