



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

Yevamos Daf Tzaddik Daled

- **R' Mordechai** (or **R' Acha**) said to **R' Ashi**, we can bring a proof from a Mishna that a single witness is believed to allow a yevama to marry an outside person. The Mishna says that a woman herself is not believed to say that her yavam has died. This would suggest that although she is not believed, a single witness would be believed.
 - **Q:** The Gemara says this proof is not correct. The next part of the Mishna says that a man is not believed to say that his brother has died (and he is therefore allowed to marry the brother's wife in yibum). Do you think that means that he is not believed but a single witness would be believed to permit him to do yibum? The only reason a single witness is believed is to prevent a woman from becoming an agunah. We wouldn't believe a single witness to help him!? Rather, the Mishna may mean that a single witness is not believed in the first case as well. The reason the Mishna stresses that she herself is not believed is to show that even according to **R' Akiva**, who says that a child born from a yevama and an outside man is a mamzer, and therefore maybe we should say that the woman must have checked thoroughly, to make sure to prevent her children from becoming mamzeirem, she is still not believed to say that her yavam has died.
- **Rava** said, a single witness is believed to allow a yevama to marry an outside man, based on a kal v'chomer: if a single witness is believed to allow her to remarry in a case of kares, surely he will be believed to allow her to marry when only facing a lav. One of the **Rabanan** said to **Rava**, this is not a good kal v'chomer, as can be seen by the fact that she herself is believed regarding the kares case, but not regarding the lav case. The reason is, that since at times she hates her yavam, she may not check as thoroughly before marrying.

ZEH MEDRASH DARASH R' ELAZAR BEN MASYA...

- **R' Yehuda in the name of Rav** said, **R' Elazar** could have darshened a diamond (a big chiddush) from this pasuk, but instead he darshened pottery (a chiddush that was obvious without the pasuk). What he could have darshened from this pasuk is that even if a woman received a get that only divorces her from her husband, but keeps her assur from marrying any other man (the husband made this a stipulation of the get), although the get is ineffective in terminating the marriage, it does make her assur from ever marrying a Kohen.

MISHNA

- If a man's wife travelled overseas and witnesses came and told him that she had died, and based on that he married her sister, and after that his first wife appeared, the first wife is mutar to return to him (the second marriage is not considered to be a marriage at all). Therefore, he remains mutar to the sister's relatives (which he would not be if the marriage was considered effective and then terminated), and she is mutar to his relatives. Also, if the first wife then dies, he is mutar to now (re)marry the sister.
- If they told him that his wife died, and he therefore married her sister, and then they told him she died, but was not yet dead at the time of his marriage to the sister, any child conceived while the first wife was alive is considered to be a mamzer, and any child conceived afterward is not a mamzer.
- **R' Yose** says, anyone who makes another's marriage passul, makes his own marriage passul as well (i.e. if by marrying the sister he makes the sister assur to her own husband, he becomes assur to his first wife as well, as will be explained in the Gemara). If he doesn't make another's marriage assur, then his own marriage does not become assur either.

GEMARA

- The Gemara says, even if the wife and the husband of the wife's sister both travelled and were both reported as dead, and he therefore married his wife's sister, and then his wife and the sister's husband both appeared, although the wife's sister will be assur to her husband, this man will be mutar to have his wife return to him.
- **Q:** It seems to be that our Mishna cannot follow **R' Akiva**, because since in a Braisa he requires a get be given to the wife's sister upon the wife's return, his wife then becomes the sister of his divorcee, which would be assur to him. It must be that our Mishna does not follow **R' Akiva**. **A:** In that Braisa he is referring to a woman who accepted kiddushin and then went overseas, and the husband was then told that she died. He then went and married her sister. People will think that the kiddushin must have been made on a stipulation which was not fulfilled, which is why he was legally allowed to marry her sister. When they see that marriage terminate without a get, they will think that a marriage may terminate without a get. That is why **R' Akiva** requires a get be given in that case. In our Mishna, we are discussing where they already had nissuin before she travelled overseas. Nissuin would not be made on a stipulation and therefore does not lead to the same concern as the Braisa. Therefore, even **R' Akiva** would agree that no get is needed in the Mishna, which is why he may return to his first wife.
 - **Q:** **R' Ashi** asked **R' Kahana**, if the Mishna follows **R' Akiva**, it should give the case where the wife was thought dead and the husband therefore went and married her sister *or her mother*, because **Rava** explains the view of **R' Akiva** to mean that he says one may marry his mother in law after the death of his wife, because the pasuk excludes her from the sreifah penalty!? **A:** **R' Kahana** said, even according to **R' Akiva**, although a mother in law is no longer subject to the death penalty after her daughter's death, it would still be assur for her son in law to marry her.
 - **Q:** Why don't we say that just as when a woman mistakenly remarries based on a single witness' testimony and her husband then appears she is assur to him, so too when a man marries his wife's sister because he is told that his wife had died and she then appears, he should also be assur to return to his wife!? **A:** The cases are not similar. If a wife is mezaneh b'meid she becomes assur to her husband D'Oraisa, so the **Rabanan** were goizer that she becomes assur in this case even though it was only b'shogeg. However, a man who is mezaneh b'meid with his wife's sister does not become assur to his wife D'Oraisa, and therefore the **Rabanan** were not goizer in a case where it was done b'shogeg.