

A בס"ד

Intro

Today we will Be"H learn ג"קס" of דף בתרא בבא בתרא. Some of the topics we will learn about include:

הרחיק את העדים שני שיטין מן הכתב

A document containing a space between the text of the document and the signatures large enough to write two lines of text, is not valid; IF

הן ואוירן

There is space for two lines of text, including the usual space between the lines, AND

בכתב ידי עדים

The space is large enough for a line of a layman's script, not the smaller script of a professional scribe.

The Gemara debates the exact size of these two lines:

שני שיטין וארבעה אוירין

Two lines of text, and four spaces, one over and under each line;

שני שיטין ושלשה אוירין

Two lines and three spaces; OR

שיטה אחת ושני אוירין

One line and two spaces;

A

הרחיק את העדים
שני שיטין מן הכתב

הן ואוירן

בכתב ידי עדים

שני שיטין וארבעה אוירין

שני שיטין ושלשה אוירין

שיטה אחת ושני אוירין

B

בין עדים לאשרתא

The amount of space allowed between the הנפק, the court's confirmation of the document, and the judge's signatures, whether

אפילו טובא נמי כשר

דמטייט ליה

They can leave a large, inked-in space before their signatures, OR

אפילו שיטה אחת פסול

They cannot even leave a space for a single line of text.

The Gemara references several types of documents, including:

שטר הבא הוא ועדיו על המחוק כשר

A document where the text and the signatures are both written on erased paper;

שטר הבא הוא ועדיו בשיטה אחת

A document containing the text and the signatures in a single line; and

שטר הבא

הוא בשיטה אחת ועדיו בשיטה אחרת

A document containing a single line of text, followed by signatures on a second line;

B

בין עדים לאשרתא
אפילו טובא נמי כשר
דמטייט ליה
אפילו שיטה אחת פסול

שטר הבא
הוא ועדיו על המחוק
כשר

שטר הבא
הוא ועדיו בשיטה אחת

שטר הבא
הוא בשיטה אחת
ועדיו בשיטה אחרת



1 So let's review...

The Gemara earlier ruled
הרחיק את העדים מן הכתב
שני שיטין
פסול

If the witnesses left a space between the text of the document and their signatures large enough to write two lines of text, the שטר is not valid.

The Gemara now adds that a space of two lines invalidates the שטר only if it meets the following criteria:

1.
שני שיטין שאמרו
הן ואוירן
פסול

Only if the space is large enough for two lines of text AND the usual space between the lines;

However,
הן ולא אוירן
כשר

If there was no room for space between the lines, the שטר is valid, because the forgery would be obvious:

Either the added lines would be written in smaller script than the surrounding text;
Or it would lack the usual space between the lines.

2.
שני שיטין שאמרו
בכתב ידי עדים
פסול

Only if the space is large enough for two lines of the larger layman's script; but,

בכתב ידי סופר
כשר

If the space is only large enough for the smaller script of a professional scribe, the שטר is valid, because

כל המזייף
לאו לגבי ספרא אזיל ומזייף

He would not risk asking a scribe to perform the forgery for him.

=====

1

The Gemara earlier ruled
הרחיק את העדים מן הכתב שני שיטין פסול

The Gemara now adds that a space of two lines invalidates the שטר only if it meets the following criteria:

1

שני שיטין שאמרו

הן ולא אוירן כשר

If there was no room for space between the lines, the שטר is valid, because the forgery would be obvious:

Either the added lines would be written in smaller script than the surrounding text; Or it would lack the usual space between the lines.

הן ואוירן פסול

Only if the space is large enough for two lines of text and the usual space between the lines;

2

שני שיטין שאמרו

בכתב ידי סופר כשר

If the space is only large enough for the smaller script of a professional scribe, the שטר is valid, because

כל המזייף לאו לגבי ספרא אזיל ומזייף

He would not risk asking a scribe to perform the forgery.

בכתב ידי עדים פסול

Only if the space is large enough for two lines of the larger layman's script.



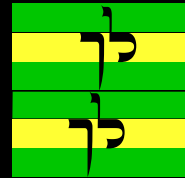
2 The Gemara now cites three opinions regarding the exact size of these two lines and the space between them required to invalidate the שטר:

1.
כגון לך לך
זה על גבי זה
Which is
שני שיטין וארבעה אורין
There must be enough space to write the word לך on each line.
Therefore, there must be space for two lines of text, and four spaces, one over and under each line, to allow room for each 'ל' and 'ך' to extend above and below each line.

2.
כגון למ"ד מלמעלה
וכ"ף מלמטה
Which is
שני שיטין ושלשה אורין
There only must be enough space for a 'ל' on the upper line, and a 'ך' on the lower line.
Therefore, we only require a total of two lines and three spaces, because the 'ך' of the higher line and the 'ל' of the bottom line can be angled so that they are not directly over each other.

3.
כגון ברוך בן לוי בשיטה אחת
Which is
שיטה אחת ושני אורין
There only must be enough space to write the name ברוך בן לוי on one line.
Therefore, we only require a total of one line and two spaces; space for a 'ל' above and a 'ך' below. This is equal to two lines of writing and a bit of space between them.
=====

2 The Gemara now cites three opinions regarding the exact size of these two lines and the space between them required to invalidate the שטר:



1
כגון לך לך
זה על גבי זה

Which is

שני שיטין וארבעה אורין

There must be enough space to write the word לך on each line.

Therefore, there must be space for two lines of text, and four spaces, one over and under each line, to allow room for each 'ל' and 'ך' to extend above and below each line.



2
כגון למ"ד מלמעלה
וכ"ף מלמטה

Which is

שני שיטין ושלשה אורין

There only must be enough space for a 'ל' on the upper line, and a 'ך' on the lower line.

We only require a total of two lines and three spaces, because the 'ך' of the higher line and the 'ל' of the bottom line can be angled so that they are not directly over each other.



3
כגון ברוך בן לוי
בשיטה אחת

Which is

שיטה אחת ושני אורין

There only must be enough space to write the name ברוך בן לוי on one line.

We only require a total of one line and two spaces; space for a 'ל' above and a 'ך' below. This is equal to two lines of writing and a bit of space between them.

3 The Gemara now discusses שטר שיש בו הנפק
 The amount of space allowed between the הנפק, the court's validation of the document, and the judge's signatures, and cites two opinions:

1.

אמר רב

בין עדים לאשרתא

אפילו טובא נמי כשר

Even if there's a large space between the text of the certification and their signatures, the שטר is valid.

And the Gemara explains

דמטייט ליה

This is only if the blank area is filled in with ink, so that he cannot add text above their signatures.

However,

בין עדים לשטר

דמטייט ליה

פסול

A space between the text of a שטר and the signatures of the witnesses invalidates the שטר, even if it is filled in with ink.

And the Gemara explains the difference:

סהדי אטייטא הוא דחתימי

בי דינא אטייטא לא חתימי

It is possible that the witnesses only testified regarding the inked-in area to allay suspicions that the ink covers part of the document's text, but they do not testify to the document's contents. Therefore, we cannot fill in the blank area with ink.

However, בית דין does not sign for this purpose. Therefore, their signatures clearly serve to certify the document, and so they can ink in the blank.

3 שטר שיש בו הנפק
 The amount of space allowed between the הנפק, the court's validation of the document, and the judge's signatures:

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בין עדים לאשרתא
 אפילו טובא נמי כשר

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בין עדים לשטר דמטייט ליה
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It is possible that the witnesses only testified regarding the inked-in area to allay suspicions that the ink covers part of the document's text, but they do not testify to the document's contents. Therefore, we cannot fill in the blank area with ink.

4 However, the Gemara raises another concern:

ליחוש דלמא
גייז ליה לעילא

ומחיק ליה לטיוטא

He may cut off the text of the document, and erase the filled-in ink, and

כתב מאי דבעי

ומחתים סהדי

He will write whatever he wants in the erased space, and forge signatures. In this case, we would rely on the בית דין's certification, since רב טביומי cited רב himself as ruling

שטר הבא הוא ועדיו על המחק כשר

A document where the text and the signatures are both written on erased paper is valid, since the witnesses would only sign on erased paper if the text was also written on the erased section and there is no way to change the document, because a second erasure would be noticeable.

If so, even an inked-in area should invalidate the document?

The Gemara answers

כל כי האי גוונא

אין מקיימין אותו מן השיירתא שבו

אלא מן העדים שבו

Such a document is valid, but the court's certification is not, and we need to authenticate the witnesses.

4

?

ליחוש דלמא
גייז ליה לעילא
ומחיק ליה לטיוטא

He may cut off the text of the document,
and erase the filled-in ink, and

כתב מאי דבעי
ומחתים סהדי

He will write whatever he wants in the erased space
and forge signatures.

In this case, we would rely on the בית דין's certification,
since רב טביומי cited רב himself as ruling

שטר הבא הוא ועדיו על המחק
כשר

A document where the text and the signatures
are both written on erased paper is valid,
since the witnesses would only sign on erased paper
if the text was also written on the erased section
and there is no way to change the document,
because a second erasure would be noticeable.

If so, even an inked-in area
should invalidate the document?

כל כי האי גוונא
אין מקיימין אותו מן השיירתא שבו
אלא מן העדים שבו

Such a document is valid,
but the court's certification is not,
and we need to authenticate the witnesses.

5

2.
A second opinion:
רבי יוחנן אמר
בין עדים לאשרתא
אפילו שיטה אחת פסול
As the Rashbam explains,
אע"ג דמטייט פסול
holds that inking in the space does not help,
because, as Tosfos explains,
בי דינא אטייטא חתמי
He holds that judges WOULD sign merely to testify
regarding the inked-in area, and so their certification
would not validate the document itself.

Therefore, he holds
אפילו שיטה אחת פסול
Even a space large enough for a single line of text
between the certification and the judge's signatures
invalidates the document,

because we are concerned
דלמא גיז לעילאי
וכתב הוא ועדין בשיטה אחת
He might cut off the text of the document, and write a
brief text, including forged signatures, in this single line,
and
שטר הבא
הוא ועדין בשיטה אחת
כשר
A document containing the text and the signatures in a
single line is valid,

5

2

רבי יוחנן אמר
**בין עדים לאשרתא
אפילו שיטה אחת פסול**

*As the Rashbam explains,
אע"ג דמטייט פסול
holds that inking in the space does not help,
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He holds that judges would sign merely to testify
regarding the inked-in area, and so their certification
would not validate the document itself.*

Therefore, he holds

אפילו שיטה אחת פסול

*Even a space large enough for a single line of text
between the certification and the judge's signatures
invalidates the document,
because we are concerned*

דלמא גיז לעילאי

וכתב הוא ועדין בשיטה אחת

*He might cut off the text of the document, and write a brief
text, including forged signatures, in this single line, and*

**שטר הבא הוא ועדין בשיטה אחת
כשר**

*A document containing the text and the signatures
in a single line is valid,*

6 as the Rashbam explains

לא פלוג רבנן
בין שטר גדול
לשטר קטן

A brief document is as valid as a lengthy one. Therefore, in this scenario, there exists the possibility of a forgery.

However,
בין עדים לכתב
שיטה אחת כשר

A space of a single line between the text of the document and the witnesses IS valid, because

שטר הבא
הוא בשיטה אחת
ועדיו בשיטה אחרת
פסול

A document containing a single line of text, followed by signatures on a second line, is NOT valid,

because, as the Rashbam explains,
אין למדין משיטה אחרונה

We do not use the final line in a document, as the Gemara explained on דף קס"ב, because he can perform precisely such a forgery in the single line allowed between the text and the signatures. Therefore, even if he cuts off the text, and writes another text in the line above the signatures, the document will not be valid, and so we allow a space of a single line between the text and the witnesses' signatures.

6

as the Rashbam explains

לא פלוג רבנן

בין שטר גדול לשטר קטן

A brief document is as valid as a lengthy one.

Therefore, in this scenario,

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However,

בין עדים לכתב

שיטה אחת כשר

A space of a single line between the text of the document and the witnesses IS valid, because

שטר הבא

הוא בשיטה אחת

ועדיו בשיטה אחרת

פסול

A document containing a single line of text, followed by signatures on a second line, is NOT valid,

because, as the Rashbam explains,

אין למדין משיטה אחרונה

We do not use the final line in a document, because he can perform precisely such a forgery in the single line allowed between the text and the signatures.

Therefore, even if he cuts off the text, and writes another text in the line above the signatures, the document will not be valid, and so we allow a space of a single line between the text and the witnesses' signatures.

7 However, the Gemara objects
ליחוש דלמא כתב הוא ועדיו בשיטה אחת
ואמר אנא לרבות בעדים הוא דעבדי
Perhaps he will cut off the text, and write a brief document
AND forge signatures in the single line, and he will
explain that he added additional signatories in the second
line?

The Gemara answers
קסבר כל כי האי גוונא
אין מקיימין אותו מן העדים שלמטה
אלא מן העדים שלמעלה
In such a case, he must certify the document by authenti-
cating the earlier signatures.

7

ליחוש
דלמא כתב הוא ועדיו בשיטה אחת
ואמר
אנא לרבות בעדים הוא דעבדי
*Perhaps he will cut off the text, write a brief document
and forge signatures in the single line,
and he will explain that he added additional signatories
in the second line?*

קסבר כל כי האי גוונא
אין מקיימין אותו מן העדים שלמטה
אלא מן העדים שלמעלה
*In such a case, he must certify the document
by authenticating the earlier signatures.*