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Daf Notes is currently being dedicated to the neshamot of

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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

Erasures

The *Gemora* discusses a previous statement. Rav had ruled that a document, where the text and the signatures of the witnesses appear on an erasure, it is legally valid. And if you will say that perhaps we should be concerned that the document was erased (*by a dishonest man*), and then (*the body of the document, not the signature of the witnesses*) was erased again, it is not a valid claim, for a document that was erased once looks different than a document erased twice.

The *Gemora* asks: Why don't we suspect that he erased the area of the witnesses signatures twice before they signed, and then after they signed, he erased the document a second time and forged what is currently stated on the document? This would mean that the document and area of the signatures would match, as they would both have been erased twice!?

Abaye answers: Rav holds that witnesses do not sign on an area that is erased unless it was erased in front of them (*and they confirm that it is similar to the area of their signatures*).

The *Gemora* asks a question from a *braisa*. The *braisa* states: If the body of the document is on regular parchment and the signatures are on an erased area, it is a valid document.

The *Gemora* asks: Let us suspect that he erased it and wrote what he wanted! This would lead to a case where they both are on an erased parchment, and is valid! [*It must be that this would be invalid, and is therefore a question on Rav!?*]

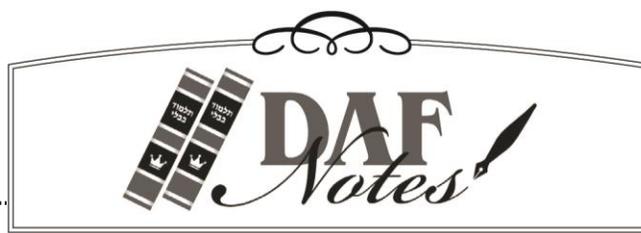
The *Gemora* answers: They write the following on the document: "We, the witnesses, have signed on an erased area, and the body of the document was not erased."

The *Gemora* asks: Where do they write this? If it is at the bottom of the document, he can simply cut it off! If it is at the top, he can simply erase it!?

The *Gemora* answers: This is written in between the signature of one witness and the other.

The *Gemora* asks: If this is so, there is difficulty from the second part of this *braisa*. The *braisa* states: If the body of the document was on an erased area, and the signatures were on a part that was not erased, it is invalid. Why is it invalid? Why don't the witnesses merely write: "We, the witnesses, have signed on area that was not erased while the document was erased"?

The *Gemora* continues with this question. What could be the problem? The concern is not that the person might erase the document, as it would be obvious that it was erased twice and not just once!?



The *Gemora* answers: This is only apparent if the witnesses sign on an erased area (*the contrast between the once-erased area to a twice-erased area on top would be apparent*). However, if they sign on an area that was never erased, one cannot tell if the top area was erased once or twice.

The *Gemora* asks: Why don't we just write on another blank parchment, erase it, and compare it to the top part of the document (*to see if it was actually erased once or twice*)?

The *Gemora* answers: The way each piece of parchment looks when it is erased is different (*and therefore they cannot be compared to each other*).

The *Gemora* asks: Why doesn't the *Beis Din* take a sample of the witnesses' signatures (*thereby verifying that this document is valid*), and then erase the signatures on the actual document and compare them to the document?

Rav Hoshiya answers: Something erased after one day does not look the same as something erased after two days.

The *Gemora* asks: Let us wait!?

Rabbi Yirmiya answers: We suspect that there will be a mistaken *Beis Din* (*meaning a Beis Din that will not know how to properly verify the authenticity*). [*This is why all such documents are invalid.*] (163b – 164a)

Tied Documents and Kings

The *Mishna* had stated: Rabbi Chanina ben Gamliel says that a tied document whose witnesses signed inside, it is valid, because he can make it a plain one.

Rebbe replied to Rabbi Chanina ben Gamliel: The date on a regular document is not like the date on a tied document! [*How can you say that one can make a tied document into a regular document?*] In a regular document, if the king (*the date is based on years of a current king*) was king for a year, it says one year. If he was king for two years, it says two years. If it is a tied document, if he king for one year, it says two years, and if he was king for two years, it says three years! Sometimes a person will borrow money with a tied document, and will pay back the money within the time allotted. He will then ask for the loan document, and the lender will say that he lost it. If the lender merely writes a receipt, the lender can then present the simple (*used to be tied*) document when it is due and say that he has a different loan that he must pay. [*Rebbe therefore is asking that we should not possibly allow a tied document to be a simple document.*]

The *Gemora* answers: Rabbi Chanina holds that we do not write receipts. [*Accordingly, the borrower will simply not pay the loan until the loan document can be produced and ripped up.*]

The *Gemora* asks: Was Rebbe an expert in the characteristics of a tied document? Was there not a tied document that came to Rebbe, and he mistakenly thought that it was a post-dated document? Zunin was the one who told him that the custom of these people was that if he is king for one year, it says two years, and if he was king for two years, it says three years!?

The *Gemora* answers: He said his claim against Rabbi Chanina's law after he was taught this by Zunin.

There was a document which said, "In the year of So-and-so *arkan* (*king*)."
Rabbi Chanina said: It should be checked

when exactly this *arkan* ascended to the throne (*as it is apparent that this was written in the first year of his rule*).

The *Gemora* asks: Perhaps it was only after he was king for many years?

Rav Hoshiya says: This is the custom of this nation. The first year of the king is called *arkan*; the second is called *digon*.

The *Gemora* asks: Perhaps he was removed from being the king and then only ascended again years later?

Rabbi Yirmiyah answers: This second rule would be called *digon* (*not arkan*).

The *braisa* states: If someone says, "I am a *nazir*." Sumchus says: *Hina* means one (*period of thirty days of being a nazir*), *digon* is two, *trigon* is three, *tetragon* is four, *pentagon* is five.

The *braisa* states: A round house, a *digon* (*two walls*), *trigon* (*three walls*), and *pentagon* (*five walls*) are not houses that become impure from leprosy. A tetragon (*four walls*) does become impure.

The *Gemora* asks: How do we know this?

The *Gemora* answers from a *braisa*. The *braisa* states: The verse above could have said, "wall" and instead said "walls." This indicates two walls. The same is true regarding another verse said by leprosy. This indicates that only a four-wall house can be impure with leprosy.

There was a tied document that came before Rebbe. Rebbe remarked: There is no date on this document! Rabbi Shimon ben Rebbe said to him: Perhaps it is swallowed up between the ties? They divided it and they

saw it. Rebbe looked at his son scornfully (*as he was not happy that this was made as a tied document*). Rabbi Shimon replied, "I did not write it; Yehudah Chayata wrote it." Rebbe rebuked him by saying, "Stay away from this *lashon hara*" (*you should have merely said, "I didn't write it"*).

Another time Rabbi Shimon was sitting in Rebbe's presence when he finished a section of the Book of Psalms (*one of the five books that Tehillim is divided into*). Rebbe said, "How neat is this writing!" Rabbi Shimon replied, "I did not write it; Yehudah Chayata wrote it." Rebbe rebuked him by saying, "Stay away from this *lashon hara*."

The *Gemora* asks: In the first case (*by the tied document*), one can understand Rebbe's rebuke, since there was *lashon hara* involved; what *lashon hara*, however, was there in this case?

The *Gemora* answers: It is based upon the teaching of Rav Dimi, for Rav Dimi, the brother of Rav Safra, taught a *braisa*: A man should never speak in praise of his friend, because by mentioning his praise, he will come to mention his faults as well.

Rav Amram said in the name of Rav that there are three transgressions from which no person is saved every day. They are: thoughts of sin, examining one's prayers (*Rashbam – feeling overconfident that his tefillah will be answered positively; Tosfos – lack of concentration during tefillah*), and *lashon hara*. The *Gemora* explains that *lashon hara* refers to *avak lashon hara* (*close to being lashon hara*). (164a – 165a)

INSIGHTS TO THE DAF

Mentioning the Praise of Others

Another time Rabbi Shimon was sitting in Rebbe's presence when he finished a section of the Book of Psalms (*one of the five books that Tehillim is divided into*). Rebbe said, "How neat is this writing!" Rabbi Shimon replied, "I did not write it; Yehudah Chayata wrote it." Rebbe rebuked him by saying, "Stay away from this *lashon hara*."

The *Gemora* asks: In the first case (*by the tied document*), one can understand Rebbe's rebuke, since there was *lashon hara* involved; what *lashon hara*, however, was there in this case?

The *Gemora* answers: It is based upon the teaching of Rav Dimi, for Rav Dimi, the brother of Rav Safra, taught a *braisa*: A man should never speak in praise of his friend, because by mentioning his praise, he will come to mention his faults as well.

The *Gemora* in Gittin (67a) relates that Issi ben Yehudah used to specify the praiseworthy merits of the various Sages.

The Chidah challenges this from our *Gemora*, which rules that one should never speak in praise of his friend, because by mentioning his praise, he will come to mention his faults as well!?

He initially answers that Issi ben Yehudah specified their merits after their death; it would then be permitted, for there was no concern that he would talk about their faults after their deaths.

He retracts from this answer, for it is evident from the Avod d'Rabbi Nassan that Issi ben Yehudah spoke about

their praises even during their lifetime!

It would seem that the Chidah's question can be answered according to the words of the Rashbam here. He writes that a person should never speak ***excessively*** in praise of his friend, because by mentioning his praise, he will come to mention his faults as well. Apparently, it is only prohibited if one offers excessive praise; this will lead to the listener or the speaker interjecting that the person does possess some faults as well. Issi ben Yehudah, however, was not exaggerating at all when specifying the merits of those Sages.

The Maharsha challenges this explanation, for it does not seem from our *Gemora* that Rabbi Shimon was excessively praising Yehudah Chayata; he was merely stating that it was he who wrote that book of Tehillim, and that it was a neat handwriting.

The Rambam is of the opinion that this prohibition applies only in public, for there are bound to be enemies of the subject of the praise in the crowd, and they will almost certainly begin to talk disparagingly about him. In private, however, this prohibition would not apply.

DAILY MASHAL

No person is Saved from these Transgressions

The *Gemora* states: Rav Amram said in the name of Rav that there are three transgressions from which no person is saved every day. They are: thoughts of sin, examining one's prayers (*Rashbam – feeling overconfident that his tefillah will be answered positively; Tosfos – lack of concentration during tefillah*), and *lashon hara*. The *Gemora* explains that *lashon hara* refers to *avak lashon hara* (*close to being lashon hara*).

What does the *Gemora* mean that "no man is saved"

from these transgressions? Certainly there are great *Tzadikim* and *Talmidei Chachamim* who -- even if not entirely free of sin (see *Koheles* 7:20) -- do not transgress all of these transgressions every single day! How can the *Gemora* say that “no person” is saved from these three transgressions every day?

In addition, if no one is saved from these three transgressions, then why are they transgressions? Hashem certainly would not give commandments that are impossible to keep.

The *Iyun Yaakov* explains that the *Gemora* means to say that because the temptation for these three transgressions is so great, no person is saved from these three transgressions without putting forth much effort. Someone who puts forth the effort to protect himself from these transgressions, though, will succeed and will not succumb.

The *Toras Chaim*, however, does not seem to agree with this explanation. He asks why the *Gemora* says that “no person is saved” from these three transgressions, instead of saying simply that “there are three transgressions which a person transgresses every day.” He answers that the *Gemora* is teaching that even one who attempts to avoid these transgressions will not be saved from transgressing them inadvertently, since the frequency of the challenge of these transgressions is so great.

How, though, does the *Toras Chaim* explain that there are *Tzadikim* who are able to avoid these transgressions?

The *Maharsha* explains that when the *Gemora* says that “no person is saved” from these three transgressions, it is referring to an ordinary person, but not to *Tzadikim*, who indeed are saved from these transgressions. He explains that while only a Jew, and not a gentile, is called

“*Adam*” (*Yevamos* 61a), there is still a much higher level that a person can reach. The verse in *Zechariah* (3:7) says that when a person follows the ways of Hashem, then “I will give you strides among these [*Mal’achim*] standing here.” Similarly, the *Gemora* in *Chagigah* (15b) explains that the verse, “*The lips of the Kohen shall safeguard knowledge, and they shall seek Torah from his mount, because he is an agent (Mal’ach) of Hashem...*” (*Malachi* 2:7), is teaching that when a Torah teacher is similar to an angel, then one should seek to learn Torah from him. This teaches that a person should strive to reach a level of absolute submission to Hashem, like the level of the angels.

When the *Gemora* here says that “no person (*Adam*) is saved” from these three transgressions, it is referring to a person who has not yet reached this level of perfection in his *Avodas Hashem*. The *Maharsha* explains that the word “*Adam*” is an acronym for the words, “*Efer*” (ashes, dust), “*Dam*” (blood), and “*Marah*” (bile), as the *Gemora* in *Sotah* (5a) says. An ordinary person, whose physical composition dominates his actions, is not able to prevent himself from transgressing these three transgressions. The fact that he is comprised of “*Efer*” negates his ability to activate his spiritual strengths in order to pray properly, and thus he sins with the transgression of *iyun tefillah*. The heat of the “*Dam*” within him causes him to lust for immoral pleasure, and thus he is not saved from thoughts of sin. His element of “*Marah*,” bile, creates in him the bitterness that causes him to have bad *Middos* and leads him to speaking *lashon hara*.

A person who conquers the lusts created by his physical composition overcomes the pull of those elements and rises above the status of “*Adam*” (“*Efer, Dam, Marah*”) and becomes comparable to an angel. Such a person certainly is able to avoid transgressing these transgressions.