

מסכת גיטין • דף י"ט ע"ב

Elucidated Talmud • Statement and Proof • Navy & Gold Edition

THE SUGYA

In this daf, we are zocheh to delve into the halachos of how witnesses who are illiterate or unable to sign their names may still validate a document. The Gemara brings down a baraita discussing the use of a stencil or tearing a blank paper to guide a witness's signature, and we learn the beautiful, compassionate reasoning of Rabban Shimon ben Gamliel, who allows this leniency specifically for a get so that the daughters of Israel should not be left stranded as agunos.

We also explore the vital halachos of reading a document to a witness or a judge who cannot read it themselves, such as the elderly Rav Yehuda. The Gemara guides us through the strict parameters of when we can rely on scribes to read a document aloud, ensuring there is proper yiras Shamayim and awe of the court so that no deception can take place, and how we handle secular Persian documents in a kosher court of law.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

PROOF

תנא פוּתִיָּה דְּרַב:

It is taught in a braisa in accordance with the opinion of Rav:

BRAISA

עֲדִים שֶׁאֵין יוֹדְעִין לְחַתּוֹם, מְקַרְעִין לָהֶן נִיָּיר חֶלֶק וּמְמַלְאִים אֶת הַקָּרְעִים דִּיּוֹ.

In the case of witnesses who do not know how to sign, one tears a blank piece of paper for them in the shape of their signatures, and they fill in the gaps with ink.

BRAISA

אָמַר רַבִּן שִׁמּוֹן בֶּן גַּמְלִיֵּאל: בְּמָה דְּבָרִים אֲמוּנִים – בְּגִיטֵי נָשִׁים; אֲבָל בְּשִׁחְרוּרֵי עֲבָדִים וּשְׂאָר כָּל הַשְּׁטָרוֹת, אִם יוֹדְעִין לְקָרוֹת וּלְחַתּוֹם – חוֹתְמִין, וְאִם לֹא – אֵין חוֹתְמִין.

Rabban Shimon ben Gamliel said: In what case are these words said? Regarding bills of divorce for women; but regarding bills of manumission for slaves and all other documents, if they know how to read and to sign, they sign, and if not, they do not sign.

QUESTION

קְרִיָּה מֵאן דְּכֵר שְׁמָה?

The Gemara asks: With regard to reading, who mentioned its name? Why does Rabban Shimon ben Gamliel mention the need for witnesses to be able to read when the discussion was only about signing?

ANSWER

חֲסוּרֵי מִיחֲסָרָא, וְהֵכִי קֵתְנִי:

The Gemara answers: The braisa is incomplete, and this is what it is teaching:

EXPLANATION

עדים שאין יודעין לקרות – קורין לפניהם וחותמים, ושאין יודעין לחתום בו.

In the case of witnesses who do not know how to read, one reads in their presence and they sign; and in the case of those who do not know how to sign, one tears paper for them and they fill in the gaps with ink.

EXPLANATION

אמר רבי שמעון בן גמליאל: במה דברים אמורים, בגיטי נשים; אבל שחרורי עבדים ושאר כל השטרות, אם יודעין לקרות ולחתום – חותמין, ואם לאו – אין חותמין.

And regarding this, Rabban Shimon ben Gamliel said: In what case are these words said? Regarding bills of divorce for women; but regarding bills of manumission for slaves and all other documents, if they know how to read and to sign, they sign, and if not, they do not sign.

EXPLANATION

אמר רבי אלעזר: מאי טעמא דרבן שמעון בן גמליאל? שלא יהו בנות ישראל עגונות.

Rabbi Elazar said: What is the reason of Rabban Shimon ben Gamliel for being lenient only with bills of divorce? It is so that the daughters of Israel should not be left as agunos, deserted wives, if they cannot find literate witnesses when the husband needs to leave in a hurry.

RULING

אמר רבא: הלכה כרבן שמעון בן גמליאל.

Rava said: The halakha is in accordance with Rabban Shimon ben Gamliel.

STATEMENT

ורב גמדה בשמיה דרבא אמר: אין הלכה.

And Rav Gamda in the name of Rava said: The halakha is not in accordance with Rabban Shimon ben Gamliel.

QUESTION

ואלא כמאן, כרבנן?!

The Gemara asks: Rather, in accordance with whom is the halakha? Is it in accordance with the Rabbis, who permit this for all documents?

OBJECTION

והא ההוא דעבד עובדא בשאר שטרות, ונגדיה רב כהנא!

But wasn't there a certain person who performed an action of allowing witnesses to sign via a stencil in other documents, and Rav Kahana flogged him for doing so?

RESOLUTION

תרגמה אקריאה.

The Gemara answers: Rav Gamda interpreted the statement of Rava only with regard to reading, meaning that the halakha is in accordance with the Rabbis that other documents may be read to the witnesses, but not that they may sign other documents via a

stencil.

STATEMENT

רב יהודה מיצטער קרי וחתים.

The Gemara relates: **Rav Yehuda**, in his old age, **would pain himself to read and sign** documents.

STATEMENT

אמר ליה עולא: לא צריכת, דהא רבי אלעזר מרא דארץ ישראל – קרו קמיה וחתים, ורב נחמן – קרו קמיה ספרי דיני וחתים.

Ulla said to him: You do not need to do this, as Rabbi Elazar, the master of Eretz Yisrael, they would read before him and he would sign; and Rav Nahman, the court scribes would read before him and he would sign.

STATEMENT

ודווקא רב נחמן וספרי דיני, דאית להו אימתא, אבל רב נחמן וספרי אחרני, ספרי דיני ואיניש אחרניא – לא.

The Gemara notes: **And** this is specifically permitted for Rav Nahman and the court scribes, because they have fear of him and would not lie, **but** Rav Nahman and other scribes, or court scribes and another person, **no**, it is not permitted, because they might read it incorrectly.

STATEMENT

רב פפא, כי הוה אתי לקמיה שטרא פרסא דעביד בערפאות של גוים, מקרי להו לשני גוים זה שלא בפני זה במסית לפי תומו, ומגבי ביה ממשעבדי.

Rav Pappa, when a Persian document that was made in the courts of gentiles would come before him, he would have it read to two gentiles, this one not in the presence of that one, speaking offhandedly, and he would collect with it even from liened property.

STATEMENT

אמר רב אשי: אמר לי רב הונא בר נתן, הכי אמר אמימר: האי שטרא פרסא דחתימי עליה סהדי ישראל, מגבינן ביה ממשעבדי.

Rav Ashi said: Rav Huna bar Natan said to me, so said Ameimar: This Persian document upon which Jewish witnesses are signed, we collect with it from liened property.

QUESTION

והא לא ידעי למיקרי!

The Gemara asks: **But they do not know how to read** Persian!

ANSWER

בדידעי.

The Gemara answers: This is **where they do know** how to read Persian.

QUESTION

וְהָא פְּעִינָן כְּתָב שְׂאִינוּ יָכוֹל לְהִזְדַּיֵּי, וְלִיכָא!

The Gemara asks: **But don't we require writing that cannot be forged, and there is none** in Persian documents?

ANSWER

בְּדַאפִּיזוֹן.

The Gemara answers: This is **where they treated** the paper **with gall**, which prevents forgery.

QUESTION

וְהָא פְּעִינָן "צָרִיךְ לְחַזֹּר מַעֲנִינוּ שֶׁל שְׁטָר בְּשִׁטָּה אַחֲרוֹנָה", וְלִיכָא!

The Gemara asks: **But don't we require that it must repeat the matter of the document in the last line, and there is none** in Persian documents?

ANSWER

בְּדִמְהָדָר.

The Gemara answers: This is **where it does repeat** the matter in the last line.

QUESTION

וְאֵלָא מַאי קָא מְשַׁמַּע לָן – דְּכָל לָשׁוֹן כָּשֵׁר?!

The Gemara asks: **But rather, what is he teaching us? That any language is valid** for a document?

OBJECTION

תֵּינִינָא: גֵּט שֶׁכָּתְבוּ עֲבָרִית וְעָדִיו יוֹנִית, יוֹנִית וְעָדִיו עֲבָרִית – כָּשֵׁר!

We already learned in a Mishnah: A bill of divorce that he wrote in Hebrew and its witnesses signed in Greek, or in Greek and its witnesses signed in Hebrew, is valid!

RESOLUTION

אִי מַהֲהִיא, הָיָה אֲמִינָא: הֵי מִיֵּלֵי בְּגִיטִין, אֲבָל בְּשָׂאָר שְׁטָרוֹת – לֹא, קָא מְשַׁמַּע לָן.

The Gemara answers: **If from that Mishnah alone, I would have said: These words apply only to bills of divorce** where the Sages were lenient, **but to other documents, no; therefore he teaches us** that other documents are also valid in other languages.

STATEMENT

אָמַר שְׁמוּאֵל: נָתַן לָהּ נִיָּיר חָלָק, וְאָמַר לָהּ: "הֲרִי זֶה גִּיטִיהּ" – מְגוּרָשָׁת; חֵיִישִׁינָן שְׂמָא בְּמִי מִיֵּלִין כְּתָבוּ.

Shmuel said: If he gave her a blank piece of paper and said to her: "This is your bill of divorce," she is divorced out of doubt; **we are concerned that perhaps he wrote it with gall water and the writing became invisible.**

OBJECTION

מִיתִיבִי: "הֲרִי זֶה גִּיטִיהּ"; וְנָטַלְתּוּ וּזְרַקְתּוּ לַיָּם, אוּ לְאֹר, אוּ לְכָל דְּבַר הָאֵבֶד; וְחִזֹּר וְאָמַר: "שְׁטָר פְּסִים הוּא", "שְׁטָר אֲמָנָה הוּא" – מְגוּרָשָׁת, וְלֹא כָּל הַיָּמָנוּ לְאוֹסְרָהּ.

The Gemara raises an objection from a braisa: If he said, "This is your bill of divorce," and she took it and threw it into the sea, or into a fire, or into anything that destroys it, and he then said, "It was a document of appeasement," or "It was a document of trust," she is divorced, and it is not within his power to forbid her.

INFERENCE

טעמא דאיפא כתב, הא ליפא כתב – לא!

The Gemara infers: The reason is that there is writing on the paper, but where there is no writing, she is not divorced! This contradicts Shmuel.

RESOLUTION

כי קאמר שמואל, דבדקינו ליה במיא דנרא; אי פליט – פליט, ואי לא פליט – לאו כלום הוא.

The Gemara answers: When Shmuel says this, it is a case where we test it with alum water; if it brings out the writing, it brings it out, and if it does not bring it out, it is nothing.

QUESTION

וכי פליט מאי הוי? השתא הוא דפליט!

The Gemara asks: And even if it brings it out, what of it? It is only now that it is brought out, but at the time of delivery it was invisible!

ANSWER

שמואל נמי, "חיישינו" קאמר.

The Gemara answers: Shmuel also said only "we are concerned", meaning we treat her as a doubtful divorcee.

STATEMENT

אמר רבינא: אמר לי אמימר, הכי אמר מרימר משמיה דרב דימי: הני בי תרי דיהיב גיטא קמייהו, צריכי למיקרייה.

Ravina said: Ameimar said to me, so said Marimar in the name of Rav Dimi: These two witnesses before whom he gives a bill of divorce must read it before it is delivered.

OBJECTION

מיתיבי: "הרי זה גיטה"; ונטלתו וזרקתו לים, או לאור, או לכל דבר האבד; וחזר ואמר "שטר פסים הוא", "שטר אמנה הוא" – מגורשת, ולא כל הימנו לאוסרה.

The Gemara raises an objection: If he said, "This is your bill of divorce," and she took it and threw it into the sea, or into a fire, or into anything that destroys it, and he then said, "It was a document of appeasement," or "It was a document of trust," she is divorced, and it is not within his power to forbid her.

QUESTION

ואי אמרת צריכי למיקרייה, פתר דקריוה מי מצי אמר לה הכי!?

And if you say they must read it, after they read it, can he say this to her and claim it was a different document?

RESOLUTION

לֹא צָרִיכָא, דְּבִתְר דְּקָרְיוּה עֵינֵיהּ לְבִי יְדִיהּ וְאַפָּקִיָּהּ, מַהוּ דְּתִימָא: חֲלוּפֵי חֲלָפִיהּ, קָא מְשַׁמַּע לֵן.

The Gemara answers: No, it is necessary for a case where after they read it, he put it into his sleeve and took it out again; lest you say he exchanged it, it teaches us that we do not suspect this.

STATEMENT

הָהוּא גִבְרָא דְזָרַק לָהּ גִּיטָא לְדִבְיִתְהוּ לְבִינֵי דְנִי, אֶשְׁתַּכַּח מְזוּזָתָא.

There was a certain man who threw a bill of divorce to his wife between the barrels, and a mezuzah was found there instead.

RULING

אָמַר רַב נַחֲמָן: מְזוּזָתָא בִּינֵי דְנִי לֹא שְׂכִיחָא.

Rav Nahman said: A mezuzah is not commonly found between barrels, so we assume the document he threw was indeed the get, and it was lost.

STATEMENT

וְהָנִי מִלֵּי דְאֶשְׁתַּכַּח חֲדָא, אֲבָל שְׁנַיִם שְׁלָשָׁה – מִדֶּהָא הָוְאִי, הָא נָמִי הָוְאִי; וְגִיטָא – אִימּוֹר עֲכָפְרִים שְׁקָלוּהּ.

And this applies only where one mezuzah was found, but if two or three were found, we say since these were there, this other one was also there beforehand; and as for the bill of divorce, say that mice took it.

STATEMENT

הָהוּא גִבְרָא דָּעַל לְבִי כְּנִישְׁתָּא, שְׁקַל סֵפֶר תּוֹרָה יְהַב לָהּ לְדִבְיִתְהוּ, וְאָמַר לָהּ: הֵיא גִיטִיָּהּ.

There was a certain man who entered the synagogue, took a Sefer Torah, gave it to his wife, and said to her: "Here is your bill of divorce."

RULING

אָמַר רַב יוֹסֵף: לְמַאי לִיחּוּשׁ לָהּ? אִי מְשׁוּם מִי מִלֵּין – אִין מִי מִלֵּין עַל גְּבִי מִי מִלֵּין;

Rav Yosef said: For what should we be concerned? If because of gall water being written on it, one cannot write gall water on top of gall water, and the Torah is already written with ink.

SUMMARY

The sugya begins by clarifying the baraita regarding illiterate witnesses, explaining that we may read a document to them or allow them to sign using a stencil, a leniency Rabban Shimon ben Gamliel limits to gittin to prevent agunos. The Gemara rules that while we are lenient regarding reading other documents to witnesses, we do not allow stencils for documents other than gittin. We then learn that a great authority may have court scribes read a document to him if they stand in awe of him, as was the case with Rav Nachman. Finally, the Gemara discusses the validity of Persian documents, establishing that they may be used to collect even from lien property, provided the witnesses can read the language, the paper is treated with gall to prevent forgery, and the document properly recaps its main points in the final line.

In our daf, we see the beautiful and deep sensitivity of Chazal for the daughters of Israel. Rabban Shimon ben Gamliel teaches that while we are normally very strict about the qualifications of witnesses on a document, we are lenient for a bill of divorce, allowing witnesses who cannot write to sign using a stencil. Why? Rabbi Elazar explains: "So that the daughters of Israel should not be deserted." The Sages were willing to adjust the standard procedures of the court just to save one Jewish woman from the pain of being an agunah.

Think about the depth of this lesson for our own daily lives. If the Torah and our Sages are willing to bend the strict rules of legal documents to prevent a single Jewish soul from experiencing loneliness and distress, how much more must we be willing to bend our own schedules, our pride, and our personal comfort to help another Yid who is feeling isolated or in pain?

True avodah means looking around at the people in our lives and asking: Who is feeling abandoned? Who is sitting alone in shul, or struggling through a difficult time without anyone checking in on them? We must never let a fellow Jew feel deserted when it is in our power to reach out.

Today, make a conscious effort to notice someone who might be feeling lonely or overwhelmed, and reach out to them with a warm word, a phone call, or a friendly smile to let them know they are not alone.