

## ואפילו במקום שנעשית לה צרה<sup>1</sup> –

**And even in a situation where she becomes her rival**

### Overview

רב derived from our<sup>2</sup> משנה that a woman can become a שליה for another woman, even if (by carrying out this שליחות) she becomes her rival. תוספות explains the novelty of this ruling and why indeed this ruling is valid.

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תוספות first explains the חידוש (why we would have thought that she cannot be a שליה):

**דנהי נמי דצרתה אינה נאמנת לומר מת בעלה<sup>3</sup> דילמא מקלקלא לה<sup>4</sup> -**

**For granted indeed that her צרה is not believed to say ‘her husband died’, for we are concerned that perhaps she means to ruin her,** nevertheless she does become her שלוחה to be מקבל her קידושין, and there is no concern; the difference being that-

**הני מילי<sup>5</sup> עדות בלא מעשה אבל עדות<sup>6</sup> במעשה נאמנת -**

**When do we say that she is not trusted, only if it is (merely) testimony without action; however if there is testimony with action, she is believed.**

רב offers an alternate חידוש in the ruling of תוספות:

**אי נמי יש לומר דהחידוש הוי מהא דאמר אשה נעשית שליח לחבירתה -**

**Or one may also say; that the חידוש of רב is from this which he said that a**

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<sup>1</sup> A צרה (or rival) means that both women are married to same man, so they are rivals vying for the man's attention.

<sup>2</sup> The משנה (on נב, א) ruled that if one woman accepted the קידושין from one person for many woman, they are all צרות זו לזו (except for the sisters), even though they are now מקודשות to this person.

<sup>3</sup> The rule is that even one woman is believed to testify that someone's husband died and then that woman (widow) may marry based on this testimony. However if two women (רחל ולא) are married to one person (יעקב), neither woman can testify that their husband died and allow her צרה to remarry. We are concerned perhaps the testifying צרה hates the other woman so much that she wants to ruin her. Therefore she testifies that the husband died (even if it is not true), so that the other צרה will remarry, and then when the husband will return alive, her צרה will suffer that she must leave both husbands, and receives no כתובה, etc.

<sup>4</sup> Presumably the case here is where all the women told her to become their שלוחה to accept קידושין from this person on their behalf. Therefore perhaps here too let us be concerned that she has no intention of being a שליה to her (potential) צרה, and she is not accepting the קידושין on her behalf. She lied to them when she agreed to be מקבל (and when she was מקבל the קידושין, perhaps she made it clear [to other עדים] that she is not מקבל קידושין for her צרה). The צרה therefore should not be מקודשת. This משנה teaches us that nevertheless we assume that she is agreeing to become her שלוחה even though they become צרות זו לזו.

<sup>5</sup> We are concerned that a צרה may lie if she is only giving testimony, but she did not do any action (like the case of מת בעלה [see footnote # 3]), however in our case she is not just saying that her צרה is מקודשת she actually accepted the קידושין, once there was an act, we are not concerned that she is lying.

<sup>6</sup> Others suggest that this should read אבל שליחות במעשה מהני (instead of נאמנת). There is no עדות on the part of the woman (for there must be קידושין); the issue is (merely) whether she was a שלוחה to be מקבל קידושין on behalf of her צרה. We assume that when an action is taken there is no lying.

- צרה becomes a שליח for her woman

אפילו היכא דקיבלה הקידושין<sup>7</sup> מסתמא:

Even when she accepted the קידושין without specifically agreeing to accept קידושין on their behalf.

### Summary

The חידוש of רב is either that we are not concerned that she wishes to ruin her צרה (since there was a מעשה), or that we assume that she accepted her שליחות even if she did not say so explicitly.

### Thinking it over

1. How indeed does רב know (from our משנה) that she is מקבל the מסתמא שליחות, perhaps the משנה is discussing a case where she agreed (explicitly) to be מקבל the קידושין on their behalf?<sup>8</sup>

2. What are the relative advantages of two תוספות explanations?

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<sup>7</sup> [See footnote # 4.] The case here is where all the women told her to become their שלוחה to accept קידושין from this person on their behalf. However she did not clearly state that she agrees to be their שלוחה. She merely heard them out and went and was מקבל the קידושין (and when the man said; 'accept קידושין for all of them', she was again silent). One may have thought that since she did not specifically agree, perhaps she does not want the other women (her צרות) to be married to her husband, and therefore she was not מקבל קידושין on their behalf. רב teaches us that since she did not disagree and say she is not their שלוחה, we assume that she agrees to be their שלוחה so they are all מקודשות.

<sup>8</sup> See נחלת משה.