



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

Yevamos Daf Pey Ches

- **A:** The Gemara had just disproved the last attempted source for the Halacha that a single witness is believed. The Gemara now suggests that we learn it from the fact that we believe a single witness with regard to when he says that food is kosher.
 - **Q:** Maybe the reason we believe a single witness there is because there is no chazakah that the single witness is trying to break (there is no chazakah that says the food is not kosher). However, in our Mishna, the witness is going against the chazakah that this woman is a married woman. How do we know that a single witness is believed in that case? The case of the Mishna would be more similar to a single witness who says that a piece of fats that we are certain is cheilev, is actually not cheilev. In that case he would certainly not be believed and should therefore not be believed in our case as well!?
 - **Q:** This last case is not similar to our Mishna, because in this last case even if 100 witnesses would tell us it is not cheilev, they would not be believed. Whereas in our case, if 2 witnesses come they would certainly be believed!?
 - **A:** Maybe we learn that a single witness is believed from the fact that a single witness is believed to say that produce is no longer tevel, and that something is no longer assur as hekdesch or konam.
 - **Q:** Regarding those things, if it is his own produce and hekdesch and konam, a single witness would be believed simply because he has the power to remove the status of tevel (by separating termah and maaser), and of hekdesch and konam (by annulling his promise). If it is not his own produce or hekdesch or konam, we actually have the same question – how do we know that a single witness would be believed?
 - **A: R' Zeira** said, the reason we are meikel and allow a single witness to permit this woman to remarry is since we are so stringent with the consequences if she married in error, we are more lenient with regard to allowing her to remarry.
 - **Q:** Maybe we would better off not being so stringent and then not being so lenient!? **A:** The **Rabanan** wanted to be lenient to prevent a woman from being stuck with the status of an agunah.

TEITZEI MIZEH UMIZEH...

- **Rav** said, this is only if she gets married based on the testimony of a single witness. However, if she got married based on the testimony of 2 witnesses, she need not leave her husband.
 - **Q:** The Gemara understood this to mean that she need not leave her second husband. In Eretz Yisrael they laughed at this psak. They said, if the first husband has returned and is standing before our eyes, how can we say that she need not leave the second husband?
A: The Gemara says, **Rav** was discussing a case where no one recognized the man who is claiming to be the first husband.
 - **Q:** If so, why does she have to leave the second husband if she had relied on the testimony of only one witness? **A:** The case is where there are 2 witnesses who accompany the man claiming to be the first husband, and they say that they have been with him from the moment he left until he returned, and he is the man he claims to be.
 - **Q:** It is still a case of 2 witnesses against 2 witnesses, which would mean that someone who has bi'ah with her would be subject to an ashm taluy (for a possible aveirah in case that man is actually her first husband), so how could she remain married to the second man? **A: R' Sheishes** said, the case is that she is married to one of the witnesses who say that her first husband died. He would

not be subject to an asham, because he is certain that her first husband has died.

- **Q:** She herself would be subject to an asham, and therefore should not be allowed to remain with the second husband!? **A:** The case is where she says she is certain that the man is not her first husband.
- **Q:** If so, it should be obvious that they can remain married, so why would **Rav** have to tell us this? Even according to **R' Menachem the son of R' Yose**, who is more machmir, the only time they couldn't remain married when there are 2 sets of conflicting witnesses would be if they got married after there were already conflicting witnesses. However, even he would agree that in **Rav's** case they could remain married since they got married before the second set of witnesses came!? **A: Rav** is discussing a case where they got married after the conflicting witnesses had said their testimony.
- **Q: Rava** asked, a Braisa says, we learn from a pasuk that we physically force a Kohen to divorce a woman that he is assur to (to keep his kedusha intact). Now, this case can't mean that the pasuk teaches us to force him to divorce a woman in a case similar to **Rav's**, where she did not marry one of the witnesses, and when she was not sure if the man was her first husband, because in that case she would possibly have the status of a zonah, and there would clearly be an obligation on Beis Din to separate them. Rather, the case must be where she married one of the witnesses and herself was sure, and yet we see that we still force them to divorce, which is not what **Rav** said!? **A:** Kehuna is dealt with more stringently. **A2:** When the Braisa says we force him, it means that before we allow the Kohen to marry her, we search high and low to see if there are any contradictory witnesses. **A3:** The case is where they got married after the conflicting witnesses came, and the Braisa is following the view of **R' Menachem the son of R' Yose**.
- **R' Ashi** said that **Rav** means that she may remain married to the *first* husband.
- **Shmuel** said, when the Mishna says that if she got married based on the testimony of a single witness and the husband then returns she must divorce them both, that is only if she doesn't dispute his claim that he is the first husband. However, if she does dispute it, she may remain married to the second man.
 - **Q:** What is the case? If the returning man has 2 witnesses who corroborate his story, then how does her dispute allow her to remain married? If the case is where there is only one witness who corroborates the man's claim, then this would suggest that if she does not dispute the claim she may not remain married. Why would that be so? **Ulla** has said that whenever the Torah believes a single witness, that witness is given the credibility of 2 witnesses. If so, this later single witness should not be believed to contradict the first witness who said that the first husband died!? **A:** The case is where the man's claim is corroborated by 2 people who are not valid witnesses, and we are following the view of **R' Nechemya**, who says that when one witness is believed, we follow the testimony that has the most people saying that testimony (even if they are not valid witnesses). Therefore, in this case, we follow the 2 people who support the man's claim. **A2:** When the first witness is not someone who is typically a valid witness, that is when we follow the side that has more people saying that testimony. However, had the first witness been a valid witness, then even if there were 100 not valid witnesses against him, it would be considered a case of equal doubt.

TZRICHA GET MIZEH U'MIZEH

- **Q:** It makes sense why she needs a get from the first husband, because she was truly married to him. However, she was never actually married to the second man (because the first husband was alive), so why does she need a get from him as well? **A: R' Huna** said, we are concerned that people will think that the get from the first husband predated the marriage to the second man, and we are letting the second marriage dissolve without requiring a get. Therefore, we require her to receive a get.
 - **Q:** The Mishna later says that if the woman only received kiddushin from the second man, and the first husband returns, she may go back and live with the first husband.

Why don't we require the second man to give a get there as well, so that people do not think that we are allowing a kiddushin to dissolve without requiring a get!? **A:** She actually does require a get in that case.

- **Q:** If so, we are allowing the first husband to take back his wife after she was married to another man, which is the issur of machzir gerushaso!? **A:** The Mishna follows **R' Yose ben Kippar**, who says the issur only applies when the woman had already entered into nissuin with the second husband.
- **Q:** The Mishna there says that if the second man gave her a get, she does not become passul to a Kohen because of that get. Now, if a get was actually required (as we just stated), how could we say that the get would not make her assur!? **A:** In the case of this Mishna, people will realize that the kiddushin was done in error, and we need not be concerned that people will think we are allowing a kiddushin to dissolve without a get.
- **Q:** In the earlier Mishna why don't we also say that people will realize that the nissuin was done in error? **A:** Even though people may say that, the **Rabanan** penalized her and required her to receive a get.
- **Q:** Why don't we penalize her in the later Mishna as well? **A:** In the later Mishna, where only kiddushin was done and she had therefore not actually done any issur (she never lived with the second man), the **Rabanan** did not feel the need to penalize her.