

משום דמעיד בה לא ישאנה –

Because he is testifying about her, he should not marry her

Overview

The ברייתא states, ‘one who redeems a captive woman, may marry her, however if he testifies (that she was not defiled) he may not marry her.’ The גמרא asked, ‘because he testified, therefore he cannot marry her’?¹ This question requires some clarification.²

קא סלקא דעתין הפודה את השבויה ישאנה בלא עדות³ קאמר:

We assumed in the question that when the ברייתא stated, **one who redeems a captive, he may marry her, it meant even without עדים**, who testified that she was not נבעלה.

Summary

In the question we assumed that פודה was not מעיד.

Thinking it over

In order to understand the question, 'משום דמעיד בה לא ישאנה'; is it necessary to assume that the גמרא maintained that the case of מעיד בה is referring to פודה (that he was מעיד and פודה) and nevertheless לא ישאנה, or the question is valid even if we maintain that מעיד בה is not referring to פודה (he was only מעיד)?

¹ According to משום, גמרא asks, מעיד and פודה, therefore the case of מעיד בה is where he was both מעיד and פודה, therefore the גמרא asks, מעיד בה לא ישאנה.

² Perhaps we can establish the רישא of the ברייתא is in a case where he was פודה and there were also עדים (or he was מעיד [as the גמרא explains in the answer]), and the סיפא is where he was only מעיד, but not פודה (not like רש"י [see footnote # 1]), therefore he cannot marry her, so what is the גמרא's question, 'משום דמעיד בה וכו',

³ The question is now readily understood; if a person who was just פודה her, may marry her even if there are no עדים (מהרש"א א), he should certainly be able to marry her later. See 'Thinking it over'.