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Yevamos Daf 115

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Daf Notes is currently being dedicated to the neshamah of
Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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Fire at the Marriage Residence

The *Gemora* relates an incident: There was once a man whose marriage residence caught fire at the close of his wedding feast, and his wife cried, “Look at my burning husband, look at my burning husband!” When they came near, they saw an unrecognizable charred body that was prostrate on the ground and the severed hand of a man lying near it. Rav Chiya bar Avin intended to give his decision that the law in this case is the same as that where a woman stated, “They set our house on fire,” or “they set the cave on fire.” (*The braisa had ruled that just as the wife had escaped, there is a legitimate concern that the husband escapes, and we do not allow her to remarry.*)

Rava, however, said: Are the two cases at all similar? There, she did not say, “Look at my burning husband, look at my burning husband!” However, here, those present actually saw the charred body that was prostrate on the ground and the hand that was lying near it.

And Rav Chiya bar Avin, what would he respond to this distinction? As to the charred body that was prostrate on the ground, it may be suggested that a stranger came to the rescue of the burning man and was himself burned. And in respect to the hand which was lying nearby, it might be that of the rescuer, and the bridegroom who having been caught by the fire developed a blemish; and in order to hide his shame, he may have left the place and fled far away. (115a2)

One Witness during Wartime

The *Mishna* had stated: If it was a time of war in the world, and the wife arrives and states that her husband died, she is not believed.

The *Gemora* inquires: Do we believe a single witness during a time of war? Do we say that the reason a single witness is normally believed to allow a woman to remarry is because we assume the witness is telling the truth about a person, who, if alive, would clearly turn the witness into a liar (*and the witness therefore would not lie*), here too, during wartime, he will not lie? Or do we say that one witness is usually believed because we know that the woman herself is careful to ascertain that her husband is really dead before she would remarry, however, here, during wartime, she will not investigate carefully prior to remarrying?

Rami bar Chama said: Let us resolve this inquiry from the following *Mishna*: Rabbi Akiva said: When I went down to Nehardea to intercalate the year, I met Nechemiah of Beis Deli who said to me, “I heard that in *Eretz Yisroel*, no one with the exception of Rabbi Yehudah ban Bava permits a married woman to remarry on the testimony of one witness.” “That is so,” I told him. “Tell them,” he said to me, “in my name: You know that this country is infested with ravaging troops; I have this tradition from Rabban Gamliel the Elder that a married woman may be allowed to remarry on the testimony of one witness.” Now, what did Rabbi Akiva mean by “This country is infested with ravaging troops”? Obviously, that although this country is in a state of turmoil, I have the tradition that a married



woman may be allowed to remarry on the testimony of one witness. It emerges that one witness is believed even during wartime.

Rava said: If so, why should this country be different; any country that has ravaging troops, one witness is nevertheless believed?

Rather, said Rava, it is this that was meant: "You know that this country is infested with ravaging troops and it is impossible for me to leave my family and to come myself before the Rabbis in *Eretz Yisroel*; I am sending Rabbi Akiva to inform you of the tradition I have from Rabban Gamliel the Elder that a married woman may be allowed to remarry on the testimony of one witness."

The *Gemora* said: Let us resolve the inquiry from the following *braisa*: Two learned men once traveled with Abba Yosi ben Simai on a ship, which sank. And on the testimony of women, Rebbe allowed their wives to marry again. Now, evidence of death by water is certainly similar to that of death in war, and women, even a hundred of them, are legally equal to one witness, and yet it was stated that Rebbe allowed the wives to remarry!

The *Gemora* asks: And do you understand this? Those were waters that have no end, and when a man is drowned in waters without an end, his wife is forbidden to remarry (*even if fully qualified men had witnessed the accident, because it is possible that the man may have swum to, or the waters have cast him upon another part of the shore where he was rescued; as all the shore line cannot be seen from the point where he fell into the waters, his rescue may have been effected, though none of the men of the locality have observed it*). How, then, is this to be understood? Obviously the women stated that the drowned men were brought up in their presence and they saw them immediately afterwards and they also mention his identification marks, so that we do not rely upon them, but on the identifying marks. (115a2 – 115b1)

Identifying Marks

A man once deposited some sesame seeds with another, and when in due course he asked him to return the seeds, the other replied: "You have already taken them back." The depositor countered: "But surely the quantity was such and such and it is in fact still lying intact in your jar." The other replied: "Yours, you have taken back and these are different sesame seeds."

Rav Chisda at first intended to give his decision that the law in this case is similar to that of the two learned men, where we do not assume that those have gone elsewhere and these are others (*who have the same identification marks; similarly with the sesame in the jar, since it is of the same quantity as that of the deposited sesame it should be assumed to belong to the depositor and should, therefore, be returned to him*).

Rava, however, said to him: Are the two cases similar? There, the identification marks were given; but here, what identification marks can sesame have? And in regard to the depositor's statement that their quantity was such and such, it might be said that the similarity of quantities is a mere coincidence.

Mar Kashisha the son of Rav Chisda said to Rav Ashi: Do we ever in such circumstances take into consideration the possibility that the contents of a vessel may have been removed and replaced with similar contents? Surely we learned in a Mishna: If a man found a vessel on which was inscribed the letter *Kuf*, the contents are assumed to be a *korban*; if there is a *Mem*, it is *ma'aser*; if it is a *Dalet*, it is *demu'a* (*a mixture of terumah and unconsecrated produce*); if it is a *Tes*, it is *tevel*; and if it is a *Tav*, it is *terumah*; for in the period of danger, they used to write a *Tav* for *terumah*! (*This proves that a mark is regarded as sufficient proof that the original contents were not removed and replaced by others.*)

Ravina said to Rav Ashi: Do we not in such circumstances heed the possibility that the contents of a vessel may have been removed and replaced with others? Read, then, the final clause: Rabbi Yosi said: Even if a man found a jar on which 'terumah' was inscribed, the contents are nevertheless regarded as unconsecrated, for it is assumed that though it was in the previous year full of *terumah*, it has subsequently been emptied.

Rather, the fact is, all agree that the possibility of the contents having been replaced must be taken into consideration. Here, however, they differ only on the following principle: The *Tanna Kamma* is of the opinion that had the owner removed the contents from the jar, he would undoubtedly have wiped the mark off, while the other maintains that it might be assumed that he may have forgotten to remove the mark or he may also intentionally have left it as security. (115b1 – 115b3)

A PERSON'S EYESIGHT

Our Gemora states: If a man is lost at sea where the edge of the water is beyond sight ("waters that have no end"), the man's wife remains prohibited. We must be concerned that the husband might have surfaced beyond our vision and that he is still alive. Rashi explains that the range of sight is one *parsa'ah* in each direction, a distance of only four mil.

Sefer Harei Besamim asks a question based upon a Gemora in Bechoros (54a). The Mishnah taught that for *ma'aser* purposes the animals that one owns can join into one grouping when they are gathered within an area of sixteen mil. The verse in Yirmiyahu (33:13) states that the time will come when a person would own so many sheep that their owner would not be able to count them on his own. This suggests that when a flock is spread over too great of an area it is no longer one group. The sages have determined that this area is the range of sixteen mil.

This is more than the range of four mil cited in our Gemora!?

Daf Digest (in Bechoros) provides the following solutions: Based on a comment of Rashi in Eiruvim (8a), Sefer Harei Besamim suggests that there is a difference between the extent of sight on land, which is sixteen mil, and on sea, which is four mil.

Sh'vus Yaakov explains that the Gemora in Yevamos is discussing a case where we not only have to be able to see someone at a distance, but we also have to be able to see whether the person is alive or dead. While it may be possible to see sheep up to a distance of sixteen mil, it is only possible to see if a man lost at sea is still alive up to four mil.

Chut HaMeshulas explains that a person can certainly see beyond one *parsa'ah*, which is four mil. The verse in Bereshis (13:15) speaks about Avraham Avinu who was told to look across the land, and he was promised, "I will give you the land which you see." However, the Gemora in Yevamos is not just speaking about the ability to peer across a landscape, but it is speaking of being able to see a specific person or item. This can only be dependably done up until four mil.

The Gemora in Sukkah (2a) reports that *schach* of a sukkah which is higher than twenty amos is not valid. The verse says that the purpose of dwelling in a sukkah is in order that we realize that God housed us in sukkos in the desert when we departed from Egypt. When *schach* is above twenty amos, a person sitting in the sukkah does not notice that he is under the *schach*, because his eyesight does not perceive the roof above that height. Yet, the Gemora says that a person can see up to sixteen mil. This question was posed by R' Yitzchak Tzvi Levinzon to the Imrei Emes, and he answered that a person can see up to twenty amos even without paying attention. However, when one pays close attention and has specific intent, he is able to see much farther.