



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Yevamos Daf Kuf Tes Vuv

- **Q:** If we only know that it was wartime based on the woman's testimony that it was so, would we then believe her that her husband actually died? Do we say that since she is the one that brought her trust into question (by saying there was a war) we believe her when she says that he died, or do we say that once we know it was wartime, we can no longer believe her?
 - **A:** A Braisa says, if a woman says that the house that my husband and I were in was on fire, and I was saved but my husband died, she is not believed (because we are afraid that she is assuming him dead without having actually seen him dead). We see that even though she created the awareness that leads to the concern (she told us of the fire), we still don't believe her.
 - It may be that that case is different, because she was saying that she left him in the burning building, and we therefore say to her, just like you were able to miraculously escape, maybe he was too. In the case of the war, she is claiming to have seen him dead, and maybe we believe her based on the fact that we only know there was a war based on her say so.
 - **A:** A Braisa says, if a woman says, my husband and I were attacked by goyim, and he died but I escaped, she is believed to say that he died. We see that when she creates the awareness that leads to the concern, we believe her!
 - The reason we believe her there is that we say she remained with him until the time he died. She is not afraid that the goyim will kill her (as **R' Idi** said, they would not kill her, because they want her alive for zhus). In wartime we assume that she fled and never saw him actually dead.
 - It once happened that a wife came running from a burning house and yelled, "Look! My husband is burning!" When people went into the house they found a body charred beyond recognition and an arm. **R' Chiya bar Avin** thought to say that this is the same case as the first Braisa, where she says she was saved from a burning building but her husband got killed, and we should therefore not let her remarry based on this testimony. **Rava** said, the cases are different, because here she saw her husband burning, and we also see the body and arm of a charred person. **R' Chiya bar Avin** said, the finding of the man means nothing, because it may be the body of someone who had come to rescue them, and the husband may have been badly burned and deformed and therefore ran away from embarrassment.
- **Q:** Do we not believe the testimony of a single witness regarding the death of a husband if the testimony is given during a wartime? Is the reason we believe a single witness because he will not lie about something that will become known, and this too will become known (and we therefore believe him), or do we say that he is believed because we rely on the wife that she will check very well to ascertain her husband's death, but in wartime we can't rely on her because she will rely on an assumption, and therefore we can't believe the single witness either? **A: Rami bar Chama** said, a Mishna says that **Nechemya of Beis Deli** asked **R' Akiva** to deliver a message to the **Rabanan** of Eretz Yisrael as follows, "You know that this county is at war, however you should know that I have a tradition from **R' Gamliel the Elder** that a woman may marry based on the testimony of a single witness (that her husband died)". Presumably, he was saying that even in a situation like this country, which is at war, a single witness is believed.
 - **Q: Rava** said, if that is what he meant to say, why did he specify "this country"? He should have said, any country that is at war!? Rather, what he was saying was, the reason I have sent **R' Akiva** as a messenger, rather than come myself, is that we are at war and I cannot travel.

- Maybe we can answer from a Braisa that says that **Rebbi** allowed the wives of 2 talmidei chachomim to remarry based on the testimony of 2 women (which is equivalent to one witness) that their ship sunk at sea. Now, this is similar to a case of being at war (the testimony may be based on an assumption), and we see that they were believed (and the same would therefore hold true for a single witness)?
 - The case there was where it sank in the ocean. The Halacha is that we can't presume death in the ocean, because it is possible that the person who seemingly drowned made it to some distant shore. Therefore, the case must be where the women say that the lifeless bodies were brought to shore and they saw them and recognized an identifying mark on the bodies. Therefore, the reason they are believed is actually because we are relying on those marks, and not on their testimony.
 - A person once gave sesame seeds to another person to safeguard for him. When he asked for them back the other person told him, you already took them back! He responded and said, I had given you a certain amount and they were put into a barrel, and you still have the barrel in your possession! The person responded, I gave you back yours, and the ones in the barrel are different ones. **R' Chisda** thought to say that this is the same case as the 2 tamidei chachomim who had drowned, where we assumed that the bodies that were found were the people who had drowned, and we don't say that these people were elsewhere and the bodies found were from somewhere else. The same should be here and we should say that these are the same sesame seeds. **Rava** said, the case there is very different, because there were identifying marks on the bodies.
 - **Q: Mar Kashisha bar R' Chisda** asked **R' Ashi**, a Mishna says that when produce is found in a keili with an identifying mark, we assume that the produce is the same produce that was originally placed into that keili (whether it is terumah, maaser, etc.). If so, why do we not say that the sesame seeds in the barrel are the same seeds that were placed there originally? **A: Ravina** said to **R' Ashi**, in that Mishna **R' Yose** says that even with the identifying mark on the keili we do not assume that the original produce is in there. It must be that the **T"K** agrees with this as well, and the only machlokes is whether one would exchange the produce without rubbing out the identifying mark. However, all would agree that the produce is switched out.
- Yitzchak Reish Galusa, the nephew of **R' Bibi**, went from Kurtiva to Aspamya and died. They sent a message that "Yitzchak Reish Galusa, the nephew of **R' Bibi**, went from Kurtiva to Aspamya and died". **Abaye** said, there is reason to be concerned that there is another person by the same name and this not the person we know by this name, and **Rava** said that we need not be so concerned.
 - **Abaye** said, I can prove my view from the story of the get that was found in Neharda'a near a particular city. **Shmuel's** father sent the question to **R' Yehuda Nesia**, whether we can return it to the woman who is claiming it, or whether we have to be concerned for another couple with the same name, and **R' Yehuda Nesia** said, we must search the entire Neharda'a to see if there is another such couple. We see that we are concerned.
 - **Rava** said, if we are concerned, we would have to check the entire world. Rather, we are not concerned. The reason he said to check was out of respect for **Shmuel's** father, for having even asked the question.
 - **Rava** said, I can prove my view from the case of 2 documents that were produced by someone in Mechuza, and he was allowed to collect based on these, even though there were many people with the name written in the document. We see we are not concerned.
 - **Abaye** said, there we are not concerned. What would the concern be, that he found it on the floor? People are careful to safeguard loan documents and would not lose them. That he only had it from the true owner for safekeeping? The owner would not give it for safekeeping to

a man with the same name. That he gave it to someone but did not do a valid kinyan? Simply handing over the document is the kinyan in itself. Therefore, in that case we need not be concerned.