

מה מעשה בית דין נכתב ביום כולי –

Just as מעשה בי"ד is written by day, etc.

OVERVIEW

מעשה בי"ד may be written by day and signed by night and are כשר, not like other שטרות that need to be signed on the day (date) it was written.¹ תוספות explains why מעשה בי"ד is different.

The reason מעשה בי"ד is כשר even if בלילה ונחתם is -

דמשעת פסק דין איכא קלא² כמו בשטר כדאמרינן בכל דוכתא כשעמד בדין דגבי ממשעבדי³:
Because from the moment the ruling is issued by בי"ד it is publicized, just as if
it was written and signed in a שטר (where there is a קול), as the גמרא states
continually that once the creditor won his case in בי"ד, he can collect from
משעבדי from that point onward, because once בי"ד gave a ruling there is a קול.

SUMMARY

A פסק דין creates a קול (without witnesses or the בי"ד signing it).

THINKING IT OVER

because נחתמין בלילה and נכתבין ביום מעשה בי"ד תוספות explains that the reason there is a קול from the time of the פס"ד. If indeed it is so, so why limit it to נחתמין בלילה?!⁴ it can be (written and) signed any time after the פס"ד.

¹ A שטר is validated by its witnesses, especially regarding collecting from משעבדי, because the השטר עדי publicize the event. If they signed at night (the next day) it becomes a שטר מוקדם and is פסול, because it gives undue rights to the חתימה which precedes the date of the בעל השטר.

² The פסק דין of בי"ד (without the signatures) make a קול. Therefore there is no concern of a שטר מוקדם.

³ If someone is owed money not in a שטר (for instance he was a ניזק), he cannot collect his debt משעבדי. If however there was a די"ת and a פסק דין that he is owed money then he can collect from the לקוחות who bought the debtor's property after the פסק דין.

⁴ תפא"י. See