

## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah concludes with a discussion of the right of a kohen's daughter to eat teruma and maaser following her marriage to a kohen, a Levi and a Yisroel.

### 2) A woman's right to eat terumah on account of her son

The Gemara inquires about the source of a woman's right to eat teruma on account of her son.

A source is identified and the Gemara explains how this source conforms to all opinions.

A Baraisa teaches that a kohen's daughter may return to eat teruma but not korbanos.

R' Chisda in the name of Ravina bar Shila cites one source for this distinction.

R' Nachman in the name of Rabbah bar Avuha cites an alternative source.

Rami bar Chama unsuccessfully challenges this source.

Three more sources are cited for the ruling that a kohen's daughter may not return to eating from her father's korbanos.

R' Ada bar Ahava cited a Baraisa that rules that a woman who eats teruma on account of her son, may also eat korbanos.

R' Ashi explains the rationale for the distinction between teruma and korbanos.

### 3) The widowed daughter of a kohen

A Baraisa gives other examples of a kohen's daughter who does not resume eating from her father's teruma. The Baraisa proceeds to explain the necessity for an exposition concerning a pregnant woman.

The Gemara explains the necessity for two qualifications for a kohen's daughter to eat her father's teruma.

### 4) The common characteristics between yibum and disqualifying a widow from eating teruma

R' Yehudah of Diskarta suggests to Rava four kal v'chomers that could be made to arrive at particular conclusions regarding the laws of yibum and teruma, and cites a verse that overrides each kal v'chomer.

#### הדרן עלך יש מותרות

5) **MISHNAH:** The Mishnah discusses the consequences of different cases of a woman who is told her husband died and after re-marrying discovers that her first husband is still alive.

### 6) The acceptability of a single witness

The Gemara infers from our Mishnah as well as other sources that a single witness is believed concerning matters related to prohibitions.

A Baraisa is cited for the source of this ruling.

After the Gemara demonstrates that the Baraisa addresses a case involving one witness, the Gemara challenges whether its understanding of the Baraisa is accurate. ■

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הרב יוסף צבי בן ר' זאב, ע"ה

## Distinctive INSIGHT

*She may not eat from the meat gifts (חזה ושוק) of her father*  
תנו רבנן: כשהיא חוזרת, חוזרת לתרומה ואינה חוזרת לחזה ושוק אמר רב חסדא אמר רבינא בר שילא מאי קרא? היא בתרומת הקדשים לא תאכל

The Gemara teaches the halacha of a woman who came from a family of kohanim. When she marries a non-kohen, her rights to eat teruma are suspended. If her non-kohen husband dies and she has no children from him, she returns back to her father's house. The Mishnah presented several scenarios illustrating this case, but the rule is that she may return to eat teruma as she was allowed to do before the marriage to the non-kohen husband. However, the Baraisa adds that she may only eat teruma, but she may not partake of the meat portions of חזה ושוק. When the Gemara asked why there is a distinction between her ability to eat teruma and her remaining disallowed to eat the meat gifts, the Gemara provides five different verses and the associated insights which teach this lesson. The first among the five is the explanation of Rav Chisda, who is the only one to use a verse which expresses this law in terms of a direct negative commandment (היא היא) בתרומת הקדשים לא תאכל. The others infer the message from positive statements, which, through their negative implications, preclude this women from eating from the meat gifts given to her father.

Aruch Laner notes that according to the interpretation of Rav Chisda, the kohen daughter who returns to her father's house after being divorced or widowed and eats חזה ושוק would be liable for lashes, whereas according to the other opinions she would be in violation of a לאו הבא מכלל עשה, which is considered

(Continued on page 2)

## REVIEW and Remember

1. What is the source that the daughter of a kohen who returns home does not eat from her father's korbanos?
2. When is a widowed bas Yisroel permitted to eat from a Korban?
3. What yibum-related halacha is derived from the phrase 'דרכיה דרכי נועם וכו'?
4. Is the testimony of a single witness reliable?

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ר' יונה בן ר' חיים דוד ע"ה  
Dr. Joseph Weiss

# HALACHAH Highlight

## The reliability of a single witness

We see that a single witness is believed

**S**hulchan Aruch<sup>1</sup> rules that a single witness is believed concerning matters related to prohibitions (איסורי). However, this principle does not apply in all circumstances. For example, concerning items that do not have a presumption of prohibition (לא איתחזק איסורא) a single witness is believed, even if his testimony results in a strict ruling. Regarding items that have a presumption of prohibition, a single witness is believed only when his testimony results in a lenient ruling, but if his testimony leads to a stringent ruling his testimony is not reliable. Furthermore, testimony regarding items that had a presumption of prohibition is reliable, even if it produces a strict ruling, if the witness has the ability to remedy the situation, e.g. he is believed to declare a pile of grain tevel since he has the ability to separate teruma from the tevel. Another related detail is that the unreliability of a single witness against a presumption of prohibition applies only when he testifies about another's property, but if he testifies about his own property he is believed. The reason for this ruling is that since it is his own property he has the ability to remedy the situation. Similarly if, as a result of one's testimony one stands to lose money (e.g. he will lose his salary for having failed to properly perform his job) he is believed even if it is not his property.

Accordingly, The Shvus Yaakov<sup>2</sup> was asked to rule about a case of Reuven who hired a worker to manufacture kosher wine and then made an agreement to sell Shimon the wine at what would bring Reuven a significant profit. After the sale between Reuven

אלמא עד אחד מהימן

(Insight. Continued from page 1)

an עשה, which does not get lashes. Rambam (Hilchos Terumos 6:7) presents the case of a kohen woman who marries a non-kohen. He introduces it with the verse of Rav Chisda, **ובת כהן...לא תאכל**. He then rules according to this Baraisa, and in Halacha 9, when Rambam refers to the case of a kohen woman returning (חזורת), he cites the second verse brought in our Gemara—**מלחם אביה תאכל** - she shall eat from the food of her father, but not from all of it, from which we learn that she is not allowed to eat from the meat portions. Why does Rambam bring two verses, and how does this affect her being liable for lashes? In fact, in Hilchos Sanhedrin (19:4), Rambam lists this case among those which are liable for lashes.

Based upon several factors, Aruch Laner explains that Rambam holds that all the Amoraim agree with Rav Chisda in that there is a bona fide negative command associated with the kohen woman's eating **חזה ושוק** upon her return to her father's house, but the additional verses brought in the Gemara are used to reinforce the precise understanding of the verse and its context. ■

and Shimon was finalized, the worker informed Reuven that he was negligent in his duties and the wine became prohibited as idolatrous wine (יין נסד) and was prepared to return his salary. Shvus Yaakov wrote that although Shulchan Aruch ruled that a single witness is believed if it will cause him a loss, he is not believed if his testimony will cause another a loss. Therefore, since the testimony of this witness would result in Reuven's refunding Shimon's money, it is testimony that affects another and in such a circumstance we invoke the Torah principle that money is not collected based on the testimony of a single witness (אין מוציאין ממון על פי עד אחד). ■

1. שו"ע יו"ד סי' קכ"ז סע' ב' וג' וע"ש בנושאי כלים

2. שו"ת שבות יעקב ח"ב סי' ע"א והובא דבריו בפת"ש שם סק"ח ■

# STORIES Off the Daf

## The Chazon Ish in Yerushalayim

תצא מזה ומזה וצריכה גט מזה ומזה

**I**n 5700 (1940), the Chazon Ish, זת"ל, visited Yerushalayim for the first time. Although he arrived on Friday, he waited until Sunday to go to the Kosel. When he came to Jaffa Gate he tore קריאה and intoned, "Tzion has become as a desert; Yerushalayim is desolate!" While at the Kosel itself, he didn't rend his garment again. Half of Europe was already under the Nazi boot, and Jews everywhere were in danger. The Chazon Ish stood and prayed quietly at the entryway to the alley in front of the מקום קדוש. Afterward, he gently remonstrated with another mispallel. "It would be better to refrain from putting your

hands between the cracks of the Kosel."

Later that day, the Chazon Ish visited a number of Yerushalayim's great yeshivos, and he also spoke with the Rosh Yeshiva of Eitz Chaim, Rav Isser Zalman Meltzer, זת"ל.

During their meeting, Rav Isser Zalman brought up an interesting story that he had heard. "When Rav Leib Kovner was Rav in that city, he permitted a certain agunah to remarry based on a number of proofs. Sadly, after her second wedding, the poor woman needed not one but two divorces because her first husband resurfaced—she was forbidden to remain married to either of them. The people of Kovno didn't want to tell their beloved Rav what had happened so as not to pain him, but he eventually found out.

Surprisingly, he did not seem devastated by the results of his action. When asked why, he explained, "This is a straightfor-

ward Mishnah in Yevamos 87b: 'If after marrying a second husband, the first arrives, she must leave both husbands.' So we see that it is possible that, after having relied on the testimony of a witness and permitted the agunah's remarriage, the first husband can resurface!"

The Chazon Ish shot back, "That is no proof at all! Quite the contrary! Chazal stressed the seriousness of a mistaken psak so that the Rav will be extra careful before permitting an agunah. It is his responsibility to weigh every aspect deliberately to ensure that he is not the cause of such heartbreak!"

As the Chazon Ish took his leave someone whispered to Rav Isser Zalman, "Should I quickly say the blessing when seeing an exceptional scholar over the Chazon Ish?"

He responded immediately, "פשיטא—of course!" ■