

OVERVIEW of the Daf

1) **MISHNAH: (cont.)** The Mishnah presents Beis Shammai's reasoning that a woman should be permitted to collect her kesubah and that Beis Hillel changed their position and concurred with Beis Shammai.

2) Inheriting the brother's estate

R' Chisda notes that although the woman's testimony does not allow the brothers to inherit the deceased brother's estate, if one were to do yibum he would inherit the property.

3) A woman's credibility

R' Nachman ruled that a woman's credibility to testify that her husband died is dependant upon the language she employed when she made her claim in Beis Din.

The Gemara inquires about the credibility of a woman who mentioned marriage and her kesubah.

The inquiry is left unresolved.

4) **MISHNAH:** The Mishnah discusses who has credibility as a single witness to testify that a man died.

5) Father-in-law's daughter

The Gemara inquired whether the father-in-law's daughter is believed to testify that her husband died.

An unsuccessful attempt is made to resolve this issue.

6) The number of people excluded from testifying

The Mishnah that excluded five people from testifying is inconsistent with a Baraisa that lists seven exceptions.

The contradiction is resolved by distinguishing between the opinion of R' Yehudah and Rabanan.

The Baraisa that contains this dispute is recorded.

7) A future mother-in-law

R' Acha bar Avya relates that in Eretz Yisroel they asked whether a future mother-in-law is believed to testify that the husband of her potential daughter-in-law has died.

An unsuccessful attempt is made to resolve the inquiry and the question is left unanswered.

8) **MISHNAH:** The Mishnah discusses the halachos related to conflicting reports of a husband's death.

9) The credibility of one witness

The implication of the Mishnah that if the widow may not marry if a witness claimed her husband is still alive before she married is unsuccessfully challenged.

The Mishnah's ruling that if two witnesses testify her husband is still alive she must leave her second husband is unsuccessfully challenged.

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the Handelman & Wolper families in memory of their grandfather
Harry Gassel
יואל בן אברהם, ע"ה

Distinctive INSIGHT

When one witness is trusted

כל מקום שהאמינה תורה עד אחד הרי הוא כשתיים

The Mishnah taught the halacha that where a single witness testifies that the husband died, and the wife remarried based upon this information, even should a different single witness then come and say that the husband did not die, the woman need not leave the second husband. The word of the first witness is believed as two, and once the woman is permitted to remarry, the second single witness cannot alter this legal position. The wording of the Mishnah suggests that it is only after the woman actually remarries that the second witness will have no effect, but if she did not yet remarry the Beis din will take the word of the second witness into account and stop her from proceeding. Nevertheless, the Gemara clarifies that this is not the case. As Ulla reports, once the first witness has established that the husband has died, the woman's status of being allowed to remarry will remain intact even against the word of the second single witness.

Ramban writes that the statement of Ulla that we believe a single witness as two applies even if the one witness is someone who would otherwise be disqualified to testify. When we accept such an **פסול עד** to testify in a case of the death of a woman's husband, this witness if given full trust, even against a single kosher witness who may come later. Rambam (Hilchos Gerushin 12:21) writes that if a woman comes to testify about the death of a man, but this is followed by a single witness who says the man did not die, the wife should not remarry, and if she does, she must leave the second husband. The Rishonim point out that Rambam holds that as a single witness, a woman does not have **נאמנות** of two. ■

REVIEW and Remember

1. What lesson does R' Nachman teach regarding a woman's claim that she is permitted to remarry?
2. According to R' Yehudah, what does the pasuk **כמים הפנים לפנים וגו'** teach?
3. What status is assigned to a single witness whose testimony is accepted?
4. What is the law if two co-wives disagree whether their husband died?

HALACHAH Highlight

Remarrying when there is an appearance of impropriety

הכי קאמר עד אחד אומר מת והתירוה להנשא ובא אחד ואמר לא מת לא תצא מהיתירה הראשון

This is what the Mishnah is saying: One witness says that the husband died and Beis Din granted permission for her to remarry and a single witness came and said that he is not dead, she does not lose her original state of permissibility

Shulchan Aruch¹ writes that if a single witness testifies that a man died and his wife was granted permission to remarry and another single witness testified that the husband is alive, the woman does not lose her permit to remarry. The reason is that once the Torah believed the single witness to testify that the husband is dead his testimony is treated like the testimony of two witnesses so that the second single witness cannot refute that testimony. Rema² adds that out of concern of the appearance of impropriety she should not remarry. The Chelkas M'Chokeik³ writes that even according to Rema it is not prohibited for the woman to marry; it is merely strong advice to avoid future questions that arise from an appearance of impropriety. The Beis Shmuel⁴ disagrees and based on Tosafos maintains that once a second single witness testifies that the husband is alive it is prohibited for her to remarry.

An explanation⁵ of Tosafos' position is that the single witness is believed in conjunction with the presumption (חזקה)

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The novelty of the Mishnah's final ruling, i.e. that she is permitted to marry if two witnesses testify her husband is dead and a single witness testifies that he is alive, is explained.

10) MISHNAH: The Mishnah presents cases in which co-wives offer conflicting testimony concerning their husband's death.

that the wife thoroughly investigated the matter. If the woman has not yet remarried this presumption is not yet fully established and the single witness's testimony does not have the force of two witnesses. As a result, it is considered as if two single witnesses are contradicting one another and the woman is not permitted to remarry.

The Yam Shel Shlomo⁶ maintains that even according to the position that she is not permitted to marry, Beis Din is not required to protest in the event that she ignores the prohibition and marries. Other authorities⁷ disagree with this conclusion and maintain that it is incumbent upon Beis Din to protest against a woman who remarries under such conditions. ■

1. שו"ע אה"ע סי' י"ז סע' ל"ז
2. רמ"א שם
3. חלקת מחוקק שם ס"ק ס"ז
4. בית שמואל שם ס"ק ק"י
5. מהרי"א עניזל סי' נ"א
6. ים של שלמה יבמות פט"ו סי' ט"ו
7. אפי זוטרי לאה"ע שם אות קע"ז ■

STORIES Off the Daf

Toiling in Torah

כמים הפנים לפנים

Rav Yehudah learns from the verse, "As water reflects back one's face, so too does the heart of one reflect another's," that understanding in Torah is according to the effort one invests.

Rav Abba Yaakov Borchoy, zt"l, author of Shut Chevel Yaakov, had many illustrious teachers. At first he learned with Rav Meir Simcha of Dvinsk, zt"l, and he subsequently spent three years learning b'chavrusah with the Maharil Diskin, zt"l, and his son Rav Yitzchok Yerucham, zt"l. He later learned in Kovno with Rav Yitzchok Elchonon Spector, zt"l, and was ordained by him.

When Rav Abba Yaakov was already elderly, he settled in Yerushalayim, where his shiurim were extremely well-attended.

Once he reminisced, "Two of my mentors merited to have children who were great in Torah but did not reach the greatness of their illustrious fathers. Rav Yitzchok Yerucham, the son of the Maharil Diskin, and Rav Tzvi Hirsch, the son of Rav Yitzchok Elchonon. I always thought the reason for this was similar to what the Maharal of Prague, zt"l, says about Moshe Rabbeinu's children: 'Since Moshe Rabbeinu attained a stature that surpassed the attainments of regular human beings, his children couldn't reach his exalted level.'

Rav Abba Yaakov continued, "When I shared this thought with the Ohr Someach (who knew and respected the

two sons highly for their greatness in Torah and their refinement of character), he disagreed vehemently. 'The children had the potential to reach their fathers' levels. The sole reason they did not is that they didn't exert themselves as much as their fathers had!'

The tzaddik concluded, "The same holds true for all of us! If we toil as Rav Yitzchok Elchonon did, we will reach his level! If we exert ourselves like the Maharil Diskin, we will reach his exalted level!"

The Chazon Ish, zt"l, said, "If someone were to put in the effort that the Maharsha did nowadays, he would come out with a much greater work. The harder the test, the more one must exert himself to overcome it. The greater the effort, the more siyatta d'Shmaya one merits!" ■