



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

### Yevamos Daf Kuf Yud Zayin

#### MISHNA

- **B"S** say that when a woman marries based on her own testimony that her husband died, she collects her kesubah. **B"H** say that she may remarry, but may not collect her kesubah. **B"S** said to **B"H**, you permit the issuer of arayos, but don't allow her to collect the money, which is much more lenient! **B"H** said, we find that the **Rabanan** did not allow the brothers of the husband to inherit based on her testimony! **B"S** said, the kesubah document itself says that when she becomes mutar to marry someone else she is entitled to her kesubah! **B"H** ultimately held like **B"S**.

#### GEMARA

- **R' Chisda** said, if the woman does yibum based on her own testimony, the yavam inherits the brother's estate based on that testimony, because the Torah says that once yibum is done he inherits, and yibum has been done.
- **R' Nachman** said, if a woman goes to Beis Din and says, my husband has died, so permit me to marry, we allow her to marry and she collects her kesubah. If she says, my husband died so give me my kesubah, we don't even allow her to remarry, because she clearly only says this testimony to try and get her kesubah.
  - **Q:** What if she says, permit me to marry and give me my kesubah? Does that mean that she did this for the kesubah, or do we say it is normal for a person to bring up all issues of the matter before Beis Din? **Q2:** If we say that it is normal to state all issues, what if she first mentions the kesubah and then asks for the permit to marry? Do we say that mentioning the kesubah first shows that it is her main intention, or do we say that she may have done so because she mistakenly thinks that collecting her kesubah is what gives her the permit to remarry? **TEIKU**.

#### MISHNA

- All are believed to testify that a woman's husband has died except for her mother-in-law, her mother in law's daughter, her tzara, her yavam's wife, and her stepdaughter. Although they are believed if they testify regarding her get, that is because the written document gives them credibility.

#### GEMARA

- **Q:** Do we believe the daughter of her father in law? Is the daughter of the mother in law not believed only because her mother hates this woman and therefore she hates her as well, but the daughter of the father in law is different, or do we say that the daughter of the mother in law is not believed because she is jealous that this woman will eventually enjoy the inheritance of her mother, and therefore the daughter of the father in law is equally as jealous, because this woman will eventually enjoy the inheritance of her father? **A:** Our Mishna says that 5 women are not believed. If the daughter of the father in law is not believed, the Mishna should list her as a 6<sup>th</sup> woman!
  - It may be that she is not believed for the same reason as the daughter of the mother in law, and that is why she is not listed separately.
- **Q:** A Braisa says that there are 7 women who are not believed!? **A:** That Braisa follows the view of **R' Yehuda**, who adds a stepmother and a daughter in law to the list. The **Rabanan** said that these need not be separately listed, because the stepmother is not believed for the same reason as the stepdaughter, and the daughter in law is not believed for the same reason as the mother in law. **R' Yehuda** says, a mother in law hates her daughter in law because she will eventually

enjoy her inheritance, but a daughter in law has no reason to hate her mother in law. Similarly, a stepdaughter hates her stepmother because she enjoys the inheritance of her mother, but there is no reason for the stepmother to hate her stepdaughter.

- **Q:** If so, why are these 2 women not believed? **A:** A daughter in law hates her mother in law because she tells her son all the bad things that the daughter in law does. Similarly, a stepdaughter tells her father all the bad things that her stepmother does.
- **Q: R' Acha bar Avya** asked, what about a future mother in law (the mother of her yavam), is she believed? Does she already hate her for the potential marriage to her son, or not? **A:** A Braisa says, if a woman says that her husband died and that then her father in law died, she is believed for herself, but her mother in law may not remarry. Now, if her husband was overseas, her mother in law was not bothering her (because her son is not here for her to tell him about her daughter in law's bad traits), and still we see she is not believed because of the prospect of future hatred.
  - It may be that in that case she is not believed because she has already experienced the hatred before they went overseas.

#### MISHNA

- If a single witness said that a woman's husband died and she therefore remarried, and then another witness came and said that he did not die, she does not need to divorce.
- If a single witness said that a woman's husband died and then 2 witnesses came and said that he did not die, if she had gotten married based on the first witness' testimony, she must now divorce.
- If 2 witnesses said that he died and then one witness came and said that he did not die, even if she did not marry before the single witness came, she may still get married after he has come.

#### GEMARA

- **Q:** The Mishna's first case seems to say that the reason we disregard the second witness' testimony is only because she had already married. It seems to say that if she had not yet remarried before he came, she may not now remarry. However, **Ulla** has taught that wherever the Torah believed one witness, it is given the credibility of 2 witnesses, and therefore the second witness should not be believed at all! **A:** The Mishna should be understood as saying, if one witness said he died she is mutar to remarry. If a second witness comes and says that he didn't die, she remains with the original heter and is still allowed to remarry.

#### AID OMER MEIS

- **Q:** It is obvious that one witness is not believed when he is contradicted by 2 witnesses! **A:** The Mishna means that we follow these 2 even if they are passul witnesses (e.g. women or slaves). As **R' Nechemya** said in a Braisa, wherever the Torah believed a single witness, we follow the majority opinion (whichever view has more people), and 2 women against one man are treated like 2 men against one man.
  - Another version of **R' Nechemya** is that when the Torah believes a single witness, if the single witness is a valid witness, then even if 100 passul witnesses contradict him, they are considered to be as one witness as well. Our Mishna is discussing where the single witness was a passul one, and then 2 passul witnesses contradicted the first, and it is only in such a case that **R' Nechemya** said that we follow the majority opinion. However, where it is one valid witness against two passul witnesses, it would be considered as a case of equal testimony on each side.

#### SHNAYIM OMRIM MEIS...

- **Q:** What is the chidush here? It can't be that we are dealing with passul witnesses and are following **R' Nechemya**, because that was the previous case of the Mishna! **A:** We would have thought that we only follow the majority opinion when it leads to a chumra, not to a kula. The Mishna therefore teaches that this is so even when it leads to a leniency.