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Gittin Daf 20

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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

**Tracing Lishmah**

Rav Chisda said: If a *get* was not written *lishmah* (for the sake of the woman) and the scribe traced over it with ink *lishmah*, we have arrived at an argument between Rabbi Yehudah and the *Chachamim*. For we learned in a *Baraisa*: A scribe was supposed to write the Name of Hashem in a Sefer Torah, and instead intended to write the name Yehudah. [The name Yehudah is similar to the letters in the Name of Hashem, except that the word Yehudah has a letter “dalet” between the “vav” and the “hey.”] He forgot to insert the “dalet” and ended up writing the Name of Hashem but without the required intention necessary to write the Holy Name. Rabbi Yehudah posits that the scribe can pass his quill over the Name of Hashem and have the proper intention of writing the Name. The *Chachamim* disagree, claiming that this is not the best way to write the Name of Hashem, and the Sefer Torah is subsequently invalid. [We derive from this dispute that Rabbi Yehudah maintains that writing over previous writing is deemed writing, and therefore, according to Rabbi Yehudah, when the scribe writes *lishmah* over the previous writing on the *get*, it will be valid. According to the *Chachamim*, however, writing over previous writing is not deemed writing, and writing *lishmah* over the previous writing will not validate the *get*.]

Rav Acha bar Yaakov said: Perhaps the cases are not comparable. The *Chachamim* only said that the second writing does not constitute an act of writing only by the Name of Hashem, for there is an obligation to fulfill the verse, *This is my God, and I shall proclaim the beauty of His ways*, and since His Name was not written perfectly, it is disqualified; however, by a *get* (where there is no such requirement), perhaps the *get* will be valid when the scribe

traces over the initial writing for the sake of the woman. (20a1 – 20a2)

**Disqualifying Gittin**

Rav Chisda said: I (based upon halachic logic) can disqualify all the *gittin* in the world.

Rava asked him: Based on what halachic ruling can you do that? Is it because it is written: *And he shall write (implying that the husband should own the get before it is given to his wife) and in this case it is she who writes for him (for the Chachamim were concerned that he would not pay for the get and his wife will remain an agunah; they therefore shifted the responsibility of paying for the get to the wife)?* Perhaps the *Chachamim* declared him to be the owner of the money which she gives to the scribe (and therefore he is the owner of the *get*; the *Chachamim* had the authority to do this through the principal of *hefker Beis Din hefker*; they could declare property ownerless).

Is it because it is written: *And he shall give (implying that the document should at least be worth a perutah) and here he does not give her anything of any value?* Perhaps the Torah is only referring to the delivery of the *get* (and not to its value). This may be proven by the following message sent from the Torah scholars of Eretz Israel to those residing in Bavel: If the *get* was written on an object from which it is forbidden to derive any benefit, it is still valid (evidently, there is no requirement for the document to have any intrinsic value). (20a2)

**Writing on Isurei Hana’ah**

It was stated above: The following message was sent from the Torah scholars of Eretz Israel to those residing in Bavel:

If the *get* was written on an object from which it is forbidden to derive any benefit, it is still valid. Rav Ashi said: This may be proven from our *Mishnah* which stated that a *get* may be written on an olive leaf (*which is not worth a perutah*).

The *Gemora* disagrees with the proof: Perhaps the *get* is valid, for the olive leaf is fit to join other leaves (*to form a mattress of for feeding cattle; however, something which is forbidden to derive benefit from has no value whatsoever*).

The *Gemora* cites a *Baraisa*: Rebbe said: If the *get* was written on an object from which it is forbidden to derive any benefit, it is still valid. Levi went out and taught this *halachah* in the name of Rebbe, and they did not praise it (*thinking that it was an individual's opinion, they did not accept the ruling*). He then went and taught it in the name of the *Chachamim*, and they did praise it. The *Gemora* concludes: Evidently, this is the *halachah*. (20a2 – 20a3)

### **Engraving**

The *Gemora* cites a *Baraisa*: The Torah writes: *And he shall write*. It is derived from there that the *get* must be written; it cannot be engraved. This proves that engraving is not regarded as writing.

The *Gemora* notes a contradiction from the following *Baraisa*: A Canaanite slave who produces his emancipation document engraved on a board or a tablet is legally free, but not if the writing is woven into a woman's woolen cap or a piece of embroidery!? [*Evidently, engraving is regarded as writing!?*]

Ulla answers in the name of Rabbi Elozar: There is no contradiction. Graving is invalid if he hollows out the interior and the exterior of the letters, so the letters are in relief (*because they appear by themselves*), but it would be valid if the letters are hollowed out.

And if he hollows out the interior and the exterior of the letters it is invalid!? The *Gemora* notes a contradiction from the following *Baraisa*: The writing on the *Kohen Gadol's*

headplate was not sunk in, but rather, it protruded like the images on a gold *dinar* coin. Now the images of a gold *dinar* coin were made by scraping out the surrounding areas with the die-stamp, so that the images appeared in relief. This should not be regarded as an act of writing and it should be disqualified for the headplate!?

The *Gemora* answers: It is only similar to a gold *dinar* coin with respect that it protrudes; however, it in one respect, it is not like a gold *dinar* coin. The images of the gold coin are made by depressing the surrounding areas and the images appear in relief, but the letters on the headplate were hollowed out (*and they protruded from the other side*).

Ravina said to Rav Ashi: Does the die of a stamp (*for gold coins*) scrape out (*the surrounding areas and the figure on the coin appears in relief*), or does it force together (*and actually forms the figure*)? [*If one would make such a stamp for a get, would it be valid or not?*] He replied: It scrapes it out.

Ravina asked from the following *Baraisa*: The writing on the *Kohen Gadol's* headplate was not sunk in, but rather, it protruded like the images on a gold *dinar* coin. Now if it enters your mind that the stamp makes a depression around the letters, it should not be regarded as an act of writing and it should be disqualified for the headplate!?

The *Gemora* answers: It is only similar to a gold *dinar* coin with respect that it protrudes; however, it in one respect, it is not like a gold *dinar* coin. A coin is stamped on the same side where the images protrude. The headplate, however, was stamped on its back side, so that the letters appeared on its front side. (20a3 – 20b1)

### **A Golden Get**

Rava inquired of Rav Nachman: If he writes the *get* for his wife on a plate of gold and he says to her, "Take your *get* and accept your payment of the *kesuvah*," what is the *halachah*?

He answered: She has received her *get* and her *kesuvah* (the gold plate).

[Rava] thereupon raised an objection. [We have been taught:] If a man says, "Accept your *Get* (as he gives her a gold plate) and the rest can go to your *kesuvah*," the *Get* has been legally received by her and the rest goes to the *kesuvah*. Now the reason is that there is something over, but otherwise not? — No. The same rule applies even if there is nothing over, and what this [statement] teaches us is that even if there is something over, if he tells her [to take that in payment of her *kesuvah*] she takes it, but if not, not. For what reason? — Because [in that case the rest] is [reckoned merely as] the margin of the *Get*.<sup>1</sup> (20b1)

#### **Get and the Paper**

The *Gemora* cites a *Baraisa*: If a man says to his wife, "Here is your *get*, but the paper belongs to me, she is not divorced (for he did not give her anything). If, however, he said, "Here is your *get* on condition that you return the paper to me," she is divorced (provided that she returns him the paper).

Rav Pappa inquired: Suppose he says, "Here is your *get* on condition that the space between the lines and between the words belongs to me," what is the *halachah*? This question remains unresolved.

The *Gemora* asks: But cannot this inquiry be resolved from the fact that the Torah said "one document," and not two or three?

The *Gemora* answers: Here, it might not be regarded as two or three documents because they are all linked together. (20b2 – 20b3)

#### **Get Written on a Slave**

Rami bar Chama inquired: Suppose a Canaanite slave is brought into *Beis Din* who is known to have belonged to the husband, and a *get* is written on his hand and he is brought

before us by the wife (claiming that her husband gave her the *get* on the hand of the slave, and he gave her the slave in accordance with the *Mishnah's* ruling), what is the *halachah*? Do we presume that the husband transferred the slave to the wife, or do we say that perhaps he went to her of his own accord?

Rava asked: Cannot the question be decided on the ground that the writing can be forged (and it is taught in a *Mishnah* that such a *get* is disqualified)?

The *Gemora* interjects: But how would Rava explain our *Mishnah* which says that a *get* may be written on the hand of a slave?

The *Gemora* answers: The *Mishnah* presents no difficulty to Rava, for we can say that it is speaking of a case where the *get* was delivered before two witnesses, and it is in accordance with the ruling of Rabbi Elozar (who maintains that it is these witnesses who validate a *get*). The difficulty, however, arises on Rami bar Chama's inquiry (where there are no witnesses on the delivery of the *get*).

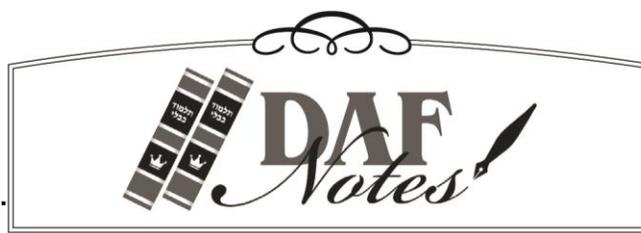
The *Gemora* answers: According to Rami bar Chama, there is no difficulty, as he is speaking of a case where the *get* was tattooed on the hand of the slave (and therefore, there is no possibility of forgery).

The *Gemora* notes: Once you say like that, our *Mishnah* can be explained where the *get* was tattooed on the hand of the slave as well.

What then is the answer to Rami bar Chama's inquiry? The *Gemora* answers: Come and hear from that which Rish Lakish has laid down: Certain domestic animals do not have a presumption of ownership (where whoever presently has them is believed to say that he bought them, as they frequently wander). [This seemingly should apply by a slave

<sup>1</sup> The *Gemora* rules: The remainder (*margins*) of the gold plate on the *get* will serve as a payment for her *kesuvah* only if he

specifically tells her that it is for her *kesuvah*; otherwise, we assume that the remainder is merely the margin of the *get*.



as well, and we can assume that the slave came into her possession voluntarily.] (20b2 – 20b3)

Rami bar Chama inquired: If a tablet was known to have belonged to the wife, and a *get* is written on it, and it is produced by the husband (*who intends to divorce her with it*), what is the *halachah*? Do we say that she transferred it over to him, or do we say that a woman does not know how to transfer over things (*when it is only being given over temporarily*)?

Abaye said: Come and hear from the following *Mishnah*: He also testified regarding a small village that was next to Yerushalayim, in which lived an old man who used to lend money to all the people of the village, and he himself used to write the document and others signed it (*and the borrowers would give him the document when they were lent the money*), and the case was brought before the *Chachamim* and they declared the documents to be valid. Now how could they do this, seeing that there must be a *document of acquisition*, and here, there is not (*for they do not own the document*)? Obviously, the reason is that we say that he transferred over the documents to them. [*Accordingly, we should say that the wife transferred over the tablet to her husband!*]

Rava said: What is the difficulty? Perhaps an old man is different, because he knows how to transfer over things?

Rather, Rava said: Let us decide this from the following *Mishnah*: If the guarantee of a guarantor appears below the signatures in a debt document (*it says that he will be the guarantor for the loan*), the creditor may recover his debt from the guarantor's free property (*it may not be collect from encumbered property, for witnesses did not sign below the guarantor's statement and therefore, it is regarded as a verbal admission and not as a written guarantee*). [*We see that the lender transferred the document to the guarantor.*]

Rav Ashi said: What is the difficulty? Perhaps a man is different, because he knows how to transfer over things.

Rather, Rav Ashi said: Let us decide this from the following *Mishnah*: A woman may write her own *get* and a man may write his own receipt, because a document is only rendered valid by its signatures. [*This proves that a woman does in fact know how to transfer the document to her husband, so he may divorce her with it.*] (20b3 – 21a1)

## INSIGHTS TO THE DAF

### ***Name of Hashem Written without the Proper Intent***

A *Baraisa* was taught: A scribe was supposed to write the Name of Hashem in a Sefer Torah, and instead intended to write the name Yehudah. [*The name Yehudah is similar to the letters in the Name of Hashem, except that the word Yehudah has a letter "dalet" between the "vav" and the "hey."*] He forgot to insert the "dalet" and ended up writing the Name of Hashem but without the required intention necessary to write the Holy Name. Rabbi Yehudah posits that the scribe can pass his quill over the Name of Hashem and have the proper intention of writing the Name. The *Chachamim* disagree, claiming that this is not the best way to write the Name of Hashem (*and the Sefer Torah is subsequently invalid*).

The Rishonim ask: According to Rav Chisda, who holds that the *Chachamim* maintain that the Sefer Torah is disqualified, why does he use the term that it is not the best way to write the Name of Hashem? This would indicate that the writing is good, but it is not written in the most preferable method! Why didn't he say that the new writing does not accomplish anything?

The Rashba answers that they actually hold that the tracing over of the word is not regarded as an act of writing at all and the Sefer Torah is disqualified. They only used that term to discuss Rabbi Yehudah's opinion.

The Pnei Yehoshua suggests a novel approach to explain the *Chachamim's* terminology: Although the *Chachamim* maintain that the Sefer Torah is disqualified, they



nevertheless hold that the Name of Hashem retains its sanctity and is forbidden to be erased. He proves that the Name of Hashem, although it wasn't written with the correct intention, cannot be erased. This is why the *Chachamim* say that it is not the best way to write the Name of Hashem.

The Tashbatz, however, proves from our *sugya* that it is permitted to erase the Name of Hashem when it is written without the correct intention.

The *Gemora* in Yoma (38a) states that Ben Kamtzar had a unique talent that he was able to write four letters with one hand at the same time and he did not teach this talent to anyone else. The *Gemora* says that this was considered a shame and due to this, he was referred to as an evil person. What were the *Chachamim* concerned about? Rashi comments that this was referring to the Name of Hashem which has four letters.

The Tosfos Yom Tov explains that there is an advantage for the Name of Hashem to be written at one time, so that His Name should not be missing for a moment.

The Minchas Chinuch has a novel approach and says that if one writes the first two letters of the Name of Hashem which is the "yud" and the "hey," that itself is one of the Name's of Hashem, and by subsequently writing the third letter, the "vav," it constitutes erasing Hashem's Name. Ben Kamtzar was able to avoid with his special skill.

The Emek Brocha asks that if the Name of Hashem is written without proper intent, there is no prohibition to erase it, so why should there be a prohibition here when the scribe did not intend to write the 'two letter' Name of Hashem, but rather His 'four letter' Name?

According to the Pnei Yehoshua, this is not a question, for this, in fact, a prohibition to erase the Name of Hashem, even when it is written without the proper intent!

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

Q: If a man writes over red paint writing with black ink on Shabbos, which *melochos* will he be *chayav* for?

A: One for writing (*the two new black letters*) and one for erasing (*the old red ones*).

Q: What is the *halachah* if he writes over black ink with red pigment?

A: Some say that he is *chayav* (*for erasing*) and others say he is *patur* (*because it's mekalkel*).

Q: Are the witnesses on the delivery of the *get* required to read it first?

A: Yes (*Rav Dimi*).

## DAILY MASHAL

### Creating Emptiness

The Gemara states that a *get* that has been engraved is invalid because a *get* needs to be written and engraving does not qualify as an act of writing. Tosfos asks that the *luchos* were engraved, and yet there are many *pesukim* that use the term "writing" to describe the way the *luchos* were formed.

The Tschebiner Rav brings an answer in the name of R' Yehoshua Kutner. He explains that the reason why engraving is not considered to be writing is because we see engraving as something missing, and an absence that cannot satisfy the requirement to create a *writ*. However, that is only true for humans; Hashem who is the Creator of the Universe created everything including the emptiness of the engraved area.

This is the meaning of the *posuk* "And the inscription was Hashem's inscription, engraved on the tablets" (Shemos 32:17). Since it was Hashem's doing, the engraving is also considered to be an inscription.