



Single Witness Testimony

The *Mishnah* (15:4) teaches that an individual is able to testify on their own that a woman's husband died abroad. The *Mishnah* teaches that anyone is able to do so excluding five people that may have ulterior motives. Ordinarily any matter that pertains to *arayot* (forbidden relationships) requires two valid witnesses to affect a change in legal status. We have already once discussed how in this case the *Chachamim* made it possible to accept this testimony, since the alternative would be that the wife is an *aguna*.¹ The earlier *Mishnah* (15:1) however taught that even the wife is able to testify on her own, provided that there were no grounds for suspicion. How do we understand this law?

Ostensibly there are two possible understandings. The first way is that accepting the wife's testimony falls under the broader rule that we accept single witness testimonies in this case. Even though there is a conflict of interest for her (*baal davar*) - the result of the ruling impacts on her directly – nonetheless we accept her testimony. This might then have broader implications that in cases of *edut isha* even a *baal davar* is believed. Alternatively, we might understand that accepting the wife's testimony in this case is a different law and independent.

The *Chelkat Yoav* (*Even HaEzer* 29) explains that the reason why we believe her is not because we accept

single witness testimony. The acceptance of the wife's testimony was instituted prior to the time of *Beit Shamai* and *Beit Hillel* as we learnt this week (15:2). We will learn (16:7) that in the times of *Rabban Gamliel*, much later, it was instituted that we can accept single witness testimony in such cases.

Indeed the *Yerushalmi* (15:1) explains that even prior to the ruling that single witness testimony is accepted, a wife would be believed if she said her husband has died. The *Yerushalmi* explains that a single witness might be suspected of falsely testifying to her detriment whereas the wife is not.² The difference therefore is that when it comes to a single witness it is an issue of trust (*ne'emanut*) whereas the wife is trusted (at least in the first instance) based on a strong presumption (*chazaka*).³

The *Chelkat Yoav* strengthens this assertion that our accepting the wife's testimony is not because she falls into the broader category of being a single witness. He cites the *Re'em* and the *Radvaz* who explain that even if the wife was a robber (*gazlan de'oraita*) she is still believed even though a robber is not believed in these cases (*edut isha*). He also cites *R' Akiva Eiger* who explains that even if she had been in a prohibited marriage she would nonetheless be believed.

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¹ Please see Volume 3, Issue 9, "Aguna with a twist of Teshuva" for the different explanations of how the *Chachamim* were able to allow her to remarry even though two witnesses should be required.

² The *Chelkat Yoav* understands that the *Yerushalmi* implies that after the later decree, she is believed for both reasons, for both

takanot. The *Chelkat Yoav*'s focus there is whether *noge'ah ba'davar* applies to *edut isha*. That however is not the focus of this article.

³ As it is explained in the *Otzar Iyunim* (*Yevamot* 89), *Metivta* where the content of this article was gleaned. See there for much more detail.

Revision Questions

יבמות י"ד ה' ט"ו: ט'

- What is the law if two brothers, both *pikchim*, marry two sisters, one a *pikachat* and the other a *chereshet*, and the husband of the *chereshet* dies? (י"ד: ה')
- Regarding the previous case, what if the husband of the *pikachat* dies instead (without any children)? (י"ד: ה')
- What is the law regarding a case with two brothers, one a *pikeach* married to a *pikachat* and the other a *cheresh* married to a *chereshet*, both wives being sisters, and the *cheresh* dies without any children? (י"ד: ו')
- Regarding the previous case, what if the *pikeach* dies instead (without any children)? (י"ד: ו')
- Regarding the previous two questions, what is the law if the wives were not related? (י"ד: ז')
- What is the law if two brothers, both *pikchim*, marry unrelated women, one a *pikachat* and the other a *chereshet*, and the husband of the *chereshet* dies? (י"ד: ח')
- Regarding the previous case, what if the husband of the *pikachat* dies instead (without any children)? (י"ד: ח')
- What is the law regarding a case with two brothers, one a *pikeach* married to a *pikachat* and the other a *cheresh* married to a *chereshet*, the wives being unrelated, and the *cheresh* dies without any children? (י"ד: ט')
- Regarding the previous case, what if the *pikeach* dies instead (without any children)? (י"ד: ט')
- In what situation do we not trust a woman who returns for overseas saying her husband passed away overseas? (Include both opinions) (י"ד: י')
- In what circumstance does *Beit Hillel* maintain that we trust a woman when she says her husband has died? (י"ד: י')
- What was the debate between *Beit Shammai* and *Beit Hillel* regarding, in a case where they both agreed that she is trusted to say her husband has died? (י"ד: י"א')
- Who conceded in the argument described in the previous question? (י"ד: י"א')
- Which five people are not trusted to testify that a woman's husband has died? (י"ד: י"ב')
- If a woman remarried on the basis of a single witness's testimony, can she remain married if another single witness testifies that her original husband is still alive? (י"ד: י"ג')
- What is the law regarding a case where a person's two wives return from overseas and: (י"ד: י"ד')
 - One says the husband died, and the other says the husband is alive?
 - One says the husband died, and the other says the husband was killed?
- If a woman and her husband travel overseas and she returns saying that her husband has died, can she remarry? Can the co-wife remarry? (י"ד: י"ה')
- Regarding the previous question, if the co-wife was a *bat Yisrael* married to a *Kohen*, can she continue to eat *trumah*? Explain. (י"ד: י"ה')
- What case is raised that shares the same ruling as in the previous two questions? (י"ד: י"ו')
- What should one do if they married one of five women, and they do not know who, yet all the women claim it was them? (י"ד: י"ז')
- What case does *R' Tarfon* claim is similar to the case in the previous question and why does *R' Akiva* argue that it is different? (י"ד: י"ח')
- If a woman returns from overseas claiming that both her husband and only child died, in what situation (regarding the order of the deaths) is she believed and when are we concerned? (י"ד: י"ט')
- Regarding the previous question, with what change to the detail of the case is the law reversed? (י"ד: כ')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
1 st July י"א תמוז	2 nd July י"ב תמוז	3 rd July י"ג תמוז	4 th July י"ד סיון	5 th July ט"ו תמוז	6 th July ט"ז תמוז	7 th July י"ז תמוז
Yevamot 15:10-16:1	Yevamot 16:2-3	Yevamot 16:4-5	Yevamot 16:6-7	Ketubot 1:1-2	Ketubot 1:3-4	Ketubot 1:5-6

