

Not on erased paper

לא¹ על נייר מחוק -

Overview

stated in our משנה that a גט may not be written on a paper which was erased. תוספות qualifies this ruling.

שהכתב על הנייר שאינו מחוק ועדיו על המחק² אבל שניהם³ על המחק כשר⁴ -

The ruling of ריב"ב is valid **when the writing of the גט was on paper which was not erased, and the witnesses signed on the erased part of the paper; however if both the גט and the signatures were on the erasure, the גט is כשר** -

כדאמרין בריש גט פשוט (בבא בתרא קסד, א) דאינו דומה נמחק פעם אחת לנמחק שתי פעמים:

As רב states in the beginning of גט פשוט פרק that an erasure one time is not similar to an erasure two times; the difference is discernable.

Summary

One can distinguish between a single erasure and a double erasure.

Thinking it over

What would be (according to ריב"ב) if a woman brings us a גט where the signatures are on an erasure, but the גט is written on regular (un-erased) paper (where ריב"ב prohibits us from writing such a גט), is she מגורשת or not? What would the חכמים maintain in such a case?⁵

¹ This 'תוס' is seemingly referencing the משנה on כא, ב.

² In this case we are concerned that the woman (after she received the גט) will erase it and write certain stipulations in the גט, which are for her benefit. Since the signatures are on an erasure and the new rewritten גט is also on the erasure, no one will suspect anything. See 'Thinking it over'.

³ If everything (the גט and the signatures) is written on an erased paper, there is no concern that the women may erase the גט, for it will be apparent that the גט has been erased since it is recognizable, for it was erased twice, while the signatures are on a paper which was only erased once.

⁴ תוספות is seemingly arguing with רש"י on the נייר ד"ה כא, ב משנה, where רש"י does not distinguish whether the entire paper was erased, or only the signature area was erased.

⁵ See חידושי הרי"ם and רע"א בפ"י המשניות.