



# *The Hakuk Edition* **English Topics on the Daf**

*Dedicated l'refuah sheleima for Yaakov ben Victoria*

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## **Yevamos Daf 87**

The first Mishnah of the tenth perek introduces us to the intricacies of a woman remarrying after her husband's reported death.

At the end of the Mishnah it says that if the woman got remarried "not through Beis Din" but through witnesses of her husband's death, she must bring a korbon chatos.

Now, she didn't do anything wrong! The Torah states that we may rely on the testimony of two witnesses, for everything including giving a man the death penalty. So why should this woman be liable to atone for her misdeed? Doesn't she fall into the category of oness (lit., one coerced to commit a sin), since it was out of her control to prevent it?

Rashi says that she should have waited, so she is not considered an oness. But still – what more can be expected of her?

Firstly, the fact was, as they later discovered, her husband was actually alive. This being the case, the assumption is that if she would've investigated the matter further, she could have found this out before. The Rambam thus sums up the difference between oness and shogeg in Hilchos Shegagos 5:6: "A shogeg is a case in which he should have checked and examined the matter, and if he would have investigated very well he would not have come to the transgression. Because he did not exert himself with such

research and he did the sin, he needs an atonement." But oness is a case in which the halacha permits it unconditionally, like the example in that Rambam – a man cohabits with his wife and she suddenly sees blood (Shu"t Bris Yaakov, E.H. 96).

The Noda B'Yehuda points out another relevant factor here. If the witnesses said her husband died and then he shows up, those witnesses were obviously lying. Thus, her entire hetter to remarry was based on false pretenses. Such a case is classified as shogeg, an unintentional sin, and not an oness. He compares it to the halacha in Maseches Horios, that if Beis Din rules erroneously and only a small percentage of people follow their psak, they must each bring a korbon chatos. They were following the ruling of Beis Din! They didn't do anything wrong, and yet, because it was based on error, it engenders a korbon for atonement (Noda B'Yehuda II, Y.D. 96).

Other seforim explain that it is a deficiency in the presumption that isha dayka uminsiba, that even one witness to a man's death suffices since a woman will investigate very well before she remarries (daf 25 and 93). In our case, once again, we may assume that this was not carried out, since it turned out to have been incorrect. And although our Mishnah's case is where two witnesses came, Shu"t Chut Hameshulash (Siman 13) suggests

that even so she must check thoroughly that they are genuine.

As a contrast, the question was posed to the Ben Ish Chai concerning a shochet who was found to have sold meat with invalid shechitos and neveilos. Do the members of that community need to engage in teshuvah measures to evoke a kappara for themselves? He responded that they did not. They were onsim; they could not have known there was any problem with the shochet, since shochim have a chezkas kashrus. On the other hand, in our Gemara, she could have been more cautious and waited until the matter was totally clarified (Shu"t Torah Lishmoh, 514).

He adds that it is meritorious, nonetheless, for them to accept some teshuva activities upon themselves, such as fasting or giving tzedaka. In contrast, if someone is mechalel Shabbos to save another person, he should not do any kappara activities afterward. Doing so would give it the impression of being a less-than-proper action, and one might hesitate in the future to be mechalel Shabbos. Chazal say that even asking if we should profane the Shabbos in situations of danger to life is deplorable! So too, in the case mentioned before of a woman seeing blood during marital relations, the man should not do teshuvah for it. Such a move might cause him to be hesitant in the future to engage in relations, which would be a violation of his marital obligations.

In the contemporary sefer Shvilei Tzion, Rav Shmuel Yaffe shlit"za adds more sources stating that if someone deceived people about kashrus, they do not need a kappara. We have a principle from the Gemara that "one witness is believed in issurim," so they were onsim (Siman 15). However, in our sugya, she needs a

korbon, for one of the reasons mentioned above.