

13.15.2

116a (קטטה) → 117b (דרגיש לה צערא)

1. והיה הבכור אשר תלד יקים על שם אחיו המת ולא ימחה שמו מישראל: דברים פרק כה פסוק ו  
 2. כמים הפנים לפנים פן לב האדם לאדם: משלי פרק כז פסוק יט

- I Further analysis of 'א' משנה: definition and reasoning behind לבניה diminishing her credibility
  - a *Definition*: If she claims that he divorced her (but the witnesses she names deny it)
  - b *Reason*:
    - i Because we see that she lies
    - ii Because she wants to be divorced, she won't check carefully to see if he really died
    - iii *Split the difference*: if he generates the dispute (only second reason applies)
  - c *Attendant question*: 1 witness along with קטטה – creidibility is left in question (תיקו)
- II Analysis of יהודה ר' s dissent (only believed if she arrives in state of mourning)
  - a *Story*: rabbis coached a woman to rend clothes etc. - they held like רבנן but wanted יהודה ר' to accept her testimony
- III משנה ב' dispute between ב"ה/ב"ש re circumstances of "death" where her credibility holds
  - a ב"ה – only believed if she's coming from the wheat harvest, in the same region (not abroad)
    - i *reason*: she'll be afraid of being discovered if it happened nearby
  - b ב"ש – any circumstance, any location – רבנן's example was just using typical status
  - c suggestion: רבנן (רחב"ע) or not (רבנן) in re: bringing מי חטאת in a boat - limited to ירדן
  - d rejection: even ב"ש could agree with רחב"ע – the decree was made due to an incident and it was limited to the location of the incident; even ב"ה could agree with רבנן – no rationale for distinguishing between ירדן and other rivers; but here, the issue of credibility is directly associated with proximity (note: doesn't answer "קציר")
  - e ruling: כב"ש
- IV משנה ג' dispute between ב"ה/ב"ש re payment of כתובה
  - a ב"ה – she may marry, but not claim כתובה
  - b ב"ש – may also claim כתובה -
    - i *argument*: ק"ו – if we permit איסור אשת איש by her testimony, ק"ו we should permit ממון
    - ii *counter*: we don't allow the brothers to claim their inheritance based on her עדות (need 2 עדים)
    - iii *rejoinder*: text of כתובה indicates that when she remarries, she receives her כתובה
    - iv *Application*: (רב חסדא) – if she is מתייבמת, the יבם inherits from the dead brother on her testimony
  - c ruling: כב"ש
  - d *Detail*: (רב נחמן)
    - i if she testifies that he died and she should be permitted to marry, we give her the כתובה
    - ii if she testifies that he died and she wants her כתובה – we don't even allow her to marry
    - iii *question*: if she requests both, how do we judge it – תיקו
- V משנה ד' excluded witnesses
  - a all are believed to testify that he died except for her mother-in-law, her daughter (sister-in-law), co-wife, wife of potential יבם and her husband's daughter (all are afraid that she will "eat into" their inheritance)
  - b distinction between גט (these women are believed to bring גט and testify to its validity) and death – גט has script which validates itself
  - c *question*: is father-in-law's daughter included?
    - i *Lemma1*: בת חמותה learns from her mother → n/a OR
    - ii *Lemma2*: she resents the possible loss to inheritance → applies
    - iii *Proof*: משנה 5 lists → n/a
    - iv *Rejection*: בת חמותה::בת חמיה no need to list separately
  - d יהודה ר' – adds father's wife and daughter-in-law
    - i רבנן see them as subsumed under husband's daughter and mother-in-law, respectively
    - ii יהודה ר' distinguishes – daughter-in-law hates mother-in-law because she is privy to intimate secrets which her husband shares with his mother; father's wife also hates her because her father shares everything with her
    - iii רבנן – v. 2 → relationships are mutual (no need to add opposite numbers)
    - iv לימוד יהודה ר' – v. 2 refers to התורה
  - e question asked in א"י – a mother-in-law who comes into the family afterwards – left unanswered