


Witnesses in Married Life – Comparison Summary

Ref: *Sefer Nashim*

	Number of Witnesses	Finance and Prohibitions	Explanation
MARRIAGE			
Transfer of money (at least 1 <i>prutah</i> worth) in marriage procedure	✓ 2		<i>Kidushin</i> chapter 3
Marriage by transfer of <i>shtar</i> (contract)	<i>Ketubah</i> text ref <i>Yibum chap 4</i> ✓ 2		<i>Kidushin</i> chapter 3
Marriage by sexual relations	✓ 2		It has become a universal custom to consecrate marriage through transfer of money. From the <i>Rabanan</i> , one may not consecrate marriage through sexual relations. <i>Kidushin</i> chapter 3 (But relations are in privacy)
Agent appointed by husband to consecrate	x		<i>Kidushin</i> chapter 3. Agent is regarded as principal himself. Witnesses not needed to observe the appointment, only the consecration.
Agent appointed to receive <i>kidushin</i>	✓ 2		<i>Kidushin</i> chapter 3
2 Agents can act as 2 witnesses	✓ 2		<i>Kidushin</i> chapter 3
Consecration in presence of 1 witness	x		<i>Kidushin</i> chapter 4
Consecration in presence of disqualified witness	x		<i>Kidushin</i> chapter 4
Woman waives rights (<i>mochelet</i>) to <i>ketubah</i> (i.e. marriage contract husband makes with wife before the <i>chuppah</i>)		✓ witnesses needed	<i>Kidushin</i> chapter 17 Both parties need to be present but witnesses not needed. Nor is a contract needed. Words are binding. financial matters differ from marriage on divorce i.e. in financial matters it is more to do with confirming event rather than affecting.

Verbal commitments between husband and wife between <i>erusin</i> and <i>nisuin</i> , and after <i>nisuin</i> , regarding <i>ketubah</i> and dowry	0		<i>Kidushin</i> chapter 23 Law varies according to circumstances but no witnesses needed
MISBEHAVIOUR			
Adulteress	2		<i>Kidushin</i> chapter 44
Woman violates <i>Dat Yehudit</i>	2		<i>Kidushin</i> chapter 44
MOTZI SHEM RA (on woman)			
Scandalous report about a <i>woman</i> (in contrast to a <i>naarah betulah</i>) – see further on	2		<i>Kidushin</i> chapter 44
DIVORCE			
Husband transfers <i>get</i> to wife (divorce contract)	2		<i>Gerushin</i> chapter 1
Get signed by witnesses	2		<i>Gerushin</i> chapter 1 However essential witnesses at transfer of <i>get</i>
<i>Get</i> read out aloud in presence of witnesses	2		<i>Gerushin</i> chapter 1
Husband appoints agent (<i>shaliach halachah</i>) to deliver <i>get</i> to wife	0		<i>Gerushin</i> chapter 6 This is because it only involves transporting <i>get</i> and not the divorce itself
Woman appoints agent to receive <i>get</i> (<i>shaliach kabalah</i>)	2		<i>Gerushin</i> chapter 6 2 witnesses for appointing <i>and</i> 2 witnesses for receiving
Woman appoints agent to fetch <i>get</i> from husband (<i>shaliach havaah</i>)	0		<i>Gerushin</i> chapter 6 – only involves transporting
Agent of husband delivers <i>get</i> to wife	2		<i>Gerushin</i> chapter 6 – must be given and read out
Husband revokes <i>get</i> before it reaches wife's hand	2		<i>Gerushin</i> chapter 6 After reaching her hand it is too late

In Diaspora agent witnesses writing and signing of <i>get</i> .	2		<i>Gerushin</i> chapter 7 Then also must announce to wife that he has been present at the writing and signing (uncommon in <i>Eretz Yisrael</i>)
MIUN			
<i>Miun</i> – a <i>minor</i> girl may refuse her husband and leave him without a <i>get</i> . There is however a document written	2		<i>Gerushin</i> chapter 11
VALIDITY OF WITNESSES			
Validity of witnesses who testify that a wife is divorced	1 witness adequate	2	<i>Gerushin</i> chapter 12 5 Women who are not believed regarding this testimony
Validity of witnesses who testify that husband died	1 witness adequate [<i>Yibum</i> : 1 witness (she may perform <i>yibum</i> on this basis) <i>Yevamot</i> chapter 2]	2	 However <i>Rabanim</i> allowed following leniencies Testimony of 1 witness <ul style="list-style-type: none"> • Testimony of woman or maidservant accepted • Accepted testimony of written document • Less stringent with their investigations
Wife's testimony regarding death of husband	[The testimony of a <i>yevamah</i> is not accepted regarding death of her <i>yavam</i> . Similarly with testimony of <i>yavam</i> about his brother's death. <i>Yevamot</i> chapter 3]		Exception of 5 women who hate each other. Basically, her word is relied upon in situations where some people will live and some die. But in situations where <i>most</i> people will die, her word is <i>not</i> accepted.
YIBUM AND CHALITZAH			
Transfer of money (at least 1 <i>prutah</i>)	2		
Transfer of <i>shtar</i>	2		<i>Yibum</i> chapter 4 Documents plus procedure is in front of 5 people – 3 judges plus 2 people
Marriage by sexual relations	2		

Witnesses testify regarding brothers, <i>yevamah etc</i>	1	2	Even testimony of women, servant or minor are accepted. Procedure is best in a court of 3 judges + 2 people to make matter public <i>Yibum</i> chapter 4
Documents written for <i>chalitzah</i> does not need witnesses	0	2	Because judges know the identities of <i>yavam</i> and <i>yevamah</i> <i>Yibum</i> chapter 4
RAPE OR SEDUCTION			
To be culpable for a <i>fine</i> , the rape of a virgin between ages of 3-12½ needs to be with witnesses 2 and court of 3 judges. <i>Hilchot Naarah Betulah</i> , chapter 1	2		In financial matters, it is not sufficient for rapist to admit on himself. Witnesses would be needed. Because of victim's age, father should be involved.
<i>MOTZI SHEM RA ON NAARAH</i>			
Scandalous report by husband on his wife (<i>motzi shem ra</i>) applies only to a <i>naarah</i> i.e. 12 – 12½, and can only occur after <i>erusin</i> and before <i>nisuin</i> . Because there is possibility of capital punishment it can only be judged when Temple standing by 23 judges and there must be 2 witnesses	2		
SOTAH – jealousy			
2 witnesses needed when warning given. If she is then seen (by two witnesses) entering into privacy with man who she had been warned about, then if even just 1 witness, testifies that wife had relations, her/his testimony is accepted <i>Hilchot Sotah</i> chapter 1	2 for warning 1 may be enough for incrimination		Husband must divorce wife unless it is the Temple times when wife could be checked by the bitter waters. 2 Witnesses are needed to allow checking by bitter waters Reason for leniency of 1 witness who testified that wife <i>had relations</i> is because wife had already been warned not to go into <i>privacy</i> with that specific man.