



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf ק"י – Daf כ"ב

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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MISHNA

- **B"S** say that when a woman marries based on her own testimony that her husband died, she collects her kesubah. **B"H** say that she may remarry, but may not collect her kesubah. **B"S** said to **B"H**, you permit the issuer of arayos, but don't allow her to collect the money, which is much more lenient! **B"H** said, we find that the **Rabanan** did not allow the brothers of the husband to inherit based on her testimony! **B"S** said, the kesubah document itself says that when she becomes mutar to marry someone else she is entitled to her kesubah! **B"H** ultimately held like **B"S**.

GEMARA

- **R' Chisda** said, if the woman does yibum based on her own testimony, the yavam inherits the brother's estate based on that testimony, because the Torah says that once yibum is done he inherits, and yibum has been done.
- **R' Nachman** said, if a woman goes to Beis Din and says, my husband has died, so permit me to marry, we allow her to marry and she collects her kesubah. If she says, my husband died so give me my kesubah, we don't even allow her to remarry, because she clearly only says this testimony to try and get her kesubah.
 - **Q:** What if she says, permit me to marry and give me my kesubah? Does that mean that she did this for the kesubah, or do we say it is normal for a person to bring up all issues of the matter before Beis Din?
Q2: If we say that it is normal to state all issues, what if she first mentions the kesubah and then asks for the permit to marry? Do we say that mentioning the kesubah first shows that it is her main intention, or do we say that she may have done so because she mistakenly thinks that collecting her kesubah is what gives her the permit to remarry? **TEIKU**.

MISHNA

- All are believed to testify that a woman's husband has died except for her mother-in-law, her mother in law's daughter, her tzara, her yavam's wife, and her stepdaughter. Although they are believed if they testify regarding her get, that is because the written document gives them credibility.

GEMARA

- **Q:** Do we believe the daughter of her father in law? Is the daughter of the mother in law not believed only because her mother hates this woman and therefore she hates her as well, but the daughter of the father in law is different, or do we say that the daughter of the mother in law is not believed because she is jealous that this woman will eventually enjoy the inheritance of her mother, and therefore the daughter of the father in law is equally as jealous, because this woman will eventually enjoy the inheritance of her father? **A:** Our Mishna says that 5 women are not believed. If the daughter of the father in law is not believed, the Mishna should list her as a 6th woman!
 - It may be that she is not believed for the same reason as the daughter of the mother in law, and that is why she is not listed separately.
- **Q:** A Braisa says that there are 7 women who are not believed!? **A:** That Braisa follows the view of **R' Yehuda**, who adds a stepmother and a daughter in law to the list. The **Rabanan** said that these need not be separately listed, because the stepmother is not believed for the same reason as the stepdaughter, and the daughter in law is not believed for the same reason as the mother in law. **R' Yehuda** says, a mother in law hates her daughter in law because she will eventually enjoy her inheritance, but a daughter in law has no reason to hate her mother in law. Similarly, a stepdaughter hates her stepmother because she enjoys the inheritance of her mother, but there is no reason for the stepmother to hate her stepdaughter.

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- **Q:** If so, why are these 2 women not believed? **A:** A daughter in law hates her mother in law because she tells her son all the bad things that the daughter in law does. Similarly, a stepdaughter tells her father all the bad things that her stepmother does.
- **Q: R' Acha bar Avya** asked, what about a future mother in law (the mother of her yavam), is she believed? Does she already hate her for the potential marriage to her son, or not? **A:** A Braisa says, if a woman says that her husband died and that then her father in law died, she is believed for herself, but her mother in law may not remarry. Now, if her husband was overseas, her mother in law was not bothering her (because her son is not here for her to tell him about her daughter in law's bad traits), and still we see she is not believed because of the prospect of future hatred.
 - It may be that in that case she is not believed because she has already experienced the hatred before they went overseas.

MISHNA

- If a single witness said that a woman's husband died and she therefore remarried, and then another witness came and said that he did not die, she does not need to divorce.
- If a single witness said that a woman's husband died and then 2 witnesses came and said that he did not die, if she had gotten married based on the first witness' testimony, she must now divorce.
- If 2 witnesses said that he died and then one witness came and said that he did not die, even if she did not marry before the single witness came, she may still get married after he has come.

GEMARA

- **Q:** The Mishna's first case seems to say that the reason we disregard the second witness' testimony is only because she had already married. It seems to say that if she had not yet remarried before he came, she may not now remarry. However, **Ulla** has taught that wherever the Torah believed one witness, it is given the credibility of 2 witnesses, and therefore the second witness should not be believed at all!? **A:** The Mishna should be understood as saying, if one witness said he died she is mutar to remarry. If a second witness comes and says that he didn't die, she remains with the original heter and is still allowed to remarry.

AID OMER MEIS

- **Q:** It is obvious that one witness is not believed when he is contradicted by 2 witnesses!? **A:** The Mishna means that we follow these 2 even if they are passul witnesses (e.g. women or slaves). As **R' Nechemya** said in a Braisa, wherever the Torah believed a single witness, we follow the majority opinion (whichever view has more people), and 2 women against one man are treated like 2 men against one man.
 - Another version of **R' Nechemya** is that when the Torah believes a single witness, if the single witness is a valid witness, then even if 100 passul witnesses contradict him, they are considered to be as one witness as well. Our Mishna is discussing where the single witness was a passul one, and then 2 passul witnesses contradicted the first, and it is only in such a case that **R' Nechemya** said that we follow the majority opinion. However, where it is one valid witness against two passul witnesses, it would be considered as a case of equal testimony on each side.

SHNAYIM OMRIM MEIS...

- **Q:** What is the chidush here? It can't be that we are dealing with passul witnesses and are following **R' Nechemya**, because that was the previous case of the Mishna!? **A:** We would have thought that we only follow the majority opinion when it leads to a chumra, not to a kula. The Mishna therefore teaches that this is so even when it leads to a leniency.

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MISHNA

- If one wife says the husband died and the other says that he did not, the one who says he died may remarry and collect her kesubah, and the other may not.

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- If one wife says he died and another says he was killed, **R' Meir** says, since they contradict each other, they may not remarry. **R' Yehuda and R' Shimon** say that since they both agree that he is no longer alive, they may remarry.
- If one witness says he died and another says that he did not die, or if one woman says he died and another says that he did not die, the wife may not remarry.

GEMARA

- **Q:** The Mishna seems to say that the co-wife may not remarry because she says the husband did not die. This suggests that if she had remained quiet she would be allowed to marry based on her co-wife's testimony. However, the previous Mishna said that a woman may not remarry based on her co-wife's testimony!? **A:** The Mishna is teaching that even though the second wife says he did not die, she herself may not remarry. We would think that the only reason she says that he did not die is to make her co-wife an agunah (even though she would land up in the same boat). We would think that if she therefore then changes her testimony and says that he did die, she too should be allowed to remarry. The Mishna teaches that she may not remarry even then.

ACHAS OMERES MEIS...

- **Q:** Why doesn't **R' Meir** argue in the first case as well? **A:** **R' Elazar** said that **R' Meir** does argue in the first case as well, and the Mishna states the view of **R' Yehuda and R' Shimon** in the first case. **A2:** **R' Yochanan** said, even **R' Meir** would agree that we do not believe the second woman in the first case, because her testimony that he did not die is not considered a contradiction, and the first woman is believed.
 - **Q:** The Mishna's last case says that when witnesses or women contradict, the wife may not remarry. According to **R' Yochanan** all should agree that we do not believe the second one and she should be allowed to remarry!? **KASHYEH.**

MISHNA

- If a woman went overseas with her husband, and she returns and says that he died, she may remarry and she gets her kesubah, but her co-wife may not. **R' Tarfon** says, even if the co-wife is a Yisraelis who married a Kohen, she may continue to eat terumah. **R' Akiva** says, although she may not remarry, she may also not eat terumah.
- If the woman says, my husband died and then my father in law died, she may remarry and get her kesubah, but her mother in law may not remarry. **R' Tarfon** says, even if the mother in law is a Yisraelis who married a Kohen, she may continue to eat terumah. **R' Akiva** says, although she may not remarry, she may also not eat terumah.

GEMARA

- The Mishna had to give the machlokes in both cases. If we would just say it in the first case, where the hatred between the women is based on physical suffering, we would say that over there the first wife's testimony is totally disregarded and the second wife may therefore continue eating terumah, but in the case of the mother in law, where the hatred was based on verbal suffering, maybe we believe her enough to prevent the mother in law from eating terumah. That's why we had to learn that **R' Tarfon** allows her to eat even there. For the same reason, if we would only say the second case, we would think that only there **R' Akiva** says she may not eat terumah, but in the first case maybe he would agree with **R' Tarfon** that she may. Therefore, both cases are necessary.
- **R' Yehuda in the name of Shmuel** paskened like **R' Tarfon**.

MISHNA

- If a man gave kiddushin to one of 5 women, but does not remember to which one he gave it, and they all claim that they received the kiddushin, **R' Tarfon** says he must give a get to each woman and can then place one kesubah among them and walk away. **R' Akiva** says he must give a kesubah to each woman.
- If one steals from one of 5 people but does not know from whom he stole, and they all claim that he stole from them, **R' Tarfon** says he can leave the stolen object among them and walk away. **R' Akiva** says that he must repay each and every one of them.

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GEMARA

- **Q:** The Mishna gives the case of where he gave kiddushin, but not where he had bi'ah with one of them. Also, it gives the case of where he stole from one of them, but not where he bought something from one of them. Our Mishna seem not to follow the **T"K** or **R' Shimon ben Elazar** of a Braisa. The Braisa says that **R' Shimon ben Elazar** says that **R' Akiva** and **R' Tarfon** only argue when he did kiddushin of bi'ah, but if other kiddushin was given, they both agree that he leaves one kesubah and walks away. Also, he says that only argue when someone stole from one of 5 people, and not when someone bought something from one of 5 people. This means, that the **T"K** (who he argues on) must hold that they even argue regarding regular kiddushin and regarding when they purchase from one of 5 people. If so, our Mishna which says that they argue by regular kiddushin and by stealing follows neither view!? **A:** The Mishna follows **R' Shimon ben Elazar**, and when it says kiddushin, it means a kiddushin of bi'ah.
 - The case of kiddushin of bi'ah teaches that even though the bi'ah is only wrong on a Rabbinic level, **R' Akiva** still penalizes him that he must repay each person. The case of stealing teaches that even though an issur D'Oraisa was done, still **R' Tarfon** does not penalize the perpetrator.

MISHNA

- If a woman, her husband and their child went overseas and she returns and says that her husband died and then afterwards her son died, she is believed. If she says that first her son died and then her husband died, she is not believed to marry her yavam. However, we are concerned for what she said and she must get chalitza before remarrying.
- If a woman says she had a child with her husband overseas, but says that the child died and then her husband died, she is believed to marry her yavam. If she says that her husband died and that then the child died, she is not believed, and we require her to get chalitza.
- If a woman comes back from overseas and says that her mother in law had a son (who would be her yavam), but that her husband died and then the brother died, or if she says that the brother died and then the husband died, she is believed in both cases.
- If a woman, her husband, and his brother went overseas, and she comes back and says that my husband died and then his brother died, or she says that the brother died and then my husband died, she is not believed, because a woman is not believed to say that her yavam died and she is therefore allowed to marry someone else, and is not believed to say that her sister has died so that she may go and marry her sister's husband. A man is not believed to say that his brother died and that he can therefore go marry his wife, or to say that his wife has died so that he may now go marry her sister.

GEMARA

- **Q: Rava** asked **R' Nachman**, if one gives a get to his wife through a shliach in a situation where she stands to fall to yibum, do we say that since she hates her yavam the get is considered a good thing for her, and therefore the shliach is koneh for her (zachin l'adam shelo b'fanav), or do we say that since some women like their yavam, the get is considered to be a bad thing, and therefore the shliach cannot be koneh for her (ein chavin l'adam elah b'fanav)? **A: R' Nachman** said we see from our Mishna that some women like and some women hate their yavam (which is why she is not believed to make herself fall to yibum or to get herself out of yibum). Therefore, we would not know if the shliach was koneh for her, and she must get chalitza but would not be allowed to do yibum.
- **Q: Ravina** asked **Rava**, if one gives a get to a shliach in a situation where the couple is in a state of fighting, is it considered a good thing for her or not? **A:** We find that **Reish Lakish** said, people feel it is important to be married, and the woman still rather be married in a fight than not married at all.

HADRAN ALACH PEREK HA'ISHA SHALOM!!!

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PEREK HA'ISHA BASRA -- PEREK SHISHA ASSAR

MISHNA

- If a woman's husband and her co-wife went overseas, and people came and told her that her husband died, she may not marry another man or do yibum, because it must first be determined whether "she the co-wife" was pregnant.
- If a woman's husband died childless and without any brothers, but his mother is overseas, we need not be concerned that she had a son and the woman is therefore subject to yibum. However, if the mother in law went overseas when she was pregnant, we do have to be concerned that she had a son and the woman may therefore be subject to yibum. **R' Yehoshua** says, even in that case we need not be concerned.

GEMARA

- **Q:** What is meant by the words "she the co-wife"? **A:** The Mishna is teaching that we only must be concerned whether that co-wife is pregnant. We need not be concerned that maybe the husband married another woman overseas and that she became pregnant.

LO TINASEI V'LO TISYABEIM...

- **Q:** We can understand why she cannot do yibum, because maybe the co-wife was pregnant. However, why can't she marry another man? We should follow the majority of women, and the majority of married women have children. Based on that majority, she should be allowed to marry another man!? Must we say that the Mishna follows **R' Meir**, who is concerned for the minority? **A:** It may even follow the **Rabanan**, because even they only follow the majority when the majority is in front of us (like 9 out of 10 shops being kosher), but not in this case where the majority is "women of the world", who are not in front of us.
 - **Q:** We find that the **Rabanan** follow a majority that is not in front of us when they say that a minor may do yibum since most minors will eventually be capable of having children!? **A:** It must be as suggested earlier, that the Mishna follows **R' Meir**.
 - **Q:** The Mishna says that we need not be concerned that the husband's mother gave birth to a son, thus bringing a yavam into the world. Now, most married women have children, some miscarry, from the births there are 50% boys and 50% girls. If we join the miscarriages to the girls, there leaves a minority who have boys. If the Mishna follows **R' Meir**, we should be concerned for this minority and she should be assur to marry another man!? **A:** Since there is a chazaka that this woman is allowed to marry another man (because the mother in law left without being pregnant), **R' Meir** is not concerned for the minority.
 - **Q:** If so, in the previous case of the Mishna, where the husband had a brother, and her husband and co-wife went overseas and the husband died, she should be allowed to do yibum, because she has a chazaka that she is subject to yibum!? **A:** **R' Nachman in the name of Rabbah bar Avuha** said, the previous case of the Mishna, which carries the kares penalty, causes us to be concerned. The later part of the Mishna, which is only a lav, is not a cause for concern.
 - **Q:** **Rava** asked, they are both issurim D'Oraisa, so why should we make a difference just because one is a lav and one has kares? **A:** **Rava** said, in the earlier case, the chazaka says to allow her to do yibum, whereas the majority says she may marry any man (since most women have children). When we take the minority (of women who don't have children, which also allows her to have yibum) and join it with the chazaka, we have a fifty-fifty safek whether she is mutar for yibum or to marry another man. Therefore, we do not let her marry or do yibum. However, in the later case, the chazaka and the majority both say to allow her to marry another man. Therefore, the possibility that a son was born is considered to be the minority in the minority, for which even **R' Meir** is not concerned.

LO TINASEI V'LO TISYABEIM...

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- **Q:** Why is she assur forever? Why can't she just do chalitza? **A: Ze'iri** said, she must wait 3 months before doing chalitza on her own account (chalitza may not be done within 3 months of the death), and if she is unsure whether her tzara was pregnant she must wait 9 months from the death to make sure that her co-wife is not pregnant (chalitza may not be done during a pregnancy) and she may then do chalitza. **R' Chanina** said that she must wait 3 months on her own account and must wait forever on account of the co-wife (i.e. she may never do chalitza unless she knows that the co-wife did not have a baby).
 - **Q:** Why can't she do a chalitza in either case (if the co-wife had a baby she is anyway free to marry, and if not, she has now done chalitza!)? **A: Abaye bar Avin and R' Chanina bar Avin** both said, it is a gezeirah that if she gets chalitza and then finds out that the co-wife had a child, we would have to announce that she is mutar to a Kohen.
 - **Q:** What is wrong with making such an announcement? **A:** We are concerned that someone who was not aware of the announcement will see her marry a Kohen, and will say that a chalutza was allowed to marry a Kohen.
 - **Q:** The previous Mishna said that when a woman says she had a child overseas, and that her husband died and then her child died, she is not allowed to marry and must get chalitza, but not yibum. Why are we not concerned in that case that witnesses will testify to the facts as she stated them, in which case the chalitza was not needed, and they will have to announce that she is mutar to a Kohen!? **A: R' Pappa** said, the case is where the woman was a divorcee, and therefore anyway assur to a Kohen. **R' Chiya the son of R' Huna** said, the case is where she says that she, her husband, and son were all hiding in a cave at the time of death (so it is not possible for witnesses to later come and corroborate her testimony).

MISHNA

- If the wives of 2 brothers come back from overseas and each say that their husband died, each one is assur to marry another man because of the husband of the other woman (they can't rely on the testimony of the other woman, because a husband's brother's wife is one of the women who are not believed to testify to permit the woman to marry).
 - If one of the women have witnesses who corroborate her testimony, she remains assur, but the other woman becomes mutar to marry.
 - If one of the women have children and the other does not, the one who has children may marry and the one who does not may not.
 - If they each did yibum to another brother, and those brothers then die childless, they may not marry other men (the problem that existed prior to the yibum now returns and is a problem again). **R' Elazar** says, since they already married through yibum, they become mutar to marry other men at this point as well.

GEMARA

- A Braisa says, if one of the woman had witnesses corroborating her testimony and she had children, and the other woman did not have witnesses or children, both women are mutar to marry.

-----Daf דק ---120-----

- **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

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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.

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- **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.

-----Daf אכז ---121-----

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.

Daf In Review – Weekly Chazarah

- **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.

Daf In Review – Weekly Chazarah

- 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.

Daf In Review – Weekly Chazarah

- **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”.

-----Daf קכב---122-----

MISHNA

- The witnesses may testify to having seen the man dead even by candlelight or by moonlight. A woman may even remarry based on a voice that says that her husband died, without seeing the source behind that voice. It once happened that a person yelled from a mountaintop that a particular man had died. When people went to the mountaintop to see who had said that, they couldn't find him. Yet, they allowed the dead man's wife to remarry. It also once happened that a man yelled out to identify himself and said that he was dying from a snakebite. When people found him they could no longer recognize him. Yet, they allowed his wife to remarry.

GEMARA

- **Rabbah bar Shmuel** said, a Braisa says that **B”S** say a woman may not remarry based on a voice without knowing the source of the voice, and **B”H** say that she may.
 - **Q:** We have our anonymous Mishna that says that it may be done, so what is he teaching us? **A:** He is teaching us that if we find an anonymous Tanna who says we may not rely on this voice, that Tanna is **B”S**.

V'HALCHU V'LO MATZ'U

- **Q:** Why are we not concerned that it was a “sheid” (demon) who yelled it out? **A:** **R' Yehuda in the name of Rav** said, they saw a human form who was calling it out.
 - **Q:** Demons can take the form of humans as well!? **A:** They saw that the form had a shadow (which a demon does not have).
 - **Q:** Demons also have shadows!? **A:** He saw a shadow of the shadow, which is something a demon does not have.
- **Q:** Why are we not concerned that it was the co-wife who announced that, just to cause problems!? **A:** We find in a Braisa that at times we are meikel when we have no choice. Here too, we have no choice, because this may be the only source of her ever getting testimony.

MISHNA

- **R' Akiva** said, when I was in Neharda'a to establish the leap year, **Nechemya of Beis Deli** asked whether it was accurate that in Eretz Yisrael they do not allow a woman to remarry based on a single witness, except according to the view of **R' Yehuda ben Bava**. **R' Akiva** said that was accurate. He asked **R' Akiva** to deliver a message to the **Rabanan** of Eretz Yisrael as follows, “You know that this county is at war, however you should know that I have a tradition from **R' Gamliel the Elder** that a woman may marry based on the testimony of a single witness (that her husband died)”. When **R' Akiva** told this to **R' Gamliel**, he was very happy and said that he finally found an opinion that agrees with **R' Yehuda ben Bava**. During the discussion **R' Gamliel** remembered that men were killed in Tel Arza, and he then allowed their wives to marry based on a single witness. From there it became established to allow remarriage based on a single witness, and based on hearsay, and on the testimony of a slave, a woman, and even a maidservant.
 - **R' Eliezer and R' Yehoshua** say a woman may not remarry on the testimony of a single witness. **R' Akiva** said she may not remarry based on the testimony of a woman, a slave, a maidservant, or relatives.

Daf In Review – Weekly Chazarah

GEMARA

- **Q:** We find a Braisa where **R' Akiva** clearly says a woman is believed to say that a man has died!? **A:** Our Mishna is discussing before that became established practice, and the Braisa is discussing after it had become established practice.

MISHNA

- They said to **R' Akiva**, we know a story where they allowed a woman to remarry based on the testimony of a woman innkeeper that the person had died and was buried! Surely a Jewish woman has at least as much credibility as this innkeeper! **R' Akiva** said, the innkeeper was believed because she was able to produce this man's stick, his pouch, and the Sefer Torah that he had.

GEMARA

- **Q:** Why did they assume that the innkeeper is less reliable than any other woman? **A:** **R' Kahana** said, the innkeeper was a goy, and she produced these articles and showed the place of burial all "lefi tuma".
 - **Q:** How can we say that she was "lefi tuma" when the story goes that they asked this woman where their friend was!? **A:** Before they even asked, she began to cry. That led to them asking and her answering. Therefore, it is considered to be lefi tuma.
- **Q:** A Braisa says, that when a man gave a detailed account to **R' Tarfon** of how he met a man and later saw him die, and **R' Tarfon** readily accepted the testimony. Another Braisa says that **R' Tarfon** questioned the person and examined the testimony closely. This contradicts the earlier Braisa!? **A:** It is actually a machlokes Tanna'im in a Braisa where we find that **R' Akiva** says we don't closely examine the testimony of a witness who comes to report a husband as dead, and **R' Tarfon** says that we do.
 - The logic behind the machlokes is that **R' Akiva** holds this is considered a monetary case, because the kesubah will have to be collected, and **R' Chanina** said that we don't closely examine witnesses in a monetary case so as not to discourage people from lending money. **R' Tarfon** holds that this is considered to be a capital case, since we are allowing a married woman to marry another man (which carries the death penalty).
- **R' Elazar in the name of R' Chanina** said, talmidei chachomim bring peace to this world, as can be learned from the pasuk of "v'chol banayich limudei Hashem v'rav shalom banayich".

HADRAN ALACH PEREK HA'ISHA BASRA!!

HADRAN ALACH MESECHTA YEVAMOS!!!

MAZEL TOV!!!