

OVERVIEW of the Daf

1) Instructing ten men to write a גט (cont.)

The Gemara unsuccessfully challenges R' Yehoshua ben Levi's ruling presented in the previous incident.

2) **MISHNAH:** The Mishnah discusses the ink that is acceptable for a גט as well as the material upon which the גט may be written.

3) Clarifying the Mishnah

The Gemara identifies the different inks mentioned in the Mishnah as well as the items included by the Mishnah's general statement that any permanent ink may be used.

4) Tracing letters

The Gemara presents a series of laws related to tracing letters on Shabbos.

Reish Lakish asked R' Yochanan whether witnesses who do not know how to sign their names can trace their names that someone else wrote.

R' Yochanan answered that this is not acceptable.

Reish Lakish unsuccessfully challenged this ruling.

Rav advised that witnesses who cannot sign their own names should fill in the etchings made by someone else with ink and Shmuel suggested that they should trace their names written with lead.

This ruling is challenged by the fact that lead is an acceptable ink for writing a גט.

The Gemara resolves the contradiction.

R' Avahu suggests that the first writing should be done with gallnut juice.

This ruling is unsuccessfully challenged.

R' Pappa suggests that the first writing should be done with saliva.

The Gemara states that this method may only be used for gittin.

A related incident is cited.

A Beraisa is cited and clarified that supports Rav's suggestion.

R' Elazar explains the rationale behind R' Shimon ben

(Overview...Continued on page 2)

REVIEW and Remember

1. What is the essential characteristic required for the ink of a גט?
2. What prohibitions are violated when one writes with black ink on red ink?
3. Is it necessary for the witness to read the document before signing?
4. What is the status of a woman whose husband gives her a blank paper and tells her that it is her גט?

Distinctive INSIGHT

Illiterate witnesses

שאינו יודעין לקרות קורין לפנייהם

The Beraisa describes a case of illiterate witnesses who cannot read the גט. The halacha is that two other people come to read the document to the illiterate witnesses. Based upon hearing this rendering of the reading of the גט, the witnesses can affix their signatures to the גט. As the Beraisa concludes, Rabban Shimon ben Gamliel holds that this leniency is only permitted regarding a גט in order to help prevent cases of עיגונה.

The rule is that a witness may only testify to that which he personally sees or knows. Someone who does not see the event being discussed cannot testify, even if he hears from an eye witness, as this is עד מפי עד—a witness of a witness (hearsay), which is not valid. The Rishonim (see Tosafos 9a, ד"ה קורין) therefore wonder how these illiterate witnesses can sign based upon the reading of the גט by others. Tosafos answers that the readers are not testifying, but merely informing the listeners what is written before them. They are providing גילוי מילתא בעלמא—they are revealing and exposing that which already is before them.

Rambam writes that the illiterate witnesses can only sign their names after hearing the reading of the גט if they understand the language in which it is written. If they do not understand the language of the actual גט, having it read to them (even if it is translated for them) is not adequate, and they may not sign on it. The מפרש on Rambam explains that it is enough if these witnesses understand the תורף of the גט—the essential details about the couple being divorced—even if they do not understand every word. Kesef Mishneh argues and holds that the witnesses must understand every word of the גט before signing their names.

Kesef Mishneh also notes that the ruling of Rambam disagrees with the opinion of the Tur (Even Hoezer 130), who explains that even if the illiterate witnesses do not understand the language of the גט, these witnesses may sign after hearing the גט read to them in translation. Rambam apparently holds that if the readers must also translate, their input would be as valid witnesses, and not just facilitators (גילוי מילתא בעלמא), and the illiterate witnesses who then sign would be disqualified due to their being עד מפי עד—hearsay. ■

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HALACHAH Highlight

Writing tefillin with one's left hand

דיו על גבי דיו פטור

[One who traces] black ink on top of black ink is exempt

Bais Yosef¹ cites the opinion of Sefer Terumos who rules that tefillin that were written by a right-handed sofer with his left hand are not valid even **בדיעבד**. His reasoning is that since a right-handed person who writes with his left hand on Shabbos is Biblically exempt from liability, this act does not constitute writing. It is illogical that a person should be able to write kosher tefillin on Shabbos when his act is not defined as the melacha of writing. Rav Tzvi Pesach Frank², the Har Tzvi, expresses astonishment at the reasoning of Sefer Terumos, arguing that perhaps tefillin written with one's left hand during the week is invalid, but when it is written on Shabbos with one's left hand it is valid. The rationale for this approach is based on the logic that just as left-handed writing is considered writing as far as a Sefer Torah is concerned it is also writing as far as Shabbos as concerned. Precedent for this principle is found in the Gemara Sukkah (7a) where the Gemara states that since it is a partition for one's sukkah it is also a partition for Shabbos.

Har Tzvi then suggests a line of reasoning to explain the position of Sefer Terumos that entertains the possibility that writing tefillin with one's left hand is only invalid if it was done on Shabbos but during the week would be valid. The rationale for this approach is based on the principle **כל מה דאמר רחמנא לא תעביד אי עביד לא מהני**—Whenever the Torah prohibits an activity if one performs that action it is ineffective. This is true even though Tosafos writes that a Sefer Torah or **גט** written on Shabbos is valid and we do not apply the principle of **כל מה דאמר רחמנא וכו'**. The reason this principle is generally not applied is based on the explanation of Maharit who writes that this principle applies only when rendering an action ineffective will erase the prohibition but if the prohibition will not be rectified, the action remains effective. Two separate Shabbos prohibitions are violated by writing of tefillin on Shabbos: the prohibition of writing (**כותב**), and the prohibition of completing a functional object. Accordingly, when tefillin are writ-

Elazar's opinion in the Beraisa.

There is a dispute whether Rava ruled in accordance with the position of R' Shimon ben Elazar.

5) Reading a document before signing

A discussion is presented related to whether witnesses must read the document before they sign it or is it sufficient for one or two people to read the document in front of them.

The Gemara describes how R' Pappa made use of Persian documents drawn up in **כותלי** courts.

Ameimar is quoted as ruling that a Persian document is acceptable.

The novelty of this ruling is identified and explained.

6) An unreadable **גט**

Shmuel rules that if a man gives a woman a blank piece of paper and declares that he is giving her a **גט** we are suspicious that he wrote the **גט** with ink that is not visible.

This ruling is challenged and Shmuel is forced to modify, somewhat, his position.

7) Reading a document before signing (cont.)

Ameimar is cited as ruling that the witnesses must read the **גט** before they sign.

This ruling is unsuccessfully challenged.

8) Uncertain delivery of a **גט**

An incident is cited in which R' Nachman rules about the uncertain delivery of a **גט**.

A second incident is cited that relates to an uncertain delivery of a **גט**. ■

ten on Shabbos, even if they are declared invalid the prohibition of writing was still violated. Therefore the principle of **כל מה דאמר רחמנא וכו'** is not applied. If one wrote tefillin with one's left hand and the tefillin are declared invalid it will emerge that he did not violate any prohibition because all that remains is that he wrote with his left hand, that does not violate the Biblical prohibition against writing. ■

1. ביי או"ח סי' ל"ב.
2. שו"ת הר צבי או"ח ח"א סי' כ"ה.
3. תוס' יט. ד"ה דיו על גבי דיו. ■

STORIES Off the Daf

Illegible Writing

"שמואל נמי חיישינן קאמר..."

There is an interesting segulah: to carry around a complete Tanach. Some people wished to carry around a miniscule copy of Tanach which could not be read with the naked eye. The question was, could this be taken into the bathroom?

This question was asked of the Beis Dovid, zt"l, who replied, "We see from Gitin 19 that one may not enter a bathroom with such a Tanach since it has the same halachos as a full sized Tanach. The Gemara says that if someone gave a blank document to his wife and said, 'Here is your **גט**,' we suspect that she may be divorced since the husband may have written the divorce with some kind of disappearing ink.

"We see from this that even if writing cannot be read it is still considered bona

fide writing and must be treated as if it was readable."

When this same question was asked of the Even Yikreh, zt"l, he clearly learned the Gemara differently. "This Tanach has no kedushah whatsoever since the letters cannot be read without a magnifying glass and this is clearly not writing. However, since there are holy names in this Tanach, you may not enter the bathroom with it unless the Tanach is in his pocket..." ■

