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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

The Gemora inquires: In a case where they are not allowed to dwell in the same place (such as a Kohen and his divorced wife, or the divorced wife of a Yisroel who has remarried), who is displaced by whom? [Who is compelled to leave their dwelling place?]

The Gemora cites a Baraisa: She is displaced from him (*i.e., she must find another neighborhood*), and he is not displaced because of her. However, if she owned the courtyard, he is displaced by her.

The Gemora asks: What if both of them own part of the courtyard?

The Gemora cites a Baraisa: She is displaced by him. The Gemora asks: What is the case of the Baraisa? If the case is where he owned the courtyard, it is obvious that she is displaced! It must be where she owned the courtyard. Didn't we have a Baraisa that stated that if she owned the courtyard he is displaced by her? It must be that this Baraisa is talking about a case where both of them own part of the courtyard, and yet she is displaced by him (*and must find another place to live*).

The Gemora asks: Perhaps the Baraisa is talking about a case where he is renting in the courtyard, not where they own (*and we still would not know what the halachah is regarding owning*).

The Gemora asks: What is the halachah?

The Gemora quotes the verse: *Behold, Hashem will cause you to wander the wandering of a man*. Rav says: This is because it is more difficult for a man to wander than a woman. [The Gemora therefore seemingly concludes that the woman generally has to move instead of the man when all things are equal.] (28a1 – 28a2)

The Gemora cites a Baraisa: A husband (a Kohen) borrowed from the property that his wife brought into the marriage from her father's house (*that was not supposed to be consumed by him*), she should not go to collect her debt from him (after they divorced), but rather, she should have someone else do so for her (*so that they should not be together and come to sin*).

Rav Sheishes says: if they (a Kohen and his divorcee) come to us to have us settle their dispute, we do not deal with them (for we view their association as sinful).

Rav Pappa says: We excommunicate them.

Rav Huna the son of Rav Yehoshua says: We give them lashes.

Rav Nachman quotes the Baraisa in Eivel Rabbasi: These halachos are applicable when they have divorced after being married (nisuin). However, if they divorced after only being betrothed (erusin), she may collect her debt from him personally, as he does not feel familiar towards her (and we are not concerned that they will sin).

The Gemora relates: There was a betrothed couple (a Kohen and his divorcee) that came before Rava (to settle a dispute, but they did not use an intermediary). Rav Adda bar Masna was sitting before him, and Rava made him the messenger to go back and forth between the couple. Rav Adda bar Masna questioned Rava: Didn't Rav Nachman cite the Baraisa in Eivel Rabbasi (that if they are divorced from betrothal, she may directly collect her debt from him)? Rava answered: Behold, we see that the couple was familiar with each other (*Rashi explains that they were communicating with hints and gestures, a sure sign that they should be kept apart*).

Others say that Rava did not make a messenger go between them. Rav Adda bar Masna suggested that he do so. Rava said: Didn't Rav Nachman cite the Baraisa in Eivel Rabbasi (that if they are divorced from betrothal, she may directly collect her debt from him)? Rav Adda answered: This is when they are not familiar with each other. However, here it is apparent that they are familiar with each other. (28a2)

The *Mishnah* states: The following are able to testify when they become adults regarding what they saw when they were minors. A person is believed to say (regarding a contract): "This is the handwriting of Father, and this is the handwriting of my teacher, and this is the handwriting of my brother." [A person is believed to say:] "I remember a certain woman went out (from her father's house) to get married when she was wearing a veil and her hair was uncovered, and that a certain person used to leave school and immerse in the mikvah (*ritual bath*) in order to be able to eat terumah, and that he would divide (terumah) with them by the silo, and that a certain area is a beis ha'pras (*an area which might contain body parts that make a Kohen unable to enter*), and that until a certain area they would go on Shabbos (*due to the techum Shabbos, the Shabbos boundary*)." However, a person is not believed to say, "Someone used to own a path in this place, or that someone had a standing spot or that

someone was eulogized in this place (which would give him certain rights)." [These claims are monetary in nature, and valid testimony is required.] (28a3)

Rav Huna the son of Rabbi Yehoshua says: The above (where the Mishnah allowed an adult to testify based upon his childhood memories) is only if he has an adult with him corroborating his testimony (and then, where two witnesses are required, the testimony would be valid; if, however, only one witness is required, this second adult is not necessary). (28a3)

The Gemora notes that the Mishnah's (three) rulings (that an adult can testify based upon his childhood memory) are necessary. If the Mishnah would only state this concerning a father's signature, this might be because a person is often around his father (as a child, and therefore he would most certainly recognize his signature), but perhaps, he would not be believed regarding his teacher. Even if the Mishnah would say that this applies to his teacher, one might have thought that this applies because a person has a natural awe of his teacher (and will therefore remember his signature); this, however, might not apply to his father. If the Mishnah would state both of these cases, one might have thought that this applies by his father, because a person is often around his father, and it applies by his teacher, because a person has a natural awe of his teacher, but a brother, where neither of these reasons apply, I would say that he is not believed (regarding his signature). The Mishnah therefore tells us that because validating documents is required – only because of a rabbinic decree, the rabbis believed him regarding a Rabbinic law. (28a3 – 28a4)

The Mishnah had stated: [A person is believed to say:] "I remember a certain woman went out (from her father's house) to get married when she was wearing a veil and her hair was uncovered (indicating that she was a virgin at the time, and therefore, she is entitled to a full kesuvah).



The Gemora asks: What is the reason to believe him (isn't the purpose of his testimony to exact money)?

The Gemora answers: Since most woman marry when they are virgins, his statement is simply revealing to the public (a fact that they have already assumed to be accurate). (28a4)

The Mishnah had stated: [A person is believed to say:] "I remember that a certain person used to leave school and immerse in the mikvah (*ritual bath*) in order to be able to eat terumah."

The Gemora asks: Perhaps the fact that he used to immerse in the mikveh just meant that he was the slave of a Kohen (*who also eats terumah, and he is not in fact an actual Kohen*)?

The Gemora answers: This supports the statement of Rabbi Yehoshua ben Levi, for Rabbi Yehoshua ben Levi said: A person may not teach his (Canaanite) slave Torah (*seemingly because it is a sign that he has freed him*). [The proof that he was a Kohen was the combination of the two; that he was studying Torah in the school, and that he was eating terumah.]

The Gemora asks: Is this true (that it is forbidden for a person to teach his slave Torah)? But it was taught in a Baraisa: If his master borrowed money from him, or he made him the caretaker of his assets, or the slave put on *tefillin* in front of his master, or if he read three verses in the synagogue in front of his master, the slave does not go free (*for perhaps the master tolerates these things*)!? [This seems to contradict the statement of Rabbi Yehoshua.]

The Gemora answers: The Baraisa was discussing a case where the slave read from the Torah (or put on tefillin) on his own. [It therefore does not indicate he is actually a

free man.] Rabbi Yehoshua ben Levi meant that one should not send him to a Torah school like he would his own child (as this seems to indicate that he has freed the slave). (28a4 – 28b1)

The Mishnah had stated: [A person is believed to say: "I remember that a certain person used to leave school and immerse in the mikvah (*ritual bath*)] in order to be able to eat terumah."

The Gemora explains: This is referring to Rabbinical terumah only (*not Biblical terumah, for the testimony based upon his childhood memory would not be valid for that*). (28b1)

The Mishnah had stated: [A person is believed to say:] "I remember that a certain person would divide (terumah) with them by the silo (indicating that he is a Kohen).

The Gemora asks: Perhaps the fact that he would divide terumah with them just meant that he was the slave of a Kohen (*who also receives terumah for his master, and he is not in fact an actual Kohen*)?

The Gemora answers: Our Mishnah follows the opinion who holds that we do not give a share of *terumah* to a slave unless his master is with him. For it was taught in the following Baraisa: We do not give a share of *terumah* to a slave unless his master is with him (*people might mistakenly think that he is a Kohen, and they will allow him to marry a Jewess*); these were the words of Rabbi Yehudah. Rabbi Yosi, however, ruled: The slave may claim, "If I am a *Kohen*, give me for my own sake, and if I am a *Kohen's* slave, give me for the sake of my master."

The Gemora explains this dispute: In the place of Rabbi Yehudah, people were raised to the status of the genealogically qualified, enabling them to marry women of unblemished and priestly descent on the evidence that they received a share of *terumah* at the granary

(therefore, *terumah* must not be given to a slave in the absence of his master). In the place of Rabbi Yosi, however, no one was raised to the status of the genealogically qualified on the evidence of having received a share of *terumah*.

The *Gemora* cites a related *Baraisa*: Rabbi Elozar the son of Rabbi Yosi said: I testified once in my life regarding the genealogical status of a person, and through that testimony, I elevated a slave to the genealogically qualified.

The *Gemora* asks: Do you think that he actually elevated a slave to the genealogically qualified? Hashem does not even allow the animal of a righteous person to transgress (referring to the animal of Rabbi Pinchas of Yair, who would not eat untithed produce); certainly Hashem would not bring a stumbling block to the righteous person himself!

The *Gemora* answers: Rather, Rabbi Elozar the son of Rabb Yosi wanted to elevate a slave to the genealogically qualified, but he realized at the end that he was in fact a slave. The *Gemora* explains the incident: Rabbi Elozar was in the city of Rabbi Yosi when he observed them giving *terumah* to a slave in the granary. He went and testified regarding his lineage in the city of Rabbi Yehudah. (He then realized that he could not testify regarding his genealogy, for even though, in Rabbi Yehudah's locale, they would elevate one's status on the evidence of having received a share of *terumah*, that was only because they didn't give a slave *terumah* when he wasn't in the presence of the master, whereas, in Rabbi Yosi's locale, they did give *terumah* to a slave in absence of the master, but they didn't testify regarding his genealogy based on that evidence.) (28b1 – 28b2)

The Mishnah had stated: [A person is believed to say:] "I remember that a certain area is a *beis ha'pras*" (an area

which might contain body parts that make a Kohen unable to enter).

The *Gemora* explains: (Why is one believed to say that he remembers from his youth that a certain area is a *beis ha'pras*?) This is because its prohibition is rabbinic in nature. This is as Rav Yehudah said in the name of Shmuel: A person can blow away the surface area of a *beis ha'pras* and walk in the path that he has blown away (as this insures that he did not touch any bones that would make him impure).

Additionally, Rav Yehudah bar Ami says in the name of Rav Yehudah that a *beis ha'pras* that has been well traveled becomes a pure area to travel through. Why? It is impossible that any pieces of bone that are of a size of a barleycorn (that would make one impure) remain that have not been trampled underfoot. (28b2 – 28b3)

The Mishnah had stated: [A person is believed to say:] "I remember that until a certain area they would go on Shabbos (due to the *techum Shabbos*, the Shabbos boundary)."

The *Gemora* explains: (Why is one believed to say that he remembers from his youth that until here is the boundary of Shabbos?) This Mishnah holds that the matter of a Shabbos boundary is rabbinic in nature. (28b3)

The Mishnah had stated: However, a person is not believed to say, "Someone used to own a path in this place, or that someone had a standing spot or that someone was eulogized in this place (which would give him certain rights)."

The *Gemora* asks: What is the reason for this?

The *Gemora* explains: We do not take away money from someone based on the memories of someone from when he was a minor.



The Gemora cites a Baraisa: A child is believed to say, “My father told me that a certain family is pure and a certain family is impure.”

The Gemora explains: Do you think this really means ‘pure’ and ‘impure’? Rather, the Baraisa means that a certain family is genealogically fit, while another is genealogically unfit.

The Baraisa continues: He is believed to say, “We ate at the ketzatzah (explained below) of the daughter of So-and-so to So-and-so, and that we used to bring chalah (portion of dough given to a Kohen) and priestly gifts to So-and-so a Kohen.”

The Gemora notes: He is trusted only if the gifts were given by himself, and not if they were given through anyone else.

The Baraisa continues: In all of these cases, if the person was a gentile who converted or a slave who was freed, he is not believed.

He is additionally not believed to say that So-and-so used to own a path in this place, or that So-and-so had this standing place. Rabbi Yochanan ben Berokah says: He is believed.

The Gemora asks: What is Rabbi Yochanan ben Berokah referring to? If he is referring to the later part (regarding a path in the field, or the right in the field to stand or to eulogize), this would be a case of exacting money (and he could not be believed)!? Rather, he must be referring to the first ruling: In all of these cases, if the person was a gentile who converted or a slave who was freed, he is not believed. Rabbi Yochanan ben Berokah says: He is believed.

The Gemora asks: What is their argument?

The Gemora answers: The Tanna Kamma maintains: Since he was a gentile at the time, he probably is describing inaccurately what went on (as he probably did not know much at the time about Jewish customs). Rabbi Yochanan ben Berokah holds: Because he was going to convert, he can describe these events accurately.

The Gemora asks: What is a ketzatzah?

The Gemora answers: It is as was taught in a Baraisa: If a brother marries a woman who is not genealogically fit for him, his family comes to the wedding and brings barrels full of fruit and break it in the middle of the street. They say: “Our brothers from the House of Yisrael, listen! Our brother, So-and-so, has married a woman who is inappropriate for him, and we fear lest his children be mixed up with our children. Come take a sign (a fruit) to remember for generations that his children should not be mixed up with our children!” This is the kezatzah that a child is believed to testify that he remembers. (28b3 – 28b4)

## **WE SHALL RETURN TO YOU, HA’ISHAH SHENISARMELAH**

### **DAILY MASHAL**

#### ***A Righteous and Wise Donkey***

Rabbi Pinchas ben Yair’s donkey was stolen and it refused to eat the food it was offered because the food wasn’t tithed! The author of *Gan Yosef* zt”l wondered: It was a wise donkey. It should have eaten most of the food and left some for *ma’aseros*. He replied that the question is merely an error. The donkey was wiser than we think. If it had done so, its captors would have thought that it was satisfied with a lesser amount than it was offered and after a few days it would be left with a very small portion.