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Yevamos Daf 116

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Daf Notes is currently being dedicated to the neshamah of

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Concern for the Same Name

The Gemora relates an incident: Yitzchak Reish Gilusa (*surname*), the nephew of Rav Bibi was traveling from Cortava to Aspamya, and he died. The following message was sent from there: Yitzchak Reish Gilusa, the nephew of Rav Bibi was traveling from Cortava to Aspamya, and he died.

The Gemora inquires: Should we be concerned that that there are two Yitzchak’s or not?

Abaye said: We should be concerned. Rava said: There is no need to be concerned.

Abaye said: How do I know that we should be concerned? A letter of divorce was once found in Nehardea. It was written in it: Near the town of Colonia, I, Androlinai of Nehardea, released and divorced my wife So-and-so. When Shmuel’s father sent it to Rabbi Yehudah Nesiah, the latter responded: All of Nehardea should be searched (*to ascertain whether there is no other person of the same name in that town; this obviously proves the soundness of Abaye’s ruling*). Rava, however, said: If that were so, he should have instructed that the whole world should be searched. The truth is that it was only out of respect for Shmuel’s father that he sent that message.

Rava said: How do I know that we should not be concerned? Two loan documents were once produced in court at Mechuza and the names of the lenders were written as Chavai son of Nanai and Nanai son of Chavai. Rava bar Avuha ordered the collection of the debts based on these documents. But, surely, there are many men in Mechuza

bearing the names of Chavai son of Nanai and Nanai son of Chavai? (*And yet it was not doubted that the persons who held the notes were the men named, which proves that even the definite existence of other men of the same name in the same place need not be taken into consideration. This being the rule in monetary matters, it may be inferred that in religious matters, the uncertain existence at least of men of the same name need not be taken into consideration.*)

And what would Abaye reply? There is no reason to be concerned in that case. There is no concern that a lender would lose the document and this person with the same name found it because lenders are generally careful in regards to loan documents. There is no concern that the lender deposited these documents by this person, for a lender would never deposit a document for safekeeping with a man whose name is the same as his name. There is no concern that the lender gave the document to this person in order that the latter should acquire the loan, but he did not employ a valid act of transfer, because loan documents are acquired by merely giving the document from the previous owner to the new one. (115b3 – 116a1)

From Sura to Nehardea

A letter of divorce was once found in Sura, and the following was written in it: In the town of Sura, I, Anan son of Chiya of Nehardea, released and divorced my wife So-and-so. The Rabbis searched from Sura to Nehardea and they found that there was no other Anan son of Chiya except for Anan son of Chiya of Chagra who was presently residing in Nehardea. Witnesses came and declared that on the day on which the letter of divorce was written Anan son of Chiya of Chagra

was with them in Nehardea, and not in Sura, where the divorce was written.

Abaye said: Even according to me who holds that the possibility of the existence of other men of the same name is to be taken into consideration. no such possibility need be considered here, for even in respect of the only other man known to have that name, witnesses declared that he was in Nehardea; how then could he on the same day, have been in Sura!

Rava said: Even according to me who holds that the possibility of the existence of other men of the same name is not to be taken into consideration, such a possibility must be considered here, since the man in question may have gone to Sura on a flying camel, or perhaps, he arrived there by a miraculous leap (*using the Divine name*), or he may have given verbal instructions for the letter of divorce to be written on his behalf, as, in fact Rav said to his scribes, and Rav Huna, similarly, said to his scribes: When you are writing and signing documents in Shili, write “in Shili,” although the instructions were given to you in Hini, and when you are in Hini, write, “in Hini,” although the instructions were given to you in Shili. (116a1 – 116a2)

Sesame Seeds Ruling

The *Gemora* asks: What is the *halachah* regarding the sesame seeds?

Rav Yeimar said that we are not concerned that the seeds had been replaced. Ravina said: We are concerned. The *halachah* is that we are concerned. (116a2)

Fighting between Husband and Wife

The *Mishna* had stated: If there was fighting between him and her, she would not be believed that her husband died.

The *Gemora* asks: What is considered “fighting”?

Rav Yehudah said in the name of Shmuel: If there is such extensive fighting that she says to her husband, “Divorce me!”

The *Gemora* asks: Even happily married women say that when they are angry!?

Rather, it is when the woman tells her husband, “You have divorced me.”

The *Gemora* asks: If she says that she has been divorced she should be believed according to Rav Hamnuna, for Rav Hamnuna says that there is a presumption that a woman will not have the gall to say that to her husband if it would not indeed be the truth.

Rather, it is when the woman tells her husband, “You have divorced me in front of So-and-so and So-and-so,” and we ask them if this is indeed the case, and they answer, “Such a thing never occurred.”

The *Gemora* asks: Why don’t we believe the woman that her husband died in the case where there is fighting between them?

Rav Chanina said: It is because we suspect her of lying. Rav Simi bar Ashi said: It is because she might say that he died based on her assumption, although she did not actually observe that he died.

The *Gemora* asks: What is the practical difference between them?

The *Gemora* answers: The difference between them would be in a case where he initiated the fight (*as she does not hate him she would not invent a lie in order to get rid of him but would nevertheless readily believe that he was dead should he ever have found himself in a position of danger; she would not take the trouble to ascertain whether her conjecture was not groundless*). (116a2 – 116b1)

Single Witness

The *Gemora* inquires: Do we believe a single witness when there is fighting between the husband and the wife? 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, 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, when they are fighting, she will not investigate carefully prior to remarrying?

The *Gemora* leaves the inquiry unresolved. (116b1)

Mishna

The *Mishna* states: Beis Hillel said: We did not hear, except when she comes from the harvest, and in the same country, and like a case that happened (*only then is she believed that her husband died*). Beis Shamai said to them: It is all one whether she comes from the harvest, or she comes from the olives, or she comes from the grape harvest, or she comes from one country to another. The *Chachamim* spoke of the harvest only as something that happened. Beis Hillel retracted to teach as Beis Shamai. (116b)

She is Believed only by the Harvest

It was taught in the following *braisa*: Beis Shamai said to Beis Hillel: According to your view, one would only know the law concerning the wheat harvest; from where would the law be known concerning the barley harvest? And, furthermore, one would only know the law in the case where one harvested; from where would the law be known concerning one who picked grapes, picked olives, harvested dates, or picked figs? But you must admit it is only the original incident that occurred at harvest time and that the same law is applicable to all the other seasons. So here also we maintain

that the incident occurred with a husband who died in the same country, but the same law would be applicable to all other countries.

What would Beis Hillel reply? In the case of the same country, where people freely move about, she is afraid to lie, however, from one country to another, where people do not freely move about, she is not afraid.

And how would Beis Shamai respond? Here also, caravans frequently move about from one country to another.

The *Gemora* asks: What was the original incident that the *Mishna* alluded to?

Rav Yehudah said in the name of Shmuel: It was the end of the wheat harvest when ten men went to harvest their wheat and a snake bit one of them and he died from the wound. His wife, thereupon, came and reported the incident to *Beis Din*, who, having sent to investigate, found her statement to be correct. At that time it was ordained: If a woman stated: "My husband is dead," she may remarry; if she said "My husband is dead," she may be taken in *yibum*. (116b)

Decree is Limited to the same Situation as the Original Incident

The *Gemora* states: Let us say that Rabbi Chanania bar Akavya and the Rabbis argue regarding the same issue as Beis Shamai and Beis Hillel. For we learned in the following *braisa*: No man shall carry the waters of purification and ashes of purification across the Jordan River on board a ship, nor may one stand on one side and throw them across to the other side, nor may one float them upon water, nor may one carry them while riding on an animal or on the back of another man unless his own feet were touching the ground. He may, however, convey them across a bridge. These laws are applicable to the Jordan River and to other rivers as well. Rabbi Chanania bar Akavya said: They spoke only of the Jordan River and of transport on board a ship, as was the

case in the original incident. Must it, then, be assumed that the Rabbis hold the same view as Beis Shamai, whereas Rabbi Chanania bar Akavya holds the same view as Beis Hillel?

The *Gemora* rejects the comparison: The Rabbis can answer you: Our ruling agrees with the view of Beis Hillel also; for Beis Hillel maintained their opinion only there, since the woman is believed only because she is afraid to lie, and it is only in a nearby place that she fears, while in a distant one she does not fear. Here, however, what is the difference whether it is on the Jordan or on other rivers! Rabbi Chanania bar Akavya can also answer you: I may uphold my view even according to Beis Shamai; for Beis Shamai maintained their opinion only there because a woman investigates thoroughly and only then, will she remarry. Hence, what difference does it make whether the locality was near or far? Here, however, the prohibition is due to an actual incident; hence it is only against transport on the Jordan and on board a ship, where the incident occurred, that the Rabbis enacted their preventive measure, but against other rivers where the incident did not occur, the Rabbis did not enact a preventive measure.

What was the incident? It was that which Rav Yehudah said in the name of Rav: A man was once transporting the waters of purification and ashes of purification across the Jordan River on board a ship, and a piece of a corpse, of the size of an olive, was found stuck in the bottom of the ship. At that time, it was ordained: No man shall carry the waters of purification and ashes of purification across the Jordan on board a ship. (116b)

DAILY MASHAL

JUSTIFYING A CUSTOM REGARDING GEBROCHTS

Shoel U'meishiv (I: 1:130) issues a novel ruling based on our *Gemora*.

The *Gemora* cites the opinion of Rabbi Chananya ben Akavya, who maintains that when a decree was impelled because of a certain incident, it is limited to the same situation as the original incident.

The Shoel U'meishiv says: The obligation of eating matzah on Pesach, which is *lechem oni*, poor man's bread (*water and flour*) is only on the first night of Pesach and not any other nights or days, including the second night. Eating *lechem oni* is because the Jewish people baked the dough before it had a chance to rise on the way out of Egypt. Since the mitzvah is based upon that incident and that occurred on the night of the fifteenth of Nissan, that is the only night that we have this obligation.

We know when the night of the fifteenth is, and we are not uncertain regarding the days of the new month. The Chachamim instituted that we must observe two days of Yom Tov since that is what they did in the times of the Beis Hamikdosh. Accordingly, we must fulfill all mitzvos on the second night, as well.

However, that is only regarding mitzvos that if we wouldn't fulfill, it would be degrading for the Yom Tov. We are required to eat matzah and marror since otherwise, it would be apparent that we are not recognizing this night as a Yom Tov; however, matzah which is not *lechem oni* would not degrade the Yom Tov at all and therefore it would not be necessary. He cites a Beis Yosef as proof to this.

I heard that this could be the justification for the custom of not eating *gebrochts* only on the first night of Pesach. If the reason for not eating *gebrochts* on Pesach is because there is a concern that it might result in chametz, there is no distinction between the first night and all the other nights; but if the reason is based on *lechem oni*, there can be logic to say that it is only applicable on the first night.