

When she was speaking innocently

במסיחה לפי תומה –

OVERVIEW

differentiated between the testimonies of her שבויה regarding a פפא; that generally שפחתה is not believed, however if she is מסיחה לפי תומה, even שפחתה is believed. מסיחה לפי תומה who is believed by תוספות and herself and her husband who are not believed even if they were תומם.

וּאִפִּילוּ הָכִי הִיא וּבִעֲלָה אֵינָן נֶאֱמָנִין -

But nevertheless (even though that שפחתה [who is generally not believed] is believed by מסיחה לפי תומה, however), **the שבויה and her husband are not believed** even במל"ת to say that she was not defiled.

anticipates a difficulty:

אף על גב דיוחנן אוכל חלות (לעיל דף כו, א) היה נאמן על עצמו¹ במסיח לפי תומו -

Even though יוחנן **was believed regarding himself** במל"ת regarding his status, so why by שבויה, the captive and her husband are not believed במל"ת –

replies:

הני מילי לתרומה² אבל הכא מעלה עשו ביוחסין -

When is the subject believed במסל"ת, only **regarding תרומה**, however here by שבויה, **they raised** the bar and were more stringent **regarding יוחסין**, that by יוחסין even מסל"ת is not sufficient for the שבויה and her husband.

[אומר רבינו יצחק דמסיח לפי תומו אינו כשר אלא לעדות אשה³ דרבנן כדאמר ביבמות⁴ -

The ר"י says that **מל"ת** is only accepted for testifying for a woman that her husband died (to permit her to remarry) [or for a rabbinic law] as the גמרא states **in יבמות** -

והכא בשבויה הקילו]:

And here by a שבויה [which is a דרבנן]⁵ **they were lenient** and also accepted מסל"ת (except for her or her husband).

SUMMARY

¹ תרומה recounted how as a child they would take him from school and immerse him and a מקוה and feed him. This was an accepted testimony since he said it במסל"ת.

² See דרבנן that the תרומה (only) for יוחנן אוכל חלות, was (only) for יוחסין.

³ אשה דרבנן. The ש"ס amends it to read; אשה כדאמר ביבמות והכא בשבויה דרבנן הקילו. The מהר"י לנדא amends this to read; אשה דרבנן.

⁴ מל"ת by עדות אשה גוי is believed for גמרא. קכא, ב.

⁵ See footnote # 3. A שבויה is only אסורה לכהן שבויה, since we do not know for certain if she was נבעלה and became a זונה.

The שפחה is believed במל"ת for her mistress but not the subject or her husband. By (דרכבן) תרומה the subject is believed מל"ת. Generally מל"ת is believed by a דרבנן or עדות אשה and also by שבויה.

THINKING IT OVER

Previously⁶ we learnt that according to ר"י we do not believe the testimony of an ע"א regarding כהונה (תרומה for eating); however an ע"א is believed regarding שבויה; indicating that תרומה is stricter than שבויה. However here תוספות rules that by מל"ת the subject is believed by תרומה (the case of וכו' יוחנן), but not by שבויה; indicating that שבויה is stricter than תרומה. How can we reconcile these seemingly opposing rulings?⁷

⁶ כג,ב.

⁷ See (here and מהרש"א) תוס' כד, א ד"ה וכן.