

13.15.1

114b (משנה א') → 116a (חיישין)

- I משנה א': women returning from overseas trip with husband and reporting him to be dead
- a if they were getting along and there was no war in that region – she is believed (may remarry/have ייבום)
 - b if they weren't getting along OR there was war in that region – she isn't believed
 - i reason for lack of credibility during war – she assumes, e.g. if she saw him attacked, that he couldn't survive and must have died (might have been rescued and healed)
 - ii ר' יהודה: she's never believed unless she returns with torn clothes and other signs of mourning
- II Status of various catastrophes (besides war)
- a Famine:
 - i רבא originally thought it to be unlike war and she is believed
 - ii woman came to רבא and he got her to admit that she only assumed him to be dead
 - iii רבא then ruled that famine is worse than war – unless she testifies that she buried him, not believed
 - b cave-in is similar to war (likely for her to assume death)
 - c attack of poisonous snakes and scorpions – similar to war
 - d plague:
 - i some say it is similar to war – may assume his death
 - ii some say it is dissimilar – she relies on the aphorism that “everyone goes in his time” and some are spared
- III Further on her credibility
- a If she is our only source of awareness of the war –
 - i Lemma1: Do we employ מה לי לשקר (if she wanted to lie and be believed, could have said שלום בעולם) OR
 - ii Lemma2: The חזקה that she will assume death cannot be trumped by מה לי לשקר
 - iii Proofs:
 - 1 “they smoked us in our house, I escaped and husband died” – not believed (→don't accept מה לי לשקר)
 - (a) rejection: just as she was miraculously saved, so might he have been saved
 - 2 “non-Jews attacked us; he died and I was spared” – believed (→do accept מה לי לשקר)
 - (a) rejection: woman will stick around, since they won't kill her (they'd prefer to have relations w/her)
 - iv related story:
 - 1 fire broke out at end of חופה; bride cried out “see my man” and they found an (unidentifiable) burned body and a burned hand
 - (a) suggestion: should be similar to “smoked house” →not believed
 - (i) reason: perhaps the body is that of a volunteer fireman and the hand was her husband's
 - (b) rejection: in this case – she pointed to her husband (burning up)
- IV Credibility of 1 witness during times of war (when wife is not believed)
- a Lemma1: 1 witness is believed re: something which will come to light; same here OR
 - b Lemma2: 1 witness is believed b/c she will be careful to confirm before remarrying; here, she may despise the man and not be careful (being willing to have him come back and thereby become אסור to him in any case)
 - c Proofs:
 - i Story with ר"ע in נהרדעא – inconclusive, all that נחמיה ר' meant to say was that he couldn't get to ביה"מ
 - ii story of 3 men, women (=1 עד) reported and were believed (drowning::war) – inconclusive, since they must have testified that they saw them wash up ashore and buried them – and provided identifying marks (סימנים)
 - iii (tangent) מפקיד entrusted sesame to a שומר another; when he claimed them, the שומר maintained that the מפקיד had already taken them back – but the מפקיד pointed to the exact amount in the same barrels – the שומר claimed that he had emptied the barrels and put in another's פקדון.
 - 1 ר' חסדא considered this parallel to the drowning (no concern that the bodies were others')
 - 2 רבא: not comparable – identifying the bodies is > the same amount of sesames in the barrels
 - 3 מר קשישא: since when do we consider the possibility that they were removed?
 - (a) Proof: if one found a vessel with an initial (“מ”, “ת” etc.) – contents are deemed מעשר, תרומה etc.
 - (b) Response: ר' יוסי disagrees and maintains that the contents are חולין
 - (c) Rather: all agree that we consider it may have been moved: dispute is whether they would have erased the letter
 - (i) חכמים: they would have erased it
 - (ii) ר' יוסי: either they didn't get to it yet, or they left it to dissuade thieves

- 4 case: man with specific and unique name and title died and was reported dead
- (a) **אביי**: we must check for anyone else with that name
- (i) *proof*: unique name found on divorce from **נהרדעא**; **שמואל**'s father sent question to **ר' יהודה נשיאה** and he answered – check for others with that name in **נהרדעא**
- (b) **רבא**; no need to check
- (i) *response*: if there was a need to check, why limit to **נהרדעא**; rather, **ר' יהודה** did that to prevent embarrassing **שמואל**'s father (for asking an unnecessary question)
- (ii) *proof*: document with fairly common names in **מחוזא** and **בר אבוה** validated it for collection
1. *response* (**אביי**): no reason for concern:
 - a. *possibility1*: it fell from the creditor's hand – people are careful
 - b. *possibility2*: he entrusted it – since their names are similar, he wouldn't do so
 - c. *possibility3*: he gave it to another (with same name) for collection – that's valid
- 5 case: **גט** found with unique name and they found one other person with that name and witnesses testified that he was elsewhere on that day:
- (a) **אביי**: in this case, affirms **גט** since they checked and witnesses testified that other candidate was elsewhere
- (b) **רבא**; in this case, rejects **גט** since this other fellow may have sent it to that town and they wrote the town where it was written, not executed – or he miraculously traveled from one town to the other
- 6 conclusion re: **sesames** – we suspect that these are others and the **מפקיד** already collected his