

YESHIVAT HAR ETZION  
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)  
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**TALMUDIC METHODOLOGY**

**By Rav Moshe Taragin**

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Dedicated in memory of Rabbi Jack Sable z”l and  
Ambassador Yehuda Avner z”l  
By Debbi and David Sable

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In memory of David Yehuda Ben Shaul z”l (Mr. David Goldstein)  
whose *shloshim* fell this week

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**Shiur #01: Defining Halakhic Text**

What aspect of written or engraved text is included within halakhic *ketav*? We would naturally assume that text is primarily composed of writing material, typically ink, and this ink alone would entail halakhic *ketav*. Several *gemaros*, however, imply that halakhic *ketav* is actually composed of both the font as well as the BACKGROUND upon which the font is written. In this *shiur*, we will explore several of these proofs.

Perhaps the most direct proof that the background is not simply a screen upon which the text is drafted, but is instead integrated as part of the text, stems from a *gemara* in *Gittin* (20a) that disqualifies writing a *get* on “*anduchteri*.” Although the *gemara* does not clarify the identity of this *anduchteri*, Rashi claims that it refers to a *get* written by weaving letter-shaped laces. If the knitted letters are not woven firmly into the background fabric or background mesh, the weaving is not considered *ketav*. R. Soloveitchik zt”l inferred from this Rashi that the background must also be integrated into the halakhic *ketav*. If the text is not fused strongly into that background, the two constituent parts of halakhic *ketav* are disconnected, and full-fledged *ketav* is not created.

A second disqualification of halakhic writing stemming from the lack of integration between text and background may surround the question of *ketav al gabei ketav*, text written on previously written text. The *gemara* in *Gittin* (19a) disqualifies this type of writing both for the purposes of a *get* as well as in the context of Shabbat violation - if a person composes text upon previously composed text, he has not violated the Biblical *melakha* of *ketiva* on Shabbat. Many suggest that writing on

previously written text is a flawed PROCESS of *ketiva*, as halakhic writing must be creative, rather than tracing already established patterns. Since writing on previously written text is not a creative act of writing, it doesn't constitute a Shabbat violation, and it also doesn't fulfill the requirement of a husband to actively draft a *get*. If this is true, the disqualification of *ketav al gabei ketav* has no bearing on the definition of halakhic text, as *ketav al gabei ketav* is purely a deficiency of the ACT of *ketiva*.

However, it is also possible that *ketav al gabei ketav* is not considered halakhic text at all. This broadened definition of the '*pesul*' would explain the disqualification of illiterate witnesses affixing their signatures over their previously traced names even though witnesses are not obligated to perform an ACT of *ketiva*. Overlaid text is not considered halakhic text; their signatures therefore are not considered halakhically valid. If overlaid text is not considered text, it is probably due to the lack of contact between the final, upper layer of text and the background which is currently covered by ink. Since the upper text is composed on top of lower text, it is not affixed to any background, and in the absence of this fusion of text and background, no halakhic text has been generated.

A third possible indicator that halakhic text is a combination of text and background emerges from the halakha known as *mukaf gevil*. The *gemara* in *Menachot* (29a) describes the need for Torah or *tefillin* text to be completely surrounded by empty parchment or *gevil*. This guideline is presumably based on practical concerns: without proper boundaries, attached letters become unintelligible and unreadable. As such, the demand for surrounding parchment is not fundamental, but rather pragmatic and logistical – to demarcate and clarify letter shapes.

However, some *Rishonim* disqualify letters that are not surrounded by parchment even if the problematic letter is the last letter on the line and does not attach to any other letter, but rather runs until the very end of the parchment. In this instance, the absence of complete parchment circumvention doesn't blur the letter's shape, yet the letter is invalid. Evidently, the requirement of *mukaf gevil* is not merely practical, but FUNDAMENTAL. Without surrounding parchment, the letter is not considered affixed to a swath of background, and without this fused combination between letter and background, no halakhic text entails.

In the previous cases, halakhic text was thwarted due to lack of integration between the letter and the background. In this instance, even though the text is fused, the background itself is deficient, since it does not completely encompass the text.

A more abstract application may stem from the law of *chok tochat*, which demands that text be created upon background, rather than being carved FROM the background. Again, many assume that this disqualification is based on the lack of a formal creative ACT of writing or text composition. However, the *gemara*

in *Gittin* (20a) disqualifies text on the head plate of the *Kohen Gadol* if it is manufactured through *chok tochat*, by carving or smoothing the surrounding gold so that the letters of the requisite text remain protruding. The extension of this disqualification the Tzitz implies that indirectly carved out text is not a deficiency of an act of writing or, the *ma'aseh ketiva*. Rather, carved out text is not considered halakhic text and cannot be employed for the *tzitz* or breastplate of the *Kohen Gadol*. The results of engraving upon stone would be considered text, whereas words created by carving away the SURROUNDING area so that the text protrudes WOULD NOT BE CONSIDERED TEXT.

Evidently, text is defined as shapes created on a distinct background, such as writing with ink upon parchment or engraving indented text upon stone. By simply carving the surrounding stone and allowing the shapes to remain uncarved and protruded, the final text is essentially “untampered-with” background. Halakhic text demands ink or shapes ON background, rather than unchanged background.

A final application may surround the “*shiur*” for carrying text on Shabbat. The halakhic act of *hotza'a* on Shabbat entails removing an item from one zone and settling it (*hanacha*) in an alternate zone. Without a thorough deposit, the act of relocation has not occurred and no Shabbat violation has occurred. The *gemara* (*Shabbat* 80a) cites the position of Rava, who claims that relocating the requisite *shiur* of ink (a volume that will enable writing two letters) and subsequently writing with this ink on paper (instead of depositing them on the ground) is considered a *hanacha* and a Shabbat violation. Even though one has not placed the ink on the ground, he has placed it on the paper. By viewing the act of writing as depositing ink on paper, is Rava asserting that text a fusion between the ink and the background material?

Of course, this application is even more provocative than the previously cited cases. The previous situations indicated that halakhic text, such as text of a *get*, represents a fusion of ink and background. When this requisite fusion is not achieved, halakhic text is not created and the *get* is invalid. Rava, however, describes someone who is not involved in a halakhic act of writing; he is merely violating Shabbat by “depositing” ink on paper. Does Rava intend that ANY TIME a person applies ink to paper, Halakha considers the two as fused, and therefore a Shabbat deposit has occurred? Or is Rava loosening the requirements of *hanacha*, such that any deposit of the ink, even as minimal as deposit upon paper and even without creating halakhic fusion to the background, suffices to engender Shabbat violation?