

OVERVIEW of the Daf

1) Placement of the witnesses' signatures (cont.)

The Gemara concludes explaining why, according to R' Huna there is no concern about the possibility of the holder adding information to the document.

R' Yirmiyah bar Abba's opinion that the signatures are placed on the back of the document's text, opposite the text on the outside, is explained.

Different possible ways the holder could tamper with the document are raised and the Gemara explains why each of the issues is not a concern.

Mar Zutra offers another explanation why R' Yirmiyah bar Abba is not concerned with someone tampering the document.

2) Rulings of R' Yochanan pertaining to documents

R' Yitzchok bar Yosef in the name of R' Yochanan teaches that the document must identify all of the erasures for the document to be valid.

R' Yitzchok bar Yosef in the name of R' Yochanan also teaches that it is necessary to repeat the essential facts of the documents in the last line. ■

REVIEW and Remember

1. Is it necessary for a witness to write his own name?
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2. When is the word עד necessary?
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3. Does one's signature have to include a name?
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4. How do we assure that the holder of a document did not erase some words and replace them with other words?
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לע"נ
מרת שרה בת ר' משה יוסף ע"ה
By her children
Mr. and Mrs. Robert Hartman

Distinctive INSIGHT

Tampering with the signatures on the bottom of the document

ודלמא סימנא

The Gemara (160b) brought different opinions regarding exactly where witnesses affix their signatures on a tied document. Rav Huna says that the signatures are placed between the stitches (בין קשר לקשר). Rav Yirmiyah bar Abba says that the signatures are written on the outside of the document, in back of where the writing is found (אחורי הכתב).

The Gemara elaborates and explains why there is no suspicion of tampering and forgery according to the understanding of Rav Huna. The Gemara then explains that according to Rav Yirmiyah, as well, there is no danger of the one holding the document adding his own words at the bottom of the document and also adding signatures at the bottom of the back of the document to make it appear legitimate. The solution is that the signatures are written perpendicular to the writing on the front of the document, and not parallel.

The Mishnah in Gittin (87b) teaches that witnesses may record their names in different ways. He may write his name (ראובן), or he may write his name as his father's son (בן יעקב). In these two cases, the witness must add the title "עד" after the name. If, however, the witness writes his full name (ראובן בן יעקב), he need not write the word "עד" at the end. The Gemara notes that this presents a risk. Perhaps the last line contains a clause which is harmful to the holder of the document, and he will slice off the last line and the accompanying first name of the witness (ראובן בן) on the back. The remaining element of the signature (יעקב) would still appear valid. One answer of the Gemara is that the document is valid only when we know that the signature is not that of יעקב. This assures that the document will not be altered, because after being signed by Reuven, the son of Yaakov, the only way to tamper with it in this way would be to shave off the bottom, but this would leave the name Yaakov in Reuven's handwriting.

The Gemara continues to ask that even if we recognize the handwriting to be that of Reuven, perhaps he signed with his father's name, or he used his father's

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HALACHAH Highlight

Adding the word עד when signing a document

דתנן איש פלוני עד כשר

As we learned in the Mishnah, "Ploni, witness," the document is valid

Rambam¹ writes that witnesses who sign on a get must include their name, their father's name and the word "witness - עד." Poskim disagree whether the inclusion of the word עד is essential for the validity of the get. Kesef Mishnah² writes that Rambam did not mean that the word עד is essential, and if it is absent the get is still valid. The origin of the enactment to include the word עד was based on the practice that people used to sign documents with just their name and did not also include their father's name or their father's name without their own. When a person signs just his name or just that he is his father's son it is not evident that the signature was intended to be a form of testimony. To make it clear that this was testimony it was enacted that people should add the word עד. When a person signs his name and his father's name he is signing in a more formal manner which clearly indicates intent to give testimony to the contents of the document. Lechem Mishnah³ disagrees, and takes the Rambam for his words that the word עד is essential for the validity of the get.

Beis Yosef⁴ cites authorities who maintain that the en-

(Insight...continued from page 1)

name as a symbol (סימנא). The Gemara answers that people do not use their father's names in this manner.

Rashbam explains the last question of the Gemara was that perhaps Reuven used his father's name as a design. יד רמה explains that perhaps Reuven used the letters of his father's name because of the unique shape of the letters which Reuven can use to sign his own name distinctively. ■

actment for witnesses to specify their name when signing a document is limited to gittin and when signing any other document it is sufficient for the witness to write no more than a single letter from his name if one will be able to determine the identity of the witness from that letter. Levush⁵ adds that when signing other documents it is unnecessary for the witnesses to add the word עד. The reason why the word עד was included in gittin is that the document testifies to the statements made by the husband and we need confirmation that the witnesses were present when these statements were made. In contrast, when signing other documents one merely testifies to the contents of the document and thus it is unnecessary to include the word עד since it is evident that the witness who is signing is testifying about the document. ■

1. רמב"ם פ"ד מהל' גירושין הי"ב.
2. כסף משנה שם.
3. לחם משנה שם פ"א הכ"ד.
4. בית יוסף אה"ע סי' ק"ל ד"ה כשחותם.
5. לבוש שם סעי' א'.

STORIES Off the Daf

What's in a name?

"בן איש פלוני עד כשר..."

The importance of following the intricate halachos of gittin absolutely cannot be overly stressed. The slightest mistake, even when it seems at first glance to be insignificant, can have terrible repercussions if the deviation is invalid.

One rabbi set up a divorce document that did not mention the husband or the wife by name. Instead, it merely specified the "son of" and the

"daughter of," mentioning only the couple's fathers' names. The local rabbi figured that this was certainly acceptable. After all, everyone knew who the document referred to since there was only one son of the husband's father married to a daughter of the bride's parent. But when someone pointed out that this might not have been clear enough, this question was brought before the Rashbah, zt"l. The Rashbah ruled that the divorce is invalid.

He said, "Although we know who they are, their actual names are required. Since no names were mentioned it is not a kosher document.

This is not even like a nickname, since at least that is a name by which the husband or wife is called. But the 'son of' or 'daughter of' is simply not specific enough."

The Get Pashut, zt"l, points out that if the husband was known as Ben Zoma or the like, the Rashbah would permit since this is his nickname. He wrote, "We can bring a proof to this from the Gemara in Bava Basra 161. There we find that if a witness signed himself as 'the son of so-and-so,' his signature is valid. The same is true in our situation."¹ ■

1. מובא בב"י, אבן העזר, סי' קכ"ט, סוף א ב, תחילת ע' כד ע"ב ■