

OVERVIEW of the Daf

- 1) **A husband who dies within the twelve months (cont.)**
 Abaye concludes his explanation of the dispute between the Mishnah and the Baraisa concerning a case where a man who stipulated that a גט would take effect if he does not return during twelve months and died within those twelve months.
- 2) **Clarifying R' Yosi's position**
 R' Yeimar asked R' Ashi whether R' Yosi maintains that a גט is valid even when a related condition was not fulfilled. R' Ashi rejects this assertion and offers another interpretation of the Mishnah.
- 3) **The time-frame of different conditions**
 A Baraisa presents some guidelines for determining the time-frame of different conditions. The Gemara defines how much time is given when a condition was to be fulfilled "after this week." Another related Baraisa is recorded.

הדרן עלך מי שאחזו

- 4) **MISHNAH:** The Mishnah presents some of the parameters of whether a גט is considered to have reached the woman's domain (חצר).
- 5) **Putting a גט into a woman's domain**
 A Baraisa is cited that provides the source for the halacha that a גט may be put into a woman's domain rather than into her hand. Another Baraisa that teaches the same principles regarding theft is cited. The Gemara explains the necessity of the two teachings. R' Elazar explains why putting the גט into her domain is effective even though normally whatever a woman acquires belongs to the husband. R' Elazar's explanation is unsuccessfully challenged. Rava offers another explanation why a גט put into a woman's domain is effective. Ravina challenges Rava's explanation. A related incident is cited. Ulla and R' Oshiya disagree whether the woman must be in her domain when her גט is placed there. R' Oshiya offers an explanation for the Mishnah according to his position that the woman does not have to be present when the גט is placed in her domain. The Gemara suggests an explanation of the dispute. This explanation is rejected. A related incident is recorded. ■

Distinctive INSIGHT

Under what conditions may inheritance be denied?

דאמר רב כהנא נחלה הבאה לאדם ממקום אחר אדם מתנה עליה שלא ירשנה

The Torah sets clear guidelines for the laws of inheritance. In our Gemara, Rav Kahana teaches that a person can make a condition that he not accept property which is bequeathed to him upon the death of its owner. Rashi explains that the reason a person can effectively "block" this inheritance is that we are not dealing with inheritance of property from one's father or family estate, but rather from an outside source. Technically, this is not inheritance, but rather a gift.

Rashi is of the opinion that a person may not state a condition to deny acceptance of inheritance if it is legislated by the Torah, such as money and property from one's father. However, if the "inheritance" is not along one of the Torah legislated familial lines, or if it is only rabbinic, it may be denied before it is accepted.

This, however, is subject to discussion among the Rishonim. Tosafos (here, וכדבר כהנא) and Rashbam (Bava Basra 49b) explain the distinction similar to the approach of Rashi. Inheritance which the Torah establishes transfers into one's possession automatically, and it cannot be stopped with a verbal condition. Property which is earmarked for a person due to rabbinic considerations is assumed to be in one's best interests, but if a person declares that he wishes not to receive it, he may do so.

Rashba (Bava Basra 49a) and Ran (Kesuvos 83a) explain the contrast based upon a different premise. Once a person is determined to be an "inheritor", he cannot shirk his status by simply declaring his unwillingness to receive his portion. If, however, a person is not formally set to receive assets, he can avoid becoming a receiver. For example, a man planning to marry can avoid inheriting from his future wife if he makes such a declaration before the betrothal. After the marriage, when the husband is already set to inherit, he cannot simply dismiss this status with a statement that he wishes not to receive it. ■

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HALACHAH Highlight

Calculating the time frame in which to fulfill a condition

תי"ר ... לאחר שנה חודש

The rabbis taught: ... If the condition was set up to be fulfilled after this year he is given a month after the year has passed.

Reuven had made two loans to Shimon, one for one thousand dollars and the second for one hundred dollars. Reuven told Shimon in the presence of witnesses that he would forgive the one hundred dollar loan if Shimon would repay him the thousand dollar loan "after the year - אחר שנה." Ten days after the year was over Shimon paid Reuven a thousand dollars. Reuven claimed that since ten days after the year had passed the condition was not fulfilled and he retained the right to collect the second loan worth one hundred dollars. Shimon claimed that since Reuven did not specify that he expected Shimon to pay the thousand dollar loan immediately upon the completion of the year he should be considered in compliance with the condition even though ten days after the year had passed.

Rav Yosef Chaim of Baghdad¹, the Ben Ish Chai, cited the Baraisa in our Gemara to resolve this dispute. The Baraisa relates that if a man makes a condition to be fulfilled after the "Shemittah cycle" he has a year after Shemittah to fulfill the condition, if he stated that the condition would be fulfilled "after this year" he is given a month after the year to fulfill the condi-

REVIEW and Remember

1. How much time is a person given to fulfill a condition that is supposed to be done "after this week"?
2. What is the source that the husband can put a גט into his wife's domain?
3. Explain the principle גיטה וחצירה באין כאחד.
4. What is the point of dispute between Ulla and R' Oshiya?

tion and if he stated that the condition would be fulfilled "after this month" he is given a week after the month to fulfill the condition. The guidelines of this Baraisa are cited by Rambam and Shulchan Aruch and thus provide the parameters by which our case can be decided. Since Reuven stated that he expected Shimon to fulfill the condition "after the year" without any further qualification, Shimon is given a month from the end of the year to fulfill that condition. Therefore, since Shimon paid Reuven the thousand dollar debt within that time he is in compliance with the condition set up by Reuven and thus is not obligated to pay the one hundred dollar debt. ■

1. שו"ת תורה לשמה שאלה שלי"ד. ■

STORIES Off the Daf

Joining the caravan

"ארבעה וחמשה ומעלי שבתא..."

In ancient times the only way to travel through the desert was by caravan. This was so dangerous that many deserts were prefixed by the word 'terrible.' But business was business, and many people would travel with such caravans to transport merchandise and thus earn a living. Since these caravans often traveled for longer than a week in the desert, remaining with them required that one publicly violate Shabbos.

Of course the desert is a dangerous place to remain alone for Shabbos, so technically once these merchants were on the caravan they were permitted to violate Shabbos to save their own lives. But a certain Rav felt that this was inappropri-

ate. How could these Jews plan ahead to violate Shabbos with impunity?

He also wondered about those who began a sea voyage for longer than a week and would be required to violate Shabbos. Many people would embark on such voyages and violate Shabbos because of the danger to the ship if they refrained from working to repair any breeches in the ship and other similar tasks. He decided to ask the Rivash, ז"ל, if he should protest.

The Rivash replied, "The Gemara in Shabbos states that one may sail on a ship if there are more than three days until Shabbos. The Ba'al Hamaor explains that that this teaches that one who left within the first three days after Shabbos may do so even though he knows that he will be forced to do melachah to save his life on the ship. He explains that the sages prohibited one to embark on a sea voyage within three days of the coming Shabbos

because we find in Gittin 77 that it is only the first three days of the week that are considered 'after the prior Shabbos' and they are independent of the coming Shabbos. The three days before the next Shabbos, however, do relate to the coming Shabbos and are 'before the next Shabbos,' as the Gemara states. It follows that one who embarked during the three days preceding Shabbos gives the impression that he leaves with explicit intention to violate Shabbos. So it depends when they set out. If they set within the first three days after Shabbos it is permitted for any reason. After this it is prohibited."

The Rivash concluded, "But since this prohibition is Rabbinic, for a mitzvah one may even embark on Erev Shabbos. And the same holds true regarding caravans."¹

1. שו"ת ריב"ש, סימן י"ז