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Gittin Daf 76

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Conditions

The *Gemora* cites a *braisa*: If a man told his wife, “Here is your *get*, on the condition that you serve my father for two years,” or “on condition that you nurse my son for two years,” even if the condition was not fulfilled, the *get* is valid, for he did not say to her, “If you serve him, it will be a *get*, and if you do not serve him, it will not be a *get*,” or “If you nurse him, it will be a *get*, and if you do not nurse him, it will not be a *get*”; these are the words of Rabbi Meir (for he holds that a condition is not valid unless it is doubled). The *Chachamim* say: If the condition is fulfilled, it is a valid *get*; otherwise, it is not. Rabban Shimon ben Gamliel says: There is no condition in the Scriptures which is not doubled.

There are those that say that he addressed this remark to Rabbi Meir, and according to another, he addressed it to the *Chachamim*. According to one view, he addressed his remark to Rabbi Meir, and this is what he was saying: There is no condition in the Scriptures which is not doubled (and there are several times that Scripture mentions a doubled condition). It emerges that we have two texts from which the same inference may be drawn, and wherever we have two texts from which the same inference may be drawn, we do not teach to other places. [If the Torah wanted that this law should apply to other cases as well, it would have been sufficient to mention it only once, and we would have derived it from there. By the fact that the Torah specified it twice, this indicates that this halachah does not apply in other instances.] According to the view that he addressed his remark to the

Chachamim, this is what he was saying: There is no condition in the Scripture which is not doubled, and we derive from here that all conditions must be doubled.

The *Gemora* asks a contradiction on this from a different *braisa*: If a man said to his wife, “Here is your *get* on the condition that you serve my father for two years,” or “on condition that you nurse my son for two years,” if the father or the child dies, the *get* is not valid; these are the words of Rabbi Meir. The *Chachamim*, however, say that although the condition has not been fulfilled, the *get* is valid, since she can say to him, “Produce your father and I will serve him,” or “Produce your son and I will nurse him.” Now, Rabbi Meir would seem to be in contradiction with himself, and the *Chachamim* would also seem to be in contradiction with themselves!?

The *Gemora* answers: There is no contradiction between the two statements of Rabbi Meir, for the former is dealing with a case where the man did not double his condition, and the latter is dealing with a case where he did double it.

Between the two statements of the *Chachamim* there is also no contradiction; for the *Chachamim* of the second *braisa* is in fact Rabban Shimon ben Gamliel, who said that whenever the hindrance is not caused by her, it is a valid *get*.

The *Gemora* cites a *braisa*: If a man said to his wife in the presence of two witnesses, “Here is your *get* on the condition that you serve my father for two years” (but he

did not yet give her the get), and he later said to her in the presence of two witnesses, “Here is your *get* on the condition that you give me two hundred zuz,” the second statement does not nullify the first (*for he did not cancel the first condition, and he also did not specify that he is adding this condition upon the other*), and she has the option of either serving his father or giving the husband the two hundred zuz. If, however, he said to her in the presence of two witnesses, “Here is your *get* on the condition that you give me two hundred zuz,” and he later said to her in the presence of two witnesses, “Here is your *get* on the condition that you give me three hundred zuz,” the second statement nullifies the first (*for we assume that he is changing from two hundred to three hundred*). And one of the first two witnesses cannot combine with one of the second witnesses (*to testify that there was a stipulation attached to the get*) to form a pair.

The *Gemora* asks: To which ruling does this last statement refer to? It cannot be to the second one, because the first condition there is nullified (*and therefore the witnesses from the first pair are irrelevant*)! Rather it is the first one. But in this case it is self-evident (*since there were two different conditions; how could they combine*)!? The *Gemora* answers that you might have thought that all the witnesses can join together to testify to help establish that there was a condition attached to the *get*. We are therefore told that this is not so. (76a)

Mishna

If a (*Judean*) man said to his wife, “Here is your *get* if I do not come back (*from Galilee*) within thirty days,” and he was going from Judea to Galilee; if he reached Antipras (*a town on the border of Galilee*) and returned, his condition is nullified (*which voids the get*). If a (*Galilean*) man said, “Here is your *get* if I do not come back (*from Judea*) within thirty days,” and he was going from Galilee to Judea, and he reached Kefar Osnai (*a town on the border of Judea*) and returned, his condition is nullified. If he said, “Here is

your *get* if I do not come back within thirty days,” and he was going abroad, and he reached Akko (*outside of Eretz Yisroel*) and returned, his condition is nullified. If he said, “Here is your *get* so long as I remain away from your presence for thirty days,” he went and came, went and came, since he was not secluded with her, the *get* is valid. [*The Gemora will explain this case and halachah.*] (76a)

Antipras

The *Gemora* asks: Does the *Mishna* mean to say that Antipras is in Galilee? But this is contradicted by the following *braisa*: Antipras is in Judea and Kefar Osnai is in Galilee. [*They were neighboring border towns. Accordingly, if he was going from Judea to Galilee and he reached Antipras and returned, the condition was not nullified, for he never reached Galilee. If he later traveled to Galilee and stayed there for thirty days, the condition would be met and the get will be valid.*] The space between the two towns is subject to the stringencies of both, so that she is divorced, but not divorced!?

Abaye answers the contradiction by explaining the *Mishna* differently: The man made two conditions with her: He said, “If I reach Galilee, the *get* should be valid at once. And also, if I remain on the road for thirty days (*even if I never reach Galilee*) and do not return, it shall be a *get*.” The *Mishna* ruled that if he reached Antipras (*which the braisa and the Mishna agree that it is not in Galilee*) and came back, so that he did not reach Galilee, nor did he remain on the road for thirty days, his condition has been nullified (*which voids the get*). (76a – 76b)

Akko

The *Mishna* had stated: If he said, “Here is your *get* if I do not come back within thirty days,” and he was going abroad, and he reached Akko (*outside of Eretz Yisroel*) and returned, his condition is nullified.

The *Gemora* asks: Does the *Mishna* mean to say that Akko is outside *Eretz Yisroel*? But Rav Safra has said: When the Rabbis took leave of one another (*when they returned to Bavel after studying in Eretz Yisroel*), they did so in Akko, because it is forbidden for those who live in *Eretz Yisroel* to go out of *Eretz Yisroel*!?

Abaye answers: This is the explanation of the *Mishna*: The man made two conditions with her: He said, "If I arrive abroad, the *get* should be valid at once. And also, if I remain on the road for thirty days and do not return, it shall be a *get*." The *Mishna* ruled that if he reached Akko and came back, so that he did not arrive abroad, nor did he remain on the road for thirty days, his condition has been nullified (*which voids the get*). (76b)

Away from her Presence

The *Mishna* had stated: If he said, "Here is your *get* so long as I remain away from your presence for thirty days," he went and came, went and came, since he was not secluded with her, the *get* is valid.

The *Gemora* asks: But he was not away for thirty days (*so why is the get valid*)?

Rav Huna replied: When he said that he will remain away from her presence, he was referring to cohabitation. He said "your presence" to use a polite expression. [*The get is valid for he did not cohabit with her during these thirty days.*]

Rabbi Yochanan, however, said that the *Mishna* should be taken literally that it means "her presence." The *Mishna* is not ruling that she is divorced (*for he was not away for thirty days*), but rather, it ruled that the *get* is a valid one (*to be used at a later date*), and it is not regarded as an "old *get*" (*if he secludes with her after the get is written, the get is ruled to be void*), and when thirty days have passed without his seeing her, she is divorced.

The *Gemora* cites a *braisa* which supports Rabbi Yochanan's explanation of the *Mishna*: If he said, "Here is your *get* so long as I remain away from your presence for thirty days," he went and came, went and came, since he was not secluded with her, the *get* is valid. And we have no concern of its being an "old *get*," since he was not secluded with her.

The *Gemora* asks: But is there not the possibility that he will claim that he made up with her (*and he did seclude himself with her, rendering it an "old get" and thus voiding it*)?

Rabbah bar Rav Huna replied: My father, my teacher, said in the name of Rav: This rule applies where he stipulates beforehand that he will accept her word if she says that he did not come back and make peace with her. (76b)

Mishna

If a man says to his wife, "Here is your *get* if I do not come back within twelve months," and he died within the twelve months, the divorce is not valid. If a man said to his wife: "Your *get* should be effective from now if I do not come back within twelve months," and he died within the twelve months, the divorce is valid. If he said, "If I do not come back within twelve months, you should write and give a *get* to my wife," but they wrote the *get* within the twelve months and gave it after the twelve months, the *get* is not valid. If he said, "Write and give a *get* to my wife if I do not return within twelve months," if they wrote it within the twelve months and gave it after the twelve, it is not a valid *get*. Rabbi Yosi, however, said: A *get* like this is valid. If they wrote it and gave it after the twelve months and then he died, if the *get* was given before his death, the *get* is valid, but if he died before it was given, the *get* is not valid. If we are uncertain which happened first, this is where they said: she is divorced, but not divorced. (76b)

Retroactive

[The Mishna had stated: If a man says to his wife, “Here is your *get* if I do not come back within twelve months,” and he died within the twelve months, the divorce is not valid.]

The *Gemora* cites a *braisa*: Our Rabbis allowed her to marry again (even without *chalitzah*; she is regarded as being divorced). And it was said: Who are these Rabbis? Rav Yehudah said in the name of Shmuel: It is the *Beis Din* that permitted the olive oil of idolaters (*Rabbi Yehudah Nesiah*). And the reason why the Rabbis permitted her to *get* married is because they hold like Rabbi Yosi who said that the date of the document indicates that the divorce is valid retroactively. [Even if the husband died, the divorce is still valid because the date written on the document was the date that the *get* was drawn up and delivered to the wife, and it is valid retroactively.]

Rabbi Abba the son of Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: Rabbi Yehudah the Nesiah, the son of Rabban Gamliel bar Rebbe ruled that she is permitted to remarry, but none of his colleagues agreed with him. Others report that they disagreed with him during his whole life.

Rabbi Elozar asked a certain elder: When you permitted her to marry, did you permit her to do so immediately (when the husband died), or only after twelve months? The *Gemora* explains: Did you permit her to remarry immediately, since there is no chance of his coming again, or did you permit her to remarry only after twelve months, when his condition would be fulfilled?

The *Gemora* asks: But should not this inquiry be asked regarding our *Mishna*: If a man said to his wife: “Your *get* should be effective from now if I do not come back within twelve months,” and he died within the twelve months, the divorce is valid. Would it be a *get* immediately, seeing

that he will not come again, or only after twelve months when his condition will have been fulfilled?

The *Gemora* answers: Indeed it might have been, but it was put in this way because the elderly man who was asked had been present on that occasion.

Abaye said: Everyone would agree where the husband said (at night), “Here is your *get* when the sun comes out of its sheath,” he means to say that the *get* should take effect only when the sun comes out, and if he dies during the night, it would be a *get* after his death (and be invalid). If he says, “On the condition that the sun comes out of its sheath,” he means that it should take effect from now, since Rav Huna said in the name of Rebbe that when one uses the expression “on condition,” it is equivalent to saying “from now.” Where the opinions differ is when he says “if the sun comes out.” The Rabbis adopts the view of Rabbi Yosi, who holds that the date recorded on the document indicates that he wants it to be retroactively effective, so that his words are analogous to “from today if I die,” or “from now if I die.” However, the *Tanna* of our Mishna did not accept the view of Rabbi Yosi, and his words are analogous to a *get* given with the condition “if I die” by itself. (76b – 77a)

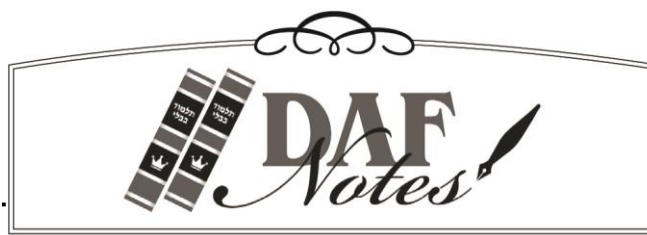
DAILY MASHAL

Leaving Eretz Yisroel

The *Gemara* says that the rabbis living in Israel would escort their Babylonian colleagues as they left to return home. They escorted them until Akko, but stopped there at the border to avoid leaving Israel.

A number of reasons are suggested for the prohibition against leaving the Land of Israel.

The Ramban (Bamidbar 33:53) explains the prohibition as based on the mitzvah to settle in Eretz Yisrael. According



to the Ramban there is a mitzvah to settle the Land and therefore it is forbidden to leave the Land. If there is an obligation to settle the Land, it follows that it is forbidden to leave it.

A different explanation is offered by the Rashbam (Bava Basra 91b). He explains that the problem is that by leaving the land, he is actively removing himself from fulfilling the mitzvos that are dependent upon being in Israel. While living in the Land, he has more mitzvos. It is forbidden to exempt himself from these mitzvos by leaving the Land.

A similar rationale might emerge from Rav Chaim Cohen (as cited in Tosafos, Kesubos 111), who writes that the mitzvah of settling the Land of Israel does not apply today, since there are several mitzvos that we do know how to be fulfill properly. It appears that he, too, maintains that the mitzvah is contingent on the upkeep of the special mitzvos of the Holy Land (though there is room to defer this proof).

The Lechem Mishnah (Melachim 5:12) gives another explanation. He says that the Land of Israel is holy, so that it is forbidden to leave it.

The Rambam mentions a number of reasons for which it is permitted to leave the Land of Israel: To get married, for business, and for Torah study.

These reasons are expanded by later authorities. The Magen Avrohom (531:7) goes so far as to write that it is permitted to leave the Land to visit relatives or close friends.

Interestingly, Rav Yitzchak Yaakov Weiss (Minchas Yitzchak 3:26, 7) writes that this halachah should not be followed in practice, since it contradicts the ruling of the Tashbatz (3:288), who implies that honoring parents is a sufficient reason, but not visiting relatives. However, if one is only leaving for a temporary visit, one may be

lenient, based on the opinions that the prohibition does not apply in these circumstances.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Why were the buyers hiding themselves *from the seller* on the last day of the twelve-month period?

A: It was because any man *who had purchased a house from another in a walled city in Eretz Yisroel, the seller has a right to redeem it within the first twelve months; otherwise, the house will belong to the buyer forever, even after Yovel.*

Q: Does the *halachah* always follow Rabban Shimon ben Gamliel whenever he is mentioned in the *Mishna*?

A: Yes, besides in three cases, one regarding a guarantor, Tzidon (*our Mishna*) and one regarding a last proof (*brought by a litigant after Beis Din's deadline*).

Q: What rules regarding conditions do we derive from the Tribes of Gad and Reuven?

A: A condition must be doubled; the condition must be mentioned before the act conditional on it; the condition must relate to one thing and the act to another.