



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

Yevamos Daf Kuf Chuf Aleph

R' YEHUDA OMER LO KOL...

- **Q:** Is **R' Yehuda ben Bava** arguing l'kula (that at times it can go more than 3 days) or l'chumra (that at times it is less than 3 days)? **A:** We find that **R' Dimi** and **Rava** each allowed a woman to remarry based on testimony of having seen her husband dead more than 3 days after he drowned. It must be that **R' Yehuda ben Bava** argued l'kula, because if not, who did they pasken like?
 - The Gemara says there is no proof from here, because cold water contracts the body and therefore allows for recognition even after 3 days of death.
 - **Q:** We previously said that water does not allow for wound healing because it causes swelling!? **A:** If there is a wound, it causes swelling around the wound. If there is no wound, it causes contraction.
 - This psak would only be said when the witnesses saw the body very close to the time that it was removed from the water. However, if there was a delay in the seeing of the body, the testimony will no longer be accepted, because the body quickly bloats and becomes unrecognizable.

MISHNA

- If a man fell into water, whether it is a small body of water whose ends can be seen by the people there, or whether it was an "endless water" (the ends cannot be seen), his wife may not remarry (we are concerned that he emerged without being seen by the people nearby).
 - **R' Meir** said, it once happened that someone fell into a large well, and he emerged alive after 3 days of being under water.
 - **R' Yose** said, it once happened that a blind man went to be toivel in a cave, along with his helper, and when they didn't come up after the amount of time that one can normally live under water, their wives were allowed to remarry (he therefore argues regarding the case of a water whose end can be seen).
 - A story took place in Asya, where a person was put into the sea (a water that is endless) and they only found his leg. The **Chachomim** said, if the leg was severed above the knee, his wife may remarry. If it was below the knee, she may not.

GEMARA

- A Braisa says, if a man fell into a body of water and did not emerge, **R' Meir** says his wife remains assur whether the water "has an end" or is "endless". The **Chachomim** say that if the water has an end, she may remarry. If it is endless, she may not remarry.
 - **Q:** What is considered water that "has an end"? **A: Abaye** said, it is a body of water whose 4 sides can be seen by one standing nearby.
 - **R' Shila** once paskened that the wife of a man that fell into a swamp and was not seen to emerge was mutar to remarry. **Rav and Shmuel** asked him, if a man falls into endless water, what is the Halacha? He answered, she is assur to remarry. They then asked him, was this swamp considered to be endless water? He said that it was. They asked why he paskened the woman may remarry. He said, he had made a mistake, because he thought that since a swamp is stagnant water it should get the status of water with an end. However, he later realized, that we have to be concerned that a wave pushed him out beyond sight, and therefore his wife should not have been allowed to remarry.
 - A Braisa says, **Rebbi** said, it once happened that 2 people were fishing and one of them fell into a burrow made by the fish. The other person waited for as long as a person can live under water, and when he saw that his friend did not emerge, he went home and

told the family that the friend had died. The next morning, when the sun came up, the friend in the burrow was able to find his way out (the burrow was not filled to the top with water and he was therefore able to remain alive) and went home. **Rebbi** said, how great were the **Chachomim** when they said that a woman remains assur if her husband drowned in water that is endless.

- **Q:** Why are we not concerned for a case of a fish burrow even in water that is not endless? **A:** Fish only make burrows in water that is endless.
- **R' Ashi** said, when the **Rabanan** say that we cannot assume that a man is dead when he drowns in water that is endless, that is only if he is a regular person. However, if the person who drowned was one of the **Rabanan**, we can assume him dead, because if he had emerged at some distant place, we would have heard about it.
 - The Gemara says, that in truth there is no difference between a regular person and one of the **Rabanan**. In both cases, the Halacha is, if the wife remarried, we do not make her divorce, but we do not allow her to remarry l'chatchila.
- A Braisa says, **R' Gamliel** told the story of how he once saw a ship sinking and knew that **R' Akiva** was on that ship. He was very depressed at the loss of **R' Akiva**. When he got to shore he actually met **R' Akiva**, who explained that he was able to grab hold of a board and make it to shore. **R' Gamliel** said, the **Chachomim** were so right when they said that we cannot assume death in endless waters.
- A Braisa says, **R' Akiva** told the story of how he once saw a ship sinking and knew that **R' Meir** was on that ship. He was very depressed at the loss of **R' Meir**. When he got to shore he actually met **R' Meir**, who explained that he was thrown from wave to wave until he was thrown onto shore. **R' Akiva** said, the **Chachomim** were so right when they said that we cannot assume death in endless waters.
- A Braisa says, if a man fell into a lion's den, we may not assume him as dead. However, if he fell into a pit full of snakes and scorpions, he may be assumed as dead. **R' Yehuda ben Beseira** says even then we may not assume him as dead, because we are concerned that he may know how to handle snakes. The **T"K** holds, even so, when he falls onto them they would become angry and bite him.
- A Braisa says, if a man fell into a fiery furnace, we may assume him as dead. Similarly, if he fell into a boiling pot of wine or oil, we may also assume him as dead. They said in the name of **R' Acha**, we may assume death for a pot full of oil, because the spilling oil causes the fire to burn even stronger. However, spilling wine weakens the fire and therefore a fall into that pot does not allow us to assume death. They said to **R' Acha**, initially the wine weakens the fire, but then it actually strengthens the fire as well.

AMAR R' MEIR MAASEH B'ECHAD SHENAFAL L'BOR HAGADOL...

- A Braisa says, the **Rabanan** said to **R' Meir**, we cannot bring a proof from a miracle.
 - The miracle was not that he survived 3 days without food and water, because we find that the Jews in Shushan fasted for 3 days. The miracle was that he went 3 days without sleeping, which **R' Yochanan** says is impossible.
 - **R' Meir** says this was not a miracle, because he was able to lean or hold onto an arch and dose for a bit.
- A Braisa says, the daughter of Nechunya the well digger once fell into a large well. When they told this to **R' Chanina ben Dosa**, he eventually told them that she would be fine. It turned out that she was fine. They asked him how he knew this. He said, it cannot be that the child of the tzaddik would be harmed with the thing that this tzaddik did for the sake of the people.
 - **R' Abba** said, even so, Nechunya's son died of thirst.

MISHNA

- Even if one simply hears women chatting and saying that a man had died, he may go report that to Beis Din and they will allow the man's wife to remarry based on that. **R' Yehuda** says, even if he hears children saying that they are going to eulogize and bury a man, that can be used as the basis for the testimony. Testimony is accepted whether the one giving the testimony intends for his statement to be used as testimony or not. **R' Yehuda ben Bava** says, if a Jew is giving the testimony, then even when he intends for it to be testimony, it is accepted as such. However, if

a goy gives the testimony and he intends for it to be used as such, we do not accept it as testimony.

GEMARA

- **Q:** Maybe the children were mistaken when they said they were going to eulogize and bury that man!? **A: R' Yehuda in the name of Shmuel** said, the Mishna means he hears children saying that they were coming from eulogizing and burying that man.
 - **Q:** Maybe it was their pet grasshopper that died, and they had named it after that man!? **A:** He hears the children listing the **Rabanan** and eulogizers that were there.

UVI'OVED KOCHAVIM IHM HAYA MISKAVEIN...

- **R' Yehuda in the name of Shmuel** said, this is only true if the goy intends to be matir the woman to remarry. However, if he simply intends to give testimony, his testimony is accepted.
 - **Q:** How do we know what his intent is? **A: R' Yosef** said, if he says to Beis Din, this man has died so allow his wife to remarry, that means he intended to be matir the wife. If he simply says, this man has died, that means he only intended to testify.
 - **Reish Lakish** made the same distinction as **Shmuel**. **R' Yochanan** said, we learned that **Oshaya Beribi** made this distinction, but the **Chachomim** did not agree with him!
 - The Mishna that says there are times that his testimony is believed is referring to a case where the goy says it "lefi tumo". We find a number of instances where a goy was believed when his statement was made lefi tumo. In one case, where he said he had killed a Jew, **R' Yosef** paskened that he was not to be believed, because he said so with the intent of scaring another Jew to do as he told him to do. Therefore, he had a personal interest in making the statement, which makes the statement not "lefi tumo".