

OVERVIEW of the Daf

1) Erased parchment (cont.)

A possible challenge to Rav's ruling permitting a document written on erased parchment is raised and dismissed.

Rav's ruling is challenged from a Baraisa and the Gemara records the exchange between the two sides of the issue.

As part of this debate the Gemara discusses the issue of confirming that the text was written on an erasure and the possibility of comparing one erasure with another.

2) The position of R' Chanina ben Gamliel

The Gemara presents Rebbi's response to R' Chanina ben Gamliel's position in the Mishnah that a "tied" document with the signatures on the inside is valid.

R' Chanina ben Gamliel's position is defended.

The implication that Rebbi was an expert in "tied" documents is unsuccessfully challenged.

3) Dating a document

The Gemara explains the meaning of the terms ארכן, ארכן דיגון and ארכן דיגון when used to date a document.

Two Beraisos are cited that also use the Greek words for numbers.

The source that a house must have four walls to contract tzara'as is cited.

4) Lashon Hara

Two incidents involving Rebbi are cited in which people spoke a form of Lashon hara.

The Gemara explains that in the second incident the lashon hara is a byproduct of speaking positively about another person.

R' Amram in the name of Rav enumerates three sins from which people are not saved, one of which is lashon hara. ■

REVIEW and Remember

1. According to Rav, when do witnesses sign on a document that has erasures?

2. Why don't we wait until an erasure ages and then compare it to another erasure?

3. What led the Gemara to think that Rebbi was not familiar with "tied" documents?

4. What is a compliment considered lashon hara?

Distinctive INSIGHT

The date reflecting the year of the reign of the king

פשוט מלך שנה מונין לו שנה, שתים מונין לו שתים

The Mishnah (160a) reported that the signatures of the witnesses of a plain document (גט פשוט) are affixed on the front of the document, while the signatures of a sewn document (גט מקושר) are placed on the back of the document. Tanna Kamma holds that if the signatures of either are placed in the wrong position, the document is not valid. R' Chanina ben Gamliel disagrees and he contends that in the second case, that of a sewn document, the document is kosher if the signatures are on the front, because the stitches can be removed, thus changing it to a plain document.

On our daf, the Gemara points out that although R' Chanina ben Gamliel has noted a common feature between a sewn document and a plain one in terms of the witnesses, the manner in which the dates are recorded is also distinct, so we cannot simply undo a sewn document and transform it into a plain one. The date of a plain document is written factually. If a king reigns for one year, we write that it is the first year of his reign. If he has ruled for two years, we write that this event took place in his second year. However, the date of a sewn document is advanced by one year. If the king has reigned one year, we write that it is year two of the king. If he has ruled two years, the date is recorded to be the third year of the king. Rashbam explains that the custom in the country of that king was to date all documents in this way in order to show honor for the king. The sages introduced many differences between a regular document and one that is sewn in order to make it more difficult for the document to be written and for a kohen to produce a גט for his wife.

The Gemara answers that even with the discrepancy regarding how dates are recorded on these two types of documents, R' Chanina ben Gamliel feels that they are compatible, because he holds that when the debt recorded in a document is paid, the document is to be destroyed, and we do not simply write a receipt to give to the borrower while leaving the document intact. There is therefore no risk in transforming a sewn document into being a plain one.

The Gemara in Gittin (80a) explains that the reason the date in a document was recorded according to the year of the king's reign was for שלום מלכות, as a sign of respect and

HALACHAH Highlight

Is one who speaks lashon hara disqualified as a witness?

שלש עבירות אין אדם ניצול מהם בכל יום וכ"ו ולשון הרע

There are three transgressions from which no person is saved every day... and lashon hara

There was once a man named Reuven who accused Shimon of stealing property in the city of Barcelona within the past year. When Shimon was apprehended and brought to Beis Din, Reuven could not give any concrete details related to Shimon's alleged theft and it was also discovered that Reuven never even visited the city of Barcelona during the past year to know whether Shimon had stolen property there or not. At that point it became evident that Reuven made up the accusation in order to tarnish Shimon's reputation. Shimon claimed that Reuven should be disqualified as a witness since he had violated the Biblical prohibitions related to defamation of character.

Teshuvos Besamim Rosh¹ rejected this notion. If we were to disqualify people who spoke lashon hara from testifying there would be no one who would qualify as a valid witness. Rather, since people are under the impression, albeit erroneous, that there is no prohibition involved in bad-mouthing and speaking negatively about others they do not become disqualified from testifying. It is only when someone gives false testimony in Beis Din do they become disqualified from testifying since that involves a violation of an explicit prohibition of the Torah. This approach is consistent with Shulchan Aruch's ruling regarding the disquali-

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a gesture of good-will for the government. The Rishonim (Tosafos ibid., Rosh, ר"ן) already note that the halacha no longer requires this feature regarding the date. Rather, we date our documents with the year numbered from Creation. In the days of the Gemara, the gentiles wrote dates reflecting the year of the reign of their king, so our sages enacted that we should do the same as a sign of deference to the government. In our days, when the gentiles no longer use this convention, we also do not do it. ■

fication of a witness due to a transgression. Shulchan Aruch² writes that if witnesses testify that Ploni committed a transgression, Ploni becomes disqualified as a witness. This ruling, however, is conditional on the transgression being one that is well known to be prohibited. If the transgression was one that many people erroneously think is permitted he must first be told that he is violating a prohibition and only if he continues to transgress the prohibition does he become disqualified. For example, if one sees someone tying or untying knots on Shabbos he must be informed that these are prohibited activities before he is disqualified as a witness since many people are unaware that these are prohibited activities. Furthermore, even if the person is transgressing Shabbos in a way that involves a well-known prohibition he must be informed that it is Shabbos since he may have lost track of the day of the week and does not realize that he is violating Shabbos. ■

1. שו"ת בשמים ראש סי' כ"ח.

2. שו"ע חו"מ סי' ל"ד סעי' כ"ד. ■

STORIES Off the Daf

The value of a moment

"לשון הרע..."

Today's daf discusses the halachos of lashon hara.

The Chofetz Chaim, ז"ל, was the ultimate authority in the laws of lashon hara. In addition, he taught many encouraging parables regarding lashon hara. Perhaps one of the most important explains the proper attitude which enables one to truly guard his tongue from evil.

"There are times when everyone

wants to take advantage of an opportunity for advancing his material fortune, even if he is very wealthy. For example, if any person would be at the sea and hundreds of priceless gems would suddenly burst forth from the ocean, you can be sure that any normal person would immediately take them for himself. Will this person be satisfied by just scooping up a few diamonds or even an hour's worth of scavenging? Surely not! Every single diamond that he collects is worth much more than he can earn in even a hundred days of less profitable occupations. Every instant that he gathers makes him a vastly wealthy man.

"But this is literally the situation of

one who is tempted to speak slander. The Midrash brought by the Vilna Gaon is fairly well known. It states that every instant a person keeps his mouth sealed draws down unimaginable spiritual wealth, just in the merit of abstaining from speaking. He will earn the light that was set aside for the tzaddikim in the world to come, which has never been tasted by any mortal or angel.

"It is very telling that the Midrash does not bestow this reward on one who is quiet for an hour, a day, a week or a month. It says a moment!"¹ ■

1. שמירת הלשון, הקדמה. ■

