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Gittin Daf 19

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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

Mishnah

One may write a *get* with anything: with ink, with paint, with red pigment, with gum, or with copper sulfate, or with anything that is permanent. One may not write with liquids, or with fruit juices, or with anything that is not permanent.

One may write on anything: on an olive leaf, or on a cow’s horn and he gives her the cow, on the hand of a slave and he gives her the slave. Rabbi Yosi HaGelili says: One may not write on something which is alive, or on food. (19a1)

Types of Ink

Deyo: this is ink. Sam: this is paint. Sikra: Rabbah bar Bar Chanah says: Its name is dekarta [red paint]. Kumus: this is gum. Kankantum: Rabbah bar Shmuel says: This is blacking used by bootmakers.

Anything that is lasting. What do these words add [to the list]? — They add the content of that which Rabbi Chanina taught in the following *Baraisa*: If one wrote a *get* with rainwater or gallnut juice, it is valid.

Rabbi Chiya taught in a *Baraisa*: If one wrote a *get* with lead, charcoal or shoemaker’s blackening, it is valid.

It was stated: If a man writes over red paint writing with black ink on Shabbos, Rabbi Yochanan and Rish Lakish both agree that he is liable on two counts, one for writing (*the two new black letters*) and one for erasing. [*One is*

only liable on Shabbos if he erases with the intention of writing two letters in its place. Here, in order to write the two new black letters, he must erase the red letters first.]

If he writes over black ink with black ink or red pigment with red pigment, he is not punishable. [*This is because nothing has been accomplished with the new writing.*]

If he goes over black ink with red pigment, some say he is punishable and some say he is not punishable. Some say he is punishable because he is erasing the previous writing. [*He is not liable for writing because the original black writing was much clearer than the red one.*] Some say he is not punishable because he is only ruining the previous writing.

Rish Lakish inquired of Rabbi Yochanan: If witnesses are unable to sign their names on a *get*, is it permissible to write their names for them in red pigment and let them go over it with black ink? Is the upper writing regarded as writing or not?

He replied: It is not regarded as writing.

Rish Lakish challenged him: But, didn’t our teacher teach us that in respect of *Shabbos*, the upper writing is regarded as writing?

He replied: Because we have a certain opinion, shall we practice stringently based upon it? [*If the Beis HaMikdash would be in existence, I wouldn’t tell that person that he is liable to bring a korban chatas for violating the Shabbos,*



for perhaps it is not a transgression and he will be bringing an unconsecrated animal into the Courtyard!]

It was stated: If witnesses do not know how to sign their name, Rav said: We etch their names for them on a blank paper, and they fill it in with black ink. Shmuel says: We write their names with lead (*and they trace over it with black ink*).

The *Gemora* asks on Shmuel: Can it enter your mind that their names can first be written with lead? But Rabbi Chiya taught in a *Baraisa* above that the *get* may be written with lead (*and therefore it should be comparable to the case where black ink was written over red pigment, which is not valid for a get*)!?

The *Gemora* answers: This is not difficult; the *Baraisa* is referring to lead soaked in water (*which is regarded as writing*), whereas Shmuel is discussing ordinary lead.

Rabbi Avahu offers another suggestion (*if the witnesses do not know how to sign*): We should first write their names with gallnut juice (*and they trace over it with black ink*).

The *Gemora* asks on Shmuel: But Rabbi Chiya taught in a *Baraisa* above that the *get* may be written with gallnut juice (*and therefore it should be comparable to the case where black ink was written over red pigment, which is not valid for a get*)!?

The *Gemora* answers: This is not difficult; the *Baraisa* is referring to a case where the parchment was not prepared with gallnut juice (*and then the gallnut juice on the parchment will be regarded as writing*), whereas Rabbi Avahu is discussing a case where the parchment was prepared with gallnut juice, and then it will not be regarded as writing, for gallnut juice does not show on gallnut juice.

Rav Pappa offers another suggestion (*if the witnesses do not know how to sign*): We should first write their names with saliva (*and they trace over it with black ink*). This is the method that Rav Pappa taught Pappa, the cattle dealer.

The *Gemora* qualifies the ruling: All of the above methods are only valid by *gittin* (*for if we would wait until we find witnesses who can sign their names, the husband might leave and the woman will remain an agunah*); however, by other documents, they must know how to sign their names. Rav Kahana once flogged someone who assisted a witness to sign in such a manner. (19a1 – 19a3)

If they don't Know how to Sign

The *Gemora* cites a *Baraisa* in support of Rav: If witnesses do not know how to sign their name, we etch their names for them on a blank paper, and they fill it in with black ink. Rabban Shimon ben Gamliel says that this *halachah* applies only to a bill of divorce; however, by other documents, including the emancipation of slaves, if the witnesses know how to read and sign their names, they do so, but if not, they may not sign. - How does 'reading' come in here? — It is as if there are missing some words in the *Baraisa*, and this is what it meant to teach: If the witnesses are unable to read, the document is read to them and they sign, and if they are unable to sign etc. Rabban Shimon ben Gamliel says that this *halachah* applies only to a bill of divorce; however, by other documents, including the emancipation of slaves, if the witnesses know how to read and sign their names, they do so, but if not, they may not sign.

Rabbi Elozar said: what is the reason of Rabban Shimon ben Gamliel? It was only permitted by *gittin* as a leniency in order that the woman should not remain an *agunah*.

Rava said: The *halachah* is in accordance with Rabban Shimon ben Gamliel. Rav Gamda said in the name of Rava:



The *halachah* is not in accordance with Rabban Shimon ben Gamliel.

The *Gemora* asks: Does he mean to say that the *halachah* is like the Rabbis (*who allow this manner of signing even by other type of documents*)? Rav Kahana once flogged someone who assisted a witness to sign in such a manner!?

The *Gemora* answers: Rav Gamda was referring to the *halachah* pertaining to reading the document (*he held that it was not necessary for the witnesses to know how to read the document*).

Rav Yehudah used to exert himself to read the document and only then would he sign on it. Ulla said to him: This is not necessary, for Rabbi Elozar, the Master of the Land of Israel, used to have two people read the document to him and then sign. Rav Nachman also had the document read to him by the judges' scribes and then signed.

This procedure (*of allowing one reader*) was correct for Rav Nachman and the judges' scribes, because they were feared him, but it would not be with Rav Nachman and any other scribe, or with the judges' scribes and any other person (*who they would not fear*). [*In those cases, two readers would be required.*] (19b1 – 19b2)

Persian Document

When Rav Pappa was called upon to deal with a Persian document processed in a Cuthean court, he used to give it to two Cutheans to read, one without the other present and without informing them what it was for, and based upon this, he would collect with it even from encumbered property.

Rav Ashi said: Rav Huna bar Nossan has told me that Ameimar said: A Persian document signed by Jewish

witnesses is sufficient warrant for collecting even from mortgaged property.

The *Gemora* asks: [*How can this be?*] The witnesses can't read it (*as it is written in Persian, so how can they testify about it*)?

The *Gemora* answers: The case is where they know how to read Persian.

The *Gemora* asks: Don't we require that a document be written on parchment that cannot be forged (*and the Persians do not have this requirement*)?

The *Gemora* answers: The case is where the parchment was treated with gall-nuts beforehand (*and it will therefore be clear if something was erased*).

The *Gemora* asks: Don't we require that the topic of the document should be reviewed in its last line (*and the Persians do not have this requirement*)?

The *Gemora* answers: The case is where the Persians indeed did this in the document.

The *Gemora* asks: So what is the novelty of this *halachah*? Is it that a document may be written in any language? This we have already learned in a *Mishnah*: If a *get* is written in Hebrew and signed in Greek, or written in Greek and signed in Hebrew, it is valid!?

The *Gemora* answers: If I would only know the *Mishnah*, I might have said that this is the case only with *gittin*, but not with other documents. Now I know that this applies to other documents as well. (19b2 – 19b3)

Writing on the Get

Shmuel said: If a man gives his wife a blank sheet and says to her, "This is your *get*," she is divorced, because we are



concerned that he may have written it with gallnut juice (*and it got absorbed into the paper afterwards*).

The *Gemora* asks from a *Baraisa*: If a man said to his wife, “This is your *get*,” and she took it and threw it into the sea or the fire or into anything that destroys it, and then the husband said that it was a *shtar passim*, a sham promissory note (*in order to appear wealthy*) or a *shtar amanah*, a trust document (*a loan document, but the actual loan did not occur yet*), she is divorced, and he has no right to prevent her from remarrying.

The *Gemora* infers from here that it is only because there was some writing on the paper, but if there was no writing, she would not be divorced!?

The *Gemora* answers: When Shmuel said she is divorced, he meant, only after we have tested the paper with violet dye. If the letters surface, then obviously there was writing (*and she is divorced*), and if not, then it is nothing.

The *Gemora* asks: And if the letters do surface, what of it? It is only now that they have surfaced (*but perhaps the paper appeared blank when he gave it to her*)!

The *Gemora* answers: Shmuel only said that the possibility exists (*but she is not definitely divorced*).

Ravina said: Ameimar has told me that Mereimar has said the following in the name of Rav Dimi: The two people in whose presence the *get* is delivered must read it.

The *Gemora* asks from a *Baraisa*: If a man said to his wife, “This is your *get*,” and she took it and threw it into the sea or the fire or into anything that destroys it, and then the husband said that it was a *shtar passim*, a sham promissory note (*in order to appear wealthy*) or a *shtar amanah*, a trust document (*a loan document, but the actual loan did not occur yet*), she is divorced, and he has no right to prevent her from remarrying. Now if you say

that the witnesses to the delivery are required to read it, can he possibly say this after they have read it?

The *Gemora* answers: The ruling is still necessary for the case in which after the witnesses have read it (*they returned it to the husband*) he put it in his sleeve and took it out again. It might be argued that perhaps he has changed it (*for some other document*), but now I know that we are not concerned for this. (19b3 – 19b4)

A certain man threw a *Get* to his wife and it fell between the jars. Afterwards a *mezuzah* (scroll) was found there. Said Rav Nachman: A *mezuzah* is not usually found among the jars. This reasoning holds good if only one was found, but if there were two or three we say that just as *mezuzos* got there so a *Get* may have got there, and that the *Get* itself was removed by mice.

A certain man went to the synagogue and took a Torah scroll and gave it to his wife saying, “Here is your *Get*.” Rav Yosef said: Why should we take any notice of it? Shall we say that the *Get* was written in gallnut juice [on the outside of the scroll]? Gallnut juice does not make any mark on [a sheet treated with] gallnut juice. Shall we say that the scroll is itself a *Get* because of the portion it contains relating to ‘cutting off’? We require that it should be written for that woman specifically, which is not here the case. If you should plead that possibly he gave, beforehand, a fee to the scribe [to write the passage in the scroll specifically for her], this also is unavailing, since we require [the insertion of] his name and her name, the name of his town and the name of her town, which we do not [find here].

What does [then] Rav Yosef teach us here? — That gallnut juice makes no writing on [a sheet treated with] gallnut juice. (19b4 – 20a1)



INSIGHTS TO THE DAF

Shaila from the Minchas Chinuch

It was stated: If a man writes over red paint writing with black ink on Shabbos, Rabbi Yochanan and Rish Lakish both agree that he is liable on two counts, one for writing (*the two new black letters*) and one for erasing. [*One is only liable on Shabbos if he erases with the intention of writing two letters in its place. Here, in order to write the two new black letters, he must erase the red letters first.*]

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for perhaps it is not a transgression and he will be bringing an unconsecrated animal into the Courtyard!]

Tosfos notes: It is evident from here that tracing over letters with the same color ink is not regarded as writing with respect to *Shabbos* or with respect to *gittin*. Accordingly, Tosfos asks from a *Gemora* below (20a) which states: If a *get* was initially not written *lishmah*, it can be rectified if the scribe traces over the letters *lishmah*! (*The Gemora there discusses if this is the halachah according to all opinions or not.*) Why should it be valid if he is using the same color ink again?

Tosfos answers that since the scribe is adding an important element to the writing, namely the *lishmah* of the *get*, it therefore constitutes an act of writing for the *get*. However, in our case, the second writing accomplished nothing, and therefore, it is not regarded as an act of writing.

The *Minchas Chinuch* (§ 32) poses the following question: If one, on *Shabbos*, would trace over the letters of a *get* that had previously not been written *lishmah*, what is the *halachah*? If we would say that the tracing *lishmah* constitutes an act of writing and the *get* will be valid, it will emerge that he intentionally violated the *Shabbos* and he will be regarded as a *mummar*, who is disqualified from writing a *get*! And if we rule that he, in fact, is a *mummar* and the *get* is invalid, it will emerge that his tracing did not accomplish anything and he did not violate the *Shabbos*, which in turn, will validate the *get*! The logic goes complete circle and we will never be able to execute him for transgressing the *Shabbos*, for his writing did not accomplish anything and therefore it did not constitute an act of writing, and we will not be able to validate the *get*, for if we would do so, it would emerge that he was a *mummar* at that time and the *get* is invalid!?

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: From when does a woman begin to count her three-month waiting period (*to remarry*) after receiving a divorce?

A: *Machlokes* – Rav holds that it's from the time the *get* was given and Shmuel maintains that it's from the time it was written.

Q: When will *shemittah* cancel a *kesuvah*?

A: *Machlokes* between Rav (*when she receives some of the payment and makes the rest into a loan*) and Shmuel (*either one of those*).

Q: If a person said to ten people, "Write a *Get* for my wife," are they all required to sign?

A: Yes (*either they are all eidim or two of them are eidim and the rest are fulfilling his tenai*).

DAILY MASHAL

"R' Shimon is sufficiently worthy to be relied upon (as an authority) during a time of emergency."

The Munkatcher Rebbe in his sefer *Divrei Torah* has a novel interpretation of this Gemara. The Gemara in *Succah* 45b quotes R' Shimon as saying that through his merit, he is able to exempt the entire world from the judgement that is due from the day he was born until that day. If his son Elazar joins with him, they would exempt the entire world from judgement from the day the world was created until that day. If Yosam, son of Uziyahu, a king of Yehuda, would join with them, they would be able to exempt the entire world from judgement from the day the world was created until its end. There is a tradition that this is referring specifically to the end of the exile that

we are currently in, and it is the *zechus* of R' Shimon and the *Zohar* that he wrote that will sustain the last generation before *Moshiach's* arrival and bring the redemption.

The last days of the exile are deservedly called a time of emergency, and this is alluded to in our Gemara that R' Shimon is sufficiently worthy to be relied upon to save us during the time of emergency of the end of days.