



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf לך – Daf טך

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- **Q:** The Braisa mentioned above said that the wooden foot of an amputee is considered to be a shoe for purposes of chalitzah. This must follow **R' Meir**, who says in a Mishna that an amputee may go out with his wooden foot on Shabbos. This would mean that he does not require the shoe to be made of leather, and therefore, the end of the Braisa that says that a material sock is passul for chalitzah must follow the **Rabanan**, and not **R' Meir**!? **A: Abaye** said, that the entire Braisa follows the **Rabanan**, and the reason they allow the wooden foot is because the Braisa is discussing where it is covered with leather.
 - **Q: Rava** asked, if that is so, that the **Rabanan** would say that a regular wooden foot is passul, then why did the Braisa have to give an example of a material sock when it wanted to give an example of something that is passul? It should have stayed with the same item and given the example of a wooden foot that was not covered in leather!? **A: Rava** said, the entire Braisa follows **R' Meir**, and the reason he holds that a material sock is passul for chalitzah is because it provides no protection.
- **Ameimar** said, the yavam doing chalitzah must press his foot against the ground (so that the shoe not come off on its own).
 - **Q: R' Ashi** asked, a Braisa says that chalitzah may be done while he is leaning (in which case it is likely that his foot is not pressed against the ground)!? **A:** The Braisa means it may be done while leaning *if* he presses his foot against the ground.
- **Ameimar** said, if one has a foot so deformed that he walks on the top of his foot rather than the sole, he cannot do chalitzah.
 - **Q: R' Ashi** asked, a Braisa says that one may do chalitzah with foot supports, which suggest that he cannot walk on his feet!? **A:** The Braisa is discussing where the cripple gave the foot support to a healthy person to wear and use for chalitzah. That is when it is valid.

MIN HA'ARKUBA ULIMATAH...

- **Q:** The Mishna says that an amputee below the knee is said to have a "regel". A Braisa says that the word "regel" regarding *oleh regel* teaches that an amputee is patur from being *oleh regel*!? **A:** Regarding chalitzah the pasuk says "me'ahl raglo", which teaches that the shoe can even be removed from what is above the foot (the remaining part of the leg).
 - **Q:** If so, why is chalitzah passul if the amputation is above the knee? **A:** The word "me'ahl" teaches that it can only be done from above the foot, but not from what is above that section (i.e. above the knee).
 - **R' Pappa** said, we can learn from here that the ankle is connected to the whole foot and is considered one. If the ankle was separate, the "me'ahl" would only teach that the shoe can be removed from the ankle, not from above that. **R' Ashi** said, even if it is separate, we would consider it as one, because it is on the same level as the rest of the foot.

MIN HA'ARKUBA ULIMAALA

- The Mishna seems to clearly say that the term "regel" does not include the thigh (the area above the knee).
 - **Q: R' Kahana** asked, the pasuk refers to the afterbirth that come from between "ragleha" (a woman's legs), which refers to her thighs!? **A: Abaye** said, when giving birth, a woman's feet are against her thighs, and the afterbirth is therefore delivered between her feet as well.
 - **Q:** The pasuk says that Mifiboshes did not cut his "raglayim" (his pubic hair), which is in the thigh area!? **A:** That word is used so that the pasuk can use a finer verbiage.
 - **Q:** Some pesukim refer to urinating as "raglav" (which refers to the thighs)!? **A:** The word is used to allow for finer verbiage.
 - **Q:** A pasuk refers to the z'nus of Yael and Sisra by saying "ragleha"!? **A:** The word is used to allow for finer verbiage.

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- **R' Yochanan** learns from a pasuk that Sisra did 7 acts of z'nus on that day.
 - **Q:** How was Yael allowed to do what she did, since she had pleasure from the z'nus!? **A:** **R' Yochanan in the name of R' Shimon ben Yochai** said, "pleasure" from resha'im is considered bad by the tzaddikim, and she therefore derived no pleasure. By being mezaneh with him, she allowed an impurity to enter into her.

CHALITZA B'MINAL SHE'EINO SHELO...

- A Braisa says, the pasuk says "naalo", which suggests that the shoe must belong to the yavam. The other pasuk therefore says "naal", which teaches that it need not belong to him. The word "nalo" therefore teaches that it must fit him – not too big or too small or without a sole.
 - **R' Yosef** once instructed **Abaye** to lend his shoe to a yavam for chalitza. **Abaye** gave his left shoe. **R' Yosef** said, that **Rabanan** only allowed using the left shoe b'dieved! **Abaye** said, to use a borrowed shoe is also only good b'dieved! **R' Yosef** said, I meant for you to give it to the yavam and have him be koneh it.

SANDAL SHEL EITZ

- **Shmuel** said the Mishna must follow **R' Meir**, who considers a wooden leg to be a shoe for purposes of Shabbos. **Shmuel's** father said the Mishna is discussing where the wood is covered with leather, and is therefore a shoe even according to the **Rabanan**.
- **R' Pappi in the name of Rava** said, a shoe with tzaraas which has been locked up for a week to determine its fate may not be used for chalitza, but if used is valid b'dieved. If a shoe with confirmed tzaraas (which must therefore be burned) is used, the chalitza is passul (it is considered to be missing the minimum size). **R' Pappi in the name of Rava** said, both these shoes would be valid for chalitza b'dieved.
 - **Q:** A Braisa says that one who walks into a house of confirmed tzaraas becomes tamei. Now, if once it is confirmed it is considered as if it no longer exists (like **R' Pappi** said of the shoe) then it should not be considered as walking into "a house" and he should not become tamei!? **A:** The pasuk there specifically refers to the tamei house as "a house", and therefore it retains its status as such.
 - **Q:** A Braisa says, if a cloth with tzaraas enters a house, the house becomes tamei. Presumably this is referring to where it has confirmed tzaraas, and we see that it still has the status of a "begeg" which gives off tumah!? **A:** The tzaraas discussed in the Braisa is within the week of being locked up.
 - Although the end of the Braisa suggests that a definite tzaraas is being discussed, the pasuk refers to this as a "begeg" even with definite tzaraas, and therefore it is treated differently than the shoe. We can't learn a shoe from here, because we don't learn a case of issur from a case of tumah.
 - **Rava** paskened, a shoe that is locked up with possible tzaraas, or that has definite tzaraas, or a shoe of avodah zarah, should not be used for chalitza, but would be valid b'dieved. A shoe that was offered to the avodah zarah, or of an "ihr hanidachas", or made for a meis, may not be used even b'dieved.
 - **Q: Ravina** asked **R' Ashi**, the shoe made for a meis can't be used, because it isn't made for walking, but neither is the shoe made by Beis Din specifically for chalitza!? **A:** He answered, since if the messenger of Beis Din would decide to wear the shoe no one would stop him, it is considered available to walk in, and is therefore valid for chalitza use.

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MISHNA

- If chalitza is done at night, the chalitza is valid. **R' Elazar** says it is passul.
- If chalitza is done with the left foot, it is passul. **R' Elazar** says it is valid.

GEMARA

- **Q:** Should we say that the first machlokes is based on whether we compare monetary cases to tzaraas cases? The **T"K** says we do not and therefore monetary cases may even be done at night, and **R' Elazar** would say that they are compared? **A:** Everyone agrees that we do not compare monetary cases to tzaraas cases, and therefore

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the end of a monetary case may be done at night, but not the beginning. The machlokes is whether a chalitzah is given the status of the end of a case (**T"K**) or the beginning (**R' Elazar**).

- **Rabbah bar Chiya** from Kitosfa'ah performed a chalitzah with a shoe of felt, by himself, at night. **Shmuel** commented showing his displeasure.
 - **Q:** Why was **Shmuel** displeased? There is an anonymous Braisa that allows a felt shoe to be used and another anonymous Braisa that allows it to be done at night!? **A:** It was because he did it alone, which follows a singular opinion. **A2:** They actually all only follow a singular view that says it may be done so l'chatchila.

BISMOL CHALITZASA...

- **Q:** Why do the **Rabanan** say that it would be passul? **A: Ulla** said, they learn a gezeira shava on the word "regel" from metzora. Just as there the blood must be placed on the right foot, so too chalitzah must be done on the right foot.
 - **Q:** We find that **R' Elazar** makes a gezeirah shava on the word "ozen" from metzora to the case of nirtza (a slave who has his ear pierced to remain a slave beyond shmitta), and it would therefore seem logical that he would make the gezeirah shava of "regel" as well!? **A: R' Yitzchak bar Yosef in the name of R' Yochanan** said, the shita of the **Rabanan** and **R' Elazar** must be reversed. **A2: Rava** said, we don't have to reverse the shitas, and the reason **R' Elazar** does not darshen the gezeirah shava of "regel" is because the words are not open and available for a drasha, and as such we can refute the drasha by saying that metzora is different because it also has other obligations (cedar wood, eizov, shni tola'as).

MISHNA

- If the yevama removed the shoe and spat, but did not read the psukim, the chalitzah is valid. If she read the psukim and spat, but did not remove the shoe, the chalitzah is passul. If she removed the shoe and read the psukim, but did not spit, **R' Elazar** says the chalitzah is passul and **R' Akiva** says the chalitzah is valid.
 - **R' Elazar** said, the pasuk says "kacha yei'aseh", which teaches that every action is essential (which is why failure to spit makes it passul). **R' Akiva** said that is no proof, because the pasuk says "kacha yei'ashe l'ish" – only actions done to the man (removing his shoe) are essential.
- If chalitzah is done on a deaf-mute yavam, or is done by a deaf-mute yevama, or on a yavam who is a minor, the chalitzah is passul. If a yevama who is a minor did chalitzah, she must do it again when she is an adult. If she does not, her chalitzah is passul.
- If chalitzah was done in front of 2 judges, or if it was done in front of 3 but one of the 3 were then found to be passul, the chalitzah is passul. **R' Shimon and R' Yochanan Hasandler** say it is valid. It once happened that a chalitzah was done when only the yavam and yevama were there, alone in prison, and **R' Akiva** said it was a valid chalitzah.

GEMARA

- **Rava** said, now that we say the reading of the psukim is not essential, if a mute man or woman does chalitzah, it will be valid.
 - **Q:** The Mishna says that a deaf-mute man or woman who does chalitzah or a minor who does chalitzah, is passul. Presumably this is because they cannot read the psukim!? **A:** The reason is because they are not mentally competent.
 - **Q:** If so, why can a mute do chalitzah? **A:** A mute is mentally competent.
 - **Q:** The Yeshiva of **R' Yannai** said that the deaf-mutes cannot do chalitzah based on the pasuk of "v'amar" and "v'amra" (they must speak). If so, a mute should also be passul!? **A: Rava** must have made his statement on the later part of the Mishna that says a deaf-mute may not do chalitzah. He says, that this is because they can't read, and if so, a mute will also not be valid for a chalitzah. The reason why the beginning of the Mishna says that chalitzah is valid even if the psukim are not read is because they can be read, they just weren't read.
- They sent to the father of **Shmuel**, if a yevama spat at one of the brothers in Beis Din, she may no longer do yibum and must do chalitzah.

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- **Q:** Who does this follow? It can't follow **R' Akiva**, because he says that spitting is not essential at all! Are we to say that it follows **R' Elazar**? But he says that removing the shoe is also essential, so spitting without removing the shoe cannot passul her from the brothers, because doing one of the permitting acts without the other cannot have an effect!? **A:** It follows **Rebbi**, who says regarding korbanos that doing one permitting act without the second permitting act does have an effect. The same would be here regarding chalitza.

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- **Q:** The Gemara said that **R' Akiva** would not hold that a yevama's spitting makes her assur to the yavam in yibum. However, a Braisa says that if a woman spits but does not remove his shoe, her chalitza is passul. This means that it has some effect but is passul. The Braisa can't be following **R' Elazar**, because the Braisa says earlier that removal of the shoe without spitting is a valid chalitza, which is not true according to **R' Elazar**. The Braisa must follow **R' Akiva**, and we see that he holds that spitting alone has some effect, which presumably would mean that it makes her assur to the yavam!? **A:** **R' Akiva** would say that the **Rabanan** were goizer when a woman spat and make her assur to do yibum, because people who see her spit will think that she also removed the shoe, and if they then do yibum, people will say that yibum can be done after a chalitza.
- **Others** sent to **Shmuel's** father that if a yevama spits at her yavam, she must do chalitza (and may no longer do yibum), but she need not spit again when she does the chalitza.
 - We find a story where a woman spat before removing the shoe and **R' Ami** told her not to spit again. This was because the order (first removal of the shoe and then spitting) is not essential, and therefore even spitting before is valid. A Braisa says this as well.
- People once asked **Levi** whether a woman with no hands can do chalitza with her teeth, whether a woman who spat blood has done a valid chalitza, and why a pasuk says that the Malach said to Daniel that he will tell Daniel the true things written in Heaven – are there false things written there? **Levi** didn't know the answer so he asked in the Beis Medrash. There they answered that a woman may do chalitza with her teeth, that a spitting of blood is valid, and regarding what is written in Heaven, if it was written without an accompanying promise it is "not true" in the sense that such a decree may be rescinded.
 - We see this in a statement of **R' Shmuel bar Ami**, who says that a decree accompanied by a promise cannot be overturned, as is taught to us by the decree and accompanying promise made by Hashem to never forgive the family of Eili for the aveiros that they did, even if many korbanos are offered.
 - **Rava** said, although forgiveness would not come about through korbanos, it could come about through Torah learning. **Abaye** said forgiveness could come about for them through Torah learning and ma'asim tovim.
 - **Rabbah** and **Abaye** came from the family of Eili. **Rabbah**, who learned Torah, lived for 40 years. **Abaye**, who learned Torah and did gemilas chasadim, lived for 60 years.
 - A Braisa says, there was a family in Yerushalayim who would die when they reached 18 years old. **R' Yochanan ben Zakai** told them, you must be from Eili's family. Learn Torah and you will live. They learned, and they lived longer.
 - **R' Shmuel bar Unya in the name of Rav** said, we learn from a pasuk that the decree against a tzibbur can always be overturned.
 - **Q:** Another pasuk says "dirshu Hashem b'himatzo", which suggests that one must call out to Hashem when He is near (i.e. before the decree is finalized)!? **A:** That refers to an individual.
 - **Q:** When is the time that Hashem is "near" for individuals? **A:** **Rabbah bar Avuha** said, this refers to the aseres yimei teshuva.
- They sent to the father of **Shmuel**, if a yevama spits blood at her yavam, she must do chalitza (and may no longer do yibum), because it is not possible that the spitting of blood doesn't have some spit in it as well.

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- **Q:** A Braisa says that blood from the mouth of a zav is not tamei. Now, if blood always has saliva, it should be tamei!? **A:** When the yevama sucks blood in and spits it out it will surely contain saliva. When blood drips out of the mouth (which is the case by the zav), it does not contain saliva.

CHEIREISH SHENECHLATZ...

- **R' Yehuda in the name of Rav** said, this (that the chalitzta is invalid but would still prevent yibum from being done) is the view of **R' Meir**. However, the **Chachomim** say that the chalitzta of a minor has no effect at all, and even yibum may still be done.

KETANAH SHECHALTZA...

- **R' Yehuda in the name of Rav** said, this follows **R' Meir** who says that a woman is compared to a man, and just like the yavam must be an adult (based on the pasuk "ish"), the yevama must also be an adult. However, the **Chachomim** say that we do not make that comparison, and therefore the yevama need not be an adult. This **Chachomim** is the view of **R' Yose**, who says that a minor yevama may do chalitzta.
 - The Gemara brings a lengthy story in which **R' Yishmael the son of R' Yose** said that his father (**R' Yose**) said that although a yavam who is a minor may not do chalitzta, a yevama who is a minor may do chalitzta.
 - **R' Ami** said that from **R' Yose** we see that a yevama who is a minor may do chalitzta once she is 6 or 7 (and has the mental capacity to buy and sell movable property). **Rava** said, she must be the age of making vows (11 years old).
 - The Gemara paskens that a yevama can do chalitzta only once she produces shte'i saasros (she is an adult), as **R' Meir** said.

CHALTZA B'SHNAYIM...

- **R' Yosef bar Menyumei in the name of R' Nachman** said, the Halacha does not follow the pair (**R' Shimon** and **R' Yochanan Hasandler** who said that the chalitzta is valid).
 - **Q:** **R' Nachman** already said this when he said that a chalitzta must be done in front of 3 people!? **A:** From that we would have thought that 3 are only needed l'chatchila. From the psak in our Gemara we would have thought that he requires 3 b'dieved but would require 5 l'chatchila.

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MAASEH SHECHALTZU...

- **Q:** How can they be believed to say that a chalitzta was done between them? **A:** **R' Yehuda in the name of Shmuel** said, the case is where there were witnesses who saw them from outside the prison.
- **Q:** Did the story happen out of prison and the question was brought to **R' Akiva** who was in prison, or did the story happen in prison? **A:** **R' Yehuda in the name of Rav** said, the story happened in prison, and the question was brought to **R' Akiva** who was in prison.
- A Braisa says, a mistaken chalitzta is valid.
 - **Q:** What is meant by a "mistaken chalitzta"? **A:** **Reish Lakish** said, it refers to a chalitzta where the yavam believes that he will marry her through the chalitzta.
 - **Q:** **R' Yochanan** asked, a Braisa says that a chalitzta is not valid until both parties intend to do the chalitzta!? **A:** Rather the mistaken chalitzta refers to where someone did chalitzta on the promise of money, and he never received the money. Still, the chalitzta is a valid chalitzta. A Braisa says like this as well.
 - A yavam once came to **R' Chiya bar Abba**, wanting to do yibum, but the yevama did not want to. She said he was only interested in her money. **R' Chiya** told the yavam to do chalitzta and through that he will be married to her. Once he did it, **R' Chiya** then told him, you have now made her passul for yibum, so go and do a full chalitzta.
 - **R' Pappa's** wife's sister fell to yibum to a yavam that wasn't befitting for her. **Abaye** told him to do chalitzta and through that he will marry her. **R' Pappa** said to **Abaye**, **R' Yochanan** said that would be passul. Rather, tell him to do the chalitzta on the condition that he will receive money. After he did the

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chalitza, **Abaye** told the yevama to give the money. **R' Pappa** said, that is unnecessary, because she never sincerely meant that she would give the money.

- A Braisa says, a mistaken chalitza is valid, but a mistaken get is passul. A forced chalitza is passul, but a forced get is valid.
 - **Q:** If he ends up saying “I am willing to give it”, then even a chalitza should be valid, and if he does not say that he is willing, even a get would be passul!? **A:** The Braisa means to say that a forced chalitza and a forced get may be valid and may be passul – depending on whether he said he is willing or not.
- **Rava in the name of R' Sechora in the name of R' Huna** said, Beis Din may preside over a chalitza even if they don't recognize the yavam or yevama. Also, a mi'un may be done even if the Beis Din does not recognize the girl. Therefore, witnesses cannot write a chalitza certification document unless they recognize the yavam and yevama, and cannot write a mi'un certification document unless they recognize the girl, because we are concerned that Beis Din may have been mistaken. **Rava** himself said that Beis Din may not do a chalitza or mi'un unless they recognize the parties. Therefore, witnesses may write the certification document even if they don't recognize the parties, because we rely on Beis Din not to make a mistake.

MISHNA

- The mitzvah of chalitza is done as follows: the yavam comes with the yevama to Beis Din and Beis Din advises him whether to do yibum. The yevama then says, “mei'ein yevami...” (my yavam does not want to take me in yibum). The yavam then says “lo chafatzti...” (I don't want to marry her). These psukim would be said in Lashon HaKodesh.
- The pasuk says “l'einei hazikeinim”, which teaches that Beis Din must see the spit.
- The yevama then says “kacha yei'aseh l'ish...”. This is the point in the pesukim that she would say until. However, when **R' Hurkinas** began requiring the yevama to continue on with the pasuk, it became the established practice to follow his procedure.
- The pasuk says “v'nikra shemo b'Yisrael beis chalutz hanaal”. This teaches that it is a mitzvah for the people to say this, but the mitzvah is for Beis Din, not for the talmidim who are there. **R' Yehuda** says it is a mitzvah for everyone present to say “chalutz hanaal”.

GEMARA

- **R' Yehuda** said, the mitzvah of chalitza is done in the following order: she reads, he reads, she removes the shoe, she spits, and she reads again.
 - **Q:** That is exactly what our Mishna says!? **A:** He is teaching that this is the ideal way, but if done in a different order it is still valid. A Braisa says this as well.
- **Abaye** said, when reading for the yevama so that she knows what to say, care should be given to read the statement of “lo ava yabmi” as one statement, so as not to make it sound as if she is saying that the yavam wants to do yibum. The same is true for the statement of the yavam when he is to say “lo chafatzti”. **Rava** said, even a pause between “lo” and the rest of the statement would not be a problem, because it is clearly part of one statement.
 - **R' Kahana** said that **Rava** agreed that care should be given not to separate the statement of “lo ava yabmi”.
- **Abaye** said, when writing the chalitza certification document, which states what took place, only pieces of the pesukim should be written, because the document does not have sirtut. **Mar Zutra** would make sirtut and then write the entire parsha of chalitza.
 - The Gemara asks how the entire pasuk can be written when it is a pasuk that is not meant to be written alone. Still, the Gemara paskens like **Mar Zutra**.
- **Abaye** said, if the wind carried the spit away before it reached the yavam, it is considered as if she has not spit, because the pasuk says that she must spit “in front of him”.

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- **Rava** said, if she ate garlic or things that make her spit and then spits, it is considered as if she has not spit, because the pasuk says it must come from her, and this is caused by something else. **Rava** also said, the pasuk says “l'einei hazikeinim”, which teaches that Beis Din must see the spit.

V'NIKRA SHEMO B'YISRAEL BEIS CHALUTZ HANAAL...

- A Braisa says, **R' Yehuda** said, we were once by **R' Tarfon** when he was presiding over a chalitzta, and he instructed us all to say “chalutz hanaal, chalutz hanaal, chalutz hanaal”.

HADRAN ALACH PEREK MITZVAS CHALITZA!!

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PEREK BEIS SHAMMAI -- PEREK SHLOSHA ASSAR

MISHNA

- **B”S** say, mi’un may only be done by an arusah. **B”H** say it may be done by an arusah or a nesuah.
- **B”S** say it may only be done to a husband. **B”H** say it may be done to a husband or a yavam.
- **B”S** say it must be done in the presence of the husband. **B”H** say it may even be done not in his presence.
- **B”S** say it must be done in Beis Din. **B”H** say it may be done in or out of Beis Din.
- **B”H** said to **B”S**, a girl may even do mi’un in successive marriages, even 4 or 5 times. **B”S** said, Jewish girls are not treated like abandoned property. Rather, she may do mi’un and then waits until she becomes an adult, does mi’un and marries again.

GEMARA

- **R' Yehuda in the name of Shmuel** said, the reason for **B”S** (why they say a nesuah may not do mi’un) is, since nesuin may not be done on a condition, allowing mi’un after nisuin will make people think that the marriage was batul retroactively because of a condition, and will lead to this mistaken understanding (that nisu’in may be done on a condition).
 - **Q:** Based on this, why can’t mi’un be done after chupah was done, but before a bi’ah was done? **A:** The Halacha is that there is no chuppah on condition either.
 - **Q:** Why can’t mi’un be done after the girl was given over to the messengers of the husband to bring her to his house? **A:** The **Rabanan** enacted that mi’un may not be done at any form of nisuin. Although in this form it should be allowed, they did not want people to get confused and therefore prohibited it across the board.
 - **B”H** hold that people know that the marriage of this girl is only D’Rabanan, and they therefore will not confuse it with a regular nissuin.
- **Rabbah and R' Yosef** said, the reason for **B”S** is that a person does not want to have his bi’ahs considered to be znus, and therefore they will not marry a minor if there is a possibility for mi’un, which would give all previous bi’ahs the status of znus. Therefore, to encourage the marriage with orphaned minors, they said that mi’un cannot be done after nissuin.
 - **Q:** Based on this, why can’t mi’un be done after chupah was done, but before a bi’ah was done? **A:** A person would not want to enter into chuppah if there is a chance that chuppah could lead to znus.
 - **Q:** Why can’t mi’un be done after the girl was given over to the messengers of the husband to bring her to his house? **A:** The **Rabanan** enacted that mi’un may not be done at any form of nisuin. Although in this form it should be allowed, they did not want people to get confused and therefore prohibited it across the board.
 - **B”H** hold that since the marriage would have kiddushin and kesubah, no one would label the bi’ahs as znus, even if mi’un took place.
- **R' Pappa** said, the reason for **B”S and B”H** is based on the husband’s use of the wife’s property. **B”S** say, if we allow mi’un, the husband will quickly use up the property before any possible mi’un takes place. **B”H** say, the

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possibility of mi'un actually causes the husband to take better care of her property, so that her relatives don't advise her to do mi'un.

- **Rava** said, **B" S** hold that a person would not go through the trouble of a wedding party if there is the possibility for mi'un, and this would cause people not to marry orphaned girls. **B" H** say a person would do so, because they want to have the status of married people.

B" S OMRIM B' BAAL...

- **R' Oshaya** said, according to **B" H** the girl can do mi'un to undo a maamar, but not to undo the zikah.
 - **R' Chisda** explained, maamar, which is done with her consent, can be uprooted. Zikah, which came without her consent, cannot be uprooted.
 - **Q:** Bi'ah with the yavam, can also be done against her will, and yet it can be uprooted!? **A:** It must be that maamar and bi'ah, which are done by the yavam, can be made batul, but zikah, which is put on her by Hashem, can't become batul.
- **Ulla** said that **B" H** hold that mi'un can even be done to make the zikah batul, because the mi'un makes the original marriage batul.
 - **Q:** **Rava** asked **Ulla**, the first Mishna of the Mesechta said that if one of the tzaros is an ervah, and she is young enough to do miun, the other tzaros can only do chalitza, and not yibum. According to what you are saying, we should have her do miun and annul the original marriage, which will then allow the tzara to do yibum!? **A:** That case is different. **Rami bar Yechezkel** taught a Braisa that says that since at the time that they fell to yibum it seemed as if an ervah was there, even a later miun will not allow yibum to take place.
 - **Rav** said, if she does miun to one brother she becomes assur to all the brothers, just as when one brother gives her a get, it makes her assur to all the brothers. **Shmuel** said that miun to one only makes her assur to that one, but not the other brothers. The difference between this and get is that a get is given by him, whereas the miun is done by her and directed specifically at the one it is done to. **R' Assi** said, after miun she is even mutar to the one she gave the miun to. He holds this way only when there is more than one yavam, and he holds that a miun cannot be done on a partial zikah.
 - **Ravin in the name of R' Yochanan** said that when miun is done to one brother she remains mutar to the other brothers, but they did not agree with him.
 - **Q:** Who is the "they" that did not agree? **A:** **Abaye** said it was **Rav**, **Rava** said it was **R' Oshaya**, and some say it was **R' Assi**.

B" S OMRIM B' FANAV...

- A Braisa says, **B" H** asked **B" S**, we find that the **Rabanan** allowed the mi'un of the wife of Pishon the camel driver even though it was not done in front of him!? **B" S** said, Pishon acted improperly with her assets, and that is why they allowed this miun.
 - **Q:** If he was using her assets, that means nissuin was already done. According to **B" S**, how could miun be done at that point? **A:** This too was allowed because he acted improperly.

B" S OMRIM BIFNEI BEIS DIN...

- **Q:** Who is the Tanna of the Mishna that says that miun must be done in front of 3 judges? **A:** **Rabbah** said, it is **B" S**. **Abaye** said it may even be **B" H**, because they agree that 3 judges are required, but they just hold that experts are not needed.

B" S OMRIM TIMA'EN...

- **Q:** The words of the Mishna say that **B" S** say she must do miun a second time when she becomes an adult. Why is that? **A:** **Shmuel** said, it means she waits until adulthood and then must say that she is still sure and does not want to retract the miun. After that, she can get married. **Ulla** said, the Mishna means that she can do miun only once, so therefore she can either wait to become an adult and accept kiddushin then, or if she wants to get married again as a minor, she would have to go right into nissuin (immediately after the kiddushin), at which point **B" S** would say that she cannot do miun.

MISHNA

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- Which minor's marriage would be subject to the allowance of miun? It is an orphaned minor who was married off by her mother or brothers with her consent. If they married her off without her consent, she does not even need miun to make the marriage batul. **R' Chanina ben Antignos** says, if the girl is not mature enough to be able to safeguard the thing given to her as kiddushin, she does not need miun to annul the marriage. **R' Eliezer** says such a minor does not get the status of a married woman at all, and it is considered as if she was seduced, and therefore, if she is the daughter of a Kohen she may continue to eat terumah, and she is a Yisraelis and the "husband" is a Kohen, she may not begin eating terumah. **R' Eliezer ben Yaakov** says, if she remains with a man because of him, she is considered to be his wife. If she stays with him not because of him, she is not considered to be his wife.

GEMARA

- **R' Yehuda** said, and some say it was a Braisa that said, initially they would write a longer version in the miun certification ("I do not want him, I do not desire him, and I do not want to stay married to him"). However, when they realized that people may mistakenly begin to use these phrases for a get, they established that the miun certificate should simply state "on a given date a particular girl the daughter of so-and-so did miun before us".
- A Braisa says, miun takes place when she says, "I do not want to be married to my husband", or "I do not want the kiddushin that my mother or brothers arranged for me". **R' Yehuda** said that miun is even if she is on the bridal chair and says I don't want to be married to my husband (even though we could say that if she really meant it she should get off the chair). More so, even if she is serving guests in her home and she says so, that is miun (even though this is not in front of Beis Din and these people will not spread the word). More so, even if her husband sends her to the store and she says so to the storeowner, it is miun (even though this is only in front of one person and it may be that it is being said out of anger for having been sent to the store).

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R' CHANINA BEN ANTIGNOS OMER KOL TINOKES...

- **R' Yehuda in the name of Shmuel** paskened like **R' Chanina ben Antignos**.
- A Braisa says, **R' Yehuda ben Beseira** said that if a girl goes ahead and enters nisuin with another man, that is considered to be her miun.
 - **Q:** What if she only accepted kiddushin from another man. Is that considered to be a miun? **A:** A Braisa says, **R' Yehuda ben Beseira** holds even acceptance of kiddushin is a miun.
 - **Q1:** Do the **Rabanan** argue on **R' Yehuda ben Beseira**? **Q2:** If they argue, do they only argue regarding kiddushin or even regarding nisuin? **Q3:** If they even argue regarding nisuin, do we pasken like him or not? **Q4:** If we pasken like him, do we only pasken like him by nisuin or even by kiddushin? **A:** We learned that **R' Yehuda in the name of Shmuel** paskened like **R' Yehuda ben Beseira**. That must mean that the **Rabanan** argue on him regarding both.
 - **Q:** Does he hold that this form of miun is good only where she was an arusah at the time of the acceptance of her new kiddushin, or even if she was a nesuah at the time of her acceptance? **A:** The Gemara brings a proof from the daughters-in-law of Abdan, who were overheard as telling other women, "Let our husbands be your husbands". When **Rebbi** was told of this comment, he said this is the greatest form of miun. Presumably they were already married with nisuin at this point, and we see that an unconventional form of miun was still sufficient.
 - The Gemara says, it may be that these women were only married with kiddushin at that point, which is why this miun was deemed sufficient.
 - The Gemara paskens like **R' Yehuda ben Beseira**, even when she was married with nisuin to the first husband.

R' ELIEZER OMER...

- **R' Yehuda in the name of Shmuel** said, **R' Eliezer's** view is the most consistent regarding the marriage of an orphaned minor, for he says that even a bi'ah with her has no significance, to the point that if she is the daughter of a Kohen, she may continue eating terumah.

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- A Braisa says, **R' Eliezer** says, there is no true marriage for an orphaned minor. Therefore, the husband does not get her finds, her earnings, does not annul her vows, does not inherit her, and if he is a Kohen he may not become tamei to her. The general rule is that she is not his wife in any respect except that she needs to do miun to make the marriage batul (otherwise it becomes a marriage when she becomes an adult). **R' Yehoshua** says the husband *does* have all those rights (that **R' Eliezer** said he does not have). The general rule is that she is treated as his wife in all respects except that this marriage can be dissolved with a simple miun. **Rebbi** said, the view of **R' Eliezer** appears more correct because he is more consistent whereas **R' Yehoshua** is not.
 - **Q:** How is **R' Yehoshua** inconsistent? **A:** Since he treats her like a wife, she should require a get.
 - **Q:** If so, **R' Eliezer** is also inconsistent, because if she is not a wife she should not even need miun!? **A:** We could not let her leave without getting anything at all, so miun is required.

R' ELIEZER BEN YAAKOV OMER...

- **Q:** What is meant when he says “she remains with the man because of the man” and when he says “she remains with the man not because of the man”? **A:** **R' Yehuda in the name of Shmuel** said, if someone proposes marriage to her and she says, “I cannot accept because I am currently married”, that is not a miun. However, if she says, “I cannot accept because that man is not befitting me”, that is a miun. **A2: Abaye bar Avin and R' Chanina bar Avin** said, if she receives a get, that makes it considered that she has been with him as her husband, and they become assur to each other's relatives and she becomes assur to a Kohen. However, if she did miun, that makes it considered as if she was not together with him as her husband, and they are mutar to each other's relatives and she is not passul to a Kohen.
 - **Q:** The next Mishna says what **Abaye bar Avin and R' Chanina bar Avin** say, explicitly, which would suggest that that is not what the previous Mishna meant to say!? **A:** The next Mishna is explaining the earlier Mishna, and they are saying the same thing.

MISHNA

- If a girl does miun, the husband remains mutar to her relatives, and she to his relatives, and she remains mutar to a Kohen. However, if he gave her a get, he would be assur to her relatives and she to his relatives, and she would be assur to a Kohen.
 - If he gave her a get, then remarried her, and then she did miun, and she married another man, and that marriage ended in his death or divorce, she may remarry the first husband. However, if she first did miun and then remarried the first husband, and then he divorced her, and she went and married another man and that marriage ended with his death or divorce, she may not remarry the first husband. The general rule is, if the get came after the miun, she may not remarry him. If the miun came after the get, she may remarry him.
- If a girl does miun, marries someone else and gets divorced from him, marries someone else and does miun with him, marries a 4th man and gets divorced from him, and then marries a 5th man and does miun with him, the rule is that anyone from whom she is divorced may not remarry her, but anyone to whom she gave miun may remarry her.

GEMARA

- **Q:** The earlier part of the Mishna seems to say that a miun is mevatal an earlier get (if the miun was done after the divorce and she then married someone else, she is allowed to remarry the first husband after that marriage to the second husband is terminated). However, the later part of the Mishna seems to say that a miun is not mevatal an earlier divorce, because the Mishna says that she is assur to all those who gave her a divorce, even though they were followed with a later miun!? **A:** **R' Yehuda in the name of Shmuel** said, these 2 parts of the Mishna must have been taught by different Tanna'im. **A2: Rava** said, it may be that it is one Tanna. The difference between the cases is that in the first part of the Mishna the miun was given to the man who gave her the divorce and therefore the miun is mevatal the divorce. In the later part, the miun is given to a different man, and therefore it cannot be mevatal the divorce.
 - **Q:** Why should there be a difference when the miun is given to a man who didn't give her the divorce? We can't say that it is because we are concerned that the man who gave the divorce convinces her to

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give the miun to the other man so that they can get back together, because then we should have the same concern when he is the same one who gave the divorce, that he will convince her to leave the other man and come back to him!? **A:** When she gave miun to a man that had previously divorced her, he had obviously already tried to convince her to come back and it did not work, so the concern does not exist.

- **Q:** The question that exists is from a different part of the Mishna. The Mishna says, if after a miun he remarries her and then divorces, and she then marries someone else and gets divorced or widowed, she may not go back to the first husband. This suggests that if the second husband would have been given miun, she would have been allowed to go back to the first husband, and shows that a miun to another man is mevatel the get of the first man. However, the Mishna later says that she cannot return to any man that gave her a get, even though she subsequently gave miun to another man!? **A: R' Elazar** said, clearly the Tanna of the earlier piece is not the same Tanna who taught the later piece. **A2: Ulla** said, the case of the Mishna may be where she had 3 marriages end in divorce. This gives her the appearance of an adult. That is why miun does not help to be mevatel the divorces.
 - **Q:** Who are the Tanna'im whose view the different parts of the Mishna follow? **A:** We find that **R' Yehuda in the name of Rav** said that when a minor gets divorced, then remarried and ends the second marriage with miun, **R' Akiva** and **R' Yehuda ben Beseira** both said that she may not remarry the first husband. **R' Yishmael the son of R' Yose** said this is not what they said was assur, because she would be mutar to remarry the first husband in this case. The case that they said was assur was that we do not cause a yevama who is an ervah and a minor to do miun just for the sake of allowing yibum to the other yevamos.
 - **R' Yitzchak bar Ashyan** said, **Rav** would agree that she may marry the relatives of the man that divorced her, and we are not gozer the relatives to prevent her from remarrying the man himself.
 - **Another version** says that **R' Yitzchak bar Ashyan** said, **Rav** would say it is assur for her to marry the relatives of the man as well, as a gezeirah.

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MISHNA

- If one divorces his wife and remarries her, and then he died without children, she is permitted for yibum. **R' Elazar** says she is assur in yibum.
 - Similarly, if one married an orphaned minor, divorced her, then remarried her and died without children, she is mutar in yibum. **R' Elazar** says she is assur in yibum.
 - If a minor was married off by her father and was then divorced, she is considered like an orphan in her father's lifetime. As such, if her husband remarried her and then died without children, all would agree that she is assur in yibum.

GEMARA

- **Eifah** explained the view of **R' Elazar**, that since at the time of the divorce the husband's brothers were assur to her, they remain assur to her forever, even if a situation of yibum later arises.
 - **Q:** The **Rabanan** asked **Eifah**, if that is true, she should not need chalitza either, and yet **R' Elazar** says in a Braisa that she does need chalitza!? **A: Eifah** said, I do not know the reason for **R' Elazar's** view.
 - **Abaye** said, the reason of **R' Elazar** is that he is unsure whether for yibum we say that we look at the time of death, and since she is mutar to the brother at the time of death she may be taken in yibum, or do we say that we consider that she fell to yibum at the time of the first marriage, and since she was assur to him after that time (at the time of the divorce), she remains assur to him forever and does not even need chalitza. Because he is unsure, he requires her to get a chalitza.
 - **Rava** said, really **R' Elazar** is sure that we look at the time of death. The reason of **R' Elazar** is that a divorce is a public matter and becomes known. However, the remarriage is something that is not known

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to all. Therefore, we must be concerned that people will think he is doing yibum with the divorcee of his brother.

- **Q:** Everyone sees them living together again, and surely people will know!? **A:** We are concerned for the case where he remarried her at night and died that next morning, in which case people will not have seen them living together.
- **R' Ashi** said, we are goizer this case for the case of the “orphan in her father’s lifetime” (the last case of the Mishna).
 - The Gemara says, from the fact that the Mishna even states the last case, which should seem obvious, is a proof that it was stated as an explanation for the reason of **R' Elazar**.
 - A Braisa is a proof to **R' Ashi** as well. The Braisa says that the **Rabanan** agree with **R' Elazar** in the case of the “orphan in her father’s lifetime”. Now, **R' Elazar** never stated that case. How is it that they “agree” with him? It must be that the Braisa understands that this case is the basis for **R' Elazar's** view.
- **Q: Rava** asked **R' Nachman**, according to **R' Elazar**, may the tzara of this woman be taken in yibum? **A: R' Nachman** said, she herself is only assur as a gezeirah, so would we then make her tzara assur as a gezeirah to that gezeirah!?
 - **Q:** We explain that **R' Elazar** says in a Braisa that either she or her tzara must get chalitza!? **A:** Explain his statement to mean that she must get chalitza, but the tzaros may either get chalitza or yibum.

MISHNA

- If 2 brothers married 2 orphaned minor sisters, and one brother dies without children, his wife is not subject to yibum or chalitza (as the ervah of a wife’s sister). The same Halacha would apply where the sisters were deaf-mutes.
 - If one of the sisters was a minor and the other was an adult, then if the husband of the minor died, she is not subject to yibum to the husband of the adult sister (she is an ervah of a D’Oraisa wife). If the husband of the adult sister died, **R' Eliezer** says we tell the minor sister to do miun and thereby allow the adult sister in yibum, **R' Gamliel** says, if she does miun on her own that is fine, and if she does not, we wait until she becomes an adult (and her marriage becomes D’Oraisa as well), and at that point the sister is patur from yibum as a wife’s sister, and **R' Yehoshua** says that he must divorce his wife and give chalitza to the yevama.

GEMARA

- **Q:** How can **R' Eliezer** say that we instruct her to do miun? **Bar Kappara** taught a Braisa that says that one should always cleave to 3 things and distance himself from 3 things: he should cleave to chalitza (rather than doing yibum), to making peace between people, and to annulling vows, and he should distance himself from miun, from taking items for safekeeping, and from being a guarantor on a loan!? **A:** When miun is needed to allow for the performance of a mitzvah, it is different and is encouraged.
 - A person should rather do chalitza, as stated by **Abba Shaul** in a Braisa, that one who does yibum for any reason other than the mitzvah, it is as if he married an ervah.
 - A person should seek to make peace, based on the pasuk of “bakeish shalom v’radfeihu”, and we learn through a gezeirah shava that a person who does so is rewarded in both worlds.
 - A person should annul his vows, as a Braisa says that **R' Nossan** said, one who makes a vow is as if he built a bamah, and one who keeps the vow is as if he brought a korbon on that bamah.
 - A person should distance himself from miun because maybe when she becomes an adult she will regret having given the miun and will be convinced to divorce her then current husband to go and remarry the first husband.
 - A person should not take things for safekeeping is referring to the case where one is safekeeping for a neighbor who comes into his house all the time. The concern is that he may once take the item back and claim that he never got it back.

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- A person should not become a guarantor refers to the Sheltzion method of guarantors, where the lenders could collect from the guarantor without first going to the borrower. **R' Yitzchak** darshened a pasuk to teach that a person should not be one to easily accept converts, to become a Sheltzion guarantor, or to be one who attached himself to a Halacha.
 - One should not easily accept converts, as **R' Chelbo** taught, because they are like a tzaraas for Yidden (because their unknowing violations of mitzvos teach others to be lax in mitzvos).
 - One should not be a Sheltzion guarantor, as explained above.
 - One should not attach himself to Halacha means as **R' Yose** says in a Braisa, whoever says that he does not learn Torah does not get reward for learning Torah.
 - **Q:** That seems obvious!?! **A:** He means that if someone says that he only learns Torah but does not do mitzvos, he will only get reward for learning Torah.
 - **Q:** That also seems obvious!?! **A:** One who says so does not even get the reward for learning Torah either.
 - **Q:** Why is that so? **A: R' Pappa** said, the pasuk puts the learning next to the doing (“u’limaditem v’asisem”), which teaches that only one who does mitzvos gets rewarded for the Torah that he learns. **A2:** It may be that he is teaching that one who learns but does not do mitzvos only gets reward for learning. The chiddush is, even if he teaches other people who thereby learn to do, and actually do mitzvos, he does not get any reward for their doing the mitzvos.
 - Another meaning of one who attaches himself to Halacha is a judge who has a question and does not run it by his rebbi before paskening.

R' GAMLIEL OMER IHM MI'ANA...

- **Q: R' Elazar** asked **Rav**, what is the reason of **R' Gamliel**? Is it because he holds that the marriage of a minor “hangs in the air” and takes effect automatically as soon as she becomes an adult (even if she did not have bi’ah with her husband), or is it that he says that when she becomes an adult he must have bi’ah with her, and that creates the marriage which then makes the yevama into an ervah? **A: Rav** said, it is the second approach that is the reason of **R' Gamliel**.
 - **Q: R' Sheishes** asked, a Braisa clearly says that the kiddushin of a minor is considered as hanging, which presumably means that when she becomes an adult it automatically takes effect (like the first approach offered by **R' Elazar**)!?! **A: Ravin the son of R' Nachman** said, it may be that the Braisa can be explained to mean that the marriage is “hanging” in the sense that if they later have bi’ah it takes effect, and if they do not, it does not take effect.