

That you should not go to your father's house forever; it is not a severance

Overview

The גמרא cites a ברייתא that if a man divorces his wife with a stipulation that she should never go to her father's house, it is not a valid גט, since there is no severance between them.¹ גמרא reconciles our גמרא with a seemingly contradictory גמרא.

תוספות asks:

תימה הא אם מת אביה או אם מכר לא חשיב תו בית אביה כדתנן בהשותפין (בנדרים דף מו.) -
It is astounding! since if her father died, or if he sold the house, it is no longer considered her father's house, as the משנה states in פרק השותפין; if one vows -
קונם לביתך שאיני נכנס שדך שאיני לוקח מת או מכר לאחר מותר -

'I vow not to enter your house, or not to buy your field', the rule is if the owner died or sold it to another, it is permitted for the one making the vow to enter or buy this house; why do we say here that it is not כריתות, since she will be able to enter the house after her father's death.²

תוספות answers:

ויש לומר דכל יוצאי חלציו קרוים בית אביו ואפילו שמת³ -
And one can say that all of her father's descendants are called אביו, so even after he dies the house will belong to his heirs, and it is still called בית אביו -
כדכתיב (בראשית לח⁴) שבי אלמנה בית אביך גבי תמר וכבר מת אביה כדמוכחי⁵ קראי:
As is written regarding תמר, where יהודה said to her, 'sit as a widow in your father's house', but her father had already died, as is evident from the פסוקים.

Summary

בית אביך (as opposed to ביתך) refers also to the heirs of the current owner.

Thinking it over

¹ See שהרי כל ימי קשורה בו, רש"י ד"ה לעולם who writes.

² If the גט was made for a certain amount of time (ל' יום) it is a גט, since it is not forever; here too it is not forever!

³ See 'Thinking it over' # 2.

⁴ See 'Thinking it over' # 1.

⁵ פסוק יא.

⁶ שם (בן נח) that תמר was the daughter of (ר' אפרים מקשאה) states (in the name of רש"י) there in תמר. This episode took place close to six hundred years after the מבול, while שם died some five hundred years after the מבול (שם died when יעקב was 50; יעקב married when he was 84).

1. Why does not תוספות discuss the possibility⁷ of the father selling the house?⁸
2. Does תוספות mean⁹ that יוצאי חלציו are called בית אביה regarding visiting her father's house only, or regarding visiting the houses of all his יוצאי חלציו?

⁷ See footnote # 4.

⁸ See נחלת משה.

⁹ See footnote # 3.