

22.10.3

162b (איבעיא להו שני שיטין) → 164a (חיישינן לב"ד טועין)

- I Definition of invalidating space as per above - 2 lines
- a Question: does it include the margins above and below?
- i Answer (רנב"י): must include margins; one (still allowed) without margins can't be used for anything
- ii Note (חזקיה): two lines refers to witness-size (larger), not scribe-size (smaller)
- iii Examples:
- 1 א לך דיב"א above לך – i.e. 2 lines & 4 margins (2 margins needed between lines, due to ל below and ך above)
 - 2 א ל עולא above ך – i.e. 2 lines and 3 margins
 - 3 א בן לוי ג' אבהו on one line (including a ל and ך) – i.e. 1 lines and 2 margins (must be ≥ 2 lines)
- II Dispute יוחנן regarding application of "2 lines rule" to space between עדים and אשרתא
- a דב: between עדים and אשרתא (confirming signatures) – any space is permissible
- i reason: since they fill in that space (with dots or ink – טיוטא), can't be forged
- 1 Challenge: then why don't they do the same between עדים and כתב (obviating our original concern)?
 - 2 Answer: people will think that the עדים are signing on the טיוטא
 - (a) Note: they would never think that ב"ד would put an אשרתא on a טיוטא
 - 3 Concern: perhaps the בעל הטרט will cut off the top part, erase the טיוטא and write what he wants – and forge witnesses' signatures (and there's already an אשרתא)
 - (a) And: רב ruled that if a שטר comes with the text and עדים on an erasure – it's valid (see below – III)
 - (b) Answer: if we read like רב כהנא (that last הלכה was stated by שמואל, not רב) – then it's fine
 - (c) But: according to ר' טביומי who read it as being רב's ruling – difficult
 - (i) Answer: any such שטר must be reconfirmed (we don't accept אשרתא that's there)
- b ד' יוחנן between עדים and אשרתא – even less than 2 lines is invalid
- i Reason: since he could cut off the top and forge a כתב and עדים on the one line, and...
- 1 ד' יוחנן ruled that a שטר with the כתב and עדים on one line is valid
 - 2 Challenge: then why don't we have the same concern between עדים וכתב?
 - (a) Answer: he holds that if the שטר is one line and the עדים are underneath it – פסול
 - (b) Challenge: he could do so and claim that he just added עדים (to be sure)
 - (i) Answer: ר' יוחנן holds that in such a case, we don't confirm the lower עדים – must confirm the topmost line (who are, in this scenario, forged)
- III Revisiting רב's ruling validating a שטר with the עדים and כתב on an erasure
- a Challenge: why aren't we concerned that he'll erase the כתב again and write what he wants
- i Answer: double erasure doesn't look like single erasure
- ii Challenge: perhaps he'll spill ink on the original signatures and they'll have to re-sign (both will be double)
- 1 Answer (אב"י): רב holds that עדים don't sign on an erasure unless it was erased in their presence
 - 2 Challenge: if the כתב is on clean parchment and the עדים on an erasure – נשר
 - 3 Therefore: we should be concerned that he'll then erase the כתב and write what he wants (both on מחק)
 - (a) Answer: in such a case, עדים have to sign that they signed on מחק and the כתב was unerased
 - (b) Note: this must be written between the two lines of their signatures, else he could cut the line away
 - 4 Challenge: if the עדים are on clean parchment and the כתב on erasure – פסול
 - (a) Explanation: why don't they write that they signed on נייר and the כתב was on מחק?
 - (b) note: we can't answer that he may re-erase, since we already stated that double erasure ~single
 - (c) answer: that is only when the other part is also erased (we can contrast them when they're on 1 שטר)
 - (i) but: against כתב, double מחק can't be distinguished from single מחק
 - (ii) challenge: bring another parchment and erase it once and compare
 1. answer; each parchment responds differently
 - (iii) challenge: let's have these witnesses sign on a single מחק and compare the signatures
 1. answer; a recent erasure doesn't look like an older one
 2. challenge: let it wait a while
 - a. answer (ר' ירמיה): we are concerned that ב"ד may err