

14.2.8

23a (ואם משנשאת) → 24b (בשכלי אומנות בידו)

1. יש רעה ראיתי תחת השמש כשננה שיצא מלפני השליט: קהלת פרק י פסוק ה
 2. ויאמר שמשון נפשי עם פלשתים ויט בכח ויפל הבית על הסרנים ועל כל העם אשר בו...: שופטים פרק טז פסוק ל

- I. Analysis of caveat in משנה – if she already married, לא תצא
- a. *Interpretation 1*: relates to רישא (2 witnesses come after she remarries and testify that she was איש אשת איש)
 - b. *Interpretation 2*: relates to סיפא (2 witnesses come after she marries [כהן] and testify that she was שבויה)
 - i. *Analysis*: if we apply it to סיפא, may not apply to רישא – we are lenient regarding שבויה
 - ii. *Suggestion*: dispute is whether to accept רב המנונא dictum
 1. *dictum*: a woman is not capable of saying "you divorced me" if its untrue (→believed)
 2. *rejection*: all accept his dictum; dispute is whether it applies in his absence
 - c. *addendum*: she need not have married; once ב"ד issues her permit, *c'est fini*
 - i. *challenge*: conclusion is לא תצא
 - ii. *answer*: לא תצא means "she doesn't leave her earlier - permitted - status"
 - d. *Addendum*: if she claims she was a captive but is טהורה - and has witnesses to support it – we don't wait for her witnesses; we permit her to marry אהן immediately
 - i. *If*: witnesses later come and can't support her claim – לא תצא
 - ii. *If*: witnesses come and testify that she was, indeed, raped – even if she has children – תצא
 - iii. *Story*: involving שמואל's father, שמואל, his daughters and their eventual captors and the א"י in ב"ד
 1. *possible challenge*: seems as if would witnesses come – תצא
 2. *deflection*: only if witnesses to her טומאה come would she have to separate
- II. עדות supportive משנה ר'
- a. if 2 women were captured (and there are witnesses to that) and they claim טהורה אני – not believed
 - b. *however*, if they testify to each other's טהורה – believed
 - c. *explicatory ברייתא*: 2 women captured, 1 testifying about both of them:
 - i. *rule*: any testimony she offers to benefit herself (טהורה) isn't believed; both inversions are:
 1. *herself*: טמאה – believed
 2. *the other woman*: טהורה – believed (טמאה – not believed)
 3. *therefore*:
 - a. *if she says*: טמאה אני וחברתי טהורה – believed on both counts
 - b. *if she says*: טהורה אני וחברתי טמאה – not believed (must be עדים)
 - c. *if she says*: we're both טמאות – believed only about herself (must be no עדים)
 - d. *if she says*: we're both טהורות – believed only about the other (must be no עדים)
 - ii. *challenge*: seems as if 2nd and 4th cases involve witnesses, 3rd involves no witnesses
 - iii. *answer1 (אב"י)*: indeed – only "middle" case involves no witnesses
 - iv. *Answer2 (ר' פנא)*: all cases involve עדים; in 3rd and 4th case, 1 witness inverts her testimony:
 1. *1st case*: she says טמאה אני etc. and 1 witness says she is טהורה
 - a. *result*: she is טמאה (שויה אנפשה חד"א) טמאה (שויה אנפשה חד"א); the other is טהורה as per her testimony
 2. *2nd case*: she says טהורה אני etc. and 1 witness says she is טמאה
 - a. *result*: she is טמאה (as per witness) and the other is טהורה due to witness
 3. *3rd case*: she says "we're both טמאות" and 1 witness says "you're both טהורות"
 - a. *result*: she is טמאה (שויה אנפשה חד"א) טמאה (שויה אנפשה חד"א) and other is טהורה (witness)
 - b. *question*: why is this 3rd case needed (same as 2nd)?
 - c. *Answer*: טהורה both are טהורות and she is trying to "take her friend down with her" (as per v. 2) – קמ"ל that we believe her vis-à-vis herself → טמאה
 4. *4th case*: she says "we're both טהורות" and 1 witness contradicts her
 - a. *result*: she is טמאה as per witness; other is טהורה based on her testimony
 - b. *question*: why is this case needed (same as 1st)?
 - c. *answer*: קמ"ל – טהורה believe her & permit the other only if she invalidates herself – קמ"ל

- III. משנה ז': another example of reciprocal testimony:
- a. if 2 men come, each claiming to be a כהן – not believed
 - b. if they testify about each other's כהונה – believed
 - i. ר' יהודה: משנה ח' disagrees and doesn't allow העלאה לכהונה based on 1 witness
 1. ר"א: only if someone challenges his status; otherwise, we accept 1
 2. ר' שמעון בן הסגן: העלאה לכהונה we always accept 1 witness for
- IV. Justifying the need for all the examples of פה שאסר
- a. *If we only had case #1* (ר"י and the father's field):
 - i. *I would have said:* he's believed because his 1st statement puts him at financial risk
 - ii. *But:* case #2 (witnesses claiming the signatures are invalid) have no such risk and their 2nd statement should be understood to be a reversal (→rejected)
 - b. *If we only had case #2:*
 - i. *I would have said:* witnesses are believed since their words affect another (only)
 - ii. *But:* case #1 is for his own benefit – not believed
 - c. *If we had cases #1&2:*
 - i. *I would have said:* they're believed since it's (only) a financial matter
 - ii. *But:* case #3 (א"א admits she was married, claims also divorced) is איסור – not believed
 - d. *Once we have case #3:* why do we need case #4 (captive who claims "טהורה אני")?
 - i. *Answer:* for סיפא – if she already married, לא תצא
 1. *challenge:* that only works according to the מ"ד that it applies to סיפא
 2. *but:* if it applies to רישא (married woman)...?
 3. *answer:* because we need to teach case #5 – 2 captive women (גומליון)
 4. *question:* why do we need case #5?
 5. *answer:* we would think not to believe them, due to the reciprocity (גומליון)
 6. *if so:* why do we need case #6 – (men testifying about each other's כהונה)
 7. *answer:* to teach the dispute between ר' יהודה/רבנן regarding ע"פ עד אחד
- V. Analyzing the dispute between ר' יהודה/רבנן (part 1)
- a. ברייתא: 1 man testifies that he and his friend are כהנים:
 - i. רבנן: believed for האכלת תרומה, not for יוחסין
 - ii. ר' יהודה: not believed even for תרומה - need 3 (a 3rd who substantiates each's testimony about the other)
 1. *contradiction:* ר' יהודה (here) doesn't accept reciprocal testimony; רבנן do
 2. *contra:* regarding grain sellers, ר' יהודה accepts reciprocal testimony about תרומה
 - a. *answer1* (רב): switch the positions in דמאי
 - b. *Answer2* (אב"י): no need to switch: we're lenient regarding דמאי
 - i. *Challenge* (רבא): that only answers ר' יהודה; what of רבנן?
 - c. *Answer3* (רבא):
 - i. אב"י ד' יהודה: solved as per אב"י
 - ii. רבנן: both grain-sellers have their tools of sale out (reciprocity is obvious)