



Suspicious Motives

The *Mishnah* (2:9-10) discusses several cases where a woman was freed from marriage based on a single witness's testimony or required to divorce her husband based on a single person's judgment. In those cases, that individual is forbidden to marry the lady out of concern that he was previously dishonest so that he could marry her. One case is regarding the messenger that delivered a woman's *get* (divorce document). The *Mishnah* explains that the husband is overseas and the *shaliach* (messenger) brought the *get* to his wife in *Eretz Yisrael*. The messenger is required to declare that the *get* was both written and signed in front him. If he does, then he alone is believed, and the wife is divorced. The *get* is still valid even if the husband subsequently objects that the *get* was forged. The *Mishnah* rules that the *shaliach* cannot marry the divorcee.

The *Gemara* in the beginning of *Gittin* presents a debate regarding the requirement of declaring that the *get* was both written and sign in front of the *shaliach*. According to *Raba*, the concern was that those outside of *Eretz Yisrael* were not versed in the laws of writing a *get* and in particular that the *get* be written *li'shma* – for the purpose of this specific husband and wife. The *shaliach's* declaration was necessary to affirm that the *get* was valid. *Rava* however explains that ordinarily, if the husband objected to the validity of the *get*, then *Beit Din* can simply substantiate the signatures on the *get* in response. This would be more difficult for a *get* that came from overseas. Consequently, the *Chachamim* were lenient such that if the *shaliach* declared that it was written and signed before him, he would be believed, and any future objections would be rejected. According to both understandings, if the *shaliach* delivered a *get* within *Eretz Yisrael*, then the *shaliach's* declaration is not required.

The *Ritva* however asks why the *Mishnah* only referred to the case where the *shaliach* came from outside *Eretz Yisrael*. If the *shaliach* delivered the *get* within *Eretz Yisrael* he would similarly be believed on his own. The *Ritva* answers that even though he is believed when he delivers the *get*, if the husband objects, then we accept it and the *shaliach* will stand in question (until the signatures are substantiated). That being the case, a *shaliach* delivering within *Eretz Yisrael* will be too scared to lie. Consequently, the *Mishnah* only addresses the cases where the *shaliach* came from overseas and would be trusted in the face of any protests.

The *Ritva* however continues, if a *shaliach* delivered a *get* within *Eretz Yisrael*, and declared that the *get* was both written signed before him, then he would be trusted despite the husband's objections. Consequently we find a case also within *Eretz Yisrael* where we should be concerned that the *shaliach* lied if he then married that woman. The *Ritva* admits that that would indeed be the ruling. The *Mishnah* taught however in broad terms regarding the law of a "*shaliach* from overseas". A *shaliach* within *Eretz Yisrael* that made the declaration would fall under that law.

The *Meiri* however argues that even if the *shaliach* delivered the *get* within *Eretz Yisrael* and made the declaration, he would still be able to marry the woman. The difference with a *get* delivered within *Eretz Yisrael* is that the *shaliach* would have been too scared to forge the document out of concern that the "witnesses" whose signature were presented in the document would come to *Beit Din* and testify that the *get* was forged. With a *shaliach* that came from overseas, the witnesses would not be available to falsify the document. Consequently, only regarding a *shaliach* that came from overseas would we be concerned that the *shaliach* forged the document if he subsequently married the woman.

Revision Questions

יבמות א' ג' – ג' ב'

- What are the six relationships forbidden to both brothers? (א: ג')
- Can one marry a *tzarah* of one of these relatives? (א: ג')
- Who argues with the principle brought in the first *Mishnah* and what does he argue? (א: ד')
- List two implications of this dispute. (א: ד')
- What are the cases brought of “*eshet achiv shlo haya b'olamo*”? (ב: א-ב')
- Who argues on the second case and why? (ב: ב')
- What is the law regarding the two sisters that married two brothers, and then the both brothers passed away, with respect to the third remaining brother? (ב: ג')
- What is the exception to the answer to the previous question? (ג: א')
- What is an *issur mitzvah*? (ד: א')
- What is an *issur kedushah*? (ד: ב')
- What is the law regarding *yibum* for a relationship defined as an *issur mitzvah* or *issur kedushah*? (ג: ב')
- Is a brother that is a *mamzer* required to perform *yibum*? (ה: א')
- What should one do if he married one of two sisters, but is unsure who he married? (ב: ג')
- Regarding the previous question, what should his brother do if this person then dies (without any children)? (ב: ג')
- Regarding the previous question, is the law different if he has more than one brother? (ב: ג')
- If two unrelated people married two sisters but were not sure who married who, what should they do? (ז: א')
- Regarding the previous question, what should their brothers do if they then die (without any children)? (ז: ב')
- Regarding the previous question, is the law different if one of the husbands had more than one brother? (ז: ב')
- Regarding the previous question, is the law different if both the husbands had more than one brother? (ז: ב')
- In general, on which brother does the responsibility of *yibum* initially lie? (ח: א')
- What is one suspected of doing if he is obligated to divorce a woman he married? (ח: ב')
- If witnesses come with news that a women's husband was killed, are they allowed to marry his wife? (ט: א')
- What other two cases share the same law as the previous question? (ט: ב')
- What are the two exceptions to the answers for the previous two questions? (י: א')
- If two brothers marry two sisters and then die (without any children) can the two remaining brother perform *yibum*? (א: ג')
- What is the law if they both go ahead and perform *yibum*? (א: ג')
- Regarding the previous case:
 - Is the law any different if one of the remaining brothers is a relative of one of the widowed sisters (*issur ervah*)? (ב: ג')
 - What is the law if one of the remaining brothers has an *issur kedushah* with respect to one of the widowed sisters? (ג: ב')

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

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Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
4 February י"ט שבט	5 February כ' שבט	6 February כ"א שבט	7 February כ"ב שבט	8 February כ"ג שבט	9 February כ"ד שבט	10 February כ"ה שבט
Yevamot 3:3-4	Yevamot 3:5-6	Yevamot 3:7-8	Yevamot 3:9-10	Yevamot 4:1-2	Yevamot 4:3-4	Yevamot 4:5-6

