

## **באו עדים<sup>1</sup> לא תצא – If witnesses came, she is not required to leave**

### **OVERVIEW**

The **ברייתא** teaches us that if a woman claimed **נשבתי וטהורה אני** and I also have **עדים** that **טהורה אני** (and **בי"ד** permitted her to marry), then even if the **עדים** subsequently came and claimed that they are unaware if she is **טהורה** or not, nevertheless **לא תצא**. Again, **תוספות** will explain the meaning of **לא תצא**.

פירוש<sup>2</sup> לא תצא מהיתרה הראשון -

The explanation of the phrase **לא תצא** (**עדים**) is that **she does not lose her initial permission** to remarry **לכתחלה**.<sup>3</sup>

### **SUMMARY**

The woman is permitted to marry **לכתחלה** even if the **עדים** do not substantiate her claim.

### **THINKING IT OVER**

How indeed does **תוספות** derive this ruling that even if her claim is not completely substantiated, she may still marry **לכתחלה**?<sup>4</sup> Conversely if **אבזה** ואם **משנשאת באו עדים לא תצא** which states **משנה** **דשמואל** means **משנשאת** (even though it states **נשאת ממש אלא שהתירוה לינשא**) and **לא תצא** means **לא תצא מהתירה הראשון**, so in our **ברייתא** which merely states **התירוה לינשא** (and it does not say **נשאת**), it certainly means **לא תצא מהתירה הראשון**. What is **תוספות** being **מחדש**?!

<sup>1</sup> In our text the text reads **באו עדים שנשבית גירסת הרי"ף**. The **ברייתא** reads **באו עדים ואמרו לא ידענו הרי זו לא תצא**.

<sup>2</sup> See previous **לא תצא** (**תוספות** ד"ה **לא תצא** (including footnote # 1)).

<sup>3</sup> In this case the woman is slightly contradicted by the **עדים**. She claimed that **עדים** knew that she was not **נשואה**. However the **עדים** are testifying that they do not know. It is possible that in this situation (since she was somewhat contradicted) we will not believe her completely and permit her to marry **לכתחלה**. Rather we would only allow her to remain married **בדיעבד**. Our **תוספות** negates this view. See 'Thinking it over'.

<sup>4</sup> See **קדושת ישראל** (להרב **בנימין ליכטנשטט**).