

18.03.02

26a (משנה ב) → 26b (משנה ב)

7. כי יקח איש אשה ובעלה והיא אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר כריתת ונתן בגדה ושלקה מביתו: דברים כז, א

I 'writing-templates: משנה ב'

- a if a **סופר** wants to prepare **גיטין**, he must leave the **תורה** to be filled in when the specific parties come forward:
- i in **גיטי נשים** – the man's names, the woman's name and the date
- 1 **הרי את מותרת לכל אדם**: רב יהודה: he must also leave out the phrase
 - 2 **observation**: this follows **ר"א** (even though he's explicitly mentioned in **סיפא**) – **עדי מסירה כתיב** – **כתובה לשמה** (a) *therefore*: we require
- ii in **שטרי הלוואה** – the borrower, the lender, the amount of money and the date
- iii In **שטרי מקח** – the buyer, the seller, the amount of money, the location of the property and the date
- b **Reason: מפני התקנה**
- i **Meaning**:
- 1 **סופרים**: **ר' יונתן**;
 - (a) follows **ר"א** who should require **טופס** to be written **לשמה** as a precaution against **תורה** being pre-written;
 - (i) *However*: **מפני התקנה** (to make life easier for the **סופרים**) he doesn't do so:
 - (ii) **תורה**: **ר' יהודה**: invalidates all as a precaution against pre-writing **תורה**
 - (iii) **ר"א** himself validates all as a precaution against writing **גיטין** improperly
 - 2 **חזקה**: help for domestic tranquility
 - (a) follows **ר"מ** – who should require nothing be written **לשמה** (only **חתימה**)
 - (i) *However*: in order to avoid possibility of **סופר** writing **גט** in advance, and her learning of it and thinking that her husband directed it, leading to disharmony
 - 3 **ר"א** or **ר"מ**: help to avoid **עיגון**; could follow either **ר"מ** or **ר"א**
 - (a) **ר"מ**: essentially, even the **תורה** could be prepared
 - (i) *however*: in order to avoid divorcing on the spot due to anger – he requires **תורה** be written **לשמה**
 - (b) **ר"א**: essentially, even **טופס** should require **לשמה**
 - (i) *however*: in order to avoid delaying preparation of a **גט** in case he's about to travel, he allows preparation of the **טופס**

c **Dissent**: **ר' יהודה** invalidates all **שטרות** where even the **טופס** was prepared in advanced

d **Dissent**: **ר' אלעזר** invalidates only **גיטי נשים**¹ - cf. v. 1

i **Proper meaning**: v. 1 only dictates **לשמה**; but as a precaution against it, he requires **טופס** also

II Analysis of requirement of **זמן** on **נשים**

- a **Observation**: the **תנא** doesn't distinguish between divorce from marriage or from **אירוסין**
- i **Understood**: according to **ר' יוחנן** – **ר' יוחנן** (בת אחותו) – no reason to distinguish
- ii **However**: according to **ר"ל** (פירות) – which the fiancé doesn't yet have) – why the need for **זמן** in a **ארוסה**?
 - 1 **Answer**: (from **עולא**) – concern lest he marry her then give her the **גט** and her child (born from the marriage) will be stigmatized

III Ruling:

- a **רב** – rule like **ר"א**, validating all **טופסי שטרות** except for **גיטי נשים** (רש"י – see footnote)
- i **challenge**: **ר' פפי** would invalidate any **אשרתא** completed by **דיינים** before the witnesses attest to their signature
 - 1 **inference**: we are concerned with **כשיקרא** –
 - 2 **implication**: we should invalidate **שטרות** prepared in advanced
- ii **block**: **ר"נ** reported **ר"מ** as permitting a **גט** found in the trash, as long as it is signed **לשמה**
 - 1 **Note**: even **רבנן** (including **ר"א**) only dissent re: **גיטי נשים** due to v.1
 - 2 **However**: regarding other **שטרות**, they agree
 - 3 **Support**: **ר' יוחנן** ruled that a **שטר** that was used once may not be reused *because the שעבוד has been lifted*
 - (a) **Implication**: if it were not for that reason, it could be reused – i.e. no concern for **כשיקרא**

¹ **גיטי נשים** except for **תורה** of **ר"א** validates pre-filling entire **שטר** except for **תורה** of **ר"א** permits all **טופסי שטרות** except for **גיטי נשים**: רש"י