



Parallel Truth

In last week's issue we discussed the *Chachamim's* leniency in accepting a single witness's testimony regarding the death of a woman's husband. Recall that even though ordinarily two witnesses are required for legal testimonies, the *Chachamim* accepted a single witness due the concern that the woman could be stuck in wedlock (see Volume 3 Issue 6). The fifteenth *perik* lists five women who are not believed and suspected of lying in order to ruin her marriage due to the assumed animosity that is felt between them. One of those listed is the *tzarah* – co-wife.

The *Mishnah* (15:6) discusses a case where a woman and her husband go overseas, and she returns claiming her husband passed away. The *Mishnah* explains that while she can remarry, the *tzara* that stayed behind may not. This is consistent with the above *Mishnah* that a *tzara* is not believed regarding the other. Note however that the law is the same even though the wife that provided the testimony can remarry as we are nevertheless concerned that she is willing to ruin her own marriage to ruin the marriage of the *tzarah*.

The *Mishnah* continues with a debate where the *tzara* was a *bat Yisrael* and married to a *kohen*, and whether she may continue to eat *terumah*. According to *R' Tarfun* since the wife that returned is not believed with respect to the *tzarah's* situation, she can continue to eat *terumah* based on the assumption that her husband is still alive. *R' Akiva* however disagrees stating – "this is not the way to distance her from a transgression". He maintains that even though is not allowed to remarry, she is also not allowed to continue to eat *terumah*.

The *Lechem Mishnah* (*Gerushin* 2:16) understand that *R' Tarfun* and *R' Akiva* (also the *Rambam* and *Raavad*) argue about the meaning of the first *Mishnah* when it rules that these five women are not believed. *R' Tarfun* understands that their testimony is not accepted at all, the assumption that the husband is alive endures and the wife (*tzara* in our case) is considered definitely married. According to *R' Akiva* however, we simply suspect that the woman testifying has ulterior motives and might be lying to undermine the marriage; yet this is not a certainty. Consequently, while the wife cannot remarry, we are still concerned that the husband might not be alive. The *Lechem Mishnah* provides additional

practical difference between these two positions (other than whether she could continue to eat *terumah*). Firstly, if the wife attempts to remarry, what would be the status of the offspring? According to *R' Tarfun* since she is still considered definitely married to the first husband, the children will be *mamzerim*. According to *R' Akiva* however, since there is a doubt, the children will be considered *safek mamzerim*. Similarly, according to *R' Tarfun* since the second relationship would not be considered marriage (since she is still married) that man would be allowed to marry any of her close relatives, while *R' Akiva* would maintain that the since the second relationship *might* be considered marriage, he would not be allowed to marry any of her relatives.

The *Shav Shmatath* (7:4) cites the *Mishnah Lemelech* and disagrees. He explains that two witnesses are required in matters of *ervah* (forbidden relationship). Recall that the *Chachamim* introduced this leniency for the sake of *agunot*. Once however, they did not trust certain individuals, the woman is still considered definitely married. This point is accepted by everyone.

Why then does *R' Akiva* maintain that the *tzarah* cannot continue to eat *terumah*? The *Shav Shamatah* provides a number answers. One is that if one wife remarries and the other continues to eat *terumah*, the outcome is contradictory. One wife is behaving as if the husband is dead while the other as if he alive. Consequently, we do not allow her to continue to eat *terumah* in order to avoid the overt contradiction. Note that this is despite the fact that even according to *R' Akiva* that *tzara* is considered definitely married and if she had a relationship with another man it could be tried as a capital case.

Another answer the *Shav Shmatatah* provides is that *R' Akiva* understands that we split between two legal consideration. Matters of *ervah* require two witnesses, so as we have explained, she is still considered married. Whether she can consume *terumah* is in the world of *issurim* which only requires one witness. Consequently, according to *R' Akiva*, the returning wife is believed for *terumah* and the *tzarah* must stop eating *terumah*. *R' Tarfun* however understands that the core testimony is one of *ervah*. Consequently, *issurim* that are consequences of it require two witnesses.

Revision Questions

יבמות ט"ו: ד' – ט"ו: ז'

- Which five people are not trusted to testify that a women's husband has died? (ט"ו: ד')
- If a woman remarried on the basis of a single witness's testimony, can she remain married if another single witness testifies that her original husband is still alive? (ט"ו: ד')
- What is the law regarding a case where a person's two wives return from overseas and: (ט"ו: ה')
 - One says the husband died, and the other says the husband is alive?
 - One says the husband died, and the other says the husband was killed?
- If a woman and here husband travel overseas and she returns saying that here husband has died, can she remarry? Can the co-wife remarry? (ט"ו: ו')
- Regarding the previous question, if the co-wife was a *bat Yisrael* married to a *Kohen*, can she continue to eat *trumah*? Explain. (ט"ו: ו')
- What case is raised that shares the same ruling as in the previous two questions? (ט"ו: ז')
- What should one do if they married one of five women, and they do not who, yet all the women claim it was them? (ט"ו: ז')
- What case does *R' Tarfon* claim is similar to the case in the previous question and why does *R' Akiva* argue that it is different? (ט"ו: ח')
- If a women returns from overseas claiming that both her husband and only child died, in what situation (regarding the order of the deaths) is she believed and when are we concerned? (ט"ו: ח')
- Regarding the previous question, with what change to the detail of the case is the law reversed? (ט"ו: ט')
- When is a women trusted to say that her *yabam* died? (Careful) (ט"ו: י')
- Regarding which relatives is a man not trusted about, if he claims they died and in what circumstance? (ט"ו: י')
- What is the law regarding a woman, whose co-wife and husband went overseas, and then she received word that her husband had died – can she remarry? Does she require *yibum* or *chalitzah*? (ט"ו: יא')
- What is the law regarding a case where two women married to two brothers, claim that their husbands have died? What if one of the women has two witnesses supporting her? What if one of the women has children? (ט"ו: יב')
- What is the vital feature that one must identify about when testifying about a dead body? (ט"ו: יג')
- Can one testify that a man has died if he saw him fall into the ocean? (ט"ו: יד')
- Give some examples of what they would accept as a form of testimony enabling a woman to remarry? (ט"ו: ה')
- Can a woman get married based on a *bat kol*? (What is a *bat kol*?) (ט"ו: יד')
- When *R' Akiva* went to *Nehard'ah*, in the name of who did *Nechemya Ish Beit Dli* say that a woman can get remarried based on a single witnesses testimony? (ט"ו: יז')
- Which opinion does not accept single witness testimony? (ט"ו: יז')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel
Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
1 April ט"ז ניסן	2 April י"ח ניסן	3 April י"ט ניסן	4 April כ" ניסן	5 April כ"א ניסן	6 April כ"ב ניסן	7 April כ"ג ניסן
Ketubot 1:1-2	Ketubot 1:3-4	Ketubot 1:5-6	Ketubot 1:7-8	Ketubot 1:9-10	Ketubot 2:1-2	Ketubot 2:3-4

