

18.02.03

17a (משנה ב') → 18a (כשר - ענין - כשר) → 18a

- I זמן בגיטין: משנה ב'
- a If it was signed on the same day, or evening that it was written – valid
 - b If it was written in the evening and signed the next day – valid
 - c *However*: if it was written during the day and signed that night (after) – invalid
 - i *Dissent*: ר"ש validates, as he agrees to invalidate any document signed on a different day *except* גיטי נשים
- II Reason for requirement of having the date on a גט (מפני מה תקנו זמן בגיטין) גט
- a ר"ל יוחנן: lest he cover up an affair by claiming the גט to have been given beforehand (e.g. if his wife is his niece)
 - i ר"ל: such situations are uncommon
 - b ר"ל: to protect against the husband claiming proceeds of her מלוג נכסי longer than due him
 - i ר"י: the husband has פירות until the time the גט is given over (→the date on the גט is irrelevant)
 - c *challenge* (to ר"ל): what is the dispute between ר"ש/חכמים
 - i *note*: according to ר"ל, the dispute is when he loses his right to פירות – ר"ש, as soon as he decides to divorce her, he loses פירות; to חכמים, until the point of signing (→must be signed on same day as זמן written in the גט)
 - ii *answer*: that is the dispute – whether זמן תקנת זמן is for (חכמים) or for (ר"ש) פירות
 - iii *note*: we must adjust errant reports to have ר"י granting rights until the גט is given and ר"ל – until execution
 - d *challenges to efficacy of the תקנה*
 - i *ת: משנה ט:* a גט without זמן (one of the ג' גטין פסולין) which is valid post-facto:
 - 1 *answer*: לכתחילה she can't get married without זמן
 - (a) *Note*: we aren't concerned about someone being so transparently deceptive as to cut the זמן out in order to either cover up her indiscretion (ר"י) or to gain פירות (ר"ל)
 - ii *Ruling*: if he only wrote the year (or even which שמיטה it was) or the month or the week – valid
 - 1 *Answer*: it narrows down the זמן to that week (or month etc.) - just as the day (which is standard) only works to eliminate other days (and not hours within the day), so it is here
 - e *Questions*:
 - i *What if*: he writes the גט and then holds on to it for a while (thus defeating efficacy of זמן), waiting to see if they'll reconcile
 - 1 *Answer*: no one 'advances' punishment on himself in that manner
 - ii *What about*: גטין coming from overseas, where it may take months until she gets it (and the זמן is irrelevant)
 - 1 *Answer*: those are publicized and she'll have to prove when she got it to claim פירות or defend herself against an accusation of זנות
 - iii *From what time do we count* (the 3 months of הבחנה)?
 - 1 **דב**: from the date it's given
 - (a) *supporting ברייתא*: if the שליח is delayed in getting it to her, she still waits 3 months from reception
 - 2 **שמואל**: from the date it's written
 - (a) *supporting ברייתא*: if the שליח is told to wait 3 months to give it to her, she may marry immediately
 - (b) *challenge*: if so, 2 wives of the same man (e.g. who went overseas) who were given their גטין on the same day – one may marry after 2 months and the other only after 3?
 - (c) *Answer* (אב"י): each one's גט proves their waiting period by the זמן written on it
 - 3 *Practical ruling*: dispute among אמוראים – final ruling follows שמואל (משעת כתיבה)
 - iv *Parallel dispute re*: כתיבה canceling the debt of a כתובה שמיטה
 - 1 **דב**: when she collects part **and** turns the rest into a loan owed her (פגמה וזקפה) - supporting ברייתא
 - 2 **שמואל**: when she does either (collection **or** turning it into a loan) - supporting ברייתא
 - (a) *argument*: at העמדה בדין it becomes an active debt, subject to cancellation due to שמיטה
 - (b) *ruling of שמואל*: כתובה is a ב"ד מעשה – therefore, if a כתובה is written during the day and signed the night afterwards – it's valid
 - (c) *Story*: רב was present at a כתובה-signing that continued into the night and said nothing
 - (i) *Question*: shall we say that רב agrees with שמואל about כתובה as a ב"ד מעשה?
 - (ii) *answer*: since they were engaged in discussing the כתובה the whole time, all agree that it's valid