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Mishna

(This Mishna is a continuation of the preceding one, and deals with a woman who was permitted to be married on the basis of her statement that her husband had died, and discusses whether she receives the financial settlement of her kesuvah.) Beis Shamai say: She may marry and she takes her kesuvah. Beis Hillel say: She may marry but she does not take her kesuvah. Beis Shamai said to them: You permitted a stringent prohibition of *ervah*, will you not permit the less important matter of property? Beis Hillel said to them: We find that the brothers do not enter into an inheritance on her testimony. Beis Shamai said to them: And do we not learn from her kesuvah scroll that he writes to her: “If you will be married to another, take that which is written to you.” Beis Hillel retracted to teach according to the opinion of Beis Shamai. (116b4 – 117a1)

The Dead Brother’s Assets

Rav Chisda says that if the woman (*who stated that her husband died*) has *yibum* done to her, her new husband receives his dead brother’s assets based on her statement (*that her husband had indeed died*). After all, if they extrapolated the teaching regarding kesuvah (*that the woman receives in this case, as stated in the Mishna*), we should not extrapolate a teaching that is explicitly stated in the Torah? The Torah states: “*He should be established in the name of his brother,*” (*meaning that he should receive his possessions*) and he has taken the place of his brother (*by performing yibum*)! (117a1)

The Woman’s Request

Rav Nachman says that if a woman comes to *Beis Din* and says that her husband has died and she wants permission to remarry, we give her permission and a kesuvah. If she only says that she wants her kesuvah, we do not even give her permission to remarry. Why? This latter statement is merely a demand to receive the money from her kesuvah (*and therefore two witnesses are required, as it is a monetary matter*).

The *Gemora* inquires: What is the *halacha* if she says that she wants permission to marry and to be given her kesuvah? Do we say that since she requested her kesuvah, she is coming for the money of her kesuvah, or do we say that people merely tell *Beis Din* about all of their issues (*that are connected to the claim*)? Assuming that people merely tell *Beis Din* about all of their issues, what would be the halachah if she said give me my kesuvah and permit me to marry? Do we say that in this instance she is clearly coming to claim the kesuvah (*as she mentioned it first*)? Or do we say that since it is possible that she doesn’t know what exactly makes her permitted to remarry, she therefore requested her kesuvah first (*as she thinks that is what allows her to remarry*)? The *Gemora* leaves the question unresolved. (117a1 – 117a2)

Mishna

Everyone is believed to give testimony that a woman’s husband died, besides her mother-in-law, daughter of her mother-in-law, co-wife, her potential co-wife (*if she would fall to yibum*), and the daughter of her husband. What is the difference between a *get* and death (*that we do not believe these women regarding the death of her husband, but we do believe them to bring her get from abroad and testify that it was written and signed in her presence, giving the get*

validity)? The *get* has writing on it (*which is already a greater sign of validity and her statement is only the "finishing touch" that it is valid*). (117a2 – 117a3)

Reasoning of the Mishna, and Does it Apply to Others?

The *Gemora* inquires: What about the daughter of her father-in-law? The reason that the daughter of her mother-in-law is not believed is since her mother (*the mother-in-law*) hates her, she also hates her. This would mean that the daughter of a father-in-law would not present a problem, as her real mother does not hate this woman! On the other hand, perhaps the reason that a daughter of a mother-in-law is forbidden is because she is upset that the woman is eating away at the possessions her mother brought into the marriage. Here, too, it is possible that the daughter of a father-in-law would hate this woman, as she is depleting the resources of the marital house (*of her father and the possessions the mother-in-law brought into the marriage*).

The *Gemora* tries to answer this from a *braisa*: All are believed to testify for this woman (*that her husband died*) besides for five women. If a daughter of a father-in-law would also be forbidden, it should have said *six* women! The *Gemora* answers that being that the reason for hatred is that she is depleting the resources of the marital house, it should not make a difference whether she is the daughter of the mother-in-law or the daughter of the father-in-law (*and therefore both are included as one person in this listing*).

The *Gemora* asks, didn't we learn in a *braisa* that there are actually seven such women? The *Gemora* answers that this is the opinion of Rabbi Yehudah, who included in a *braisa* a stepmother and daughter-in-law. They (*Chachamim*) retorted to Rabbi Yehudah, a stepmother is included in the Mishna's listing of the daughter of her husband and a daughter-in-law is included in the Mishna's listing of a mother-in-law! What is Rabbi Yehudah's reasoning? It makes sense that the mother-in-law hates the daughter in law as she depletes the resources of the marital house, but why would the daughter-in-law hate the mother-in-law?

Similarly, it makes sense that a stepdaughter would hate her stepmother as she is depleting her father's resources, but why would the stepmother hate her stepdaughter? Indeed, why does Rabbi Yehudah add these two people?

The *Gemora* answers that a daughter-in-law hates her mother-in-law because she tells her son about everything that his wife does. A stepmother similarly hates her stepdaughter who tells her father everything that his wife does. Why don't the Rabanan also include these women? The Pasuk states "like a face's reflection in the water, so is the reflection of one's heart to another's heart." [*Accordingly, the Rabanan felt that once one person in a relationship is deemed to hate the other, it is obvious that the other person should be considered to hate the first person, as it is only natural that people hate those who hate them. This is why they did not list these people separately in the Mishna (unlike Rabbi Yehudah in the braisa).*]

Why, then, does Rabbi Yehudah list them separately? Rabbi Yehudah understood that this Pasuk is referring to words of Torah (*that the more effort you put into Torah, the more you get out, see Rashi*), not people's feelings towards each other. (117a3 – 117a4)

The Believability of a Future Mother-in-Law

Rav Acha bar Avya asked in Israel: is a future mother-in-law (*mother of someone to whom she would fall to yibum if her husband indeed died*) believed? Do we say that she thinks ahead that if the woman's husband died she will fall to yibum, and therefore she hates her, or not?

The *Gemora* tries to answer from a *braisa*: If she says that her husband died and afterward her father-in-law died, she can get remarried, receive her *kesuvah*, and she causes her mother-in-law to be forbidden (to remarry). Why is her mother-in-law forbidden? It must be that we suspect that her husband and father-in-law did not die, and she is merely saying this to ruin her mother-in-law. She thinks that after

awhile her mother-in-law will no longer have the ability to bother her. *[When her husband and her father-in-law come back from abroad, her mother-in-law will be known as a married woman who married another man while her husband was away. She will be unable tell her son negative things about her, as her son will no longer listen to his mother, as her status will be severely lowered. This is why Chazal rule that the mother-in-law cannot remarry.]* This seems to prove that we do suspect ill feelings even when they are no longer applicable, just as we suspect this woman of setting up her ex-mother-in-law *(as she first testified that her own husband died, and only later testified that her mother-in-law's husband died)*. We should similarly suspect a future mother-in-law!

The *Gemora* answers that this case is not proof, as it is talking about someone who was already in a situation where she felt pain from her mother-in-law. This does not mean that we should suspect someone who will become a woman's mother-in-law. (117a4 – 117b1)

Mishna

A witness testified that a husband died, causing the widow to remarry. A different witness proceeded to testify that he did not die. The woman does not have to leave her new husband. If one witness says that the husband died and two say that he did not die, even if she remarried *(due to the first witnesses testimony)* she must leave her new husband. If two witnesses say that her husband died, and one says that he did not die, she is allowed to remarry. (117b1)

One Witness Vs. Another Witness

The reason that the Mishna stated in the first case that she can stay married appears to be because she is already married. This implies that if did not yet marry in this case, she should not get remarried. The *Gemora* asks, didn't Ula say that whenever the Torah believed a single witness it is as if his testimony is as strong as when there are two witnesses? If this is the case, the second witness should be

considered as a single witness contradicting two witnesses *(and she should be permitted to marry)!* The *Gemora* answers that the Mishna means that if one witness testified that he died, and based on that the woman was permitted to remarry, she does not have to abandon the permission that she received to remarry even if another witness testifies that her first husband is still alive. Accordingly, even if she did not yet remarry she indeed may still remarry. (117b1 – 117b2)

One Lenient Witness Vs. Two Stringent Witnesses

It is simple that two witnesses override one witness *(and that the woman in the second case of the Mishna must therefore leave her husband)!* The *Gemora* answers that the case is necessary to tell us that this is the law even when the two witnesses are generally unfit to testify *(but are accepted by testimony regarding dead husbands)*. This is like the opinion of Rabbi Nechemiah. The *braisa* states that Rabbi Nechemiah said that wherever the Torah believed one person, go after the majority of opinions on the matter. This means that the Torah equated in such a case the testimony of two women who contradict one man to the testimony of two men who contradict one man *(in both cases two beats one)*.

Alternatively, the *Gemora* answers that it is possible that whenever one generally kosher witness testifies first, even one hundred women who would contradict him are viewed as one witness. The Mishna is speaking about a case where the first witness was a woman *(and two women later contradicted her permissive testimony)*. According to this explanation, you should explain Rabbi Nechemiah's law (stated above) in the following manner. Wherever the Torah believed one person, go after the majority of opinions on the matter. This means that the Torah equated in such a case the testimony of two women who contradict one woman to the testimony of two men who contradict one man. However, Rabbi Nechemiah would agree that two women who contradict one man is akin to half *(of the total witnesses)* versus half. (117b2 – 117b3)



Two Lenient Witnesses Vs. One Stringent Witness

What is the novelty of this teaching (*isn't it obvious that two versus one always wins*)? It must be teaching us the law in a case where the witnesses are generally unfit, applying the teaching of Rabbi Nechemiah regarding unfit witnesses (*see above*). The *Gemora* asks, this is the same teaching as the second case of the Mishna (*and therefore not novel at all*)! The *Gemora* answers that you might have thought from the second case that we only apply Rabbi Nechemiah's law regarding taking into consideration the majority opinion when it is a stringency, not to be lenient. The last case in the Mishna teaches us that this is incorrect (*and we even apply it in a lenient fashion*). (117b3 – 117b4)

Mishna

One wife says that her husband died, while her co-wife says that her husband did not die. The one that says that her husband died can remarry and receive her *kesuvah*, and the one that said that he did not die may not remarry or take a *kesuvah*. If one says that he died naturally and one says that he was killed, Rabbi Meir says that since they are contradicting each other, they both may not remarry. Rabbi Yehudah and Rabbi Shimon say that as they both admit that he is dead they can remarry. (117b4 – 118a1)

DAILY MASHAL

Hashem's LOVE for us

It is written: *"Like a face's reflection in the water, so is the reflection of one's heart to another's heart."* [Accordingly, the Rabanan felt that once one person in a relationship is deemed to hate the other, it is obvious that the other person should be considered to hate the first person, as it is only natural that people hate those who hate them. This is why they did not list these people separately in the Mishna (unlike Rabbi Yehudah in the braisa).]

Why, then, does Rabbi Yehudah list them separately? Rabbi Yehudah understood that this verse is referring to words of Torah (*that the more effort you put into Torah, the more you get out, see Rashi*), not people's feelings towards each other.

The Torah writes [Devarim 1,27]: *You murmured in your tents and said, "Because the Lord hates us, He took us out of the land of Egypt, to deliver us into the hand[s] of the Amorites to exterminate us."*

The Sifri states on this verse: Is it possible that the Lord hates Klal *Yisroel*; doesn't it say: I love you, so said Hashem? Rather, you hate Him. A common parable says: What is in your own heart about your friend, is in his heart about you.

The simple explanation in this Sifri would be according to our *Gemora* (*the Rabbanan, not Rabbi Yehudah*). In truth, Hashem loves Klal *Yisroel*, but since there are those that hate Him, this effects Hashem's relationship with them and He does indeed hate them.

Alternatively, Reb Yosef Engel explains that the Sifri could be referring to what seems apparent to Klal *Yisroel*. It would seem that Hashem hates those who hate Him because of the common parable that what is in your own heart about your friend, is in his heart about you. However, this is not the case, and Hashem loves all of Klal *Yisroel*, even those who hate Him.