A woman is not deemed credible when she says \textit{my yavam is dead} – \textit{Responsa Shel HaTanna\footnote{Although a woman is deemed credible when she testifies that her husband is dead, the court allows her to marry another man or her yavam on the basis of this testimony. She is not deemed credible if she says that her yavam is dead so that she should be permitted to marry any other man. Likewise, she cannot testify that his brother is dead so that he can enter into levirate marriage with the latter's wife (Shulhan Arukh, Even HaEzer 198:1).}}:

\textit{A woman is not deemed credible when she testifies that her husband is dead, and the court allows her to marry another man or her yavam on the basis of this testimony. She is not deemed credible if she says that her yavam is dead so that she should be permitted to marry any other man. Likewise, she cannot testify that his brother is dead so that he can enter into levirate marriage with the latter's wife (Shulhan Arukh, Even HaEzer 198:1).}

Rav Mordekhai said to Rav Ashi, and some say it was Rav Aha who said to Rav Ashi: Come and hear a proof from a different source (Yevamot 118b): \textit{A woman is not deemed credible if she says: My yavam is dead, so that I may marry any other man. Likewise, she cannot testify that his brother is dead so that he can enter into levirate marriage with the latter's wife (Shulhan Arukh, Even HaEzer 198:1).}

The Gemara refutes this argument. And according to your reason, say the latter clause of that same mishna: \textit{A man is not deemed credible if he says: My brother is dead, so that I may enter into levirate marriage with his wife. And he is not deemed credible when he says: My wife is dead, so that I may marry her sister. Following the above reasoning, it is he himself who is not deemed credible, which indicates that one witness is deemed credible. Yet this cannot be correct: Granted, with regard to a woman, due to the concern that she be left a deserted wife, the Sages were lenient in her case, by allowing her to rely on a single witness. However, with regard to a man, what can be said? There is no concern that he will be left deserted, as a man can marry more than one woman, so he certainly cannot marry a woman on the basis of such flimsy testimony.}
For her own ruin, etc. – According to Rashi, this refers to the karet of a married woman, as she is permitted to all other men in that case. Other commentators claim that it means the karet of a yavam who has relations with his brother’s wife after the testimony of one witness that her husband was dead (Tosefat Yeshanim; Tosefat HaRosh; see Tosattot).

HALAKHA

The trace of a bill of divorce – הַגֵּט. A priest is prohibited by Torah law to marry a divorcée, including a woman with regard to whom there is uncertainty whether she is divorced as well as one who was divorced with the trace of a bill of divorce. What is the trace of a bill of divorce? If a man gave a bill of divorce to his wife which stated: You are hereby divorced from me but you are not permitted to any other man, although the woman may not marry another man on the basis of this bill of divorce, it nevertheless serves to disqualify her from the priesthood if her husband dies (Rambam Sefer Nashim, Hilkhot Gerushin 10:1; Shulhan Arukh, Even HaEzer 6:1).

If they testified before him that his wife is dead – וְנִשְׁתַּבְּחֻנָּה. With regard to one whose wife traveled overseas and they came and told him that she was dead and he married her sister, if it later became apparent that his wife was alive, the sister does not require a bill of divorce from him at all, as she is not considered his wife. He is permitted to her relatives and she is permitted to his, and he is likewise permitted to his actual wife, who is not forbidden due to her sister (Rambam Sefer Nashim, Hilkhot Gerushin 10:9; Shulhan Arukh, Even HaEzer 15:22).

Rava said: One witness is deemed credible in the case of a yevamah by means of an a fortiori inference: If for a prohibition involving karet, i.e., adultery of a married woman, you permitted the testimony of one witness, then for a regular prohibition, that of a yevamah to another man, is it not all the more so? One of the Sages said to Rava: She herself, a woman who testifies with regard to herself, can prove otherwise: For a prohibition involving karet you permitted her, i.e., if she testifies that her husband is dead she may marry another man and there is no concern that she might still be a married woman, and yet for a regular prohibition you did not permit her, as she is not deemed credible when she claims that her yavam is dead.

But rather, she herself, what is the reason that she is not deemed credible? Since sometimes the woman may hate him, she is not exacting in her examination of the matter and marries. With regard to one witness, the same concern also applies: Since sometimes the woman may hate him, she is not exacting in her investigation before she marries again. The court believes one witness only because they assume that she herself is careful to examine the matter. The a fortiori inference is therefore groundless, and the question remains unresolved.

The mishna states that this was an exposition taught by Rabbi Elazar ben Matya: The verse states with regard to priests: “Neither shall they take a woman divorced from her husband” (Leviticus 21:7). This teaches that a woman is not disqualified from marrying into the priesthood by a bill of divorce she receives from a man other than her husband. Rav Yehuda said that Rav said: Rabbi Elazar should have taught this verse as a pearl but in fact he taught it as earthware shard. In other words, he could have arrived at a more significant conclusion.

The Gemara asks: What pearl does he mean? As it is taught in a baraita: “Neither shall they take a woman divorced from her husband,” even if she was divorced only from her husband. Even if the woman was separated from her husband and was not permitted to marry anyone else, e.g., if her husband wrote in the bill of divorce: This is your bill of divorce but you are not permitted to any other man, this document is certainly not considered a full-fledged bill of divorce, and yet she is disqualified from marrying a priest. And this is the trace of a bill of divorce, which is not an actual bill of divorce and yet disqualifies from the priesthood.

MISHNA

In the case of one whose wife went overseas and people came and told him: Your wife is dead, and he married her sister, and afterward his wife came back from overseas, the original wife is permitted to return
The original wife is permitted to return to him, etc. – Ṣefer ha-Ma’aseh Mosheh The Jerusalem Talmud explains the difference between these halakhot and the case of a wife who married by mistake after her husband went overseas, an issue addressed by the Gemara here later in the discussion. Although the prohibition against a man marrying relatives is no less severe, the Sages did not penalize him as they did a married woman, as it is rare for a woman to travel alone overseas, and the Sages did not apply their decrees to unusual circumstances.

And even if…both went, etc. – Ṣefer ha-Ma’aseh Mosheh According to some commentators, this statement stands on its own as a separate observation pertaining to the mishna (see Rambam and Rashba). Most early authorities, however, maintain that this is one long argument, with the first clause introducing the ensuing question. They explain: One might have thought that Rabbi Akiva requires the man to give a bill of divorce to his wife’s sister only if he relied on testimony that his wife and brother-in-law were both dead and proceeded to marry the

to him, as his erroneous marriage to her sister is considered licentious sexual relations, and one who has intercourse with his wife’s relatives has not rendered his first wife forbidden to himself. And he is permitted to the relatives of the second woman, e.g., her daughter, and this second woman is permitted to his relatives, e.g., his son, as the marriage was entirely invalid. And if the first woman died he is permitted to the second woman, despite the fact that he has already engaged in forbidden relations with her.

If they said to him that his wife is dead, and he married her sister, and afterward they said to him that she was alive when he married the sister and only later died, in this case the first child, born to the sister while his wife was still alive, is a mamzer, as he was born from the union of a man and a sister-in-law, and the last one is not a mamzer. Rabbi Yosei says: Whoever disqualifies others also disqualifies himself, and whoever does not disqualify others does not disqualify himself either. Rabbi Yosei’s obscure statement will be explained by the Gemara.

GEMARA With regard to the case of a man who married his wife’s sister after he was informed that his wife was dead, the Gemara comments: And even if his wife and his brother-in-law both went overseas and he was told that they had died, the halakha is that this marriage he performed is effective only to the extent that his brother-in-law’s wife is forbidden to his brother-in-law. The reason for this prohibition is that he performed a marriage ceremony with a married woman by mistake, and one who erroneously weds a married woman has thereby rendered her forbidden to her husband. The Gemara adds: Even so, it is only his brother-in-law’s wife who is forbidden to her husband, whereas his own wife remains permitted to him.

It might have been thought that his own marriage, which caused this to be an act of forbidden sexual relations, would also be adversely affected. But the Gemara adds that we do not say: Since his brother-in-law’s wife is forbidden to his brother-in-law, his wife is likewise forbidden to him. The Gemara suggests: Let us say that the mishna is not in accordance with the opinion of Rabbi Akiva. The reason is that if the mishna follows the opinion of Rabbi Akiva, his wife is now considered, with regard to him, the sister of his divorcée.

They said to him that his wife is dead and he married her sister – Ṣefer ha-Ma’aseh Mosheh If a man was informed that his wife was dead and he married her sister, and it later became known that at the time of the marriage his wife was still alive, as she passed away only later, the child born during the original wife’s lifetime is a mamzer, whereas any child born after her death is not a mamzer (Shulhan Arukh, Even HaEzer 15:29). His wife is… the sister of his divorcée – Ṣefer ha-Ma’aseh Mosheh A man’s wife went overseas with her sister’s husband, his brother-in-law. Afterward, he was informed that they were dead, and he married his wife’s sister. If the missing pair later arrived, his wife’s sister requires a bill of divorce from him, whether he married based on the testimony of one witness or two, and she is forbidden to his husband. Similarly, whether he was fully married or merely betrothed to his wife, she is forbidden to him. The halakha is in accordance with the opinion of Rabbi Akiva, as the discussion of the Gemara endorses his ruling (Shulhan Arukh, Even HaEzer 15:28).
As it is taught in a *baraïta*: None of those with whom relations are forbidden by Torah law require a bill of divorce from him, even if he married them in a proper manner, apart from a married woman who married by mistake by permission of the court. And Rabbi Akiva adds: Also a brother’s wife and a wife’s sister. Since it is possible that these two women could become permitted to him, by levirate marriage in the case of a brother’s wife, or a wife’s sister after his wife’s death, they too require a bill of divorce. And with regard to the issue at hand, since Rabbi Akiva said that a wife’s sister requires a bill of divorce, this factor by itself indicates that his wife is forbidden to him, as his wife is considered the sister of his divorced wife.

The Gemara refutes this claim: And wasn’t it stated with regard to this case that Rav Giddel said that Rav Hyya bar Yosef said that Rav said: In the case of this brother’s wife, mentioned by Rabbi Akiva, what are the circumstances? For example, if his brother betrothed a woman and then went overseas, and the man who was here heard that his brother was dead, and he arose and married his brother’s wife as a *yevama*. The reason for Rabbi Akiva’s ruling is that uninformed people will say: This first one had a condition in the betrothal with his wife, and his betrothal was canceled because the condition was left unfulfilled, and this other one married well, in compliance with the *halakha*, as she was not his brother’s wife. It is for this reason that Rabbi Akiva requires him to give her a bill of divorce.

And in this case of a wife’s sister as well, what are the circumstances? For example, if he betrothed a woman and she went overseas, and he heard she died and arose and married her sister. As people will say: This first one, he had a condition in her betrothal, and as the condition was not fulfilled the betrothal is annulled, and this other one married well. However, with regard to the case of the mishna, which involves an actual previous marriage, can it be said that he had a condition in the marriage? There is a presumption that no man marries a woman conditionally. Once he marries her, it is assumed that he waived all prior conditions, and therefore even Rabbi Akiva agrees that a bill of divorce is not required in this case.

**Rav Ashi said to Rav Kahana:** If it is the opinion of Rabbi Akiva, let him also teach the case of his mother-in-law, as she is another forbidden woman who nevertheless requires a bill of divorce, as we have heard him, Rabbi Akiva, say: One who has relations with his mother-in-law after his wife’s death is not liable to being executed by burning, because the prohibition lapses upon his wife’s death.

As it is taught in a *baraïta*: The Torah states, with regard to one who takes a woman and her daughter: “They shall be burned in fire, he and they [*et hen*]” ([Leviticus](https://en.wikipedia.org/wiki/Leviticus) 20:14). This cannot now literally mean that both women are burned, as the first woman he took did not sin at all. The Sages therefore explained that the word *et hen* means he and one of them [*mehen*]. This is the statement of Rabbi Yishmael, Rabbi Akiva says: He and both of them. Since it is hard to understand how they could both deserve punishment, the *amora'im* suggested various interpretations of Rabbi Akiva’s opinion.

adds also a brother’s wife, etc. – מַדְּבֶּר אֶנְיֵי רָעַיְתֵהוּ: Some commentators maintain that the underlying reason for Rabbi Akiva’s opinion is that there are circumstances in which these two women can be lawfully married to this man, and therefore they are more likely to make a mistake and marry him in the wrong circumstances. Consequently, the Sages decreed that he must give a bill of divorce (ge’onim). Conversely, many other commentators claim that the reason is as stated later in the Gemara, that in these cases it is possible for the condition of the betrothal to be broken (Rid). According to this explanation, the cases of a brother’s wife and a wife’s sister are merely stated as examples, as the same applies to all women rendered forbidden by his betrothal. These other cases are omitted because they are comparatively rare (see [Tosefat bar Tosefat bar Halosi](https://en.wikipedia.org/wiki/Rabbi_Yishmael_b._Rakhami)). Others disagree, maintaining that this *halakha* applies only to the two cases specifically mentioned by Rabbi Akiva (Meir; *Yam shel Shlomo; Minhat Hinnuki*).
The prohibition proscribing one’s mother-in-law – 

The interpretation of the meaning of the verse is the difference between them. In other words, Rabbi Yishmael and Rabbi Akiva did not argue over the halakha itself, but merely over the manner in which the halakha is derived from the Torah. That is, Rabbi Yishmael holds that it states: One woman, and the plain meaning of the verse is: He and one of them. And Rabbi Akiva holds that it states: Two, e.g., if he took two women who were both forbidden to him, such as his mother-in-law and her mother, they are both liable to be executed by burning. If this is the dispute between Rabbi Akiva and Rabbi Yishmael, it is fine, as there is no proof from here that prohibition of a mother-in-law lapses upon his wife’s death.

Granted, this makes sense according to the explanation of this dispute suggested by Abaye, who said that the interpretation of the meaning of the verse is the difference between them. In other words, Rabbi Yishmael and Rabbi Akiva did not argue over the halakha itself, but merely over the manner in which the halakha is derived from the Torah. That is, Rabbi Yishmael holds that it states: One woman, and the plain meaning of the verse is: He and one of them. And Rabbi Akiva holds that it states: Two, e.g., if he took two women who were both forbidden to him, such as his mother-in-law and her mother, they are both liable to be executed by burning. If this is the dispute between Rabbi Akiva and Rabbi Yishmael, it is fine, as there is no proof from here that prohibition of a mother-in-law lapses upon his wife’s death.

However, there is a difficulty according to the explanation of Rava, who said that the practical difference between Rabbi Yishmael and Rabbi Akiva’s opinion concerns one’s mother-in-law after his wife’s death. Rabbi Yishmael maintains that even after the death of one’s wife he is liable for marrying his mother-in-law. Rabbi Akiva maintains that one is liable only if both women are alive, as the verse mentions two women, but if the first one has already died his relations with the second woman are no longer punishable by Torah law. If so, let the tanna of the mishná, according to Rabbi Akiva, also teach that one must give a bill of divorce to his mother-in-law whom he married by mistake, as she too will be permitted to him after his wife’s death.

Rav Kahana said to Rav Ashi: Granted that the verse excluded her from the punishment of burning, did the verse also exclude her from a prohibition?6 Even Rabbi Akiva agrees that the Torah prohibits a man from marrying his mother-in-law after his wife’s death. Consequently, he cannot marry her in a permitted manner, despite the fact that according to Rava’s explanation Rabbi Akiva maintains that they are not executed by burning.

The Gemara asks another question, from a different perspective: And let his wife be forbidden by his sexual relations with her sister, just as it is in the case of a woman whose husband went overseas, who is forbidden to her husband if she had relations with another man by mistake. The Gemara answers: This is not comparable. With regard to his wife, who is forbidden to him by Torah law if she committed adultery intentionally, the Sages decreed concerning her that she is forbidden to him even if she did so unwittingly.

Did the verse exclude her from a prohibition – 

The early authorities dispute the nature of this prohibition. Some say that after the death of one’s wife a mother-in-law is forbidden by a prohibition and karet (Tosafot), whereas others maintain that as both the prohibition and the karet are stated together with the sentencing of burning, if she is not liable to be executed at the hands of the court then this prohibition and the karet do not apply to her either (Tosafot; Yesei’im). According to this opinion, the prohibition mentioned here is derived from the verse: “Cursed be he who lies with his mother-in-law” (Deuteronomy 22:23). The Riva attributes a similar interpretation to the Ramban.

And let her be forbidden by his sexual relations with her sister – 

The suggestion is not that she is forbidden by Torah law, but rather that the Sages should penalize her like a married woman who married another by mistake (Ramban).