

XV.

BAVLI YEBAMOT CHAPTER FIFTEEN

FOLIOS 114B-118B

15:1

- A. The woman who went, she and her husband, overseas –
- B. there was peace between her and him, and the world was at peace –
- C. and she came and said, “My husband died” –
- D. she may remarry.
- E. “My husband died” –
- F. she may enter into levirate marriage.
- G. [If] there was peace between her and him but war in the world –
- H. strife between him and her, but the world was at peace –
- I. and she came and said, “My husband died” –
- J. she is not believed.
- K. R. Judah says, “Under no circumstances is she believed unless she came in tears, with her garments torn [as a sign of mourning] .”
- L. They said to him, “All the same [are one who cries, wearing torn garments, and one who does not cry, wearing neat garments] – she may remarry [under the stated circumstances].”

- I.1** A. *The Tannaite formulation encompasses there was peace between her and him because the intent was to go on to the language, strife between him and her. And the Tannaite formulation goes over the ground of and the world was at peace, because the intent was to go on to the language, but war in the world.*

I.2 A. Said Raba, *“What is the reason that if there is war in the world, the wife is not believed? Because she speaks out of conjecture: ‘Is it possible to imagine that all these people have been killed and he has escaped?’ And should you want to suppose that, since there is peace between him and her, she would wait until she saw the corpse, there might be times that he was struck by an arrow or spear, and she might think, he surely is dead, but someone may have put a salve on his wound and he might recover.”*

I.3 A. Raba considered ruling, *“Famine is not classified as equivalent to war. For in the former case she does not speak out of conjecture.”*

B. Then said Raba, *“As to famine, lo, it is classified like war.”*

C. *For a woman came before Raba. She said to him, “My husband has died in a famine.”*

D. *He said to her, “You did well to save your own life, since could it enter your mind that he would survive on the little bit of flour you left for him.”*

E. *She said to him, “The master also understands that under such conditions he could not have survived” [Slotki: but she did not see him die].*

F. *Then said Raba, “Famine is worse than war, for in the case of war, only if the wife states, ‘My husband died in the war,’ she is not believed, but if she said, ‘He died in bed,’ she is believed. But in the case of famine, she is believed only if she says, ‘He died, and I am the one who buried him.’”*

I.4 A. As to the collapse of a house, lo, this is classified as equivalent to war, *for here, too, the wife speaks out of conjecture.*

B. A visitation of snakes and scorpions – lo, this is classified as equivalent to war, *for here, too, the wife speaks out of conjecture.*

C. As to pestilence, *there are those who say, lo, this is classified as equivalent to war, for here, too, the wife speaks out of conjecture, and there are those who say, lo, this is not classified as equivalent to war, for the wife may rely on what*

people say, "For seven years pestilence may rage, but a man does not go before he has finished his years."

- I.5** A. The question was raised: if she is the one who produced the presumption that there was war in the world [and she also said, "and he died in the war"], what is the law? *Do we invoke the claim, Why should she bother to lie, [115A] for if she preferred, she could have said, "There was peace in the world"? Or perhaps, since she is the one who has established the presumption that there was a war, she is speaking on the basis of conjecture, in which instance, the argument, Why should she bother to lie?, cannot come along and impair an established presumption?*
- B. *Come and take note:* [If a woman says,] "They burned our house on top of us...", or "They filled the cave where we were with smoke...", "...and he died but I escaped," she is not believed. [Slotki: This proves that her statement that her husband is dead is not accepted, although it was through her that it became known that there was a state of war.]
- C. *That case is different, because one may say to her, "Just as for you a miracle took place, for him also a miracle took place."*
- D. *Come and take note:* [If she said,] "Gentiles fell on us...", "Robbers fell on us...", "...and he died while I escaped," she is believed.
- E. *That accords with what R. Idi said, for said R. Idi, "A woman carries her weapons about her."* [She will not flee to save her life but stays on the spot to the end; she then is an eye witness as to her husband's death; this therefore provides no proof that she is believed if an actual state of war existed (Slotki).]

I.6 A. *In the case of a certain man, at the end of his wedding feast, his bridal chamber caught fire, . His wife said to them, "Look at my husband, look at my husband." They came and saw a burned body, prostrate on the ground, with the hand of a man lying by it. R. Hiyya bar Abin considered ruling, "Lo, this is in the case of a claim, 'They burned our house on top of us...', or 'They filled the cave where we were with smoke...', ['...and he died but I escaped,' in which instance she is not believed]."*

B. *Said Raba, "Are the cases really parallel? In that case, she did not say, 'Look at my husband, look at my husband,' while here the charred body was lying prostrate on the ground with a hand lying nearby."*

C. *And R. Hiyya bar Abin?*

D. *As to the charred body lying on the ground, I say that someone else came along to save him, and the fire ate him up, and the hand lying nearby may be that of the bridegroom, who was caught by the fire and mutilated, and out of shame, he may have left the place and fled abroad.*

- I.7** A. *The question was raised: What is the status of a single witness to the husband's death in time of war? Is the operative consideration that the single witness is believed because it is something that, if a lie, is likely to be exposed, so a person is not going to lie, and here, too, a person is not likely to lie? Perhaps, alternatively, the operative consideration that a single witness is believed is because the woman herself is going to make a careful inquiry, and only then will remarry. Here, therefore, the single witness would not be believed since in the present case, the woman will remarry without making careful inquiry.*
- B. *Said Rammi bar Hama, "Come and take note: Said R. Aqiba, 'When I went down to Nehardea to intercalate the year, Nehemiah of Bet Deli came upon me. He said to me, "I heard that only R. Judah b. Baba permits a wife in the Land of Israel to remarry on the evidence of a single witness [to her husband's death]." I stated to him, "That is indeed so." He said to me, "Tell them in my name – you know that the country is alive with ravaging bands – I have a tradition from Rabban Gamaliel the Elder that: They permit a wife to remarry on the testimony of a single witness [to her husband's death]"' [M. 16:7A-K]. Now what is the sense of the statement, you know that the country is alive with ravaging bands? Is it not, 'Even though the country is alive with ravaging bands, nonetheless I have a tradition from Rabban Gamaliel the Elder that: They permit a wife to remarry on the testimony of a single witness [to her husband's death].' Therefore a single witness is believed."*
- C. *Said Raba, "If so, then why should there be reference to 'the country' in particular? He should have said, 'Anywhere where there are ravaging bands.'"*
- D. *Rather, said Raba, "This is the sense of the statement: you know that the country is alive with ravaging bands, so it is not possible for me to leave my family and come before rabbis: I have a tradition from Rabban Gamaliel the Elder that: They permit a wife to remarry on the testimony of a single witness [to her husband's death]."*

- E. *Come and take note:* There was the case of two disciples of sages who were coming along in a ship with Abba Yosé b. Simai, and the ship sank. Rabbi permitted their wives to remarry on the evidence of women. *Now lo, evidence as to death in the water is equivalent, as to testimony in this context, to a time of war, and, as to women, even a hundred of them are equivalent to a single witness, and yet it was stated,* Rabbi permitted their wives to remarry on the evidence of women.
- F. *And is this how you understand this?* Rabbi's ruling was made in connection with water out of sight of shore, and when someone drowns in waters beyond shore, his wife is forbidden to marry again. *Rather, what case is at hand? It is a case in which they said, "The drowned men were cast up by the sea in our very presence," [115B] and we saw them forthwith, and they furthermore referred to identifying marks, so we are relying upon not them but the identifying marks.*

I.8

- A. *There was a case in which someone deposited sesame with another, and when he asked him, "Give me back my sesame," the other said, "You've already taken it."*
- B. *"But lo, thus and so was the volume, and it is still lying right there in your jar."*
- C. *He said to him, "You've taken yours, and these are other sesame seeds."*
- D. *R. Hisda considered ruling, "This is to be settled by appeal to the case of the two disciples of sages, where we do not say, these have gone their way, and the ones in hand are others [who have the same markings. So, too, with the sesame in the jar, since it's the same volume, we should assume that it belongs to the depositor.]"*
- E. *Said to him Raba, "Are the cases parallel? There we spoke of identifying marks, but here, exactly what identifying marks do sesame seeds actually have anyhow? And as to his saying, 'They were thus and so in volume,' well, anyhow, the fact that the quantity is the same is nothing more than a coincidence."*
- F. *Said Mar Qashisha bar R. Hisda to R. Ashi, "Do we take into consideration the possibility that the contents may have been removed [and replaced by other contents (Slotki)]? And have we not learned in the Mishnah: **One who finds a vessel upon which is inscribed [the letter] (1) "qof," [the produce it contains is in the status of] an***

offering, (2) “mem,” [the produce it contains is in the status of first] tithe, (3) “dalet,” [the produce it contains is] doubtfully tithed, (4) “tet,” [the produce it contains is] certainly untithed, (5) “taw,” [the produce it contains is in the status of] heave-offering, for in the time of danger they wrote [only the letter] “taw” instead of [writing out the full word] “terumah” (heave-offering) [M. [M.S. 4:11A-B](#)]?” [Slotki: This proves that a mark is regarded as sufficient proof that the original contents were not removed and replaced by others.]

G. *Said Rabina to R. Ashi, “But do we not take account of the possibility that the contents may have been removed? Note what follows in the same context: R. Yosé says, ‘All [of the letters stand for] the names of individuals [and therefore are not taken to denote the status of produce in the vessel.’ Said R. Yosé, ‘Even if one found a cask full of produce and on [the cask] was inscribed [the word] “heave-offering,” lo, the [pieces of fruit in it] are unconsecrated. For I say that last year it was filled with produce [in the status of] heave-offering, but [subsequently] it was emptied [and refilled with other produce]’ [M. [M.S. 4:11C-F](#)]. So all parties concur that we must take account of the possibility that the contents have been removed. Here what then is at issue? One authority takes the view that, if it were the fact that the owner had removed the contents, he would have wiped the mark off; the other says that he may have forgotten the mark or may have left it there as a safeguard.”*

I.9

A. *Isaac, the exilarch, was the son of the sister of R. Bibi. He went from Kurdafad to Apamea and died there. They sent word from there: “Isaac the exilarch, son of R. Bibi’s sister, went from Kurdafad to Apamea and died there. Do we take account of the possibility that there were two persons by name of Isaac or do we not?”*

B. *Abbayye said, “We take account of that possibility.”*

C. *Raba said, “We do not take account of that possibility.”*

D. *Said Abbayye, “On what basis do I make that statement? Because of the case of a writ of divorce that turned up in Nehardea, in which was written, ‘Near the town of Qolonayya, I, David, son of Nehilais, of Nehardea, dismissed and divorced*

my wife, Ms. Such-and-such,' and the father of Samuel sent to R. Judah the Patriarch, who ruled, 'Let all of Nehardea be investigated [to make sure there is only one David, son of Nehilais].'"

E. *And Raba said, "If that really were the rule, then 'the whole of the world would have to be searched out' is the language that is required. But it was only on account of the honor that was owing to the father of Samuel that he sent that opinion."*

F. *And Raba said, "On what basis do I make that statement? It is because of the case of two bonds that turned up in the court at Mahoza, with the names, Habi b. Nanai, and Nanai b. Habi, and Rabbah bar Abbuha ordered the collection of the debts certified by those bonds. And yet, there are plenty of Habi b. Nanai's and Nanai b. Habi's in Mahoza!"*

G. *And as to Abbaye's view, [116A] what should we take into account? If it is to the possibility that the bond may have been lost, certainly a person is very careful not to lose such a document, and if it is to the possibility that the holder of the bond has it only as a bailment for the true owner, since the name on the bond is the same as the bailee, in such a case the bond owner is not going to deposit the bond with such a person. So what is to be said?*

H. *That the creditor [who sold the note to the man who now holds it, who is not the real creditor] may only just now have delivered the note to him [Slotki: but did not transfer its possession by the usual act of transfer of title; and since the seller may withdraw from the sale before legal transfer has taken place, it might be assumed that the creditor named in the note withdrew from the sale and that the man of the same name who now produces the note is not the owner, even through purchase].*

I. *Letters [for instance, a bond] are acquired through an act of handing over. [Slotki: The delivery of the bond*

completes the legal transfer, so the seller can no longer withdraw.]

I.10 A. *There was the case of a writ of divorce that turned up in Sura, in which the following was written: "In the town of Sura, I, Anan bar Hiyya, a Nehardean, dismiss and divorce Ms. Such-and-such, my wife," and rabbis checked on the populations from Sura to Nehardea, and there was no other Anan bar Hiyya except for Anan bar Hiyya of Hagra, who, at that time, was in Nehardea. And witnesses came and testified that, on the day on which the writ of divorce was written, Anan bar Hiyya of Hagra was with them [in Nehardea, the writ having been written in Sura].*

B. *Said Abbaye, "Even in my view, maintaining that we take into account various possibilities, here we do not take into account any possibility of error, for here, witnesses testify that he was in Nehardea, so what could he have been doing in Sura?"*

C. *Said Raba, "Even from my perspective, maintaining that we do take into account various possibilities, here we do take into account the possibility that he went from one place to the other via flying camel, or got there by one gigantic leap, or he may have delivered verbal instructions to have the writ of divorce written on his behalf. That would have been in line with the practice of Rab, who instructed the scribes, and so R. Huna said to the scribes, 'When you are located in Shili, write in the writ, "in Shili," even if the instructions are given to you in Hini, and when you are in Hini, write, "in Hini," even though the instructions are given to you in Shili.'"*

I.11 A. *So anyhow, on those sesame seeds [at No. 8], what was the outcome?*

B. *R. Yemar said, "We do not take into account the possibility that the ones that were left were retrieved and the bailee has put his own into the jug."*

C. *Rabina said, "We do take into account exactly that possibility."*

D. *And the decided law is that we do take into account such a possibility.*

II.1 A. **Strife between him and her, but the world was at peace:**

- B. *What is the definition of the situation where there is **strife between him and her**?*
- C. Said R. Judah said Samuel, "It would be a case in which she says to her husband, 'So divorce me already.'"
- D. *Yeah, well, every woman makes such a statement sometime or other.*
- E. *Rather, it would involve a case in which the woman says to her husband, "You divorced me"!*
- F. *So why not accept her statement, on the basis of what R. Hamnuna said, for said R. Hamnuna, "A woman who said to her husband, 'You have divorced me,' is believed, in the assumption that a woman would not be so brazen against her husband [if it were not the truth]."*
- G. Our case is one in which she says to her husband, "You divorced me in the presence of Mr. So-and-so and Mr. Such-and-such," *and we inquired and they said, "The thing never happened."*

II.2 A. *What is the operative consideration in the instance of **strife between him and her**?*

- B. *R. Hanina said, "[She is not believed because] she might under those circumstances be prone to lie."*
- C. *R. Shimi bar Ashi said, "Because she might be speaking out of conjecture" [she might not deliberately lie, but she might be so angry with the husband that if he were endangered, she might hope and assume he has died (Slotki)].*
- D. *So what's the difference?*
- E. **[116B]** *The difference would be, for instance, a case in which the husband is the one who created the strife [but the wife didn't hate him].*

II.3 A. *The question was raised: "What is the standing of a single witness in a case in which there is strife? What is the reason that a single witness's testimony is accepted? It is because in such a matter, the truth will eventually come out, so he will not lie. Here, too, he will not lie. Or perhaps the basic consideration that a single witness is believed is because of the fact that the woman will undertake careful study of the question of whether or not the husband is alive before she goes ahead and remarries, but here, since there is strife in the marriage, she is not going to be all that careful before she remarries."*

- B. *The question stands.*

III.1 A. R. Judah says, “Under no circumstances is she believed unless she came in tears, with her garments torn [as a sign of mourning].” They said to him, “All the same [are one who cries, wearing torn garments, and one who does not cry, wearing neat garments] – she may remarry [under the stated circumstances]”:

B. *It has been taught on Tannaite authority:*

C. They said to R. Judah, “Then from your perspective, only a woman of sound senses may remarry, but an idiot may never remarry. But all the same are the one and the other; both may remarry.”

III.2 A. *There was a woman who came to the court of R. Judah. They said to her, “Mourn for your husband, tear your clothes and let your hair down.”*

B. *So did they instruct her to lie?*

C. *While they concurred with rabbis, to make certain that R. Judah also would permit her to remarry, they gave her that advice on what to do.*

15:2

A. The House of Hillel say, “We have heard [that the woman’s testimony concerning the death of her husband is accepted] only in a case in which she comes back from the grain harvest and is in the same territory.

B. “And [these facts are in accord with] a case which actually took place.”

C. Said to them the House of Shammai, “All the same are one who comes home from the grain harvest, and the one who comes home from harvesting olives, and one who comes from cutting grapes, and one who comes home from one province to another –

D. “sages spoke about the grain harvest only because that is commonplace.”

E. The House of Hillel reverted and taught the law in accord with the opinion of the House of Shammai.

I.1 A. *It has been taught on Tannaite authority:*

B. Said the House of Shammai to the House of Hillel, “According to your view, I know the law only covering the grain harvest. How are we to know the rule governing the barley harvest? I know only the rule covering one’s cutting grain; about such activities as vintaging grapes, picking olives, harvesting dates, or packing figs, how shall we know the rule? *But the case took place during the harvest, and the same rule pertains to all types of crops; here, too,*

the case took place in that particular province, but the same rule applies to all provinces.”

C. And the House of Hillel?

D. *In that province, where there is a sizable population, she would be afraid to lie [since someone around would know the truth], but in some other province, where there is no sizable population [of people who know what’s going on], she would not be afraid to lie.*

E. And the House of Shammai?

F. Well, in some other provinces, there are plenty of travelers [who can have come from home and will know the truth].

I.2 A. *So what was the original incident?*

B. *It is in line with what* R. Judah said Samuel said, “It was toward the end of the wheat harvest. Ten men went out to harvest grain. A snake bit one of them, who died. His wife came and informed the court. They sent and found that she was telling the truth. At that moment they said, ‘A woman who said, “My husband has died,” may remarry; “my husband has died,” may enter into levirate marriage.’”

I.3 A. *May we say that R. Hanania b. Aqiba and rabbis differ on the same matter as that on which the House of Shammai and the House of Hillel differ? For it has been taught on Tannaite authority:*

B. **A man should not take purification water and purification ash across the Jordan by ship, nor may he stand on one bank and throw them across to the other, nor may he float them on the water, nor may he carry them while riding on a cow or on his fellow in a situation in which his feet do not touch the ground. But he may bring them over on a bridge; all the same are the Jordan and all other rivers.**

C. R. Hanania b. Aqiba says, “They spoke only concerning the River Jordan alone, and of carriage on a ship, as was the original incident” [T. **Par. 9:9A-D**].

D. *May we say that rabbis here make their ruling in accord with the thinking of the House of Shammai, and R. Hanania b. Aqiba in accord with the thinking of the House of Hillel?*

E. *Rabbis will say to you, “We make our ruling even within the premises of the House of Hillel. For the House of Hillel made their statement in that case only because of the consideration of the wife’s fear to lie, and it is only in a nearby place that she will be afraid to lie, but in a distant place, she won’t be afraid to lie. But as to the present case, what difference does it make to me whether it is the Jordan or any other river?”*

F. *R. Hanania b. Aqiba will say to you, “I make my statement even within the theory of the House of Shammai. The House of Shammai take the position that they do there only because the woman is going to take great care to ascertain the facts before she remarries, so what difference does it make to me whether it is in some nearby place or some distant place? But here, it is because of an actual incident that rabbis made their ruling, and that involved the Jordan and a ship. But with reference to other rivers, in which there was no such incident, rabbis made no such decree.”*

I.4 A. *What is the specific incident to which R. Judah said Rab made reference?*

B. Said R. Judah said Rab, “There was the incident involving a man who was carrying purification water and purification ashes across the Jordan in a ship, and about an olive’s bulk of corpse matter was found stuck to the bottom of the ship. At that moment they said, ‘**A man should not take purification water and purification ash across the Jordan by ship.**’”

15:3

- A. The House of Shammai say, “She [who testifies that her husband has died] remarries and collects her marriage contract [in the case of M. 15:1A-F].”
- B. And the House of Hillel say, “She remarries but does not collect her marriage contract.”

- C. The House of Shammai said to them, “You have permitted [her to remarry], [releasing] the strict prohibition concerning sexual relations. Will you not permit [her to collect her marriage contract], [invoking] the lenient rule concerning money?”
- D. The House of Hillel said to them, [117A] “We find [in the law] that brothers in any event do not inherit the estate on the basis of her testimony [since two witnesses are required (Deu. 19:15)].”
- E. The House of Shammai said to them, “But shall we not learn from the document of her marriage contract which he writes over to her: ‘If you are married to someone else, you [also] may collect what is herein promised in writing for you’?”
- F. The House of Hillel reverted and taught the law in accord with the opinion of the House of Shammai.

I.1 A. If she enters into levirate marriage, her levir takes over the inheritance [coming to him in his late brother’s estate] on the strength of her testimony. For if rabbis have interpreted the language of the marriage contract, should we not interpret the language of the Torah: ‘...shall succeed in the name of his brother’ (Deu. 25: 6) – and he has certainly succeeded.”

I.2 A. Said R. Nahman, “If she came to court and said, ‘My husband has died, so let me remarry,’ they permit her to remarry and assign to her the settlement of the marriage contract. If she said, ‘Pay me my marriage contract,’ even as to remarrying, they grant no permission to her. *Why not? Because it was with this collection of her marriage settlement in mind that she came to court.*”

I.3 A. *The question was raised:* If she said, “Permit me to remarry and pay off my marriage settlement,” what is the law? *Since she has made reference to her marriage settlement, is it with the marriage settlement in mind that she has come to court? Or perhaps she simply laid out before the court all the claims that she has?*

B. *And if you should conclude that she has simply laid out before the court all the claims that she has, if she said to the court, “Pay off my marriage settlement and let me remarry,” what is the law? Here, she surely came to court with the collection of the marriage settlement in mind – or maybe, since she didn’t know what would signal her permission to be remarried, she just said what she said?*

C. *So who knows?*

15:4A-C

- A. All are believed to testify in her behalf [that her husband has died], except for (1) her mother-in-law, (2) the daughter of her mother-in-law, (3) her cowife, (4) her sister-in-law [who will enter levirate marriage in case the husband has died childless], and (5) the daughter of her husband [by another marriage].
- B. What is the difference between evidence for [severing a marital relationship] through a writ of divorce and [evidence for doing so] through death?
- C. The written document [of divorce] proves the matter.

I.1

- A. *The question was raised:* As to the testimony of the daughter of her father-in-law [by another wife, not her mother-in-law], what is the law? *The operative consideration for the exclusion of the testimony of the daughter of her mother-in-law is that there is in place a mother who hates her, so she also hates her, but here, there is no mother who hates her, while here, there is no mother to hate her. Or perhaps the operative consideration for the exclusion of the testimony of the daughter of her mother-in-law is that she thinks the other is wasting her mother's savings, but here, too, she believes that she is wasting the savings of her father-in-law.* [Therefore she hates her and is ineligible to testify (Slotki).]
- B. *Come and take note:* **All are believed to testify in her behalf [that her husband has died], except for the five listed.** *But if it were the fact that the daughter of her father-in-law is excluded, there should be six listed.*
- C. *But maybe the operative consideration for the exclusion of the testimony of the daughter of her mother-in-law is that she thinks the other is wasting her mother's savings, so there is no material difference between the daughter of her mother-in-law and the daughter of her father-in-law.*
- D. *But has it not been taught on Tannaite authority:* except for the seven listed?
- E. *That represents the position of R. Judah, for it has been taught on Tannaite authority:* R. Judah adds to the list also the father's wife and daughter-in-law. They said to him, "The father's wife is covered by the husband's daughter, and the daughter-in-law is covered by 'her mother-in-law.'"
- F. And R. Judah?
- G. *There is no problem understanding why the mother-in-law will hate the daughter-in-law, since the mother-in-law thinks the daughter-in-law is*

squandering what she has saved, but why in the world would the daughter-in-law hate the mother-in-law? [Slotki: Her ineligibility cannot be inferred from the other, so it was necessary specifically to mention her.] And there is no problem in understanding the exclusion of the husband's daughter, who hates her father's wife, since she thinks she is squandering her mother's savings, but why should the father's wife hate the husband's daughter?

- H. *So then why in the world does R. Judah add the two [who don't hate the others and should be able to testify for them]?*
- I. *Why does the daughter-in-law hate the mother-in-law? Because the mother-in-law tells the son everything the daughter-in-law does. Why does the father's wife hate the husband's daughter? Because the daughter tells the father everything she does.*
- J. And rabbis?
- K. "As in water face answers face, so the heart of man reflects the man" (Pro. 27:19). [Slotki: The hatred is mutual, as the husband's daughter hates her father's wife, so the latter hates the former, and the same reciprocity exists between the mother-in-law and her daughter-in-law; there was no need to mention them all, the four are covered by the two.]

- I.2** A. *Said R. Aha bar Avayya, "In the West they raised the question: What is the law in regard to a potential mother-in-law [Slotki: the mother of the levir and stepmother of the husband of the woman in question, who might become her mother-in-law if her husband died childless and she had to contract levirate marriage with the levir]? Does it enter her mind that the husband of the woman for whom she testifies might die without children, and she would thereby fall to the levir, so the future mother-in-law already hates her on that account, or is that not the case?"*
- B. **[117B]** *Come and take note: [If] she said, "My husband died and afterward my father-in-law died," she may remarry and collect her marriage contract. But her mother-in-law is prohibited [from doing so] [M. 15:7A-B]. Now how come her mother-in-law is forbidden? Isn't it because we rule that neither her husband died nor her father-in-law died, and she made the statement to damage the position of her mother-in-law, hoping that in the future she would not come to torment her [Slotki: by reporting to her son all the doings of his wife? It is thus obvious that a daughter-in-law is not believed as a witness for her mother-in-law, though the cause of her hatred is still a thing of the future.]*

- C. *That case is different, because she is sensitive to her little stabs.*

15:4D-F

- D. [If] one witness says, “He died,” and she remarried, and then another witness comes and says, “He did not die,” lo, this woman does not go forth [from the second marriage].
- E. [If] one witness says, “He died,” and two witnesses say, “He did not die,” then even though she has remarried, she goes forth.
- F. Two witnesses say, “He died,” and one witness says, “He did not die,” even though she has not remarried, she may remarry.

- I.1** A. *The operative consideration is that **she remarried**; but if she had not remarried, she would not have been permitted to remarry.* But has not Ulla said, “In any case in which the Torah has lent credence to the testimony of a single witness, lo, behold, it is as though there are two witnesses, and the evidence of one man [who says the husband is not dead] against the testimony of two is null”?
- B. *This is the sense of the statement: [If] one witness says, “He died,” and after the wife was permitted to remarry, **then another witness comes and says, “He did not die”** – lo, this woman does not go forth* from the status of being permitted to remarry.

- II.1** A. [If] one witness says, “He died,” and two witnesses say, “He did not die,” then even though she has remarried, she goes forth:
- B. *So what else is new?* The statement of a single witness is null when there are two contrary witnesses.
- C. *Not at all, the rule is required to deal with a case in which there are witnesses otherwise ineligible to testify, and it is in accord with R. Nehemiah. For it has been taught on Tannaite authority: **R. Nehemiah says, “In any situation in which sages have declared valid the testimony of a woman as equivalent to the testimony of a single individual male, all things follow the number of opinions”** [T. Yeb. 14:1L].*
- D. *And if you prefer, I shall say, “in any case in which one valid witness came first of all [and said the first husband was dead], then the testimony of even a hundred women [who are ineligible under ordinary conditions, and who, after the woman remarried, testified the first husband was alive] is regarded as equivalent to the testimony of a single witness [and is disregarded, so the woman does not have to leave the second husband].” And as to what R.*

Nehemiah has said, this is the sense of it: **R. Nehemiah** says, “**In any situation in which sages have declared valid the testimony of a woman as equivalent to the testimony of a single individual male, all things follow the number of opinions,** and treat the evidence of two women against that of one woman as equivalent to the evidence of two men against one man, but that of two women against one man is regarded as only half and half.” [Slotki: The two represent one, so the evidence of the first eligible witness remains unaffected by it, provided the woman remarried, even where she remained silent.]

- III.1** A. **Two witnesses say, “He died,” and one witness says, “He did not die,” even though she has not remarried, she may remarry:**
- B. *So what does this tell us?*
- C. *It speaks of witnesses that are invalid to testify, and accords with what R. Nehemiah has said, that we count votes [going with the majority testimony].*
- D. *Well, then, that’s the same point as the other [at II.1]!*
- E. *What might you otherwise have said? When we count votes, it is only to impose a strict ruling, but not to impose a lenient ruling? So we are informed that that is not the case.*

15:5

- A. [If] one woman [co-wife] says, “He died,” and one [co-wife] says, “He did not die,” this one who says, “He died,” may remarry and collect her marriage contract, and that one who says, “He did not die,” may not remarry and may not collect her marriage contract.
- B. [If] one woman says, “He died,” and one says, “He was killed” –
- C. R. Meir says, “Since they contradict one another [in details of their testimony], lo, these women may not remarry.”
- D. R. Judah and R. Simeon say, “Since this one and that one are in agreement that he is not alive, they may remarry.”
- E. [If] one witness says, “He has died,” and one witness says, “He has not died,”
- F. [118A] [or] a woman says, “He has died,” and a woman says, “He has not died” –
- G. lo, this woman may not remarry.
- I.1** A. [[If] one woman [co-wife] says, “He died,” and one [co-wife] says, “He did not die,” this one who says, “He died,” may remarry and collect her

marriage contract, and that one who says, “He did not die,” may not remarry and may not collect her marriage contract: *The operative consideration that explains why the second woman may not marry is that she has said, “He did not die,” but if she had remained silent, she would be able to remarry. But it is the fact that a co-wife may not testify at all in regard to another co-wife! [So why introduce the second woman’s situation at all?]*

- B. *It was necessary to introduce the case in which the other wife has said, “He did not die,” for, if not, it might have entered your mind to suppose that he really did die, and in saying that he has not died, the woman wanted to cause suffering to the co-wife, along the lines of “Let me die with the Philistines” (Judg. 16:30). So we are informed that that is not the case.*

- II.1 A. [If] one woman says, “He died,” and one says, “He was killed” – R. Meir says, “Since they contradict one another [in details of their testimony], lo, these women may not remarry.” R. Judah and R. Simeon say, “Since this one and that one are in agreement that he is not alive, they may remarry”:
- B. *But R. Meir also should have introduced his dissent in the first clause as well [where one woman contradicts the other]!*
- C. Said R. Eleazar, “The first clause was set forth as a dispute and it represents the position only of R. Judah and R. Simeon.”
- D. *And R. Yohanan said, “You may even say that it represents the position of R. Meir. In the first instance even R. Meir concedes that any statement in the testimony of a woman, ‘he has not died,’ does not form a contradiction.” [Slotki: It is just an outburst of malice.]*
- E. *We have learned in the Mishnah: [If] one witness says, “He has died,” and one witness says, “He has not died,” [or] a woman says, “He has died,” and a woman says, “He has not died” – lo, this woman may not remarry. Now from the perspective of R. Eleazar, the unattributed rule represents only the position of R. Meir, but from the perspective of R. Yohanan, this is really a problem.*
- F. *So it is.*

15:6

- A. A woman who went, she and her husband, overseas,
- B. and came and said, “My husband has died,”
- C. remarries and collects her marriage contract [M. 15:3].

- D. But her co-wife is prohibited [from remarrying, for a woman is not believed concerning the death of her husband so as to free her co-wife from the marital tie, as at M. 15:4].
- E. [If] she [the co-wife] was an Israelite girl married to a priest,
- F. “she continues to eat heave-offering,” the words of R. Tarfon.
- G. R. Aqiba says, “This is not the way to remove her from the toils of transgression, unless she is both prohibited from remarrying and prohibited from eating heave-offering.”

15:7

- A. [If] she said, “My husband died and afterward my father-in-law died,” she may remarry and collect her marriage contract.
- B. But her mother-in-law is prohibited [from doing so].
- C. [If] she [the mother-in-law] was a priest girl married to a priest, “she continues to eat heave-offering,” the words of R. Tarfon.
- D. R. Aqiba says, “This is not the way to remove her from the toils of transgression, unless she is both prohibited from remarrying and prohibited from eating heave-offering.”

I.1 A. *Both cases were required [M. 15:6, 17], for if only the first had been stated, then it is in that particular case that R. Tarfon takes the position that he does, on account of the fact that the anguish affects the woman personally [her co-wife has caused her to be deprived of marital relations; only then did Tarfon discredit the evidence of a rival, who might be moved by malice (Slotki)]. But when it comes to her mother-in-law, in which case the grievance is generalized, I might say that he concurs with R. Aqiba. And if the matter had been stated only in the latter case, I might have supposed that it is there in particular that R. Aqiba takes the view that he does, but in the other, I might have supposed that he concurs with R. Tarfon. So both cases are required.*

I.2 A. Said R. Judah said Samuel, “The decided law accords with the position of R. Tarfon.”

B. *Said Abbaye, “So, too, we have learned the same matter as a Tannaite formulation: ‘A son was given unto me overseas,’ and, she said, ‘My son died, and then my husband died,’ she is believed. ‘My husband died and afterward my son died’ – she is not believed. But they scruple on account of her testimony, so that she performs the rite of removing the shoe, but she does not enter*

into levirate marriage [M. 15:9]. *Therefore it follows that they scruple on account of her testimony – but not on account of the testimony of her co-wife.*”

C. *That proves it.*

15:7E-M

- E. [118B] [If] a man betrothed one of five girls and it is not known which one of them he betrothed,
- F. [and] each one of them says, “Me did he betroth” –
- G. he gives a writ of divorce to each one of them.
- H. “But he leaves the marriage contract among them, and takes his leave,” the words of R. Tarfon.
- I. R. Aqiba says, “This is not the way to remove him from the toils of transgression, unless he gives a writ of divorce and pays off the marriage contract to each and every one of them.”
- J. [If] one stole from one of five men and does not know from which one of them he stole,
- K. [and] each one of them says, “From me did he steal,”
- L. “he leaves that which he stole among them and takes his leave,” the words of R. Tarfon.
- M. R. Aqiba says, “This is not the way to remove him from the toils of transgression, unless he pays the value of that which was stolen to each and every one of them.”

- I.1** A. *Since the Tannaite formulation states, **betrothed**, but does not state, he had sexual relations, and likewise, since the Tannaite formulation states, **stole**, but does not state, purchased, one must ask whose authority is represented by our Mishnah statement? It can neither be the initial Tannaite authority [to be cited presently] nor R. Simeon b. Eleazar. For it has been taught on Tannaite authority: R. Simeon b. Eleazar says, “R. Tarfon and R. Aqiba did not dispute a case of a man who betrothed one of five girls and it is not known which of them he betrothed; he deposits the proceeds of the marriage contract among them and takes his leave. Concerning what case did they dispute? It was one in which he actually had had sexual relations. R. Tarfon says, ‘He leaves the proceeds of the marriage contract among them and takes his leave.’ R. Aqiba says, ‘He is quit only when he has paid the marriage contract owing to each one of them.’ And*

they did not dispute concerning a case in which he made a purchase from one of five people, and it is not known from which one of them he made the purchase, that he deposits the proceeds of the purchase among them and takes his leave. Concerning what did they dispute, concerning a case in which he stole the object from one of five persons, for R. Aqiba says, ‘He is quit only when he pays the value of the stolen object to each one of them’” [T. **Yeb. 14:2C-F**]. Now since R. Simeon b. Eleazar makes reference to betrothing or purchasing and holds there is no dispute, it follows that the otherwise uncited initial authority has said there is a dispute in those cases. So who is the authority behind the formulation before us? It cannot be the initial Tannaite authority, for, if it were, the language of **betrothal** or **purchase** should be used, and it cannot be R. Simeon b. Eleazar, since if it were, the language of **having had sexual relations** or **having stolen** should be used.

- B. *In point of fact, it is R. Simeon b. Eleazar, and what is the sense of **betrothed**? It is, betrothed through an act of sexual relations. But the language of betrothal is used in the formulation to tell you how far R. Aqiba is willing to go, for even though one has violated a mere rabbinic prohibition, he still imposes a penalty; and the language of **stolen** is used to show how far R. Tarfon is willing to go, in that he imposes no penalty even where the man has violated a law of the Torah [against stealing].*

15:8

- A. The woman who went, she and her husband, overseas,
- B. and her son was with them –
- C. and she came and said, “My husband died, and afterward my son died”
- D. is believed.
- E. [If she said], “My son died, and afterward my husband died,” she is not believed.
- F. But they scruple on account of her testimony, so that she performs the rite of removing the shoe, but she does not enter into levirate marriage.

15:9

- A. “A son was given unto me overseas,” and, she said, “My son died, and then my husband died,”
- B. she is believed.
- C. “My husband died and afterward my son died” – she is not believed.

- D. But they scruple on account of her testimony, so that she performs the rite of removing the shoe, but she does not enter into levirate marriage.

15:10

- A. “A levirate brother-in-law was given unto me overseas,” and, she said, “My husband died, and afterward my levirate brother-in-law died” –
- B. “My levirate brother-in-law died and afterward my husband died” –
- C. she is believed.
- D. [If] she went, she and her husband and her levirate brother-in-law, overseas,
- E. and she said, “My husband died and afterward my levirate brother-in-law died” –
- F. “My levirate brother-in-law died and afterward my husband died” –
- G. she is not believed.
- H. For a woman is not believed to testify, “My levirate brother-in-law has died,” so that she may remarry.
- I. Nor is she believed to testify, “My sister has died,” so that she may enter into his [her brother-in-law’s] house.
- J. And a man is not believed to say, “My brother has died,” so that he may enter into levirate marriage with his [the brother’s] wife.
- K. [Nor is he believed to testify,] “My wife died,” so that he may marry her sister.

- I.1 A. *Raba raised this question to R. Nahman: “He who through an agent assigns title to his wife of a writ of divorce in a case in which [he is childless, so there is the claim of] a levir – what is the law? Since she loathes the levir, this represents an advantage to her, and an advantage may be gotten for someone in the person’s absence, or perhaps since there may be a situation in which she really likes the levir, it is a disadvantage for her, and a disadvantage may not be gotten for someone in the person’s absence?”*
- B. *He said to him, “You have learned it as a Tannaite formulation: But they scruple on account of her testimony, so that she performs the rite of removing the shoe, but she does not enter into levirate marriage.”* [Slotki: Since this is the ruling both where it is assumed she loves the levir and when she is assumed to hate him, it is obvious that it is uncertain whether a divorce given in this circumstance is an advantage or a disadvantage to the woman; the

upshot is that the woman would have to perform the rite of removing the shoe but may not enter into levirate marriage.]

- I.2** A. Said Rabina to Raba, “He who through an agent assigns title to his wife of a writ of divorce in a case in which there is strife in the marriage – what is the law? *Since there is strife with him, this is only to her advantage? Or perhaps she prefers to have the sex one way or the other?*”
- B. *Come and take note, for said R. Simeon b. Laqish, “It is better to sit bodies side by side than to sit a widow.”*
- C. *Abbaye said, “Her husband may be an ant, but she sits free and easy.”*
- D. *R. Pappa said, “Her husband may be a carder, but she calls him to the threshold and sits down next to him.”*
- E. *R. Ashi says, “Her husband may be dull, but she doesn’t need lentils in her pot.”*
- F. *A Tannaite statement:* So all women of that type fornicate and blame the baby on their husbands.