

8 Tammuz 5782  
July 7, 2022



Yevamos Daf 122

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

A certain idolater once said to an Israelite, “Cut some *aspasta* (*grain in the early stages of its growth*) and give it to my cattle on the Sabbath; if not, I will kill you as I have killed So-and-so, that son of an Israelite. For I said to him, ‘Cook for me a dish on the Sabbath,’ and whom, as he did not cook for me, I killed him.” His wife heard this and came to Abaye. As he kept her waiting for three festivals (*to ask the Torah scholars who would gather there*), Rav Adda bar Ahavah said to her: Go before Rav Yosef, whose knife is sharp (*he can tell you if you are permitted to marry or not*). When she came to him he decided her case from the following *braisa*: If an idolater who was selling fruit in the market declared, “These fruits are of *orlah* (*which are forbidden to eat*)” or he said, “These fruits are from Azeikah (*a place in Eretz Yisroel, and thus subject to the laws of ma’aser*)” or he said, “These fruits are from a plantation in its fourth year (*which are forbidden to eat*),” his statement is disregarded, for his intention was merely to raise the value of his fruit. (*It is assumed that he merely lied, in order to praise his fruit, so that he can charge a higher price. Similarly, in the case under consideration, the idolater’s statement that he killed the Israelite is regarded as an idle boast intended as to frighten the Jew into cutting the grain for his animals on Shabbos.*) (121b5 – 122a1)

Abba Yudan of Tzaydan related: It once happened that a Jew and an idolater went on a journey together and when the idolater returned he said, “It is a pity for the Jew who was with me on the journey, for he died on the way and I buried him,” and the Rabbis, based on this evidence, allowed the Jew’s wife to marry again. And, another incident happened that a group of men were going to Antioch, and an idolater came and stated, “It is a pity for the group of men going to Antioch, for they died and I buried them,” and the Rabbis,

based on this evidence, allowed their wives to marry again. And, it also once happened that sixty men were going to the siege of Beitar, and an idolater came and stated, “It is a pity for the sixty men going to the siege of Beitar, for they died and I buried them,” and the Rabbis, based on this evidence, allowed their wives to marry again. (122a1 – 122a2)

The *Mishna* states: They may testify by the light of a lamp or by the light of the moon, and they allow a woman to remarry by a sounding voice (*even if the person who uttered it was not seen*). It once happened that someone stood on a mountaintop and said, “So-and-so the son of So-and-so from such-and-such a place died,” and they went and did not find anyone there, and they nevertheless, allowed his wife to remarry. Moreover, it once happened in Tzalmon that someone said, “I, So-and-so the son of So-and-so, was bitten by a snake, and I am dying,” and they went and did not recognize him, and they nevertheless, allowed his wife to marry. (122a2)

Rabbah bar Shmuel stated: It was taught in a *braisa*: Beis Shammai ruled that a woman may not be permitted to marry again on the evidence of a sounding voice (*bas kol – Heavenly voice*) and Beis Hillel ruled that she may be permitted to marry again on the evidence of a *bas kol*.

The *Gemora* asks: What is Rabbah bar Shmuel teaching us? This, surely, is the ruling in our *Mishna*!?

The *Gemora* answers: It is this that he teaches us: Should an anonymous statement be found that a woman, in such circumstances, is not permitted to remarry, that statement would represent the view of Beis Shammai. (122a2 – 122a3)

The *Mishna* had stated: It once happened that someone stood on a mountaintop and said, “So-and-so the son of So-and-so from such-and-such a place died,” and they went and did not find anyone there, and they nevertheless, allowed his wife to remarry.

The *Gemora* asks: Is it not possible that it was a demon (*who are suspect of evil behavior, such as deceiving people*) that issued that proclamation?

Rav Yehudah replied in the name of Rav: The *Mishna* is referring to a case where they saw in him the form of a man.

The *Gemora* asks: But demons also are in the form of humans? The *Gemora* answers: They saw his shadow.

The *Gemora* counters: But demons also have a shadow? The *Gemora* answers: They saw a shadow of his shadow.

The *Gemora* asks: Is it not possible that demons also cast a shadow of a shadow? Rabbi Chanina replied: The demon Yonasan told me that demons have a shadow, but not a shadow of a shadow.

The *Gemora* asks: Is it not possible that it was a co-wife (*whom the man had married in another town, and who came for the specific purpose of misleading the woman to marry another man so that she might thereby become forbidden to her present husband; a co-wife is usually suspected of malice against her counterpart*) that issued that proclamation?

The *Gemora* answers: A *braisa* was taught at the *Beis Medrash* of Rabbi Yishmael: At a time of danger (*when a man was cast into a pit and is in grave danger*), a *get* may be written and delivered to the woman even if we cannot identify the man issuing the instructions as her husband. (*Similarly, in the case dealt with in our Mishna, were the voice not be relied upon, the woman might have to remain all her life bereft of her own husband and unable to remarry.*) (122a3 – 122a4)

The *Mishna* states: Rabbi Akiva said: When I went down to Nehardea to intercalate the year, I met Nechemiah of Beis Deli who said to me, “I heard that in *Eretz Yisroel*, no one with the exception of Rabbi Yehudah ban Bava permits a married woman to remarry on the testimony of one witness.” “That is so,” I told him. “Tell them,” he said to me, “in my name: You know that this country is infested with ravaging troops; I have this tradition from Rabban Gamliel the Elder that a married woman may be allowed to remarry on the testimony of one witness.” And when I came and related the matter before Rabban Gamliel, he rejoiced at my words and said, “We have found a colleague for Rabbi Yehudah ben Bava.” During the conversation, Rabban Gamliel recalled that men were killed at Tel Arza, and Rabban Gamliel permitted their wives to remarry based upon the testimony of one witness. It was then established to allow a woman to remarry based upon the testimony of one witness. And it also became established to allow a woman to remarry based upon the testimony of a witness quoting another witness, on the testimony of a slave, on the testimony of a woman and on the testimony of a Canaanite maidservant. Rabbi Eliezer and Rabbi Yehoshua say: We do not allow a woman to remarry based upon the testimony of a witness. Rabbi Akiva says: not on the testimony of a woman, and not on the testimony of a slave, and not on the testimony of a Canaanite maidservant, and not on the testimony of relatives. (122a4 – 122a5)

The *Gemora* asks: Is Rabbi Akiva then of the opinion that on the testimony of a woman, a wife is not permitted to remarry? Surely, it was taught otherwise in the following *braisa*: Rabbi Shimon ben Elozar said in the name of Rabbi Akiva: A woman is eligible to bring her own letter of divorce, and this can be derived from the following *kal vachomer* (*literally translated as light and heavy, or lenient and stringent; an a fortiori argument; it is one of the thirteen principles of biblical hermeneutics; it employs the following reasoning: if a specific stringency applies in a usually lenient case, it must certainly apply in a more serious case*): If those women (*being suspected of hatred towards the woman in whose favor they pretend to give their testimony*) whom the

Rabbis ruled that they are not trusted to say that a woman's husband is dead are nevertheless eligible to bring her a letter of divorce, then regarding the wife herself, who is believed when she states that her own husband is dead, should certainly be eligible to bring her own letter of divorce. It follows that only those women of whom the Rabbis have spoken are not believed, but an ordinary woman is believed?

The *Gemora* answers: This is no difficulty. Our *Mishna* records Rabbi Akiva's opinion before the law had been established; the *braisa* which records Rabbi Akiva's statement was made after the law had been established. (122a5 – 122a6)

The *Mishna* states: They said to Rabbi Akiva: It once happened that certain Levites went to Tzoar, the city of date palms, and one of them fell ill on the way, and they brought him into an inn. On their return, they said to the woman innkeeper, "Where is our friend?" She said to them, "He died and I buried him," and they allowed his wife to remarry. And shall not a *Kohenes* be trusted just as a woman innkeeper is? Rabbi Akiva said to them: When her testimony will be like that of the woman innkeeper, she will also be trusted. The woman innkeeper brought out to them the dead man's staff, and his bag, and the Torah Scroll which belonged to him. (122a6)

The *Gemora* asks: What was the inferiority of the innkeeper? Rav Kahana replied: She was an innkeeper who was an idolater and she said in innocence, "This is his staff, and this is his bag and this is the grave wherein I buried him."

And so Abba the son of Rav Manyumi the son of Chiya taught in a *braisa*: She was an innkeeper who was an idolater and she said in innocence, "This is his staff, and this is his bag and this is the grave wherein I buried him."

The *Gemora* asks: How can it be said that she spoke in innocence? But, surely, they had asked her, "Where is our friend?" The *Gemora* answers: When she saw them, she

began to cry, and when they asked her, "Where is our friend?" She replied, "He died and I buried him." (122b1)

The Rabbis taught in a *braisa*: It once occurred that a man came to give testimony on behalf of a woman (*that her husband died*) before Rabbi Tarfon. Rabbi Tarfon said to him: My son, how do you know this testimony? He answered: We were going on the same road and a troop of soldiers pursued us. He grasped the branch of an olive tree, pulled it down, and made the soldiers turn back. I said to him, "Lion, may your strength be affirmed." He asked me, "How do you know that my name is Lion? So in fact, I am called in my home town: Yochanan, the son of Rabbi Yehonasan, the Lion of Kefar Shichaya." After some time, he fell ill and died. Rabbi Tarfon permitted his wife to remarry based upon this testimony.

The *Gemora* asks: Doesn't Rabbi Tarfon, however, hold that there should be a cross-examination and questioning of the witness? Surely it was taught in a different *braisa*: It once occurred that a man came to give testimony on behalf of a woman (*that her husband died*) before Rabbi Tarfon. Rabbi Tarfon said to him: My son, how do you know this testimony? He answered: We were going on the same road and a troop of soldiers pursued us. He grasped the branch of a fig tree, pulled it down, and made the soldiers turn back. I said to him, "Lion, may your strength be affirmed." He asked me, "How do you know that my name is Lion? So in fact, I am called in my home town: Yochanan, the son of Rabbi Yehonasan, the Lion of Kefar Shichaya." After some time, he fell ill and died. Rabbi Tarfon said to him: Did you not tell me that Yochanan, the son of Rabbi Yehonasan, from Kefar Shichaya Lion, was the man who died? The witness replied: This is what I told you: Yochanan, the son of Rabbi Yehonasan, the Lion of Kefar Shichaya died. Having examined him closely two or three times and the man's replies invariably agreeing, Rabbi Tarfon permitted his wife to remarry.

The *Gemora* answers: This is a point in dispute between Tannaim. For it was taught in the following *braisa*: Witnesses

on matrimonial matters are not to be subjected to cross-examination and questioning; these are the words of Rabbi Akiva. Rabbi Tarfon, however, ruled: They are to be subjected to cross-examination and questioning.

And they differ in respect of a ruling of Rabbi Chanina. For Rabbi Chanina stated: Biblically, both monetary and capital cases must be conducted with cross-examination and questioning, for it is said, *There shall be one manner of law for you*. What is the reason that the Sages have ordained that monetary cases do not require cross-examination and questioning? It is in order that you should not lock the door in the face of borrowers.

And what point do they differ about? One Master is of the opinion that since the woman has a *kesuvah* to receive; such cases are similar with those of monetary matters. And the other Master is of the opinion that since we are thereby permitting a married woman to marry a stranger, such cases are similar with capital cases. (122b1 – 122b3)

Rabbi Elozar said in the name of Rabbi Chanina: Torah scholars increase peace in the world, for it is said: *And all your children shall be disciples of Hashem; and abundant shall be the peace of your sons*. (122b3)

## **WE SHALL RETURN TO YOU, HA'ISHAH BASRA AND TRACTATE YEVAMOS IS CONCLUDED**

### **INSIGHTS TO THE DAF**

#### **Demons**

The *Mishna* had stated: It once happened that someone stood on a mountaintop and said, "So-and-so the son of So-and-so from such-and-such a place died," and they went and did not find anyone there, and they nevertheless, allowed his wife to remarry.

The *Gemora* asks: Is it not possible that it was a demon (*who are suspect of evil behavior, such as deceiving people*) that issued that proclamation? Rav Yehudah replied in the name

of Rav: The *Mishna* is referring to a case where they saw in him the form of a man.

The *Mishnah* Lamelech proves that that there were only two people heard the voice, for if there were three people there, a demon would not reveal itself to them.

Poras Yosef says that the *Mishna* can be referring to a case where there were three people there, and the demon would nevertheless reveal itself, because they were far away from each other.

The Beis Aharon writes that in a place where demons are accustomed to be, such as inside pits, they will reveal themselves even in the presence of three people.

### **DAILY MASHAL**

#### **Torah Scholars Increasing Peace**

Rabbi Elozar said in the name of Rabbi Chanina: Torah scholars increase peace in the world, for it is said: *And all your children shall be disciples of Hashem; and abundant shall be the peace of your sons*.

The commentators ask: Why does it say that the Torah scholars will increase peace in the world? The *Gemora* should say that they will make peace in the world.

The *Kedushas Tziyon* explains based on a *Gemora* Kiddushin (30b) where Rabbi Chiya bar Abba states that even a father and son, or a teacher and student who are engaged in Torah study will become enemies with one another (*as they debate the intricacies of Talmudical law*), but they will not budge from there until they become friends with each other.

It emerges that Torah scholars are increasing peace in the world because every time they are engaged in Torah study, they become temporary enemies and then, they bring about peace with each other. Ordinary friends remain friends, and are not constantly making peace. Torah scholars; the more they learn, the more they are increasing peace.