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Yevamos Daf 121

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Mishna had stated: [One may not testify unless his soul has actually departed, and even if they saw him mortally wounded, or hanging from the gallows, or] being devoured by a beast.

Rav Yehudah stated in the name of Shmuel: This has been taught only in the case where the attack (by the animal eating) was on a place where the soul does not depart from (i.e., it was not a vital organ), but where it was from a place where the soul departs from, evidence may be legally tendered.

Rav Yehudah further stated in the name of Shmuel: If a person’s two passages were cut (i.e., his throat was slit – both his trachea and esophagus were cut), or if the majority (of their width) was cut, and he then ran away (from the witness), it is still possible to testify that he is dead!

The Gemora asks: But this cannot be! For, surely, Rav Yehudah stated in the name of Shmuel: If a person’s two passages were cut, or if the majority was cut, and then he gestured (as if he was saying), “Write a get for my wife,” such a document is to be written and delivered to his wife!? [Evidently, he is regarded as being alive!?!]

The Gemora answers: He is alive, but will eventually die.

The Gemora asks: If this is so, one should go into exile (a city of refuge where people who have killed someone accidentally must go) on account of him (in a case where he dropped a knife and accidentally slit another’s throat), while, in fact, it was taught in a braisa: If a person (inadvertently) cut two passages of another, or if he cut the majority (and the victim died), he does not need to go into exile!?

The Gemora answers: Surely in connection with this it was stated that Rav Hoshaya answers: This is because we suspect that the wind killed him.

Alternatively, he answers: We suspect that it was his own thrashing that killed him.

The Gemora asks: What is the difference between these answers?

The Gemora answers: The difference is if someone slaughtered him in a marble house (where wind does not come in) and he was thrashing around. Alternatively, the difference would be where he was slaughtered outside and we see he did not thrash around. (120b3 – 121a1)

Identifying Victims of Drowning

The Mishna had stated: Rabbi Yehudah ben Bava says: Not every man, and not all places, and not all times are alike.

The Gemora inquires: Was Rabbi Yehudah ben Bava being lenient or being stringent?

The Gemora says that we can understand his position from the following incident. A man drowned in (a place called) Karmi, and they found him in Bei Hedyah after three days. Rav Dimi from Naharda enabled his wife to remarry. Moreover, a person drowned in Diglas and they found his body by the bridge of Shavistana. Rava enabled his wife to remarry based on the identification provided by his Shushbani (friends who would participate in many aspects of a colleagues weddings) five days (after he drowned, though he was identified soon

after he was taken out of the water, see below). If you will say that Rabbi Yehudah ben Bava in our Mishna is being lenient, than we can assume that these Rabbis acted in accordance with his opinion. If he was being stringent, who did these Rabbis rely on to permit these women?

The Gemora answers that water is different (*and therefore not subject to the time limits in our Mishna*) as it preserves (*the face*) from changing (*and it can therefore be identified*).

The Gemora asks: Didn't we say earlier (120b) that water strengthens and exaggerates wounds?

The Gemora answers that this is only when there is a wound, but when there is no wound (*as in a drowning*) it preserves (*the face*) from changing.

The Gemora further qualifies that water only preserves the person so that he can be identified at the time that he is taken out of the water. However, if the body is left out for a while it swells up (*and is difficult to identify*). (121a1 – 121a2)

Mishna

If a person fell into water (*and his body was not recovered*), whether it was water that had an end or not (will be explained in the Gemora), his wife is forbidden to remarry. Rabbi Meir says that there was an incident where someone fell into a large pit and he ascended after three days. Rabbi Yosi says that there was an incident with a blind man who went to bathe in a cave and his helper descended with him. People stayed around the (*bathing area*) cave until they definitely would have already been dead, and they (*the Rabbis*) permitted their wives to remarry. There was also an incident where someone was lowered into the sea (by rope), and when they raised him up they only found his leg. The Chachamim said that if they found his leg above the knee his wife can remarry, but if it was below the knee she cannot remarry. (121a2 – 121a3)

What is Water with an End?

The Braisa states that if a person fell into water (*and his body was not recovered*), whether it was water that had an end or not his wife is forbidden to remarry. These are the words of Rabbi Meir. The Chachamim say that if the water had an end his wife is permitted, if not his wife is forbidden.

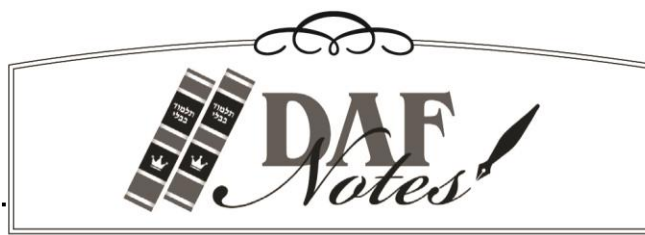
The Gemora asks: What is a case of water that has an end?

Abaye says that anyone who can see (the end of the water) from where he is standing in all four directions.

The Gemora relates an incident: There was someone who drowned in the pond in Samki and Rav Shila enabled his wife to remarry. Rav said to Shmuel, "Let us excommunicate him." Shmuel answered, "Let us first send to him (regarding his ruling)." They sent a message asking him whether someone who falls into water that has no end is permitted. Rav Shila replied that his wife is forbidden. They further sent a message asking if the pond of Samki was water that has an end, or not. Rav Shilo replied that it did not have an end. They further asked, "Why did you do this (*permit this women to remarry*)?" He answered, "I had made a mistake. I thought that because the waters stayed in one place, they are considered like water that does have an end; however, I later realized this is not true, because there are waves in the water that can bring a person further downstream." [They therefore did not excommunicate him.]

Shmuel recited about Rav the verse: *A righteous man will not have any sin occur to him (that he did not excommunicate Rav Shila who merely made a mistake).* Rav recited about Shmuel the verse: *And salvation through much counsel (as Shmuel advised him originally to talk to Rav Shila).*

The braisa states: There was an incident with two people who were laying out their nets in the Jordan River. One of them went into an area of the river where there was a lot of fish, and the sun set and he could not see the entrance of the burrow (*his head was sticking out of the water, but he could not see where to go*). His friend waited until he surmised that his soul departed from him (i.e., he must have



drowned), and went and let this be known to his household. The next day the sun shone and the fisherman saw the entrance to the area, and returned and found a great eulogy going on in his house. Rebbe stated: How great are the words of the Chachamim that they said that (*if one falls into*) water that has an end, his wife is permitted, into water that does not have an end, his wife is forbidden.

The Gemora asks: If this (story above) is the case, even water that has an end should be forbidden!?

The Gemora answers that it is uncommon that such a situation could occur in water that has an end.

Rav Ashi said: That which the Rabbis say that water that has no end does not enable one's wife to remarry is only regarding a regular person; however, if he is a Rabbinical scholar, this is inapplicable, as if he would have exited (the water), it would definitely be widely known to that effect.

The Gemara says that this is incorrect. It does not make a difference if the person is a regular person or a Rabbinical scholar. If, however, they got married already, we say that she may remain with her husband (and they are not required to get divorced, for we rely on the majority that her first husband did die in the water that has no end), but she is not enabled to marry in the first place. (121a3 – 121a5)

“How Great are the Words of the Chachamim!”

The Braisa states that Rabban Gamliel related the following incident: I was once traveling in a boat and I saw a boat break, and I was pained regarding the Torah scholar who was in that boat. Who was that? Rabbi Akiva. And when I went ashore, he (Rabbi Akiva) came, sat, and judged before me a Halachic matter. I said to him, “My son, who took you out (of the water)?” He answered “A board from the ship chanced by me, and at every wave that came over me I bent my head.” From here the Chachamim said that if a person encounters evildoers, he should bow his head before them. Rabban Gamliel stated, “At that time I said, how great are

the words of the Chachamim that they said that (*if one falls into*) water that has an end, his wife is permitted; but into water that does not have an end, his wife is forbidden!”

The Braisa states that Rabbi Akiva related the following incident: I was once traveling by boat and I observed a boat sinking in the sea and I was pained regarding the Torah scholar who was in that boat. Who was that? Rabbi Meir. When I arrived at the country of Cappodicia, he (Rabbi Meir) came, sat, and judged before me a Halachic matter. I said to him, “My son, who took you out (of the water)?” He answered “A wave washed over me and passed me to the next wave. And its fellow passed me to its fellow, until it spit me onto the land.” Rabbi Akiva stated, “At that time I said, how great are the words of the Chachamim that they said that (*if one falls into*) water that has an end his wife is permitted; but into water that does not have an end, his wife is forbidden!” (121a5)

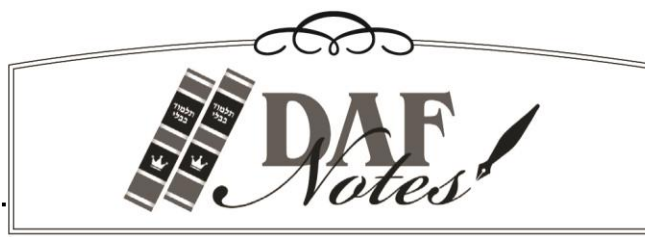
Other Calamities

The Braisa states that if someone fell into a lion's den, we do not testify that he died. If he fell into a pit full of snakes and scorpions we do testify that he died. Rabbi Yehudah ben Beseirah said that even if he fell into a pit full of snakes and scorpions we do not testify that he died, as we suspect he is a Chaver (*a snake charmer; someone who knows how to whisper things that would keep snakes from attacking him*).

The Gemora asks: The Tanna Kamma (*why doesn't he suspect this as well*)!?

The Gemora answers that because he presses down against them (the snakes), they will harm him anyway. (121a5 – 121b1)

The Braisa states that if he fell into a furnace, we testify that he is dead. If he fell into a boiling pot of wine or oil, we testify that he is dead. In the name of Rabbi Acha it is said that if he fell into a pot of oil we testify he is dead, as oil burns (*when something falls into it, the oil that splashes out and hits the*



fire just makes the fire increase). We do not testify he is dead in the case of a boiling pot of wine, as wine makes the fire go out (*when it hits the fire*). The Rabbi responded to him that in the beginning it (the wine) acts to put out the fire, but eventually it actually causes the fire to burn further. (121b1)

Rabbi Meir's Statement in the Mishna

The Braisa states that they retorted to Rabbi Meir that we do not mention miraculous stories (*as examples to set Halachah*).

The Gemora asks: What was miraculous in Rabbi Meir's story (*where someone fell into a large pit and he ascended after three days*)? If it is the fact that he did not eat or drink for three days, doesn't it say that Queen Esther ordered that the Jews should fast for her, and not eat or drink for three days?

The Gemora answers: It must be that the miracle is that he did not fall asleep (*and therefore drown*). This is supported by Rabbi Yochanan's statement that if someone takes a vow that he will not sleep for three days, we give him lashes and he can immediately sleep (*as it is clear that he cannot possibly keep his vow*).

The Gemora asks: Why did Rabbi Meir use this as proof? [Was it not miraculous?]

The Gemora answers: There were little ledges on top of other little ledges (*where he was able to lean and rest*).

The Gemora asks: Why didn't the Rabbis agree?

The Gemora answers: They understood that these were smooth ledges (*and would only enable one to rest his head, not his body, and people cannot sleep standing up*).

The Gemora asks: Why did Rabbi Meir use this as proof?

The Gemora answers: It is impossible, Rabbi Meir says, that he would not gain strength and be able to sleep a little on these ledges. (121b1 – 121b2)

Nechunya's Daughter

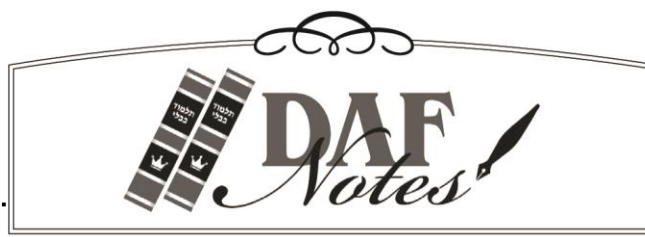
The Braisa states that there was an incident with the daughter of Nechunya the well-digger, who fell into a big pit. When they came and told this to Rabbi Chanina ben Dosa (so he should pray on her behalf), the first hour, he said to them, "Peace" (she is doing well, and there is no reason to be concerned). The second hour, he also said, "Peace." During the third hour, he said, "She has already ascended safely." [It so happened that she did in fact emerge safely.] He then asked her, "My daughter, who saved you?" She answered, "A male sheep chanced before me and an old person was guiding it." They asked (Rabbi Chanina), "Are you a prophet" (*as he apparently knew she would be saved*)? He answered, "I am not a prophet, nor the son of a prophet, but it is impossible that something that a righteous person (Nechunaya) is involved in, will be something that his children will stumble on."

Rabbi Abba said: Even so, Nechunya's son died of thirst, as it is written: *And around Him is very turbulent*. This teaches us that Hashem is exacting with those around Him like a small thread (*meaning that he will punish them for even a small sin, in order to elevate their status in the next world*).

Rabbi Chanina says that this concept is apparent from the following verse: *Hashem is very glorified in the secret of the holy ones, and His awe is over all those who surround Him*. (121b2 - 121b3)

Mishna

Even if one heard women saying, "A certain person died," it is enough (that he can testify, and the wife will be permitted to marry). Rabbi Yehudah says: Even if one heard children saying, "We are going to eulogize and bury a certain person," whether or not he intended to testify at the time (*he may*



later testify that the person is deceased). Rabbi Yehudah ben Bava states that if the witness is Jewish, even if he intended to testify about this person when he was told that he died, the testimony is valid. If the witness is an idolater, if he intended to testify his testimony is invalid. (121b3)

When Are Children Reliable?

The Gemora asks: Perhaps we should be concerned that the children aren't really going *(to a funeral)*?

Rav Yehudah answers in the name of Shmuel that the case is where the children said, "We have come from eulogizing and burying a certain person."

The Gemora asks: Perhaps a simple ant died and they merely named it after this person?

The Gemora answers that the case is where they said, "A certain amount of Rabbis were there, and a certain amount of eulogizers were there" *(showing that there actually was a funeral)*. (121b4)

Intent Matters

Rav Yehudah states in the name of Shmuel that this *(that we do not accept his testimony)* is only if he wanted to permit the woman to remarry, but if he intended to testify his testimony is valid.

The Gemora asks: How can we determine this?

Rav Yosef states that if a person comes to Beis Din and says, "A certain person died and therefore you should allow his wife to remarry," this is a case of someone who is regarded as having intention to permit remarriage *(he is therefore deemed to have an agenda and is disqualified)*. If he just tells Beis Din, "A person died" *(without telling them to permit her to remarry)*, this is called (mere) intent to testify (to the circumstances) and his testimony is valid.

We similarly learned that Rish Lakish stated this is only if he wanted to permit the woman to remarry, but if he intended to testify, his testimony is valid. Rabbi Yochanan said to him: Wasn't there an incident with Oshaya the Great, who argued with eighty-five elders. He told them that this is only if he wanted to permit the woman to remarry, but if he intended to testify, his testimony is valid, but the Chachamim (elders) did not agree to him.

The Gemora asks: But if so, let us consider our Mishna, which states that if the witness is an idolater, if he intended to testify his testimony is invalid. What is the case (where he was not intending to permit the wife to remarry, or even to merely testify to the facts)?

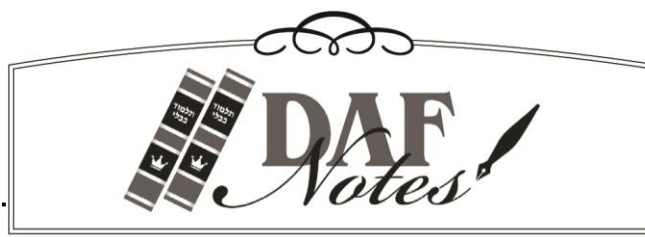
The Gemora answers: It is where he talks simply *(innocently, without being aware of the ramifications)*. This is like the case of the idolater who was proclaiming, "Who is from the house of Chivai? Who is from the house of Chivai? Chivai has died!" Subsequently, Rav Yosef enabled his wife to remarry.

There was (a similar incident with) an idolater who went around saying "Woe is to the swift horseman who lived in Pumbedisa and has died!" Subsequently, Rav Yosef, and some say Rava, enabled his wife to remarry.

There was (a similar incident with) an idolater who went around saying "Who is from the house of Chasa? Chasa drowned!" Rav Nachman said, "By God! The fish must have eaten Chasa!" From Rav Nachman's words Chasa's widow remarried, and the Rabbis did not say anything to her.

Rav Ashi remarked that from here we see that this that the Rabbis say that if a man falls into waters without an end his wife cannot remarry means she is not permitted to remarry. However, if she gets remarried anyway, we do not make her get divorced.

Some say that Rav Nachman enabled Chasa's wife to remarry. He said, "Chasa was a great man, and if he was alive there would be rumors to that effect."



The Gemora says that this is incorrect. It does not make a difference if the person is a regular person or a Rabbinical scholar. If, however, they got married already, we say that she may remain with her husband (and they are not required to get divorced, for we rely on the majority that her first husband did die in the water that has no end), but she is not enabled to marry in the first place. (121b4 – 121b5)

DAILY MASHAL

Introducing: Daf Hayomi

The Braisa states that Rabban Gamliel related the following incident: I was once traveling in a boat and I saw a boat break, and I was pained regarding the Torah scholar who was in that boat. Who was that? Rabbi Akiva. And when I went ashore, he (Rabbi Akiva) came, sat, and judged before me a Halachic matter. I said to him, "My son, who took you out (of the water)?" He answered "A board from the ship chanced by me, and at every wave that came over me I bent my head." From here the Chachamim said that if a person encounters evildoers he should bend his head to them. Rabban Gamliel stated that he said at this time, "How great are the words of the Chachamim that they said that (*if one falls into*) water that has an end, his wife is permitted, into water that does not have an end, his wife is forbidden!"

Reb Meir Shapiro introduced the concept of Daf HaYomi with this *Gemora*.

The time period, in which those Tannaim lived was regarded as one of the harshest for the Jewish people throughout their history. There were constantly decrees against the studying of Torah and the observance of *mitzvos*. Many people were not able to withstand these decrees. Rabbi Akiva stood out as an exception to this rule. He was able to return the crown of Torah to its glory and eventually, he established a Beis Medrash and had twenty-four thousand students.

Rabban Gamliel, upon observing this miraculous sight, wished to know the secret of Rabbi Akiva's success. How was he capable of accomplishing such an astonishing feat?

Rabbi Akiva answered: It was the "Daf shel sefinah," the board from the ship that chanced by me. It is the establishment of the Daf HaYomi that brought about this change. The inspiration of all the Jews in the entire world to study the same page of *Gemora* one day, and to continue with the following page the next day, that lifted the Jewish people from their rut, and instilled enthusiasm into the studying of Torah worldwide.

The Gerrer Rebbe, the Pnei Menachem, said by the Siyum Hashas in Tel Aviv in the year 5735: One cannot begin to fathom the amount of Torah that was learned because of the establishment of Daf Hayomi.

The *Gemora* in Avodah Zarah (5b) states: A person does not fully realize and appreciate his teacher until after forty years. It is now forty years since the churban of Europe, and now we can fully comprehend the true value of learning Daf Hayomi.

The *Gemora* in Eruvin (13b) states: Rebbe said: The reason why I am sharper than my colleagues is because I saw Rabbi Meir from his backside. This means that he saw him at a distance of time since he departed this world. Chazal say: One could not fully comprehend Rabbi Meir, but Rebbe said many years later that now he was closer to ascertaining Rabbi Meir's words. It is only now, years after the passing of Reb Meir Shapiro, that we are able to grasp the brilliance of the establishment of Daf Hayomi.

May Hakodosh Boruch Hu give us all strength to continue on the path that Reb Meir Shapiro set for us; we should be zoche to commence and conclude Meseches Kesuvos (beginning Monday iy"H) and may we all merit to witness the coming of Mashiach bimeheira, Amen!