



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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Understanding the Baraisa

The Baraisa states: If two witnesses say she became betrothed and two say she didn't, the woman in question should not get married. If she did, she does not have to get divorced. If two witnesses say she was divorced and two say she wasn't, she should not remarry. If she did, she must get divorced.

The Gemora asks: What is the difference between the first case and the second case?

Abaye says: The Baraisa should be understood as discussing one witness (*not two*). The case is where one said she was betrothed and one said she was not. They were both testifying that the girl was previously known to be single. Accordingly, the one witness' testimony that she became betrothed stands against his own testimony, plus that of the other witness, that she was single. His word that she was betrothed is insufficient against the word of two people. The second case is where one witness says she was divorced and one says she wasn't. Both are testifying she was previously married. Accordingly, the one witness' testimony that she was divorced stands against his own testimony, plus that of the other witness, that she was married. His word that she was divorced is insufficient against the word of two people.

Rav Ashi says: The Baraisa is talking about two witnesses, but we must switch the cases. If two witnesses say we saw that she became betrothed and two say they did not see

that she became betrothed, the woman in question should not get married. If she did, she must get divorced.

The Gemora asks: This is obvious, as the fact that the second set of witnesses did not see anything is not proof!

The Gemora answers: The case is where the second set of witnesses live in the same courtyard as the woman. One might therefore think that usually when someone in the same courtyard marries, everyone in the courtyard knows about it. The Baraisa therefore states that this is not a proof, as some people indeed marry privately.

The second case (*Rav Ashi continues*) is where two witnesses say they saw her get divorced and two say they did not see her get divorced. She should not get remarried, but if she did, she does not get divorced. What is the novelty about this teaching? Even if you will say the case is where the second set of witnesses lived in one courtyard, this is essentially the same teaching that was taught in the first case (*why is a second case necessary*)?

The Gemora answers: You might think that although some people will be mekadesh (betroth) in private, a divorce will always be known in the same courtyard. The Baraisa therefore tells us that there are people who do betrothal and divorce in a very private fashion. (22b4 – 23a2)

Understanding the End of the Mishnah

If when she remarries witnesses arrive, she does not have to get divorced. Rabbi Oshiya understood this is referring

to the first part of the Mishnah (22a), while Rabbah bar Avin understood it was referring to the second part of the Mishnah. Whoever understands it is referring to the first part understands that it is certainly referring to the second part as well, as the sages were more lenient in cases of captives. Whoever understands it is referring to the second part does not understand that it refers to the first part.

The Gemora suggests: Let us say these opinions are arguing regarding the opinion of Rav Hamnuna (*that if a woman says to her husband "you divorced me" is believed as she would not be so brazen to say so if it wasn't true*). The one who states that this is going on the first part of the Mishnah holds of Rav Hamnuna's law, while the one who says it is referring to the second part of the Mishnah does not.

The Gemora answers: No, everyone holds of Rav Hamnuna's law. Rather they argue about the context of his law. One (*Rabah bar Avin*) says that Rav Hamnuna only meant that if a woman said "you divorced me" in front of the husband she is believed, but not if she claims this when her husband is not present. The other opinion (*Rabbi Oshiya*) holds that Rav Hamnuna even meant that she is believed to state this when her husband is not present. (23a2 – 23a3)

The father of Shmuel states: When the Mishnah concludes "if she married" it does not mean that she actually already married, but rather if they already permitted her to marry even if she did not yet marry.

The Gemora asks: Doesn't the Mishnah say "she does not have to leave (*implying divorce and that she was already married*)?"

The Gemora answers: It means that she does not have to leave her permission to remarry.

The Baraisa states: If a woman says that she was captured but remained pure, and she has witnesses to this effect, we do not say that we should wait until the witnesses come but rather we immediately permit her to marry. If they permitted her to marry and witnesses than arrive who say she was captured but they do not know whether or not she became impure, she does not have to get divorced. If there are witnesses that she indeed became impure, even if she has many children (*from the new marriage*) she must get divorced. (23a3 – 23a4)

The Capture of Shmuel's Daughters

A group of captives came to Nehardea to be redeemed. The father of Shmuel sat and watched them. Shmuel asked his father: Until now who watched them? Shmuel's father replied: If they were your daughters, would you cheapen the matter in such a fashion? This statement was like a "mistake that came from before the ruler," and Shmuel's daughters indeed became captives and were taken to Eretz Yisrael.

Shmuel's daughters kept the status of their captivity outside of Beis Din (*to avoid having witnesses come forward about their captivity*), and they came to the Beis Medrash of Rabbi Chanina. They both stated that they were captured and did not become impure. Rabbi Chanina ruled that they could marry. In the end it became known that they had been captives. Rabbi Chanina stated: "They must be the daughters of a great man (*as they knew a way to ensure that they could still marry a kohen*)." It was found out that these were the daughters of Shmuel. Rabbi Chanina told Rav Shaman bar Abba: "Go marry your relative!" Rav Shaman to Rabbi Chanina: "Aren't there witnesses abroad that they were captured?" Rabbi Chanina replied: "Now they are not here! Could it be that one could claim there are witnesses in the north, and she should be forbidden!?"

This implies that the reason they were permitted is because no witnesses actually came forth. If they would

have testified, they would be forbidden. The Gemora asks: Didn't Shmuel's father say that once she is permitted to marry she may, even if witnesses testify before she actually marries?

Rav Ashi answers: Rabbi Chanina was referring to witnesses that saw they had become impure, not witnesses that they had been captured. (23a4 – 23a5)

Mishnah

If two women were captured, and each says she was captured but remained pure they are not believed. If each testifies that the other remained pure, they are believed. (23b1)

Analyzing All Possible Combinations of Testimony

The Baraisa states: If a woman says, I was defiled but my friend remained pure she is believed. If she says "I remained pure and my friend was defiled" she is not believed. If she says "My friend and I were defiled" she is believed regarding herself but not her friend. If she says "My friend and I remained pure" she is believed regarding her friend but not regarding herself.

The master had stated: If she says "I remained pure and my friend was defiled" she is not believed. The Gemora asks: What is the case? If there were no witnesses, why shouldn't she be believed regarding herself? She is essentially saying she was captured and remained pure (*which the Mishnah 22a states is a believable claim*)! It must be there were witnesses (*that they were captured*). Let us then consider the middle case: If she says my friend and I were defiled, she is believed regarding herself but not her friend. If there are witnesses, why isn't she believed about her friend? It must be that in this case there are no witnesses. Let us analyze the last case: If she says my friend and I remained pure, she is believed regarding her friend but not herself. If there were no witnesses, why wouldn't she be believed regarding herself? It must be that there were witnesses. The

Gemora therefore concludes its question: Is it possible that the first and last cases were with witnesses, and the middle case is without witnesses?

Abaye answers: Yes, it is possible that the first and last case of the Baraisa were cases where there were witnesses, and the middle case is where there were no witnesses.

Rav Pappa answers: All the cases are where there were witnesses, and there is one witness who contradicts her words. In the case where she says that she was defiled and her friend remained pure, the witness stated that she remained pure and her friend was defiled. Accordingly, she has now made herself forbidden to a kohen, while her friend is permitted based on her word (*considered like two witnesses against the contradictory witness who is considered as one*). If she says that she is pure and her friend is defiled, and the witness states that she was defiled while friend is pure, she is forbidden as there are witnesses that she was captured. Her friend is permitted based on the testimony of the other witness (*considered like two*). If she says that both of them were defiled and the witness says both remained pure, she has made herself forbidden while her friend is permitted based on the testimony of the one witness.

The Gemora asks: Why do we need this third case? The logic in it has already been stated by the first two cases! The Gemora answers that one might think that both of them should be considered permitted, and the reason she is lying about her own status is akin to Shimshon's famous statement "Let my soul die with the Philistines (*in this case her companion*)." The Baraisa therefore tells us she is still prohibited (*due to her proclamation that she was defiled*).

If she says that both remained pure and the witness said both were defiled, she is prohibited as there are witnesses that anyway say that she was captured. Her friend is

permitted based on her testimony. Why is this case necessary? This is basically the logic used in the first case! The Gemora answers: You might suggest that she is only believed regarding her friend where she admits she herself was defiled. However, if she is stating that they are both permitted including herself, perhaps she is not believed about her friend as well. The Baraisa therefore tells us this case to say that she is believed regarding her friend in this case as well. (23b1 – 23b3)

Mishnah

Similarly, if two men come forward and each one says they are a kohen, they are not believed. When they testify regarding each other, they are believed. Rabbi Yehuda states: We do not raise someone to become a kohen upon the word of one witness. Rabbi Shimon ben Gamliel says in the name of Rabbi Shimon ben Ha'Sgan: We do raise a person to become a kohen upon the word of one witness. (23b3)

DAILY MASHAL

Our Rabbis go so far in empowering the Sanhedrin to change the date of the new moon, that even physical phenomena are affected. According to the Talmud, a virgin whose hymen has been penetrated, will grow it back if she had been under three years old when it happened. If she had been older, then she does not grow it back. The length of the three years, however, is made conditional on the determination of the calendar by the Sanhedrin, not on the solar cycle of three times 365 days.

Our Gemora relates: Shmuel's daughters kept the status of their captivity outside of Beis Din (*to avoid having witnesses come forward about their captivity*), and they came to the Beis Medrash of Rabbi Chanina. They both stated that they were captured and did not become impure. Rabbi Chanina ruled that they could marry.

The Yerushalmi in Kesuvos continues: The first one was betrothed to a man and subsequently he died, and the second one got married and he died as well. The Gemora there concludes: Heaven forbid! They did not lie, but rather, they died on account of the sin of Chananyah the nephew of Rabbi Yehoshua who intercalated the year outside of Eretz Yisroel.

What is the explanation and the connection? The Vilna Gaon explains that indeed they did cohabit with idolaters, but they were less than three years old at the time, and accordingly, their virginity was still intact (and therefore pure, allowing them to marry a Kohen). However, this was according to the calculation established by Chananyah the nephew of Rabbi Yehoshua who intercalated the year outside of Eretz Yisroel. In truth, the year was not a leap year; it emerges that they were indeed three years old at the time, but they did not know this.