TX, C, 1

Request for an instruction how to divorce an impotent husband

The beginning of the question is lost, but all the essential facts are preserved. Style, spelling, and script suggest that the document Contents was written in a little town or village. The young woman probably was a poor orphan with no family of her own, since her husband had provided her with the trousseau.

TS 10 J 4, I. II.

"Whenever she is alone with him (that is, whenever he tries to approach her), he falls down and shakes convulsively and remains in this state until the fit is over. The girl is all the time in utmost distress because of intense fear. Since this state of the husband persisted, she was unable to remain with him any longer. She appeared before the court and released him from the payment of the late marriage portion, which he owes her according to her marriage contract. She requested him to set her free by writing her a bill of repudiation as required by the law of Moses, son of Amram, may he rest in peace. The girl declared also that this husband of hers with whom she was married did not have sexual intercourse with her and that she still was a virgin and no man had known her.

Please provide us with your legal opinion whether her divorce in the described manner is obligatory or not. Also, whether the gift of the early marriage portion made to the girl is void and returns to the husband after he incurred debts for the girl on her wedding expenses and on what she needed for marriage, whereupon she found him to be in such a state that it was impossible to remain with him. This illness is chronic since he was taken by it, but she had neither observed nor known of it before. Please provide us with your legal opinion.