

He wrote it and placed it, etc.

כתביה ואנחיה כולי –

OVERVIEW

asked רבא regarding a גט which the husband wrote (and dated it, etc.), and then placed it in his pocket, pending the outcome of his relationship with his wife; whether this is a כשר or not, to be given at a later date; are we concerned for חיפוי or not.¹ רבא answered that there is no concern since a person is not מקדים. Our תוספות explains why we could not use a former explanation to resolve this question.

anticipates a question:

הכא לא בעי לשנויי דאהני לקמיה –

Here (regarding כתביה ואנחיה), the גמרא did not want to answer that the זמן will be effective for ‘the past’ -

כדאמרינן לעיל דגבי כתב חדש שבת² –

As the גמרא stated previously regarding if he only wrote the month or the week without specifying the exact date –

explains the difference between the cases; regarding כתב חדש שבת -

כיון דאהני לקמיה לא חיישינן לחפויי שהכתיבה והנתינה כי הדדי נינהו –

Since it is effective for the past we are not concerned for a ‘cover up’, for the writing and giving of the גט were simultaneous -

כמו ביומא גופא כדאמרינן לעיל³ –

As we are not concerned for חיפוי during the day itself, as the גמרא stated previously -

אבל גבי כתב ואנחיה בכיסתיה וגיטין הבאין ממדינת הים שהנתינה היא אחר הכתיבה –

However, regarding the case of כתב ואנחיה בכיסתיה and similarly regarding גיטין

¹ See following ד"ה ואנחיה, תוס' יח,א ד"ה ואנחיה regarding פירות that there is no concern of חיפוי.

² The גמרא previously ruled that if the date merely consisted of the month or the week without specifying which date in the month or week, nevertheless it is כשר; for even though it may not be effective to deter the concern of חיפוי during this month (week) nevertheless it is effective for the previous month (week); we are certain that she was divorced during this month (week). We know that if she was מזונה before this month, she is מחוייב מיתה. It is partially effective and that is sufficient. The question is why do we not say that כתביה ואנחיה כולו is כשר for it will be effective for the time before the date of the כתיבה; if she was מזונה before that date she will be מחוייב מיתה. This should render it כשר, even though it will not be effective for the time between the כתיבה ונתינה, just as כתב חדש ושבת is כשר, even though it is only partially effective.

³ The גמרא argued that even a גט which is dated properly is not completely effective to prevent חיפוי for it is possible she was מזונה early on this day and the גט was written later in the day on the same date. This proves that a partial effectiveness is sufficient.

which arrive from overseas, where the giving of the גט is after the writing of the גט, in those cases -

חיישינן שמא יחפה ויאמר שקר שמקודם לכן נתגרשה⁴ –

We are concerned that perhaps he will ‘cover up’ and state a falsehood that she was divorced previously (before the actual נתינה, but rather closer to the יום הכתיבה) -

וכן⁵ נכתב ביום ונחתם בלילה פסול אף על גב דאהני לקמיה:

And that it also why פסול is נכתב ביום ונחתם בלילה, even though it is effective for the past, but since the נתינה is after the יום הכתיבה, therefore it too is פסול.

SUMMARY

The explanation of אהני לקמיה is applicable only to a case where the נתינה and כתיבה were at the same time.

THINKING IT OVER

1. Why was it necessary for תוספות to mention at the end 'וכן נכתב ביום וכו';⁶ we were not discussing that case? What does that add to the discussion?⁷

2. How can תוספות compare the case of נכתב ביום ונחתם בלילה to כתביה ואנחיה; by נכתב ביום ונחתם בלילה the case of נכתב ביום ונחתם בלילה, however by נכתב ביום ונחתם בלילה the case of נכתב ביום ונחתם בלילה, for it was the next day already?⁸

⁴ See קצו סק"ד who explains the difference that by כתב חדש שבת, there are no lies in the גט (she was divorced during this month), so even though the woman may well be freed from execution by claiming she was divorced in the beginning of the month (when indeed she was divorced at the end of the month), nevertheless the גט is not פסול, since no גט can pinpoint the moment of divorce, therefore since it is מהני לקמיה it is כשר. However when the כתיבה precedes the נתינה the woman is exempt from מיתה because of the falsehood that is inherent in the שטר (the date of the שטר is patently false, for she was divorced much later), therefore such a שטר which perpetrates a lie is not כשר even though it is מהני לקמיה.

⁵ See 'Thinking it over' # 1 & 2.

⁶ See footnote # 5.

⁷ A reminder: נכתב ביום וכו' is כשר while כתביה ואנחיה is פסול.

⁸ See סוכ"ד סוס"י קצו.