אָמַר רַבִּי אַבָּא אָמַר רַב הוּנָא אָמַר רַב: שְׁלֹשָׁה שֶׁיָּשְׁבוּ לְקַיֵּים אֶת הַשְּׁטָר, וְקָרָא עֲרָעָר עַל אֶחָד מֵהֶן, עַד שֶׁלֹּא חָתְמוּ – מְעִידִין עָלָיו וְחוֹתֵם, מִשֶּׁחָתְמוּ אֵין מְעִידִין עָלָיו וְחוֹתֵם.

§ **Rabbi Abba said** that **Rav Huna said** that **Rav said:** In the case of **three** judges **who convened** as a tribunal **to ratify a document, and** a person **raised a challenge** with regard to the fitness **of one of them**[N] to serve as a judge,[H] thereby preventing ratification of the document, **as long as they did not** yet **sign** the ratification, the other two judges **may testify about** the acceptability of the judge whose fitness was challenged, and **he** then **signs** the ratification. However, **once they signed** the ratification, **they may no** longer **testify about his** fitness **and** thereby enable him to **sign** the ratification. Once they sign, their testimony is no longer impartial because there is a conflict of interest as they seek to avoid being associated with a tribunal tainted by an unfit judge.

עֲרָעָר דְּמַאי? אִי עֲרָעָר דְּגַזְלָנוּתָא

The Gemara elaborates: With regard to **a challenge of what** sort was this *halakha* stated? **If** it was **a challenge** based on an allegation **of theft,**

HALAKHA

And a person raised a challenge with regard to the fitness of one of them to serve as a judge – וְקָרָא עֲרָעָר עַל אֶחָד מֵהֶן: If three judges convene to certify a document, and two witnesses testify that one of the judges is guilty of a crime, e.g., robbery, and disqualified from serving as a judge, and two other witnesses testify that the judge has since repented for his crime; if the second pair of witnesses testified before the judges signed the ratification, all three judges may sign the ratification. If the judges signed the ratification before receiving the testimony that the third repented, he is not considered part of the tribunal (Rif; Rambam; based on the explanation of Rabbeinu Ḥananel). Others rule, according to Rashi's interpretation, that the two other judges cannot testify in support of the third after they signed the ratification; however, if witnesses testify that he repented, even after the judges signed the ratification, he is considered a member of the tribunal (Rambam *Sefer Shofetim*, *Hilkhot Edut* 6:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 46:26).

NOTES

And a person raised a challenge with regard to the fitness of one of them – וְקָרָא עֲרָעָר עַל אֶחָד מֵהֶן: Rashi and others explain that after signing the ratification the two judges can no longer testify in support of their colleague due to a conflict of interest, as they do not wish to have their signature on the ratification rendered false. Rabbeinu Ḥananel, however, explains that their conflict of interest is due to the fact that it would become apparent that there was never a legitimate court session, as one of them was not fit to judge. The result is that any rulings that they issued are null and void. According to this opinion, not only is the testimony of the judges ineffective, but even if other witnesses testify after the ratification was signed that the judge is fit, the ruling is similarly null and void.

Perek **II**
Daf **22** Amud **a**

תְּרֵי וּתְרֵי נִינְהוּ, אִי עֲרָעָר דְּפָגֵם מִשְׁפָּחָה – גְּלוּיֵי מִלְּתָא בְּעָלְמָא הוּא! לְעוֹלָם אֵימָא לָךְ: עֲרָעָר דְּגַזְלָנוּתָא, וְקָאָמְרִי הָנֵי: יָדְעִינַן בֵּיהּ דַּעֲבַד תְּשׁוּבָה.

the witnesses who testified that he is unfit and the judges who testified that he is fit **are two** witnesses **and two** witnesses[NH] who contradict them, and in that case, the allegation of theft is not completely eliminated. **If** it was **a challenge** based on an allegation of **flawed lineage,**[H] e.g., he is a Canaanite slave and therefore unfit to serve as a judge, that **is a mere revealing of a matter**[N] that will ultimately be revealed in any case and does not require actual testimony. Therefore, there is no conflict of interest preventing the judges from asserting his fitness after they signed. The Gemara concludes: **Actually, I will say to you** that it was **a challenge** based on an allegation **of theft, and these** judges **say: We know about him that he repented** and is now fit to serve as a judge. In that case, their testimony does not contradict the original testimony that he was guilty of theft.

HALAKHA

They are two witnesses and two witnesses – תְּרֵי וּתְרֵי נִינְהוּ: If two witnesses testify that a person is disqualified from serving as a witness due to a transgression that he performed, and two witnesses contradict their testimony, he is disqualified from serving as a witness, due to the uncertainty, until witnesses testify that he repented, in accordance with the explanation of Rashi and the ruling of most authorities (Rambam *Sefer Shofetim*, *Hilkhot Edut* 12:3; *Shulḥan Arukh*, *Ḥoshen Mishpat* 34:28).

A challenge based on an allegation of flawed lineage – עֲרָעָר דְּפָגֵם מִשְׁפָּחָה: If the qualifications of a judge are challenged based on an allegation of flawed lineage, e.g., he is a slave or a gentile, and after the two other judges signed the ratification it is discovered that he is in fact qualified, he may add his signature to the ratification, as the testimony which dismissed the challenge against his qualifications merely revealed the matter of his lineage (Rambam *Sefer Shofetim*, *Hilkhot Edut* 6:7; *Shulḥan Arukh*, *Ḥoshen Mishpat* 46:27).

NOTES

They are two witnesses and two witnesses – תְּרֵי וּתְרֵי נִינְהוּ: Rashi explains that since there are two pairs of witnesses that contradict each other, the status of the judge remains uncertain, and the testimony in support of the judge whose fitness was challenged is ineffective. Rabbeinu Ḥananel explains that on the contrary (see *Tosafot*), since this is a case of contradictory testimonies, the judge retains his presumptive status of fitness. In his opinion, the Gemara's question is: If two pairs of witnesses contradict each other, even after they signed the document of ratification, shouldn't the two judges be able to testify with regard to the judge's fitness and retroactively establish that he was fit from the outset? Most commentaries agree with Rashi's opinion, and the Rif adds that in this case of uncertainty there is a confrontation between two presumptions. One, the presumption establishing the money that the lender is seeking to collect in the possession of the borrower, and two, the judge's presumptive status of fitness. Therefore, the judge remains unfit. The early commentaries extensively discuss whether one relies on presumptive status in all cases where it is confronted by the possession of money, or does it take precedence only in specific cases?

That is a mere revealing of a matter – גְּלוּיֵי מִלְּתָא בְּעָלְמָא הוּא: Since flawed lineage, as opposed to lack of fitness due to transgression such as theft, is a matter of public record, the testimony of the judges and, all the more so, of independent witnesses merely reveal a matter that is already known and is not considered full-fledged testimony. The Ritva adds that the presumptive status of most families, unless proven otherwise, is they are of unflawed lineage; therefore, by testifying that he is of unflawed lineage, they are merely restoring his presumptive status. The Ramban explains that because the witnesses are testifying about the lineage of the entire family, there is no direct testimony with regard to the judge.

אָמַר רַבִּי זֵירָא: הָא מִלְּתָא מֵרַבִּי אַבָּא שְׁמִיעַ לִי, וְאִי לָאו רַבִּי אַבָּא דְּמִן עַכּוֹ שְׁכַחְתַּהּ. שְׁלֹשָׁה שֶׁיָּשְׁבוּ לְקַיֵּים אֶת הַשְּׁטָר וּמֵת אֶחָד מֵהֶם – צְרִיכִין לְמֵימַר בִּכְתַב: "בְּמוֹתַב תְּלָתָא הֲוֵינָא, וְחַד לֵיתוֹהִי".

§ **Rabbi Zeira said: This matter, I heard from Rabbi Abba, and if it was not for Rabbi Abba of Akko, I would have forgotten it.** With regard to a case of **three** judges **who convened** as a tribunal **to ratify a document, and one of them died**[H] before signing the ratification, the surviving judges **must** emend the standard formula of the ratification and **write: We were** convened **in a session of three** judges, **and one** of the judges **is no longer** alive. In that way it is clear that although only two judges signed, the document was ratified by three judges.

אָמַר רַב נַחְמָן בַּר יִצְחָק: וְאִי כָּתַב בֵּיהּ "שְׁטָרָא דְּנָן נָפַק לְקָדָמָנָא בֵּי דִּינָא" – תּוּ לָא צָרִיךְ. וְדִלְמָא בֵּית דִּין חָצוּף הוּא? וּכְדִשְׁמוּאֵל, דְּאָמַר שְׁמוּאֵל: שְׁנַיִם שֶׁדָּנוּ – דִּינֵיהֶם דִּין, אֶלָּא שֶׁנִּקְרָא בֵּית דִּין חָצוּף!

Rav Naḥman bar Yitzḥak said: And if the judges **wrote in** the ratification: **This document was produced before us, the court;** they **no longer need** to add that they were three judges, as, when unmodified, the term court connotes a tribunal of three judges. The Gemara asks: **And perhaps it was an impudent court, and** that is **in accordance with** the opinion of **Shmuel,**[N] **as Shmuel said: Two** judges **who** convened a tribunal and **judged, their verdict is a** binding **verdict; however,** because they contravened the rabbinic ordinance mandating that a court be comprised of three judges, **they are called an impudent court.** Therefore, writing: Before us, the court, does not rule out the possibility that the document was ratified by fewer than three judges.

דְּכְתִיב בֵּיהּ: "בֵּי דִינָא דְּרַבָּנָא אַשִׁי". וְדִלְמָא רַבָּנָן דְּבֵי רַב אַשִׁי כְּדִשְׁמוּאֵל סְבִירָא לְהוּ? דְּכְתִיב בֵּיהּ: "וַאֲמַר לָנָא רַבָּנָא אַשִׁי".

The Gemara answers: It is clear that the document was ratified by the requisite three judges, **as it is written in** the ratification: Before us, **the court of our** teacher **Rav Ashi,** which presumably conforms to rabbinic protocol. The Gemara asks: **And perhaps the Rabbis of the court of Rav Ashi hold in accordance with** the opinion of **Shmuel** and they convened an impudent court, whose ruling is binding. The Gemara answers: It is clear, **as it is written in** the ratification: Before us, the court of our teacher Rav Ashi, **and our** teacher **Rav Ashi said to us**[N] how to ratify the document.

מתני׳ הָאִשָּׁה שֶׁאָמְרָה: "אֵשֶׁת אִישׁ הָיִיתִי וּגְרוּשָׁה אֲנִי" – נֶאֱמֶנֶת, שֶׁהַפֶּה שֶׁאָסַר הוּא הַפֶּה שֶׁהִתִּיר. וְאִם יֵשׁ עֵדִים שֶׁהָיְתָה אֵשֶׁת אִישׁ וְהִיא אוֹמֶרֶת: "גְּרוּשָׁה אֲנִי" – אֵינָהּ נֶאֱמֶנֶת. אָמְרָה: "נִשְׁבֵּיתִי וּטְהוֹרָה אֲנִי" – נֶאֱמֶנֶת, שֶׁהַפֶּה שֶׁאָסַר הוּא הַפֶּה שֶׁהִתִּיר. וְאִם יֵשׁ עֵדִים שֶׁנִּשְׁבֵּיתָ, וְהִיא אוֹמֶרֶת: "טְהוֹרָה אֲנִי" – אֵינָהּ נֶאֱמֶנֶת. וְאִם מְשֻׁנָּשֵׂאת בָּאוּ עֵדִים – הֲרֵי זוֹ לֹא תֵּצֵא.

MISHNA With regard to **a woman who said: I was a married woman**[H] **and** now **I am a divorcée, she is deemed credible** and permitted to remarry, **as the mouth that prohibited** and established that she was married **is the mouth that permitted,** and established that she is divorced. **However, if there are witnesses that she was a married woman,**[H] **and she says: I am a divorcée, she is not deemed credible.** Similarly, with regard to a woman who **said: I was taken captive but I am pure,**[HN] as I was not raped in captivity, **she is deemed credible** and permitted to marry a priest, **as the mouth that prohibited** and established that she was taken captive **is the mouth that permitted** and established that she was not defiled. **But if there are witnesses that she was taken captive,**[H] **and she says: I am pure, she is not deemed credible. And if witnesses came after she married,**[H] **this** woman need **not leave** her husband.

HALAKHA

Three judges who convened to ratify a document and one of them died – שְׁלֹשָׁה שֶׁיָּשְׁבוּ לְקַיֵּים אֶת הַשְּׁטָר וּמֵת אֶחָד מֵהֶם: If three judges convene to ratify a document, and one of them dies before signing the ratification, even if they used the term court to describe that tribunal, the document must contain the clause: We were convened in a session of three judges and one of the judges is no longer alive, or a similar formula that makes it clear that there were three judges. This is to prevent those who read the document from concluding that the document was ratified by a court consisting of two judges (Rambam *Sefer Shofetim*, *Hilkhot Edut* 6:6; *Shulḥan Arukh*, *Ḥoshen Mishpat* 46:29).

A woman who said, I was a married woman – הָאִשָּׁה שֶׁאָמְרָה אֵשֶׁת אִישׁ הָיִיתִי: If a woman who does not have the presumptive status of a married woman claims that she was a married woman but is now divorced, her claim is accepted. Some add that her claim is accepted only if she states both parts of the claim in the same statement, or only if she provides a rationale for her original statement (Rabbi Moshe HaKohen; Rabbeinu Yona; Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:1; *Shulḥan Arukh*, *Even HaEzer* 152:6).

However if there are witnesses that she was a married woman – וְאִם יֵשׁ עֵדִים שֶׁהָיְתָה אֵשֶׁת אִישׁ: If there are witnesses who testify that the woman was married, her claim that she is now divorced is not accepted, and if she marries, she must leave her husband. That is the ruling even if the witnesses testified after she remarried. However, in terms of marrying a priest and entering into a levirate marriage, she is considered a divorcée based on her claim (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:1; *Shulḥan Arukh*, *Even HaEzer* 152:7).

I was taken captive but I am pure – נִשְׁבֵּיתִי וּטְהוֹרָה אֲנִי: If a woman comes forward and declares that she was taken captive but that she was not violated, her claim is accepted even if there is one witness who testifies that she was taken captive (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:21; *Shulḥan Arukh*, *Even HaEzer* 7:4).

But if there are witnesses that she was taken captive – וְאִם יֵשׁ עֵדִים שֶׁנִּשְׁבֵּיתָ: If there are two witnesses who testify that she was taken captive, her claim that she was not violated is accepted only if at least one witness corroborates her claim (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:21; *Shulḥan Arukh*, *Even HaEzer* 7:4).

Witnesses came after she married – מְשֻׁנָּשֵׂאת בָּאוּ עֵדִים: If a woman says: I was taken captive but I am pure, and the court ruled that she may marry a priest *ab initio*, and then witnesses testified that she was taken captive, she remains permitted to marry a priest *ab initio*, in accordance with the mishna and the statement of Rabba bar Avin (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:22; *Shulḥan Arukh*, *Even HaEzer* 7:6).

NOTES

And perhaps…and that is in accordance with the opinion of Shmuel – וְדִלְמָא...וּכְדִשְׁמוּאֵל: The *ge'onim* disagree whether the *halakha* is ruled in accordance with the opinion of Shmuel or with that of Rabbi Abbahu, who disagrees and says that a tribunal consisting of fewer than three judges is not a court at all. *Tosafot* note that even according to Shmuel, three judges are required to ratify documents. *Tosafot* seek to explain that perhaps the court of Rav Ashi maintains that although the *halakha* is not in accordance with the opinion of Shmuel, since the requirement to ratify documents is mandated by rabbinic law, perhaps a tribunal of two judges is sufficient.

And our teacher Rav Ashi said to us – וַאֲמַר לָנָא רַבָּנָא אַשִׁי: Rashi explains that it is clear that it was a tribunal of three since it was written in the document that Rav Ashi appointed them, and he would not convene a court of two judges. Others explain that Rav Ashi himself was the president of that court, and one can conclude therefore that there were three judges, as they wrote: And Rav Ashi said to us; they were two, and Rav Ashi was the third (*Sefer HaYashar*; see Rashi). Others reject that proof, as were Rav Ashi one of the judges, there would be no uncertainty with regard to whether it was a tribunal of two judges.

I was taken captive, but I am pure – נִשְׁבֵּיתִי וּטְהוֹרָה אֲנִי: The *halakhot* of a woman taken captive are explained in detail later in this chapter. Here, the reference is to a woman who was taken captive by gentiles suspected of sexual immorality; since she was their captive, the concern is that she was raped and therefore disqualified to marry a priest, as a woman who engages in intercourse with a gentile, whether willingly or against her will, is disqualified from marrying into the priesthood. It may be seen later in the Gemara that the Sages were extremely lenient in cases involving captive women, as their disqualification is based on uncertainty.

גמ׳ אָמַר רַב אַסִי: מִנַּיִן לְהַפֶּה שֶׁאָסַר הוּא הַפֶּה שֶׁהִתִּיר מִן הַתּוֹרָה? שֶׁנֶּאֱמַר ״אֶת בִּתִּי נָתַתִּי לָאִישׁ הַזֶּה לְאִשָּׁה״ ״לָאִישׁ״ – אֶסָרָהּ: ״הַזֶּה״ – הִתִּירָהּ.

GEMARA **Rav Asi said: From where in the Torah** is the principle: **The mouth that prohibited is the mouth that permitted,** derived? It is derived **as it is stated: "I gave my daughter to this man** [*la'ish hazeh*] **as a wife"** (Deuteronomy 22:16). When the father said that he married her off **"to the man** [*la'ish*]" without revealing his identity, **he rendered her forbidden** to all men. When he then says **"this** [*hazeh*]," thereby identifying the man to whom he married her off, **he renders her permitted** to her husband.

לָמָּה לִי קְרָא? סְבָרָא הִיא: הוּא אֲסָרָהּ וְהוּא שָׁרֵי לָהּ! אֶלָּא, כִּי אִיצְטְרִיךְ קְרָא – לְכִדְרַב הוּנָא אָמַר רַב. דְּאָמַר רַב הוּנָא אָמַר רַב: מִנַּיִן לָאָב שֶׁנֶּאֱמָן לֶאֱסוֹר אֶת בִּתּוֹ מִן הַתּוֹרָה – שֶׁנֶּאֱמַר ״אֶת בִּתִּי נָתַתִּי לָאִישׁ״. ״הַזֶּה״ לָמָּה לִי?

The Gemara asks: **Why do I** need to derive this from **the verse? It is** based on **logic: He rendered her forbidden and he rendered her permitted. Rather, where this verse is necessary, is** in order **to** derive the *halakha* **that Rav Huna said** that **Rav said, as Rav Huna said** that **Rav said: From where in the Torah** is it derived that **a father is deemed credible to render his daughter forbidden?**[H] It is derived **as it is stated: "I gave my daughter to the man** [*la'ish*]" (Deuteronomy 22:16). The Gemara asks: **Why do I** need the subsequent term **"this** [*hazeh*]"**?**

מִיבָּעֵי לֵיהּ לְכִדְתָנֵי רַבִּי יוֹנָה, דְּתָנֵי רַבִּי יוֹנָה: ״אֶת בִּתִּי נָתַתִּי לָאִישׁ הַזֶּה, ״הַזֶּה״ – וְלֹא לְיָבָם.

The Gemara explains: The verse **is necessary to** derive the *halakha* that **Rabbi Yona taught; as Rabbi Yona taught** in a *baraita* that in the verse: **"I gave my daughter to this man,"** written in the context of a husband slandering his wife, **"this"** is written to infer: The *halakhot* in this passage apply to a man who slanders his wife and **not to the *yavam*,**[H] in the case of levirate marriage.

תָּנוּ רַבָּנַן: הָאִשָּׁה שֶׁאָמְרָה: ״אֵשֶׁת אִישׁ אֲנִי״ וְחָזְרָה וְאָמְרָה: ״פְּנוּיָה אֲנִי״ – נֶאֱמֶנֶת. וְהָא שָׁוְיָה לְנַפְשָׁהּ חֲתִיכָה דְּאִיסּוּרָא! אֲמַר רָבָא בַּר רַב הוּנָא: כְּגוֹן שֶׁנָּתְנָה אֲמַתְלָא לִדְבָרֶיהָ. תַּנְיָא נַמִי הָכִי: אָמְרָה: ״אֵשֶׁת אִישׁ אֲנִי״ וְחָזְרָה וְאָמְרָה: ״פְּנוּיָה אֲנִי״ – אֵינָהּ נֶאֱמֶנֶת, וְאִם נָתְנָה אֲמַתְלָא לִדְבָרֶיהָ – נֶאֱמֶנֶת.

§ **The Sages taught** with regard to **the woman who said: I am a married woman, and then said: I am unmarried,** that **she is deemed credible.** The Gemara asks: **But didn't she render herself an entity of prohibition?** When she said that she was married she rendered herself forbidden to all men. How then can she abrogate the prohibition? The Gemara answers that **Rava bar Rav Huna said:** It is referring to a case **where she provided a rationale** [*amatla*][L] **for her** initial **statement**[NH] and explained why she said that she was a married woman. **That was also taught** in a *baraita* with regard to **the woman who said: I am a married woman, and then said: I am unmarried,** that **she is not deemed credible. And if she provided a rationale for her** initial **statement, she is deemed credible.**

וּמַעֲשֶׂה נַמִי בְּאִשָּׁה אַחַת גְּדוֹלָה, שֶׁהָיְתָה גְּדוֹלָה בְּנוֹי, וְקָפְצוּ עָלֶיהָ בְּנֵי אָדָם לְקַדְּשָׁהּ, וְאָמְרָה לָהֶם: ״מְקוּדֶּשֶׁת אֲנִי״. לְיָמִים עָמְדָה וְקִידְּשָׁהּ אֶת עַצְמָהּ. אָמְרוּ לָהּ חֲכָמִים: מָה רָאִית לַעֲשׂוֹת כֵּן? אָמְרָה לָהֶם: בַּתְּחִלָּה שָׁבְאוּ עָלַי אֲנָשִׁים שֶׁאֵינָם מְהוּגָנִים – אָמַרְתִּי ״מְקוּדֶּשֶׁת אֲנִי״, עַכְשָׁיו שָׁבְאוּ עָלַי אֲנָשִׁים מְהוּגָנִים – עָמַדְתִּי וְקִדַּשְׁתִּי אֶת עַצְמִי. וְזוֹ הֲלָכָה הֶעֱלָה רַב אַחָא שַׁר הַבִּירָה לִפְנֵי חֲכָמִים בְּאוּשָׁא, וְאָמְרוּ: אִם נָתְנָה אֲמַתְלָא לִדְבָרֶיהָ – נֶאֱמֶנֶת.

And there was also an incident involving an important woman who was outstanding in beauty, and many **men were clamoring to betroth her. And she said to them: I am** already **betrothed. Sometime later she arose and betrothed herself** to a man. **The Sages said to her: What did you see** that led you **to do so? She said to them: Initially, when unscrupulous people approached me** seeking to marry me, **I said: I am betrothed. Now that scrupulous people approached me, I arose and betrothed myself** to one of them. **And** the Gemara notes: **This *halakha* was raised by Rav Aḥa Sar HaBira**[P] **before the Sages in Usha,**[B] the seat of the Sanhedrin, **and** the Sages **said: If she provided a rationale for her statement, she is deemed credible.**

HALAKHA

A father is deemed credible to render his daughter forbidden – אָב נֶאֱמָן לֶאֱסוֹר אֶת בִּתּוֹ: If a father claims: I betrothed my daughter to a man and received her bill of divorce from him, his claim is accepted. However, if he claims: She was taken captive and I redeemed her, his claim is not accepted, since the Torah deems him credible only with regard to the marital status of his daughter, in accordance with the opinion of Rav Huna (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:24; *Shulḥan Arukh*, *Even HaEzer* 37:20).

To this man…and not to the *yavam* – לָאִישׁ הַזֶּה...וְלֹא לְיָבָם: A childless widow's brother-in-law who married her through levirate marriage and slandered her and brought false witnesses that she engaged in illicit relations while married to her deceased husband is exempt from receiving lashes and paying the fine, since the Torah category of slander applies exclusively to the husband and not to the *yavam*, in accordance with the opinion of Rabbi Yona (Rambam *Sefer Nashim*, *Hilkhot Na'ara Betula* 3:9).

Where she provided a rationale for her initial statement – כְּגוֹן שֶׁנָּתְנָה אֲמַתְלָא לִדְבָרֶיהָ: If a woman said that she is married and then claims that she is single, her claim is accepted only if it immediately follows the original statement. However, if she provided a rationale for her original statement, her claim is accepted even if it does not immediately follow the original statement. The Rema, citing the Ra'ah, rules that if she named the man to whom she is married in her original statement, her claim is not accepted even with a rationale (Rambam *Sefer Nashim*, *Hilkhot Ishut* 9:31; *Shulḥan Arukh*, *Even HaEzer* 46:4).

LANGUAGE

Rationale [*amatla*] – אֲמַתְלָא: From the Aramaic *matla*, meaning parable. The meaning of the term is not limited to fiction, but can refer to any story or incident that is related. In this context, it is a story that one tells to rationalize his actions or his original statement.

NOTES

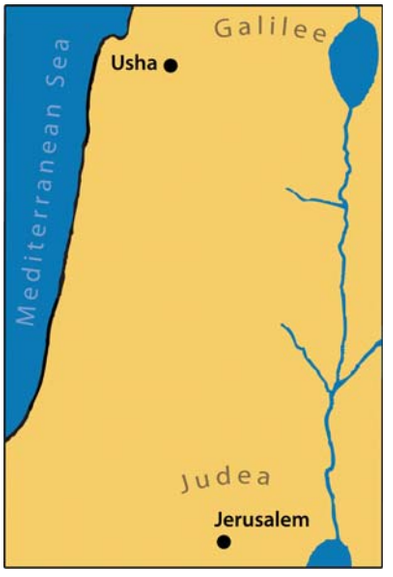
Where she provided a rationale for her initial statement – כְּגוֹן שֶׁנָּתְנָה אֲמַתְלָא לִדְבָרֶיהָ: The early commentaries write, and it is the *halakha*, that a rationale is effective only if it was examined and deemed plausible. Support for that opinion can be cited from the question of Rav Aḥa Sar HaBira, who asks whether one can rely upon a specific rationale, and from the incident involving the woman who rationalized her statement by saying that she sought to prevent unscrupulous men from seeking to marry her (see *Ḥatam Sofer*).

PERSONALITIES

Rav Aḥa Sar HaBira – רַב אַחָא שַׁר הַבִּירָה: There were apparently two Sages who bore this name. The one mentioned here is a *tanna*, and the other, perhaps one of his descendants (see *Yevamot* 45a), is an *amora*. In both cases, the title *Sar HaBira*, meaning Lord of the Capital, was based on a family legacy. One of their ancestors had been the minister appointed over the capital, i.e., the Temple Mount in Jerusalem, which was also known as the *bira*.

BACKGROUND

Usha – אוּשָׁא: Usha was a town in the Galilee, the seat of the Sanhedrin for a generation (c. 140 CE. After the bar Kokheva revolt (132–135 CE), when the Jewish community in Eretz Yisrael was almost completely destroyed, those scholars who survived the revolt began to congregate in Usha, where the *Nasi* of the Sanhedrin, Rabban Shimon ben Gamliel II, lived. The surviving students of Rabbi Akiva congregated around him. Although they were scattered throughout the Galilee, they recognized Usha as the center of Torah study and as the seat of the Sanhedrin. In Usha, the Sages of that generation instituted many important enactments, known as the rabbinical ordinances instituted in Usha. From there, the Sanhedrin moved to Shefaram.



Location of Usha

בְּעָא מִינֵּיהּ שְׁמוּאֵל מֵרַב: אָמְרָה: ״טְמֵאָה אֲנִי״ וְחָזְרָה וְאָמְרָה: ״טְהוֹרָה אֲנִי״ מַהוּ? אֲמַר לֵיהּ: אַף בְּזוֹ, אִם נָתְנָה

Shmuel raised a dilemma before Rav: If a woman **said** to her husband: **I am ritually impure** as I am menstruating, **and then said: I am pure,**[H] **what is** the *halakha*? Is she permitted based on her latter statement, or did she render herself an entity of prohibition with her first statement and therefore remains forbidden? Rav **said to him: Even in that** case, **if she provided a rationale for her statement, she is deemed credible.** The Gemara relates: Shmuel **learned** this *halakha* **from him forty times** to ensure that he would not forget it, **and even so,** when confronted with a similar situation, **Shmuel did not** rely on that lenient ruling and did not **take action with regard to himself**[N] and his wife.

אֲמַתְּלָא לְדִבְרֵיהָ – נֶאֱמֶנֶת. תָּנָא מִינֵּיהּ אַרְבָּעִים זִימְנִין, וַאֲפִילּוּ הָכִי לָא עֲבַד שְׁמוּאֵל עוּבְדָּא בְּנַפְשֵׁיהּ.

תָּנוּ רַבָּנַן: שְׁנַיִם אוֹמְרִים: ״מֵת״, וּשְׁנַיִם אוֹמְרִים: ״לֹא מֵת״, שְׁנַיִם אוֹמְרִים: ״נִתְגָּרְשָׁה״, וּשְׁנַיִם אוֹמְרִים: ״לֹא נִתְגָּרְשָׁה״ – הֲרֵי זוֹ לֹא תִנָּשֵׂא, וְאִם נִשֵּׂאת – לֹא תֵצֵא. רַבִּי מְנַחֵם בַּר יוֹסֵי אוֹמֵר: תֵּצֵא. אָמַר רַבִּי מְנַחֵם בַּר יוֹסֵי: אֵימָתַי אֲנִי אוֹמֵר תֵּצֵא – בִּזְמַן שֶׁבָּאוּ עֵדִים וְאַחַר כָּךְ נִשֵּׂאת, אֲבָל נִשֵּׂאת וְאַחַר כָּךְ בָּאוּ עֵדִים – לֹא תֵצֵא.

§ **The Sages taught** that if **two** witnesses **say:** The husband **died,**[H] **and two** witnesses **say: He did not die;** or if **two** witnesses **say:** This woman **was divorced,**[H] **and two** witnesses **say: She was not divorced, this** woman **may not remarry** as there is no unequivocal testimony that she is unmarried. **And if she remarried,** she need **not leave** her husband. **Rabbi Menaḥem bar Yosei says:** She must **leave** her husband. And **Rabbi Menaḥem bar Yosei said: When do I say** that **she must leave** her husband? It is in a case **where witnesses came** to testify that she is still married **and she remarried thereafter. However, if she remarried and the witnesses came thereafter,** she need **not leave** her husband based on the uncertainty created by contradictory witnesses.

מִכְּדֵי תְּרֵי וּתְרֵי נִינְהוּ, הַבָּא עָלֶיהָ בְּאָשָׁם תָּלוּי קָאֵי! אָמַר רַב שֵׁשֶׁת: כְּגוֹן שֶׁנִּשֵּׂאת לְאֶחָד מֵעֵדֶיהָ. הֵיא גּוּפָהּ בְּאָשָׁם תָּלוּי קַיְימָא! בְּאוֹמֶרֶת: ״בָּרִי לִי״.

The Gemara asks: **After all, they are two** witnesses testifying that she is married **and two** witnesses testifying that she is not; how then can the ruling be that after remarrying she need not leave her husband? In that case, **one who engages in intercourse with her stands liable** to bring **a guilt-offering for uncertainty.**[N] For any prohibition whose certain violation renders one liable to bring a sin-offering, its uncertain violation renders one liable to bring a guilt-offering for uncertainty. **Rav Sheshet said:** This is a case **where she married one of her witnesses** who testified that she is unmarried. As far as he is concerned, there is no uncertainty. The Gemara asks: **She herself stands liable** to bring **a guilt-offering for uncertainty,** as she has no independent knowledge whether her husband died. The Gemara answers that this is a case **where she says: It is clear to me**[N] that he died.

HALAKHA

If a woman said, I am ritually impure, and then said, I am pure – אָמְרָה טְמֵאָה אֲנִי וְחָזְרָה וְאָמְרָה טְהוֹרָה אֲנִי: If a wife tells her husband that she is ritually impure, and then claims that she is pure, her claim is accepted only if she does so immediately after the original statement. However, if she provided a rationale for her original statement, her claim is accepted even if it does not immediately follow the original statement, in accordance with the opinion of Rav. The Rema adds that although fundamentally her claim is accepted, the pious practice, as adopted by Shmuel, is to be stringent and not accept her claim (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 4:10; *Shulḥan Arukh*, *Yoreh De'a* 185:3).

If two witnesses say the husband died – שְׁנַיִם אוֹמְרִים מֵת: If two witnesses say that a woman's husband died and two say that he did not die, she may not remarry. If she remarries, she must leave her husband, as there is uncertainty surrounding her eligibility to marry. If, however, she marries one of the witnesses who testified that her husband died, and she asserts that it is clear to her that her husband is dead, she need not leave her husband, in accordance with the *baraita* and Rav Sheshet's explanation (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:23; *Shulḥan Arukh*, *Even HaEzer* 17:42).

If two witnesses say this woman was divorced – שְׁנַיִם אוֹמְרִים נִתְגָּרְשָׁה: In a case where two witnesses support a woman's claim that she was divorced, and two witnesses testify that she was not divorced, if she remarries she must leave her husband, and the legal status of any child born from the second marriage is that of an uncertain *mamzer*. If she married one of the witnesses who supported her claim, she need not leave her husband. However, if one pair of witnesses testifies that she was just now divorced, even if she confirms that this is the case, and other witnesses testify that she was not just now divorced, if she cannot produce her bill of divorce, her presumptive status is that of a married woman; if she remarries, she must leave her husband, and the legal status of any child born from the second marriage is that of a *mamzer*, in accordance with Rav Asi's explanation of Rabbi Yoḥanan's statement (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:6–7; *Shulḥan Arukh*, *Even HaEzer* 152:3).

Perek **II**
Daf **22** Amud **b**

NOTES

Shmuel did not take action with regard to himself – לָא עֲבַד שְׁמוּאֵל עוּבְדָּא בְּנַפְשֵׁיהּ: This incident is related in the Jerusalem Talmud and cited by *Tosafot*. Shmuel's wife told him that she was impure and the next day told him that she was pure. On the second day, she explained that on the previous day she had made an excuse not to engage in intercourse because she did not have the energy. Shmuel then asked Rav: What is the *halakha*? In the *Shita Mekubbetzet*, commentaries are cited who questioned this version of the story, and a different version is related in the *She'iltot*. It was customary for the husband to give his wife a drink from the cup of blessing, the cup of wine that accompanies Grace after Meals. If she did not drink from the cup, that would be an indication that her status is that of a menstruating woman. Once, Shmuel hosted Rav, and Shmuel passed the cup of blessing to his wife and she did not accept it. Later, she explained to him that she was pure, but she had refused to accept the cup of blessing because Shmuel's sister was also present, and she did not want to embarrass her sister-in-law by drinking the wine while his sister did not.

A guilt-offering for uncertainty – אָשָׁם תָּלוּי: The *halakhot* of a guilt-offering for uncertainty are mentioned briefly in the Torah (see Leviticus 5:17–19) and in detail in tractate *Karetot*. The Sages explained that if one performed an action and does not know whether it involved a prohibition, specifically a prohibition which, when violated unwittingly, requires a sin-offering, he is obligated to bring a guilt-offering for uncertainty. For example, one who consumes the fat of an animal and does not know whether it was forbidden fat, which when consumed intentionally is punishable by *karet* and when consumed unwittingly obligates the bringing of a sin-offering, or whether it was permitted fat, must bring a guilt-offering for uncertainty. If he subsequently discovers that he violated that prohibition, he is obligated to bring a sin-offering.

Where she says, it is clear to me – בְּאוֹמֶרֶת בָּרִי לִי: Rashi explains that a guilt-offering for uncertainty is brought by one troubled by his conscience. This woman is certain, based on her understanding or feeling, and has no guilty conscience. Some explain that it means that she was actually certain, i.e., she saw him die; however, if that is the case, since the Sages say that the claim of a woman who claims that her husband died is accepted, what is the uncertainty in this case? They answer that the woman's claim is accepted only when it is not contradicted by witnesses (Ra'ah; Ran).

אָמַר רַבִּי יוֹחָנָן: שְׁנַיִם אוֹמְרִים: ״מֵת״, וּשְׁנַיִם אוֹמְרִים: ״לֹא מֵת״ – הֲרֵי זוֹ לֹא תִּנָּשֵׂא, וְאִם נִשֵּׂאת לֹא תֵּצֵא. שְׁנַיִם אוֹמְרִים: ״נִתְגָּרְשָׁה״, וּשְׁנַיִם אוֹמְרִים: ״לֹא נִתְגָּרְשָׁה״ – הֲרֵי זוֹ לֹא תִּנָּשֵׂא, וְאִם נִשֵּׂאת – תֵּצֵא.

§ **Rabbi Yoḥanan said** that if **two** witnesses **say:** The husband **died, and two** witnesses **say: He did not die, this** woman **may not remarry. And if she remarried** she need **not leave** her husband. If **two** witnesses **say:** This woman **was divorced, and two** witnesses **say: She was not divorced, this** woman **may not remarry. And if she remarried** she must **leave** her husband.

מַאי שְׁנָא רֵישָׁא וּמַאי שְׁנָא סֵיפָא? אֲמַר אַבַּיֵי: תַּרְגְּמָהּ בְּעֵד אֶחָד; עֵד אֶחָד אוֹמֵר: ״מֵת״ – הֵימְנוּהוּ רַבָּנַן כְּבֵי תְּרֵי, וְכִדְעוּלָּא. דַּאֲמַר עוּלָּא: כָּל מָקוֹם שֶׁהֶאֱמִינָה תּוֹרָה עֵד אֶחָד – הֲרֵי כָּאן שְׁנַיִם. וְהַאי דְּקָאָמַר ״לֹא מֵת״ – הָוֶה לֵיהּ חַד, וְאֵין דְּבָרָיו שֶׁל אֶחָד בְּמָקוֹם שְׁנַיִם.

The Gemara asks: **What is different** in **the first clause** of Rabbi Yoḥanan's statement, where, if she remarried, she need not leave her husband, **and what is the different** in **the second clause,** where, if she remarried, she must leave her husband? **Abaye said: Interpret** Rabbi Yoḥanan's statement **in** a case where each testimony was given by **one witness.**[HN] If **one witness says:** The husband **died, the Sages** instituted an ordinance and **accorded him credibility like** that of **two** witnesses in order to enable his wife to remarry. **And** that is **in accordance with** the opinion of **Ulla, as Ulla said: Wherever the Torah deemed one witness credible,** his legal status **there** is that of **two** witnesses. **And** the legal status of **that** second witness **who says: He did not die, is** that of **one** witness, **and the statement of one** witness has **no** validity **in a place** where there is the testimony of **two** witnesses. Therefore, she need not leave her husband.

אִי הָכִי אֲפִילּוּ לְכַתְּחִלָּה נָמֵי! מְשׁוּם דְּרַב אַסִי: דְּאָמַר רַב אַסִי: ״הָסֵר מִמְּךָ עִקְּשׁוּת פֶּה וּלְזוּת שְׂפָתַיִם הַרְחֵק מִמֶּךָּ״.

The Gemara asks: **If so,** that this is a case of the testimony of two witnesses against the testimony of one witness, it should be permitted for her to remarry **even *ab initio*.** The Gemara answers that she may not remarry *ab initio* **due to** the opinion of **Rav Asi, as Rav Asi said** that in any case of uncertainty, the verse "**Remove from you a crooked mouth, and perverse lips put far from you**" (Proverbs 4:24) applies. Although it is not a strictly prohibited action, it is, nevertheless, inappropriate.

סֵיפָא, עֵד אֶחָד אוֹמֵר ״נִתְגָּרְשָׁה״ וְעֵד אֶחָד אוֹמֵר ״לֹא נִתְגָּרְשָׁה״ – תַּרְוַיְיהוּ בְּאֵשֶׁת אִישׁ קָמְסָהֲדִי, וְהַאי דְּקָאָמַר ״נִתְגָּרְשָׁה״ – הָוֶה לֵיהּ חַד, וְאֵין דְּבָרָיו שֶׁל אֶחָד בְּמָקוֹם שְׁנַיִם.

In **the latter clause** of Rabbi Yoḥanan's statement, where **one witness says:** This woman **was divorced,**[HN] **and one witness says: She was not divorced, both of them are testifying** that she was **a married woman,**[N] **and that** witness **who says: She was divorced, is one** witness, **and the statement of one** witness has **no** validity **in a place** where there is the testimony of **two** witnesses. Therefore, even if she remarried she must leave her husband.

HALAKHA

In a case where each testimony was given by one witness – בְּעֵד אֶחָד: If one witness testifies that a woman's husband died, and based on that testimony the court permits her to remarry, and then a witness testifies that her husband is alive, she may marry a second husband, in accordance with Abaye's explanation of Rabbi Yoḥanan's statement. The Rema, citing the *Tur*, rules that if she did not yet remarry before the second witness testified, she should not remarry *ab initio*, because it creates the impression of inappropriate behavior, in accordance with the opinion of Rav Asi. Others write that even the Rosh, who is the source for this ruling, agrees that Rav Asi's statement was intended as good advice, not as a prohibition, and that according to the *Kesef Mishne*, Rava completely rejected Rav Asi's opinion (*Ḥelkat Meḥokek*; Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:18; *Shulḥan Arukh*, *Even HaEzer* 17:37).

One witness says this woman was divorced – עֵד אֶחָד אוֹמֵר נִתְגָּרְשָׁה: If one witness testifies that a woman was divorced and one witness testified that she was not, she may not remarry *ab initio*. If her presumptive status is that of a married woman and she remarried, she must leave her husband. If her presumptive status as a married woman was based exclusively on these witnesses, if the one testifying that she was divorced is certain that she was divorced, she may remarry *ab initio* (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:9; *Shulḥan Arukh*, *Even HaEzer* 152:5).

NOTES

Interpret Rabbi Yoḥanan's statement in a case where each testimony was given by one witness – תַּרְגְּמָהּ בְּעֵד אֶחָד: The statement of Rabbi Yoḥanan: If two witnesses say, etc., means: One of the two witnesses says. Alternatively, since the Torah deemed the testimony of one witness credible with regard to the death of the woman's husband, his legal status is that of two witnesses (Ritva).

One witness says, this woman was divorced – עֵד אֶחָד אוֹמֵר נִתְגָּרְשָׁה: The early commentaries ask: Even if there is no witness testifying that she was not divorced, because one witness is not deemed credible in matters concerning personal status, it would be prohibited for her to remarry, as the testimony from one witness that she was divorced is not effectual (*Tosefot Yeshanim*; Ramban). They explain that the case here involves a woman whose presumptive status is unmarried, and it is only the testimony of the witnesses that reveal that she was married. The Ramban explains that the case here involves a woman who said: I was a married woman but I am now a divorcée. Others reject that explanation, as it is unlikely that the Gemara would have omitted so significant a detail.

Both of them are testifying that she was a married woman – תַּרְוַיְיהוּ בְּאֵשֶׁת אִישׁ קָמְסָהֲדִי: The commentaries ask: How can one rely on the testimony of these two witnesses? Since they contradict each other, one must be a false witness, and therefore both should be disqualified as witnesses. That is similar to the case of two pairs of contradictory witnesses, where a witness from one pair cannot join a witness from the other pair to testify in another case because one was certainly a false witness. The commentaries explain that the testimony of the witnesses differ with regard to the validity of the bill of divorce. In that case, it could be that neither is lying, but one witness is mistaken in his grasp of the facts (Rashba).

רָבָא אָמַר: לְעוֹלָם תְּרֵי וּתְרֵי נִינְהוּ, וְרָאָה רַבִּי יוֹחָנָן דְּבָרָיו שֶׁל רַבִּי מְנַחֵם בַּר יוֹסֵי בְּגֵרוּשִׁין, וְלֹא רָאָה בְּמִיתָה. מַאי טַעְמָא? מִיתָה – אֵינָהּ יְכוֹלָה מַכְחַשְׁתּוֹ, גֵּרוּשִׁין – יְכוֹלָה מַכְחַשְׁתּוֹ.

Rava explained the difference between the two cases in Rabbi Yoḥanan's statement and **said: Actually** it is a case where **they are two** witnesses testifying that she is married **and two** testifying that she is not, **and Rabbi Yoḥanan saw the statement of Rabbi Menaḥem bar Yosei** as correct **in** the case of **divorce but did not see** it as correct **in** the case of **death. What is the reason** that he distinguishes between the two cases? In the case of **death,** if ultimately her husband returns alive, **she is unable to deny** that **he** is alive. Therefore, the woman's decision to remarry is credible, as if she were not certain that he was dead, she would not have remarried. However, in the case of **divorce,** if her husband returns and claims that he did not divorce her, **she is able to deny his** claim. Therefore, her decision to remarry is suspect, and the Sages penalized her and established that she must leave her husband.

וּמִי חֲצִיפָה כּוּלֵי הַאי? וְהָאָמַר רַב הַמְנוּנָא: הָאִשָּׁה שֶׁאָמְרָה לְבַעְלָהּ ״גֵּרַשְׁתָּנִי״ – נֶאֱמֶנֶת, חֲזָקָה, אֵין אִשָּׁה מְעִיזָּה פָּנֶיהָ בִּפְנֵי בַּעְלָהּ! הָנֵי מִילֵּי – הֵיכָא דְּלֵיכָּא עֵדִים דְּקָא מְסַיְּיעֵי לָהּ, אֲבָל הֵיכָא דְּאִיכָּא עֵדִים דְּקָא מְסַיְּיעֵי לָהּ – מְעִיזָּה וּמְעִיזָּה.

The Gemara asks: **And is** the woman **impudent** to **that extent,** that she would lie in the presence of her husband and claim that he divorced her? **But didn't Rav Hamnuna say** with regard to **a woman who said to her husband: You divorced me,**[H] **she is deemed credible,** as there is a **presumption that a woman is not insolent in the presence of her husband?** The Gemara answers: **This** statement that she is not insolent **applies only** in a case **where there are no witnesses who are supporting her; however,** in a case **where there are witnesses who are supporting her,**[H] **she would certainly be insolent.**

רַב אַסִי אָמַר: כְּגוֹן דְּאָמְרִי עֵדִים: ״עַכְשָׁיו מֵת״ ״עַכְשָׁיו גֵּירְשָׁהּ״. מִיתָה – לֵיכָּא לְבֵרוּרָהּ, גֵּרוּשִׁין – אִיכָּא לְבֵרוּרָהּ. דְּאָמְרִינַן לָהּ: אִם אִיתָּא דְּהָכִי הֲוָה – אַחֲזֵי לָן גִּיטֵּיךְ.

Rav Asi explained the difference between the two cases in Rabbi Yoḥanan's statement and **said** that it is a case **where the witnesses say: He died now,** or: **He divorced her now.** With regard to the husband's **death, there is no** way **to** immediately **clarify** whether or not he is dead. With regard to **divorce there is** a way **to** immediately **clarify** whether or not he divorced her, **as we say to** the woman: **If it is so that this** is what happened, **show us your bill of divorce.** Since the testimony was that the divorce was now, it is not feasible that she lost the bill of divorce. If she fails to produce the bill of divorce, the witnesses that testify that she is divorced are apparently false witnesses. Therefore, even if she remarried she must leave her husband.

תָּנוּ רַבָּנַן: שְׁנַיִם אוֹמְרִים: ״נִתְקַדְּשָׁה״ וּשְׁנַיִם אוֹמְרִים: ״לֹא נִתְקַדְּשָׁה״ – הֲרֵי זוֹ לֹא תִּנָּשֵׂא, וְאִם נִשֵּׂאת – לֹא תֵּצֵא. שְׁנַיִם אוֹמְרִים: ״נִתְגָּרְשָׁה״ וּשְׁנַיִם אוֹמְרִים: ״לֹא נִתְגָּרְשָׁה״ – הֲרֵי זוֹ לֹא תִּנָּשֵׂא, וְאִם נִשֵּׂאת – תֵּצֵא.

§ **The Sages taught:** In a case where **two** witnesses **say:** This woman **was betrothed, and two** witnesses **say: She was not betrothed, this** woman **may not marry** another, **and if she remarried,** she need **not leave** her husband. In a case where **two** witnesses **say:** This woman **was divorced, and two** witnesses **say: She was not divorced, this** woman **may not remarry. And if she remarried,** she must **leave** her husband.

HALAKHA

A woman who said to her husband, you divorced me – הָאִשָּׁה שֶׁאָמְרָה לְבַעְלָהּ גֵּרַשְׁתָּנִי: With regard to a woman who was presumed to be married and says to her husband: You divorced me, if she is betrothed by a man other than her presumed husband in the presence of her husband, the betrothal is valid, as her claim that her husband divorced her is accepted. This is because a woman would not be so insolent as to make that claim in the presence of her husband if it were not true.

The Rema writes that some say that her claim is not completely accepted and is not effective as far as enabling her to remarry or to receive payment of her marriage contract (see *Haggahot Maimoniyyot*). Her claim is effective in terms of requiring her to receive a bill of divorce from the one who betrothed her (Ran; Ra'avad). Some authorities add that today, even according to the Rambam, the woman's claim is not accepted because insolence abounds, and the woman would have no problem making a false claim in the presence of her husband. Nevertheless, she requires a bill of divorce from the man who betrothed her in order to remarry (*Beit Yosef*). If another man betrothed her while not in the presence of her husband, the betrothal does not take effect at all, because she would be insolent enough to make a false claim in such a situation. This ruling is in accordance with the opinion of Shmuel, who disagrees with Rav Huna and says that Rav Hamnuna stated his *halakha* only when she made the statement in the presence of her husband. The Ramban says that she requires a bill of divorce even in that case, as he rules stringently based on Rav Huna's opinion (Rambam *Sefer Nashim*, *Hilkhot Ishut* 4:13 and *Hilkhot Geirushin* 12:4; *Shulḥan Arukh*, *Even HaEzer* 17:2).

Where there are witnesses who are supporting her – הֵיכָא דְּאִיכָּא עֵדִים דְּקָא מְסַיְּיעֵי לָהּ: There is a presumption that a woman would not be so insolent as to claim in the presence of her husband that he divorced her if it were not true. This applies only when she has no support for her claim. However, if there is support for her claim, she would be so insolent, and therefore her claim is not accepted (*Beit Shmuel*). Some questioned this ruling based on the *Tur*, as the Rosh held that only the support of two witnesses would enable the woman to make a false claim in the presence of her husband (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 12:6; *Shulḥan Arukh*, *Even HaEzer* 17:2).