

18.02.04

18a (ר"ש מכשיר) → 19a (בההיא כריש לקיש סבירא ליה)

- I Analysis of ר"ש's dissenting opinion, validating a גט (only) that was signed the night after it was written
- a Reason: he maintains that once a man decides to divorce his wife, he loses פירות
    - i Therefore: it doesn't matter when it was signed; the minute it was written he already loses פירות
  - b Parameter of ר"ש's "leniency":
    - i ל"ל only the night afterwards, but 10 days later – we are concerned that they reconciled (and the גט is פסול)
    - ii ג' יוחנן even after 10 days; if they reconciled, we would know about it (it has a "קול")
- II Role of "extra" witnesses in case of כולכם:
- a ר"ל – they are all עדים
  - b ר"י – 2 are עדים and the rest are a condition he set up to effect the גט (תנאי)
  - c split the difference:
    - i if 2 signed on the day it was written and the rest days later:
      - 1 ר"ל – invalid
      - 2 ר' יוחנן – valid
    - ii if 1 of them turned out to be an invalid witness (קרוב או פסול):
      - 1 ר"ל – invalid
      - 2 ר' יוחנן – valid
  - d twist:
    - i if the first to sign was קרוב או פסול
      - 1 some say: still valid, he acts as part of the תנאי
      - 2 some say: invalid, as a precaution against a normal case of קיום השטר
  - e case:
    - i someone brought a גט to ריב"ל where the husband had said כולכם and 2 witnesses signed that day and the rest several days later
      - 1 ruling: "we can rely on ר' שמעון in an exigent case"
        - (a) challenge: ר"ל ruled that ר"ש only permitted it if signed the next night
          - (i) answer: ריב"ל understood ר"ש as did ר' יוחנן – that he permitted even days later
        - (b) Challenge: but ר' יוחנן maintains that the rest of the "כולכם" are a condition, so we don't need to rely on ר"ש to validate this גט
          - (i) Answer: ריב"ל understands the law of כולכם like ר"ל – they're all witnesses