

OVERVIEW of the Daf

1) A person devoured by a beast (cont.)

The difference between the two explanations is identified as to why a person who inadvertently slit someone's throat is not exiled.

2) Clarifying R' Yehudah ben Bava's position

The Gemara inquires whether R' Yehudah ben Bava is expressing a lenient or stringent position.

An unsuccessful attempt to resolve the inquiry is recorded. The Gemara clarifies the effect water will have on a corpse.

3) **MISHNAH:** The Mishnah presents different opinions about whether one may testify about the death of one who fell into a body of water.

4) Clarifying the Mishnah

A Baraisa presents the dispute between R' Meir and Rabanan related to testifying that a person drowned.

5) Water with no end

Abaye defines the phrase, "water that has an end."

A related incident is recorded.

A Baraisa recounts another incident related to a person thought to have drowned, but who appeared some time later.

R' Ashi suggests a qualification to the rule concerning someone who disappeared in water that has no end, but the Gemara rejects the qualification.

Two Beraisos are recorded that retell of instances of people who survived after having been thought to have drowned in water that has no end.

6) Potentially fatal circumstances

A Baraisa presents a dispute concerning the halachos of testifying when a man is seen in different types of potentially fatal circumstances.

A second Baraisa discussing different potentially fatal circumstances is presented.

7) The dispute between R' Meir and Rabanan

A Baraisa records Rabanan's response to the incident cited by R' Meir as proof to his position.

The Gemara clarifies what Rabanan meant when they responded that one cannot bring proof from miraculous events, and the exchange back and forth between the two opinions is recorded.

Another incident related to a person who disappeared into a cistern is recorded.

8) **MISHNAH:** The Mishnah discusses who and under what circumstances people are believed to testify that a man died.

9) Clarifying the Mishnah

The Gemara clarifies the case when children are believed to report of a man's death.

R' Yehudah in the name of Shmuel clarifies the case when

(Overview...Continued on page 2)

Distinctive INSIGHT

Water and its effect upon the appearance of a body

והאמרת מיה מרזה מכה הני מילי היכא דאיכא מכה אבל היכא דליכא מכה מיצמת צמית

Earlier, the Gemara had stated that water causes a wound to deteriorate and become worse, thus causing it to be unable to heal. The Gemara on our daf states that water causes the body to shrivel and contract so that it will be recognizable even after several days. The Gemara formally contrasts these two remarks, and it resolves them by pointing out that if there is a wound, the water makes it worse. If the body is intact, the water will somewhat preserve its appearance until the body is removed from the water.

Chazon Ish (27:10) and others write that the Rishonim hold that if there is a wound on the body, water causes the appearance of the entire body to change. Mordechai, however, understands that Rabbeinu Tam holds that the face does not become distorted in water. He holds that the water does cause the person to be more susceptible to dying quicker when there is a wound, but the face will still be recognizable. The Derisha and Taz hold that if the wound is near the face, then the water will cause the wound to deteriorate and change the appearance of the face. If the wound is elsewhere on the body, the face will remain relatively intact.

Rashba notes that Rif rules that when a body is recovered from the water it can only be positively identified if it is seen relatively soon. However, if an hour or so passes, the body quickly deteriorates, and it cannot be recognized. This is derived from our Gemara which states that the body must be seen within moments of its recovery. However, the body bloats after a short delay. Rambam (Hilchos Geirushin 13:22) seems to allow even a delay of up to twelve hours. ■

REVIEW and Remember

1. How do we define "water that has no end"?
2. How did R' AKiva survive when his boat shattered?
3. What led R' Chanina ben Dosa to declare that the daughter of Nechunya the ditch digger had not died?
4. When is the testimony of an idolater that someone died admissible?

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HALACHAH Highlight

Using government documents to confirm a death

ובעובד כוכבים אם היה מתכוין אין עדותו עדות

And concerning an idolater, if he intended to testify his testimony is not accepted

Rambam¹ rules like the Mishnah that a non-Jew is believed when he relates that a Jew died only if the information is transmitted in innocence (מסיח לפי תומו). Furthermore, Rambam writes that if a government official relates that they executed a Jew he is not believed since idolaters have a tendency to lie about these matters to enhance their reputation in order to instill fear. Poskim discuss whether Rambam's ruling applies when there are government documents that indicate that a person died. The rationale behind this assertion is that one could draw a distinction between simply making a false assertion that the government executed someone and putting in the effort of drawing up false documentation that a person is dead.

For example, Teshuvah Dvar Avrohom² addressed a case of a Jew who was tried and convicted of a capital crime. A Jew was present at the time the judgment was pronounced and the next day the newspaper reported that this person was executed by the government. Dvar Avrohom wrote that the concern about government officials lying is not so applicable to our organized governments since they do not build their reputation by executing people. Additionally, he cites others who distinguish between merely stating that a person died and actual documentation to that effect.

the testimony of an idolater is admissible.

R' Yosef and Reish Lakish suggest one method of determining whether the idolater's intent is to permit the wife to remarry.

R' Yochanan rejects this explanation and offers an alternative explanation.

This explanation is unsuccessfully challenged.

A number of incidents are presented that relate to an idolater's credibility to testify when his testimony is part of his routine talk. ■

Teshuvah Beis Efraim³, on the other hand, takes a different line of reasoning. An agunah obtained government documents that her husband who had been serving in the army died in a hospital somewhere far away. Beis Efraim hesitated to rely on this information because the government does have an ulterior motive to lie. It is embarrassing for the government to document the number of soldiers who ran away from the army. Therefore, in order to conceal the number of soldiers that actually fled, the government would prefer to lie and claim that soldiers died. In conclusion he writes that any time there is a reason or incentive for the government to lie about a person's death they are not believed even if their claim is documented. ■

1. רמב"ם פי"ב מהל' גירושין הט"ז

2. רמב"ם פי"ג מהלל' כגירושין הי"ג

3. שו"ת דבר אברהם ח"ג סי' ט"ו

4. שו"ת בית אפרים סי' ל"א ■

STORIES Off the Daf

The Daf of a ship

דף של ספינה נודמן לי

When Rav Meir Shapira of Lublin, zt"l, was a young man, he wanted the concept of universal daf yomi study to be warmly accepted at the upcoming first Kenesiah HaGedolah of World Agudath Israel. After much consideration, he felt that the best chance for the idea to truly take hold was for the venerable Chofetz Chaim, zt"l to present this to the multitudes at the convention. If the Gadol Hador were to speak on the program's behalf, surely this would have the greatest possible impact!

When Rav Meir went to see the Chofetz Chaim about this however, the Gadol refused, "Oh no! You are the one to

present this before the many attendees of the convention. I only ask that you come twenty-five minutes late to the assembly."

Rav Meir didn't really understand why he should arrive late, but he was determined to follow the instruction of the Gadol Hador regardless.

When the day of the keneshiah came, Rav Meir made sure to appear twenty-five minutes late as requested. The place was jam-packed and as the Chofetz Chaim noticed Rav Meir enter, he stood up for him. When the rest of the Gedolim in attendance saw this they immediately followed suit. Soon, the entire assembly was standing in Rav Meir's honor.

When Rav Meir spoke about the Daf Yomi program, he had everyone's undivided attention. He said, "In Yevamos 121a we find that Rabban Gamliel was distressed when he saw Rabbi Akiva's boat

sink at sea. When he got to dry land he was pleasantly surprised to find Rabbi Akiva learning. When he asked how he survived, Rabbi Akiva explained, 'I found a daf (literally a board) of the ship and grabbed on to it. Every time a wave came, I bent my head and the wave passed over me and was gone.'

The Gadol explained, "The daf of Yevamos 121a can be explained metaphorically to mean the Daf Yomi, truly a lifeline extended to every Jew! Learning the Daf Yomi will save us from dangerous waves which threaten to engulf us physically and spiritually. This daily daf of Gemara will rescue every Jew from the waves of spiritual trials and ensure that he remains connected to Torah no matter what storm he weathers! לי נוצלתי—a daf came my way, and I was saved!" ■

