



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

Yevamos Daf Kuf Chuf

- **Q: Rava** asked, why does **R' Elazar** hold that the woman can rely on the testimony of her co-wife? Is it because he holds that a co-wife's testimony is believed, or is it because the co-wife herself remarried, and it is only in that case that the co-wife is believed? The difference between these reasons would be whether the woman can get married before the co-wife herself gets married. **A:** Our Mishna gives the case where the women remarried, and it is in that case that **R' Elazar** says she can rely on the testimony of the co-wife. Since the case is where she herself had already remarried, we see that his reason is that once she gets remarried we no longer need to be concerned that she is saying false testimony, because she herself has relied on it.
 - **Q:** It may be that **R' Elazar** is saying to the **Rabanan**, according to me the testimony of a co-wife may be relied upon, but even according to you, you should agree that if she herself has gotten married we should be allowed to rely on her testimony (because she herself got remarried based on it)!? The **Rabanan** respond, that even though if she was lying she herself becomes assur by getting married, we still can't rely on her, because she may hate her co-wife so much that she is willing to become assur herself if it will cause her co-wife to become assur as well.
 - **A:** We can bring a proof from a Braisa that says, if a woman says that her husband has died, she may remarry and collect her kesubah, but her co-wife remains assur. **R' Elazar** says, since the woman herself becomes mutar, the co-wife becomes mutar as well. We see that **R' Elazar** says the co-wife becomes mutar as soon as the first wife becomes mutar!
 - It may be that the Braisa means that **R' Elazar** says she becomes mutar once the other woman becomes mutar *and marries*.
 - **Q:** Why would we believe a co-wife just because she got remarried? Maybe what happened was that she had gotten a divorce, and that is why she got remarried, and gave the testimony of his death only because she hates her co-wife!? **A:** The case is where she remarried to a Kohen, which she may only do if she was a widow, and not a divorcee.

MISHNA

- We do not accept testimony regarding a dead person unless the witness saw his face and nose. This is so, even if the witness saw identifying marks on his body or clothing.
- We do not accept testimony unless they actually saw him dead. Even if they saw a man suffering from a mortal wound, or hanging at the gallows, or being eaten by an animal, they may only testify if they actually saw him dead.
- We only accept testimony regarding a man's death up to 3 days from the time of his death. **R' Yehuda ben Bava** says, not all men, and not all places, and not all times are alike and may therefore be treated differently.

GEMARA

- A Braisa says, seeing the face without the forehead, or the forehead without the face is not enough to testify. In order to testify one must see the face and the forehead along with the nose.
 - **Abaye** or **R' Kahana** learn from a pasuk that seeing of the face is essential for recognition (and the rest of the body is not sufficient).
 - **Abba bar Marsa** was able to disguise himself from his creditors by placing wax on his forehead.

AHF AHL PI SHEYEISH SIMANIN...

- **Q:** The Mishna seems to suggest that simanim are not acceptable for testimony D'Oraisa. However, a Braisa says that a get may be identified when the keilim it is with has a siman!? **A:** **Abaye** said, our Mishna follows the view of the **Rabanan** and the Braisa follows the view of **R' Eliezer ben Mahavai** of a Braisa. The Braisa says, the **Rabanan** say that a mole may not be used as a form of identification for a dead person, and **R' Eliezer ben Mahavai** says that it may be used. We see that they argue whether a siman is acceptable D'Oraisa.
 - **Rava** said, it may be that all agree that a siman is sufficient D'Oraisa. They may be arguing about whether a particular mole is something that is common by people born during the same mazal. The **Rabanan** say that it is, and therefore is not unique to a particular person, and **R' Eliezer ben Mahavai** says that it is not found by people of the same mazal, and is therefore unique to this person.
 - **Others say** that **Rava** said the machlokes is whether a mole has a tendency to change in appearance after death. The **Rabanan** say that it does, and it therefore can't be used to identify a dead person, whereas **R' Eliezer** says that it does not change, and therefore may be used.
 - **Others say** that **Rava** said that all hold that typical simanim are only sufficient D'Rabanan. The machlokes is whether a mole is so unique that it gets a special status and may be used even D'Oraisa.
 - **Q:** How could the first version of **Rava** say that all agree that simanim may be used D'Oraisa? Our Mishna says that a siman on the keilim is not sufficient!? **A:** The Mishna disallows common simanim on the person's body – whether the person was tall or short, and all simanim on keilim, because we are concerned that the person borrowed someone else's clothing or keilim.
 - **Q:** If we are concerned for borrowed keilim, how do we return a donkey based on the siman of the saddle? **A:** People do not borrow a donkey's saddle, because the wrong fitting can actually injure the donkey.
 - **Q:** How do we return a get based on a siman of the moneybag, wallet, or ring that it was tied to? **A:** People do not lend out these items.
 - **A:** It also may be that the only time a siman on a keili is no good is when it is a very general siman (e.g. color).

V'AFILU RA'UHU MEGUYAD...

- **Q:** This Mishna seems to say that a person with a mortal wound can live. However, a Mishna says that a person with a mortal wound does not yet give off tumah as a meis, which suggests that although there is no tumah the person cannot live!? **A:** **Abaye** said, our Mishna follows **R' Shimon ben Elazar** (who says in a Braisa that even a mortal wound can be healed) and the other Mishna follows the **Rabanan**.
 - **Q:** The next Mishna (which is a continuation of this Mishna) says that if they find the leg of the husband, and the leg was cut off above the knee, the wife may remarry because the husband could not survive such a wound. Now, according to **R' Shimon ben Elazar**, even this wound could be healed, so how can we permit the woman to remarry based on this!? **A:** The Mishna is discussing where the leg was found at sea. Such a wound cannot heal in water.
 - **Q:** We are told that **Rabbah bar bar Chana** said that he saw a camel die instantly from a mortal wound, which suggests that it is impossible for this type of wound to be healed!? **A:** **Abaye** said, that camel was a weak camel.
 - **A:** **Rava** said, our Mishna is discussing where the person was wounded with a knife which was red hot, which besides making the wound also acts to heal the wound. That is why the Mishna suggests it is possible to live, because in that case even the **Rabanan** would agree that such a person can live.

V'HACHAYA OCHELES...

- **R' Yehuda in the name of Shmuel** said, this is only if the animal was seen eating a limb on which life does not depend. However, if it was seen eating a limb that life depends on, we can consider him dead.

- **R' Yehuda in the name of Shmuel** said, if a person had his esophagus and trachea fully cut, or a majority of each cut, and then he ran away, we can assume that he is dead and his wife may remarry.
 - **Q: R' Yehuda in the name of Shmuel** once said that if someone was so injured and then motioned for a get to be written and given to his wife, we do so. Clearly this means that he is not considered to be dead!? **A:** He is considered alive at that moment, but we are certain that he will eventually die.
 - **Q:** A Braisa says that if someone accidentally injured another in this way, he does not need to go into galus (it is not considered as if he killed him)!? **A: R' Hoshaya** explained that we say that it may have been the wind that caused him to die sooner, or the victim himself may have accelerated his death through his excessive movements, and that is why the killer need not go to galus. The difference between these 2 reasons would be where this happened in a marble house (where there is no wind), but the victim was moving. Another difference would be where this happened outdoors and the victim did not move at all.