

ואף על פי שבא לגרשה כדחיישינן בסוף פרק קמא דבבא מציעא (דף יט,ב) גבי שובר –
And even though the husband is **preparing to divorce her**, nevertheless there is
the concern of a קנוניא גמרא **is concerned** for a קנוניא **in the end of the first**
פרק **of מ"מ regarding a receipt**⁶ –

answers: תוספות

ויש לומר דלעולם אין חותמין העדים כשרואין הזמן מוקדם –
And one can say; that the witnesses will never sign a גט when it is predated -
אלא אם כן יודעים שביום הזמן נכתב:⁷
Unless they know that it was written on that date.

SUMMARY

ר"ש is not concerned for שמא יהפה, and maintains that the בעל forfeits the פירות from
the time the גט is written, and עדים do not sign a predated גט unless they verify that it
was written on that date.

THINKING IT OVER

1. תוספות asks that we should be concerned for a קנוניא.⁸ Does תוספות mean that the
גט should be פסול, or that one cannot collect from לקוחות unless we know when it
was written?⁹

2. Why, in תוספות question, would we assume that עדים will sign a מוקדם גט?¹⁰

⁶ The case there is where a שובר (receipt) for a כתובה was found. If the woman admits that she received the כתובה payment, we return the שובר to the husband (as proof that he paid up the כתובה). The גמרא there asks how can we return the שובר to the husband, it is possible that the woman wrote and dated this receipt in ניסן תשע"ד (perhaps anticipating a כתובה payment), but did not give it to him until תשרי תשע"ה (when she received the payment), and this woman sold her כתובה between ניסן and תשרי (for a discount; the buyer may never collect it if the wife predeceases the husband and is not divorced). When the buyer of the כתובה will come to collect his payment from the husband, he will show the receipt that he already paid the כתובה in ניסן (and there was no sale to the buyer since the כתובה was already paid up). We see that even though the couple is divorcing, nevertheless they may be in collusion to perpetrate a swindle. (Their avarice may outweigh their misgivings.)

⁷ In our case when they are presented with the גט at night and the date is of the (previous) day, they will first ascertain that it was actually written by day. Therefore there is no concern of קנוניא, for since it was written by day, the husband forfeited his rights to the פירות.

⁸ See footnote # 4.

⁹ See נה"מ.

¹⁰ See בל"י אות שפד.