



We Were Forced

The second chapter includes many cases where people volunteer information and follow it with further details that effectively undoes any affect of that original admission. Many of these cases are considered “*ha’peh sh’asar hu ha’peh she’hitir*”. This loosely translates to meaning, the same mouth that incriminates is the mouth that acquits. Since the subject could have remained silent, we believe the full story. This is of course, as the *Mishnah* details, is only if there are no witnesses that incriminate him and we are dependant on his admission.

One interesting case (2:3) involves a financial contract where the signatures of the witnesses have not been substantiated. The *Mishnah* teaches that if the witness admit that the signatures are theirs but claim that they were forced to sign the document, then they are believed and the document is considered invalid.

The *Gemara* qualifies this explaining that the *Mishnah* only refers to when the witnesses claim they were force due to threats against their life. If however they were threatened financially then they are not believed and the contract is not invalid. This is because one who provides false testimony for monetary reasons is considered a *rasha*. We have learnt that one is not able to testify and make themselves into a *rasha*. Consequently they are not believed regarding the invalidity of the contract.

The *Tosfot Yom Tov* cites the *Tosfot* who question the above by citing a *Mishnah* that we learnt not so long ago. The *Mishnah* in *Yevamot* (9:2) teaches that if an individual testifies that he killed a woman’s husband, she is free to marry someone else. The explanation in that case is that “we divide his words” (*palginan dibura*), i.e. we do not accept his confession with respect to himself, but we do accept it with respect to the woman’s husband. Why can we not apply same principle here? Why do we not split the witnesses’ words and invalidate the document?

The *Tosfot* answer that *kiyum shtarot*, the necessity of validating signatures on documents, is rabbinic. Consequently, the *Chachamim* did not employ *palginan dibura* to invalidate the document. (The *Tosfot* provide a number of other solutions as well.)

The *Tosfot Yom Tov* also cites the answer of the *Ran* who explains as follows. With respect to the earlier *Mishnah* we believe him that the husband was indeed killed; whether this person was the murder or it was someone else is a separate issue. Consequently we can divide his words. In this case however, it is difficult to fragment what the witnesses are saying. If we were to suggest, for example, that they were forced by another means we no longer divide their words, but entirely uprooting them.

Yisrael Yitzchak Bankier

Revision Questions

כתובות א' ז' - ב' י'

- Explain the two opinions regarding a case of *ta'anat betulim* where she claims she is a *mukat etz*. (א' י')
- What is the third case that is debated in the same manner as the previous question? (א' ח')
- If a single woman is found pregnant, is she trusted when she says the father is a *kohen*? (א' ט')
- What did *R' Yochanan ben Nuri* rule, regarding a woman who was raped and whether she could then marry a *kohen* and why? (א' י')
- In a divorce case where the value of a *ketubah* is disputed (100 or 200), on what basis do they decide the value? (ב' א')
- What case is brought in the *Mishnah* of "*ha'pe she'asar...*"? (ב' ב')
- When are witnesses to a contract believed if they claim they were forced to sign the document? (ב' ג')
- Explain the debate regarding whether it is enough if each of the witnesses on a contract to substantiate their own signature. (ב' ד')
- Is a woman believed if she says she was divorced but cannot produce her *get*? (ב' ה')
- What is the other case brought in the same *Mishnah* that shares a similar law to the previous question? (ב' ה')
- If two women were captives and both claim that they are *tehora*, when are they believed? (ב' ו')
- How many witnesses does one require to prove he is a *Kohen*? (ב' ז')
- What are the opinions of *R' Yehuda*, *R' Elazar* and *Rabban Shimon ben Gamliel* regarding the previous question? (ב' ח')
- If a woman is kidnapped, when is she allowed to return to her husband? (ב' ט')
- What can one testify about when they are an adult regarding what they saw when they were a child? (List five matters.) (ב' י')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

**SHIUR
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Rabbi Moshe Meir Weiss
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
15 th July כ"ה תמוז	16 th July כ"ו תמוז	17 th July כ"ז תמוז	18 th July כ"ח תמוז	19 th July כ"ט תמוז	20 th July א' אב	21 th July ב' אב
Ketubot 3:1-2	Ketubot 3:3-4	Ketubot 3:5-6	Ketubot 3:7-8	Ketubot 3:9-4:1	Ketubot 4:2-3	Ketubot 4:4-5

