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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

There were those who put this in the form of a contradiction. We have learned in our Mishnah: A woman who was imprisoned by idolaters: If it was because of money, she is permitted to her husband (*in which case they were afraid to violate the woman, lest they should forfeit their money claim*). But here is a contradiction (from a different Mishnah): Rabbi Yosi (the Kohen and Rabbi Zechariah ben Hakatzav) testified etc., (regarding a Jewish woman who pledged herself (*to the idolaters as a security for a debt*) in Ashkelon and her family distanced themselves from her (*because they assumed that she had been violated*). Witnesses testified that she did not seclude herself and that she was not violated by them. The Chachamim said to the family members: If you believed the witnesses that she was pledged, believe them also that she did not seclude herself and that she was not violated by them, and if you do not believe them that she did not seclude herself and that she was not violated by them, do not believe them that she was pledged). Now, Ashkelon was a case where it happened for the sake of money, and yet the reason why the Chachamim permitted her to her husband was because witnesses testified on her behalf, but if witnesses did not testify for her, she would not have been permitted. [This would presumably be the ruling whether she pledged herself or imprisoned!?] And it is answered: Rav Shmuel bar Rav Yitzchak said: It is no contradiction; here (in our Mishnah), it is referring to a time when the hand of Israel is strong over the idolaters (and therefore the woman is permitted), and here (in the other Mishnah), it is referring

to a time when the hand of the idolaters is strong over themselves. (27a1)

The Mishnah had stated: [A woman who was imprisoned by idolaters] If it was because of a capital offence, she is prohibited to her husband.

Rav said: As, for instance, the wives of thieves. [The idolaters had the following rule for thieves: They were hanged, their wives and property were regarded as free for all; accordingly, these women were forbidden to their husbands.] Levi said: As, for instance, the wife of Ben Dunai (who was a murderer). [It is only the wives of murderers who are abandoned and free for all; wives of ordinary thieves are not abandoned, and therefore, are still permitted to their husbands.]

Chizkiyah said: This is only when they have already been sentenced to death (for their wives are still protected). Rabbi Yochanan says: Even if they have not yet been sentenced to death. (27a1 – 27a2)

The *Mishnah* states: A city which was conquered by besieging troops, all the wives of *Kohanim* therein are forbidden to their husbands. But if there are witnesses who vouch for them, even a slave or a slavewoman, they are believed. But a person is not believed about himself. (27a2)

The *Gemora* notes a contradiction: We have learned in the following *Mishnah*: If troops came into the city during peacetime, all opened barrels of wine are prohibited



(because we are concerned that the soldiers used the wine to pour libations for their idols), but the sealed barrels remain permitted. If the troops came during wartime, even the opened barrels are permitted because the soldiers do not have time to pour libations. (Why does our Mishnah assume that the soldiers had time to violate the women during wartime?)

Rav Mari answers: They have time to engage in cohabitation (because of their desire), but they do not have time to pour libations. (27a2 – 27a3)

Rabbi Yitzchak bar Elozar said in the name of Chizkiyah: The women are permitted to the *Kohanim* when the besieging troop is of the same kingdom (the troops wish to remain loyal to the inhabitants of the city). However, they will be forbidden when the besieging troop is from another kingdom (an enemy troop behaves in a hostile manner, and the women of the town may have been violated).

The *Gemora* asks: Even in the case of a besieging troop from the same kingdom, is it not possible that one of them will run away from the rest of the troop and violate a woman in the city?

Rav Yehudah answered in the name of Shmuel: We are discussing a case where the guards see one another (and therefore the city is safe).

The *Gemora* asks: But is it not possible that one of the guards dozed off for a while?

Rabbi Levi answered: We are discussing a case where when they surround the city with chains, dogs, spikes and geese (so we are guaranteed that anyone attempting to slip away will be caught).

Rabbi Abba bar Zavda said: With regard to this, Rabbi Yehudah Nesiah and the Rabbis differ: One said that the

women are permitted to the *Kohanim* when the besieging troop is of the same kingdom and they will be forbidden when the besieging troop is from another kingdom, and he found no difficulties, whereas the other raised all those questions and answered them by saying that they placed around the town chains, dogs, spikes and geese. (27a3)

Rav Idi bar Avin said in the name of Rabbi Yitzchak bar Ashyan: If there is there one hiding place in the city, it protects all the wives of the *Kohanim* (since we may assumed that they all hid there).

Rabbi Yirmiyah inquired: What is the law if the hiding place holds only one? Do we say regarding each woman, “She is the one that used the hiding place”? Or perhaps, we cannot say this.

The *Gemora* asks: Why is this case different that the case we learned in the following *Mishnah*: If there are two paths, one path is *tamei* because it has a grave and the other path is *tahor*. If a person walked down one of the paths and he then came into contact with food that was *tahor*, and then another person walked down the other path and the second person came into contact with other food that is *tahor*, there is a dispute regarding both people’s status. Rabbi Yehudah maintains that if each person queried regarding their status separately, then they are both rendered *tahor*. If, however, they queried regarding their status simultaneously, then they are both *tamei*. Rabbi Yosi disagrees and maintains that however they posed their query, they will both be *tamei*. The *Gemora* qualifies this dispute as follows: If both people queried regarding their status simultaneously, then everyone agrees that they are both *tamei*. If they queried separately, then everyone agrees that they are both *tahor*. The only case where Rabbi Yehudah and Rabbi Yosi disagree is regarding a case where one person queried regarding the status of himself and his friend. Rabbi Yosi maintains that this is akin to their both querying together,

and since the Chacham has to render a ruling on both people simultaneously, he cannot declare both of them to be *tahor*. Rabbi Yehudah, however, maintains that since only one person is posing the query, the Chacham can rule that he is *tahor* and not rule regarding the other person. *(The one posing the query can assume on his own that his friend is tahor. If they both came together, however, the Chacham would not be able to rule for both of them that they are both tahor.)*

Here too, since we are simultaneously permitting all of the women to *Kohanim*, it should be compared to a case where the two people queried together *(and according to Rabbi Yosi, they should all be forbidden since some were definitely violated)*?

The *Gemora* answers: There is no comparison! In the case of the two paths, there is certainly *tumah* in one of the paths, whereas here, we do not know for certain that any of the women were actually violated. (27a3 - 27a4)

Rav Ashi inquires: What is the *halachah* if she says, "I was not in the hiding place, but I did not cohabit with an idolater"? Do we say that she should be believed, for what reason did she have to lie? *(She could have said that she was in the hiding place and we would have ruled that she is permitted to Kohanim; now that she said that she wasn't there, but didn't cohabit, we should believe her.)* Or perhaps, we do not believe her *(since we assume that all women who were not in the hiding place cohabited with an idolater)*.

The *Gemora* asks: Why should this case be different than the ruling by the following incident: Once someone hired out a donkey to a person, and he said to him, "Do not go the way of Nehar Pekod, where there is water, but rather, go the way of Naresh, where there is no water." But he went the way of Nehar Pekod and the donkey died. The one who hired the donkey came before Rava and said to him, "Indeed, I went the way of Nehar Pekod, but there

was no water." Rava said: Why should he lie? If he wished, he could have said that he went the way of Naresh. Abaye said to him: We do not say 'Why should he lie?' when there are witnesses against him *(it is common knowledge that there is water on the way to Nehar Pekod; here too, it is common knowledge that if she was not in hiding, she cohabited with an idolater)*.

The *Gemora* objects to the comparison: Now is this so? There, there were witnesses that there certainly was water on the way of Nehar Pekod, but here, has she certainly been defiled *(it is merely a suspicion, but we are not definite about it)*? It is only a concern, and in the case where we are concerned, we say 'Why should he lie?' (27a5 – 27b1)

The *Mishnah* had stated: A city which was conquered by besieging troops, all the wives of *Kohanim* therein are forbidden to their husbands. But if there are witnesses who vouch for them, even a slave or a slavewoman, they are believed.

The *Gemora* infers from the *Mishnah* that even her own maidservant is believed.

The *Gemora* asks a contradiction against this from that which we learned in a *Mishnah* in Gittin: She *(the wife of a husband who gave her a divorce on condition that he dies)* must not be alone with him *(with her husband between the delivery of the divorce and his death)* unless there are witnesses there *(that they did not engage in relations)*, even a slave and even a maidservant except her own maidservant because she is familiar with her own handmaid *(and will not be embarrassed to cohabit with her husband in front of her own maidservant)*! *(We thus see that her own maidservant cannot be a witness.)*

Rav Pappi answered: In the case of a woman captive, the Rabbis ruled leniently.

Rav Pappa answered: In the case by Gittin, we are speaking about her maidservant; in our case, we are speaking about his maidservant.

The *Gemora* asks: But her maidservant is not believed? The *Mishnah* teaches us that a person is not believed about himself. This would imply that her maidservant is believed!?

The *Gemora* answers: Her maidservant is like herself (for she is devoted to her, and sympathizes with her).

Rav Ashi answers: In both cases, we are speaking about her maidservant, but what we maintain is that a maidservant sees and remains silent. Consequently there, where her silence makes her permitted (*if the maidservant says nothing as to any intimacy between husband and wife after the conditional divorce, she is in her permitted state; and as her maidservant is suspected of seeing a wrong done and saying nothing, her silent testimony is not accepted*), she is not believed, but here, where her silence makes her forbidden (*a captive woman is presumed to have been violated unless there is evidence to the contrary; consequently, in order to make her mistress permitted to her husband, the maidservant would have to speak; she would have to say that her mistress was not defiled and we do not assume that she would say an untruth; she may be guilty of a silent falsehood, but not of a spoken falsehood, therefore when she says that her mistress has remained pure she is believed*), she is believed.

The *Gemora* asks: Now also, she may come and tell a falsehood?

The *Gemora* answers that two things she would not do (to be silent about her mistress's defilement and to say that she was not defiled; that she would do both these things we do not assume), as in the case of Mari bar Isak: To him, there came a brother from Bei-Choza'ah and said to him,

"Give me a share in the property of our father." Mari answered him, "I do not know you." The brother came to Rav Chisda, and Rav Chisda said to him, "Mari answered you well, for it is written: And Yosef knew his brethren, and they did not recognize him. This teaches us that Yosef went away before he had grown a beard and he came back after growing a beard (it is therefore possible and even natural that your brother does not recognize you). Rav Chisda said to him, "Go and bring witnesses that you are indeed his brother." The brother answered him, "I have witnesses, but they are afraid of Mari because he is a powerful man." Rav Chisda said to Mari, "Go and bring witnesses that he is not your brother." Mari asked Rav Chisda, "Is this the halachah? Surely, he who claims must produce evidence!" Rav Chisda said to him, "So I rule for you and all who are powerful like you!" The *Gemora* asks: But they may also come and lie? The *Gemora* answers: Two things they will not do (*to be silent to the truth and to tell a falsehood*). (27b1 – 27b3)

The *Gemora* asks: May we say that this argument (between Rav Pappi and Rav Ashi with Rav Pappa regarding the veracity of a woman's own slavewoman) is a matter of a Tannaic dispute? For it was taught in a Baraisa: This testimony (which permits a captive woman from returning to her husband) a man and a woman, a boy and a girl, her father and her mother, her brother and her sister (may provide this testimony), but not her son and her daughter, nor her slave and her slavewoman. And in another Baraisa it was taught. All are believed to testify on her behalf, except herself and her husband. [We may infer from here that her slavewoman may offer this testimony; this contradicts the previous Baraisa!?!]

The *Gemora* elaborates: Now the views of Rav Pappa and Rav Ashi (who permit a slavewoman to testify on behalf of her mistress) are certainly a matter of a Tannaic dispute (for the first Baraisa states that the slavewoman cannot testify for her mistress; they must follow the opinion of the second Baraisa). But, is the view of Rav Pappa (that

the slavewoman cannot testify for her mistress) a matter of dispute (for perhaps there is some way to reconcile the second Baraisa with that of Rav Pappa's opinion)?

The Gemora answers: Rav Pappa can answer you: That Baraisa speaks of a case when she was speaking casually (and she didn't realize that her statement would have any legal ramifications; in such a case, she is believed). This is as that which Rav Dimi said when he came (to Bavel from Eretz Yisroel): Rav Chanan of Carthage told a story: A case came before Rabbi Yehoshua ben Levi, or as some say that Rabbi Yehoshua ben Levi told a story: A case came before Rebbe: A child was talking casually and said, "My mother and I were taken captive amongst the idolaters. When I went to draw water, I had my mind on my mother; when I went to gather wood, I had my mind on my mother (assuring that she wouldn't be violated)," and Rebbe allowed her to marry into the *Kehunah* based upon his words (*that she had not been violated*). (27b3 – 27b4)

Mishnah: Rabbi Zecharyah ben Hakatzav said: I swear by this Dwelling Place that her hand (referring to his wife, who underwent the siege and the occupation of Yerushalayim) did not move out of my hand from the time that the idolaters entered Yerushalayim until they departed. They said to him: No one may testify concerning himself. (27b4)

It has been taught in a Baraisa: And notwithstanding this (that he was forbidden to cohabit with his wife), he designated for her a dwelling place in his courtyard. [The Rabbis did not instruct him to divorce her.] And when she went out, she went out before her children (so she wouldn't be alone with R' Zecharyah, so it would not lead them to sin), and when she came in, she came in before the other children.

Abaye inquired: May one (A Kohen) do so with regard to one's divorced wife? [May she live in the same courtyard as him, for they may not cohabit with each other?]

Perhaps, there it was allowed because in the case of a captive woman, for they (the Rabbis) made it lenient (as there is a possibility that she was not violated at all), but not here, or perhaps, there is no difference?

Come and hear from the following Baraisa: If someone has divorced his wife, she shall not get married and live in his neighborhood (for since she knows his private gestures, we are concerned that they will come to sin). And if he was a Kohen, she must not live with him in the same mavoi (alleyway). If it was a small village, such a case once happened, and they said: A small village is considered as a neighborhood. (27b4 – 28a1)

#### DAILY MASHAL

##### Backwards Teacher

There was once a chassid from Slonim who was not successful, and he decided to travel to America, and see if perhaps his mazel can change. Sadly, it was to no avail, and he was forced to return to his home town in the same situation as when he left. The only difference about him was that in America, he shaved off his beard and peyos. He was advised to try his hand at teaching, so he went to seek counsel by Reb Aizel Charif. The Gaon told him that he would not be successful at this either, and on the contrary, he would become known as the "backwards teacher." The chassid was dumbfounded as to the meaning of this. It was finally explained to him: Our Gemora states: *And Yosef knew his brethren, and they did not recognize him*. This teaches us that Yosef went away before he had grown a beard and he came back after growing a beard (it is therefore possible and even natural that your brother does not recognize you). This is a normal occurrence; however, the chassid left with a beard and returned without one; this was regarded as 'backwards.'