

13.16.3

121b (משנה ה') → 122b (סיום המסכת)

1. משפט אחד יהיה לכם כגון פאזרח יהיה כי אני ה' אלהיכם: ויקרא כד, כב  
 2. וכל בניך למודי ה' ורב שלום בניך: ישעיהו נד, יג

- I ה משנה: Expanded acceptance of testimony of death
  - a Even if: they heard women retelling that he died – sufficient
  - b ד' יהודה: even if they heard children recounting that they were going to eulogize and bury him
    - i Question: what if they didn't end up going?
      - 1 Rather: if they said “we came from eulogizing and burying him”
      - 2 Note: they have to also add in the presence of important people there to confirm the testimony
  - c Regardless: of intent to testify – all accepted
  - d ד' יהודה בן בתרא: if the witness is Jewish, intent doesn't matter; if non-Jewish, only if he doesn't “intend”
    - i שמואל: intent to permit her invalidates the non-Jew's testimony; intent to testify is valid
      - 1 דב יוסף: if he comes and says “X died, let his wife marry” – intent to permit her; “X died” – valid
      - 2 Support: ר"ל ר"ל made similar ruling; ר' יוחנן countered with story of אושעיא – ר' אושעיא didn't allow להעיד חכמים – ר' יוחנן (innocent conversation)
        - (a) Rather: our מ'שנה's permit is תומו לפי תומו (innocent conversation)
        - (b) Stories: of non-Jew who permitted wife to remarry based on non-Jew's תומו
          - (i) דב אשי: story involving ר"נ was of סוף להם מים שאין להם סוף if she married, we allow it
    - ii Story: non-Jew boasted that he killed a Jew; ישראל אב"י wouldn't allow her to marry.
      - 1 דב יוסף: inferred from ח: תוספתא דמאי ה: that “boasts” that his produce is ערלה (e.g.) isn't believed
        - (a) Reason: he is trying to raise the value of his produce (by implying that tree is young)
    - iii Stories: of non-Jews testifying that they accompanied Jews who died – permitted their wives
- II ו משנה: Range of acceptable conditions of testimony
  - a Light, voice: seen by candlelight or moonlight, or a “voice” – acceptable
    - 1 ב"ש ב"ש dissent: ב"ה ע"פ בת קול permit to marry ברייתא
  - b Story: heard a voice testifying about פלוני dying, no one was found there – permitted his wife to marry
    - i Confirmed: it wasn't a שד, as it had a reflection/shadow
    - ii And: we aren't concerned that it was a צרה (e.g.), as it was שעת הסכנה, when we are lenient (per תדבר"י)
  - c Story: in צלמון – a man identified himself, testified that he was bitten by poisonous snakes
    - i They found: his dead body and, even though they didn't know him, permitted his wife to marry
- III זו משנה: story of ר"ג ר"ג הזקן that we allow marriage אחד ר"ג ר"ג (the grandson) concurred – supporting בבא בן יהודה בן בבא חכם allowing the practice at the time
  - a thereupon: ר"ג was reminded of martyrs at תל ארזא and married their wives off based on עד אחד
  - b Conclusion: we marry based on 1 witness, even a slave, a woman or שפחה
    - i Dissent: ר' אליעזר ור' יהושע – do not permit marriage אחד ע"פ עד אחד
    - ii אשה, עבד, שפחה, קרובים) ע"פ עד אחד, but not an invalid witness ד"ע
      - 1 Challenge: ר"ע allows woman to bring her own גט from אשה ק"ו
        - (a) If: some women who are excluded from אשה עדות may bring גט, גט
        - (b) Then: ק"ו the woman herself, who is believed, may bring her own גט
      - 2 Answer: after the story with ר"ג, they permitted אשה; ר"ע's words in משנה are from before that time
- IV זו משנה: Response to ר"ע – woman should be believed based on ק"ו from פונדקאית
  - a Who: reported to חכמים that their colleague (who was staying there as he got sick) died and she buried him;
    - i They: they allowed his wife to remarry based on her statement
    - ii ד"ע: she wasn't believed on her own – she brought out his personal effects (including ס"ת)
      - 1 Note: the פונדקאית was a non-Jewish woman, but she was תומה לפי תומה מסיחה
  - b עדות אשה: conflicting reports if ר"ט engaged in וחקירה in case of אשה עדות
    - i Per: ר' חנינא – essentially, all cases require ד"ח per v. 1, but we are lenient with ד"מ to encourage lending
      - 1 The one who demands: sees עדות אשה as נפשות – we permit an איש אשה to marry
      - 2 The one who doesn't demand: sees עדות אשה as ממונות (collection of כתובה)
- V Conclusion – ר' חנינא's homily on v. 2 - read not בניך, rather בניך

דעתן עלך מסכת יבמות ודעתך עלן

\* הדן עלך מסכת יבמות והדרך עלן  
 \* דעתן עלך מסכת יבמות ודעתך עלן