



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

Yevamos Daf Chuf Hey

- A Mishna says, if one divorces his wife based on a rumor that she was mezaneh, he may not remarry her. If he divorced her based on a neder, he may also not remarry her.
 - **Q: Rabbah bar Huna** asked, if he did remarry her, do we make them get divorced? **A: Rabbah bar R' Nachman** answered, a Mishna says, if a man was rumored to be mezaneh with a married woman, and *they* (Beis Din) made her get divorced based on this rumor, he may not marry her, and if he does, we force them to divorce. Presumably the same would be true here as well.
 - **Q: Rabbah bar Huna** asked, the cases are very different, because in this last case Beis Din made them divorce, but in the earlier quoted Mishna, the husband himself decided to divorce her!?
 - **Rabbah bar R' Nachman** didn't have this difficulty, because his version of our Mishna said "and *he* divorced her" as well.
 - **Q:** Another difference between the cases is that in the earlier quoted Mishna it is the husband who is looking to remarry her, and in our Mishna it is the adulterer who is looking to marry her!? **A:** Ultimately, they are both gezeiros D'Rabanan, and just like there they say he should not get married, and if he does we make them divorce, so too here they said not to remarry, and if they do, they are made to divorce.
 - In truth the cases are different, because when the adulterer marries her, it strengthens the original rumors, whereas when the husband remarries her, it weakens the original rumors.

MISHNA

- If one is the messenger for a "get" that comes from chutz la'aretz, and he says "befanai nechtav u'bifanai nechtam" (which is required to validate the get), he may not marry this woman.
- If one testifies that a man died, or that he himself killed a certain man, or says that he and others killed him, he may not marry this dead man's wife. **R' Yehuda** says, if he says that he himself killed him, he may not marry her, but if he says that he and others killed him, he may marry the woman.

GEMARA

- The Mishna seems to suggest that he may not marry her in the first case because we are relying on his words to validate the get. However, if he brings a get from Eretz Yisroel (where these words need not be said to validate the get), we would allow him to marry the woman.
 - **Q:** The case of where he testifies that the husband has died, we do not rely on him, because we have said that we rely on the woman to make sure that her husband is truly dead, and yet we don't allow him to marry her!? **A:** In that case his testimony is relied on to some extent (there is no written document stating that the man has died). In the case of the get, where he need not say anything we don't rely on him at all, and that is why he may marry her.

MEIS HARAGTIV HARAGNUHU...

- **Q:** The Mishna seems to say that he may not marry her, but another man may marry her based on the testimony. However, **R' Yosef** has said, that if one makes himself into a rasha with his testimony (as when he says that he and another man were mezaneh with each other), we do not believe the testimony. If so, how do we believe him when he says that he killed the

husband? We can't say that the **Rabanan** were more meikel with regard to testimony for a woman regarding the death of her husband, because **R' Menashe** says that this is not the case!? Must we say that **R' Menashe** only holds like **R' Yehuda** of our Mishna? **A: R' Menashe** would answer that he can hold like the **Rabanan**, and the reason his testimony is believed is because like **Rava** says, that a person is not believed regarding testimony that he says about himself. Therefore, we do not believe the part of the testimony in which he makes himself into a rasha.

- **Q:** Must we say that **R' Yosef** can only follow **R' Yehuda**? **A: R' Yosef** would say that he can even follow the **Rabanan**, and he would argue with **R' Menashe**, and would say that the **Rabanan** are more meikel in the case regarding testimony of the death of a man for purposes of his wife.

HARAGTIV...

- **Q:** Why does **R' Yehuda** not allow him to marry her if he said he himself killed the husband, but allows him if he says that he and others killed the husband? **A: R' Yehuda** explains, in this second case he says "I was with the people who killed him", but not that he was involved in the killing.
 - We find this answer given in a Braisa as well.

MISHNA

- The Chochom who said a woman is assur to her husband with a neder (by not being matir neder, which then causes the husband to divorce her) may not then go and marry that woman. However, if a girl does mi'un or chalitza in front of a chochom, he is allowed to marry her, because he is part of a Beis Din that it was done in front of.

GEMARA

- The Mishna seems to suggest, that if a chochom is matir neder and allows the wife to the husband (and he then divorces her), he would be allowed to marry this woman.
 - **Q:** Since we have learned that a Beis Din of 3 must be matir neder, this should be obvious based on the second case of the Mishna!? **A:** We have learned that an expert may even be matir neder by himself. Based on that, the chiddush is, that even though he himself was matir neder, he may marry her.

MI'ANA OH SHECHULTZA...

- The Mishna seems to allow this only because it was done in front of 3. It seems to say that if it was done in front of 2 he would not be allowed to marry her.
 - **Q:** A Mishna says that one of the witnesses who signed a get may marry the woman. We see that even when there are only 2 people involved, we are not concerned!? **A:** The Mishna is teaching that mi'un may only be done in front of 3 people.
- **Q:** If he did marry her although he wasn't supposed to, do we make them divorce? **A: R' Kahana** says they must divorce, and **R' Ashi** says that they are not forced to divorce.
 - **Q:** The **Rabanan** asked **R' Ashi** whether his psak was based on logic or tradition. He answered that the Mishna says that if one marries a giyores after he had been rumored to be mezaneh with her when she was a goy, we don't force him to get divorced, even though he was not allowed to marry her. We see that we do not force divorce based on a rumor. The same would be in our cases as well.