

## OVERVIEW of the Daf

### 1) Nursing or serving her husband's father (cont.)

The Gemara concludes its successful challenge to R' Ashi's position that an unspecified nursing condition is equivalent to stipulating that she is required to nurse for only one day.

Another Baraisa related to the rulings of the Mishnah is cited.

Two interpretations of R' Shimon ben Gamliel's position are suggested.

The second interpretation is challenged from another Baraisa.

The Gemara resolves the two contradictions raised from the second Baraisa.

Another related Baraisa is cited.

The final statement of this Baraisa is clarified.

### 2) MISHNAH:

The Mishnah presents additional cases of gitin that were given conditionally.

### 3) Antiphras

A Baraisa is cited that contradicts the Mishnah's implication that Antiphras is located in Galil.

Abaye resolves the contradiction by reinterpreting the Mishnah.

### 4) Acco

A statement of R' Safra is cited that contradicts the Mishnah's implication that Acco is located outside of Eretz Yisroel.

Abaye resolves the contradiction by reinterpreting the Mishnah.

### 5) Clarifying the Mishnah's last ruling

R' Huna and R' Yochanan disagree about the rationale of the Mishnah's final ruling.

A Baraisa is cited that supports R' Yochanan's interpretation of the Mishnah.

This ruling is challenged and resolved by Rabbah bar R' Huna.

According to a second version Rabbah bar R' Huna was resolving a challenge to a Mishnah rather than the previously-cited Baraisa.

The Gemara explains the difference between the two versions.

### 6) MISHNAH:

The Mishnah presents additional cases of gitin that were given conditionally.

### 7) A husband who dies within the twelve months

A Baraisa is cited that contradicts the Mishnah's ruling related to a man who stipulated that a גט would take effect if he does not return during twelve months and died within those twelve months.

R' Yehudah in the name of Shmuel identifies the author of that Baraisa.

A discussion is presented regarding the halacha of this case.

Abaye begins to clarify the exact case that is subject to disagreement. ■

## Distinctive INSIGHT

*Why do we not use the חזקת חי of the husband in this case? ואם אין ידוע זו היא שאמרו מגורשת ואינה מגורשת*

A man was leaving to travel abroad, and he gave instructions that if he did not return within twelve months, a גט should be written and given to his wife. He did not return before the twelve months elapsed. A גט was prepared and delivered to the wife, but information surfaced that the husband had died. The halacha is that if the גט had been delivered before he died, the גט is valid. If he died before the גט was delivered, the divorce is not valid, and the woman is a widow, and subject to yibum laws. If there is a doubt whether he died before or after the גט was given the divorce is doubtful.

The Rishonim ask why, in this case, do we not say that the most recent status of the husband was that he was alive, and we only know otherwise based upon recent information. The חזקה that the husband was alive should continue until the point that we are forced to say that he died. Accordingly, we should say that the husband lived until after the גט was given.

ר"ן and ריטב"א answer that because now, at the moment we are evaluating the situation, the husband is already dead, we can no longer look back and use a חזקת חי to say that he lived longer.

Chasam Sofer registers a question regarding this analysis of the Rishonim. Even if we were to use the legal device of חזקה to say that the husband lived longer, this puts us directly in opposition to the חזקה of the woman that she was and remains prohibited as a married woman until we know otherwise. She has a חזקת אשת איש. We cannot use one חזקה to maintain the husband's status while at the same time undermining a different חזקה to change the woman's status. Even though she is no longer married, as her husband has died, she still maintains a status of being subject to the laws of yibum, and she is not permitted to remarry at large.

Chasam Sofer explains that the חזקה of the woman remaining married is damaged in this case, as she has received a גט. Her חזקה is diminished in its influence as seen in contrast with the חזקת חי of the husband. This why ר"ן posed his question, and why he provides his explanation why the חזקה, nevertheless, cannot be used here. ■

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 ר' ירוחם פישל בן ר' משה אברהם הכהן, ז"ל

## HALACHAH Highlight

### Leaving Eretz Yisroel to visit relatives

משום דאסור לצאת מארץ לחוצה לארץ

Because it is prohibited to leave Eretz Yisroel for outside of Eretz Yisroel

Rambam<sup>1</sup> writes that it is forbidden for a person to leave Eretz Yisroel unless it is for the purpose of studying Torah, getting married, to earn a living or to save one's life. This ruling formed the background for a delicate question posed to Dayan Yitzchok Yaakov Weiss<sup>2</sup>, author of Minchas Yitzchok. There was an elderly couple who had been recently granted permission to leave Russia. The hope and yearning that gave them the strength to endure all the suffering and hardships was that they would eventually leave Russia and be able to see their grandchildren. When they left Russia they were brought to Eretz Yisroel and they now inquired about leaving Eretz Yisroel to visit their children and grandchildren who lived outside of Eretz Yisroel. The question is, however, whether it is halachically permitted for them to leave Eretz Yisroel for the purpose of visiting their children and grandchildren.

Minchas Yitzchok answered that the ruling of Rambam would seemingly indicate that it is prohibited for this couple to leave Eretz Yisroel since visiting children and grandchildren is not one of the exceptions enumerated by Rambam. Nevertheless, common custom is that people leave Eretz Yisroel to visit relatives and he suggests that the practice could be ex-

## REVIEW and Remember

1. What is the dispute between R' Meir and Chachamim?
2. Where is the city of Antiphras located?
3. What is a גט ישן?
4. What was the nickname of R' Yehudah Nesiah's Beis Din? Why?

plained in the following manner. Tur<sup>3</sup> writes that travelling for business or to visit a friend is considered a mitzvah activity and only vacationing (כשהולך לטייל) is considered an optional activity. Since Tur equates traveling for business with visiting a friend one could suggest that just as Rambam permits a person to leave Eretz Yisroel in order to earn a living, so too it should be permitted for a person to leave Eretz Yisroel for the purpose of visiting relatives. In the final analysis, Minchas Yitzchok hesitated to give a definitive ruling on the matter and deferred to the rabbis who were residing in Eretz Yisroel since other sources indicate that it would only be permitted to leave Eretz Yisroel to honor one's parents, thus implying that to visit other relatives would be prohibited. ■

<sup>1</sup> רמב"ם פ"ה מהל' מלכים ה"ט.

<sup>2</sup> שו"ת מנחת יצחק ח"ג סי' כ"ו.

<sup>3</sup> טור אור"ח סוס"י רמ"ח. ■

## STORIES Off the Daf

### A Temporary journey

"כי הוי מפטרי...משום דאסור לצאת..."

A certain man once went through a period of extreme adversity. He decided that only drastic measures would serve to help him out of his predicament. "If Hashem delivers me from my present difficulties, I vow to journey to Eretz Yisrael and return..."

Shortly after making his vow, the man's problems dissolved. However, as he began to make arrangements to travel to Eretz Yisrael to fulfill his vow, he encountered numerous obstacles. It proved so difficult that he decided to get his vow annulled rather than go through with the journey.

He consulted with the Shiltei Giborim, zt"l, on this question. "Although in general we hold that one may not nullify a vow to do a mitzvah that has been taken under duress, in this case it can be annulled. This is because going to Eretz Yisrael and returning immediately is not a mitzvah. Only one who lives some time in Eretz Yisrael fulfills the mitzvah. Just as leaving Eretz Yisrael and immediately returning is not a sin, entering in order to immediately leave is not a mitzvah..."

When Rav Eliyashiv, zt"l, was teaching Gittin 76b in his shiur in Tiferes Bachurim, he brought the above Shiltei Giborim with a caveat. "But I don't understand this at all, since on today's daf we find that when the sages from Bavel would return home, the sages of Eretz Yisrael would only accompany them until Acco because of the prohibition to leave the land. But ac-

ording the Shiltei Giborim, this should have been permitted, since he holds that leaving Eretz Yisrael is the same as coming... This matter is insufficiently clear."

When students from outside of Israel would ask him if they were permitted to return home, he would quote the above gemara which permits one who traveled temporarily to Eretz Yisrael to return home. However, when people who live in Israel would ask if they were permitted to leave for a pleasure trip, he would prohibit leaving the land. "The Rambam states that one may leave Eretz Yisrael in order to find a shidduch, learn Torah, or for business purposes on condition that he return. We see from this that even if one plans on returning afterwards he may not leave unless for one of the permitted reasons. A vacation is clearly prohibited!"<sup>1</sup> ■

1. הערות במסכת גיטין, עמוד תנ"ב