



Daf In Review – Weekly Chazarah

Maseches Yevamos, Daf קי – Daf קיז

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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- **Rav** said that if an orphaned minor married a man, that marriage only becomes D'Oraisa when she becomes an adult and then has bi'ah with her husband as an adult.
 - **Q:** We find that if an orphaned minor does not do mi'un, became an adult, and then accepted kiddushin from another man, **Rav** says she does not need a get from the second man, and **Shmuel** says that she does. Presumably the case is where she did not yet have bi'ah as an adult, and we see that **Rav** says the first marriage is D'Oraisa (and therefore prevents the second marriage from taking effect)!? **A:** The case is where she did have bi'ah as an adult.
 - **Q:** If so, why does **Shmuel** say that she must receive a get from the second man? **A:** He holds that when one has bi'ah, he does so on the basis of his first kiddushin (the one done as a minor), and does not intend to create a new marriage. Therefore there is no new marriage and the second man's kiddushin takes effect.
 - **Q:** If this is the point of argument, it seems unnecessary for them to argue, because they have already argued about this point elsewhere, regarding a case where a kiddushin was made on a stipulation and they entered nissuin without mentioning the stipulation again!? In that case **Rav** said, the fact that the stipulation was not repeated means that they obviously agreed to waive the stipulation and their bi'ah acts as a new kiddushin, and the marriage is therefore effective. **Shmuel** said that the marriage does not take effect, because when one has bi'ah, he does so on the basis of his first kiddushin, which never took effect. Why the need for this machlokes a second time!? **A:** If we would only have this second case, we would say that **Rav** holds that since the stipulation was not repeated by the bi'ah, it clearly shows that they waived it. However, in the case of the minor we would think that he may agree with **Shmuel**. If we would only say the case of the minor, we would say that **Shmuel** only holds that way in that case, but in the case of the stipulation, he may hold like **Rav**. Therefore we needed both cases.
 - **Q:** It once happened that an orphaned minor girl who had kiddushin then became an adult, and as she was being carried on the bridal chair to the nissuin, another man gave her kiddushin. **R' Bruna and R' Chananel**, who were talmidim of **Rav**, said that the second kiddushin did not take effect. We see that **Rav** says that the first kiddushin took effect even though she did not yet have bi'ah as an adult!? **A:** **R' Pappa** said, in that place they were carried on the bridal chair only after they had bi'ah. That is why the marriage took effect. **A:** **R' Ashi** said, this second man acted improperly by giving her kiddushin at that time, therefore the **Rabanan** acted "improperly" with him and said his kiddushin does not take effect at all.
- **R' Yehuda in the name of Shmuel** said, the Halacha follows **R' Eliezer** in the Mishna (we tell the minor sister to do miun and then have the adult sister do yibum). **R' Elazar** also said that the Halacha follows **R' Eliezer**.

MISHNA

- If a man is married to 2 orphaned minors, and he then dies without children, yibum or chalitzah to one of them makes the other patur. The same would apply if he was married to 2 deaf-mute women.
- If a man is married to an orphaned minor and a deaf-mute woman, yibum to one would not make the other patur.
- If a man married a regular woman and a deaf-mute woman, if yibum is done to the regular woman it makes the deaf-mute patur, but if yibum is done to the deaf-mute, it does not make the regular woman patur.
- If a man is married to an adult and an orphaned minor, yibum with the adult makes the minor patur, but not visa-versa.

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GEMARA

- **Q:** How can the Mishna suggest that a deaf-mute woman can get chalitza? A Mishna says that she cannot!? **A: R' Gidal in the name of Rav** said, our Mishna was only suggesting that yibum could be done, not chalitza. **A2: Rabbah** said, our Mishna is discussing a woman who was already deaf-mute at the time of marriage. Such a woman could get chalitza. The other Mishna is discussing a woman who became deaf-mute after marriage, who cannot do chalitza.
 - **Q: Abaye** asked, a Mishna says that if 2 brothers, one of whom is a deaf-mute and the other of whom is healthy, who married a deaf-mute woman and healthy woman, respectively, if the deaf-mute husband dies, the healthy brother must do yibum and can then divorce her if he'd like. The Mishna is presumably discussing where she got married as a deaf-mute, and suggests that only yibum, and not chalitza, may be done!? **A:** The woman in the Mishna got married healthy and later became a deaf-mute.
 - **Q:** That same Mishna says, if 2 healthy brothers married women, one of whom was a deaf-mute and the other of whom was healthy, if the husband of the deaf-mute died, the brother must do yibum and can then divorce her if he'd like. The Mishna is presumably discussing where she got married as a deaf-mute, just as the husband was someone who got married when he was healthy, and suggests that only yibum, and not chalitza, may be done!? **A:** The Mishna is discussing where she got married healthy and later became a deaf-mute. The fact that the husband's health status remained unchanged does not mean that the Mishna must be discussing a woman whose health status remained unchanged.
 - **Q:** The same Mishna says, if 2 brothers (one healthy and one deaf-mute) marry 2 sisters (one healthy and one deaf-mute), and the healthy brother, who is the husband of the healthy woman, dies without children, the deaf-mute brother must divorce his wife and the healthy woman is stuck, not allowed to remarry again (she can't do yibum, because the deaf-mute was married to her sister via a Rabbinic marriage, and can't do chalitza, because the yavam is a deaf-mute and can't read the psukim). Now, this must be discussing where the husband got married as a deaf-mute, because a Mishna says that if a man got married healthy and became a deaf-mute he cannot divorce his wife!? Clearly then, the case must be where he was a deaf-mute all along. If so, the case must be where she was similarly a deaf-mute all along. If so, it would make sense to say that the earlier part of the Mishna is also discussing where she was a deaf-mute all along, and the earlier part of the Mishna says that chalitza may not be done with her. How can **Rabbah** say that such a woman can do chalitza!?
 - **Rabbah** remained quiet when faced with this question.
 - **R' Yosef** said to **Abaye**, the question you asked is not a good one, because we can answer that although the later part of the Mishna is discussing where they were deaf-mute at the time of marriage, the earlier part of the Mishna may be discussing where they were healthy at the time of marriage and later became deaf-mute. Rather, the better question would have been from another part of that Mishna. The Mishna says that if 2 brothers who were deaf-mute married 2 sisters who were deaf-mute, or even healthy, or, if 2 sisters who were deaf-mute married 2 brothers who were deaf-mute or even healthy, all are patur from yibum or chalitza (because the wives are sisters and both marriages are only D'Rabanan). However, the Mishna says, if the women were not sisters, the surviving brother would have to do yibum and could then divorce her if he desired. Now, this can't be discussing where he was healthy at the time of marriage and later became deaf-mute, because such a person cannot issue a divorce. Clearly he was a deaf-mute all along. Now, it therefore must follow that the same case is true of the women in this part of the Mishna, and we see that the Mishna says that they can only do yibum, and cannot do chalitza. **TEYUFTA of Rabbah!**

KETANA V'CHEIRESHES...

- **R' Nachman** said, I once met **R' Ada bar Ahava** and his son-in-law **R' Chana** as they were learning, and they said, when the Mishna says that the yibum of the minor or the deaf-mute does not make the other patur, that is only when the dead brother was a healthy man. In that case, we are unsure whether he wanted the minor more as his wife (since she will one day be a healthy adult) or the deaf-mute more (since she was already an adult and

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more fit for bi'ah). However, if the dead brother was a deaf-mute himself, it is clear that the deaf-mute woman is the more desired wife, because she is more similar to him. **R' Nachman** said, I told them that even in that case it is uncertain who was the more desired wife.

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- **Q:** Since the yibum of either the minor or the deaf-mute does not release the other, how can we go about freeing both these women to allow them to remarry? **A: R' Chisda in the name of Rav** said, the yavam should marry the deaf-mute and then divorce her, and the minor should wait until she is an adult, and should then do chalitza.
 - **R' Chisda** said, we see from here that **Rav** holds that a deaf-mute's marriage is D'Rabanan considered as partially acquired by the husband and partially not, and an orphaned minor's marriage is D'Rabanan a safek whether there is a kinyan or no kinyan. Because, if he held the reverse, why would he marry the deaf-mute and then divorce her? She should be able to remain married to him in either case – if she is considered as acquired, she did yibum, and if she is not, it is as if he is marrying a woman with whom he had no previous relationship. If you will say, that based on this logic he should be able to marry the minor, because if she did have a kinyan then a proper yibum was done, and if she did not then he has married a woman with whom he had no relationship, that is incorrect, because that gives no method by which the deaf-mute gets released.
 - **R' Sheishes** said, a Braisa is a proof to what **R' Chisda** said. The Braisa says that 2 brothers who are married to 2 sisters, one of who is a minor and the other of who is a deaf-mute, if the husband of the deaf-mute dies without children, the brother must divorce the minor and the deaf-mute remains forever assur. However, if he did bi'ah with the deaf-mute, he can give her a get and she becomes mutar to remarry. Now, this is only true if we say like **R' Chisda**, because then the bi'ah with the deaf-mute and the get make her mutar in either case (if the minor was fully acquired, her sister is anyway mutar to remarry, and if the minor is not acquired at all, the bi'ah was a good yibum and the get then makes her mutar). However, if we say the reverse, then the bi'ah with the deaf mute is a deficient bi'ah, and as such cannot make her mutar to marry without chalitza!
 - The Gemara says, it may be that the Braisa follows **R' Nechemya**, who says that a deficient bi'ah does make her mutar to remarry, even without chalitza.
 - The Gemara says that from the next part of the Braisa we can prove that the Braisa does not follow **R' Nechemya**, because the Braisa requires a minor to wait until she becomes an adult and do chalitza even in a case when she would seemingly not need the chalitza, as a gezeirah for a case when a deficient bi'ah is done to her, in which case she would need a chalitza. Obviously this can't follow **R' Nechemya**, because he would say that a chalitza need not be done in that case.
 - **R' Ashi** said that the beginning of the Braisa is also a proof that it can't follow **R' Nechemya**, because it doesn't give the case of a deficient bi'ah being able to make the minor patur.
 - The Gemara says, it may be that it follows **R' Nechemya**. The reason it doesn't give that case is because it involved the bi'ah with the minor when it is not allowed. The Braisa rather stick to cases that are allowed, when available.

MISHNA

- If a man was married to 2 orphaned minors and died without children, and a yavam had bi'ah with one minor and then with the other, or if he had bi'ah with one and another brother had bi'ah with the other, the first minor may remain married to the yavam. The same would be if the 2 wives were deaf-mutes.
- If one wife was a minor and the other was a deaf-mute, and the yavam had bi'ah with the minor and then with the deaf-mute, or if a brother then had bi'ah with the deaf-mute, the minor is assur to remain married. If the bi'ahs were done in the reverse order, the deaf-mute would be assur to remain married.

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- If one wife was healthy and the other was a deaf-mute, and the yavam had bi'ah with the healthy one and then with the deaf-mute or another brother then had bi'ah with the deaf-mute, the healthy woman may remain married. If the bi'ahs were done in the reverse order, the deaf-mute would become assur to remain married.
- If one wife was a minor and the other was an adult, and the yavam had bi'ah with the adult and then with the minor, or another brother then had bi'ah with the minor, the adult may remain married. If the bi'ahs are done in the reverse order, the minor becomes assur to remain married. **R' Elazar** says we would tell the minor to do miun, thus at least allowing the adult to remain married.

GEMARA

- **R' Yehuda in the name of Shmuel** paskened like **R' Elazar**. **R' Elazar** (the Amora) paskened this way as well.
 - It was necessary for him to pasken this way here and in the previous Mishna (where having her do miun allowed yibum to be done). If he would only pasken in that case, we would say that he paskens that way there because yibum was not yet done, but in this Mishna where yibum was already done, maybe we should make them both get divorced. If he would only pasken in this Mishna, we would say that we do so because the adult falling to yibum is unrelated to her. However, in the previous Mishna, where it was her sister, maybe we would not require her to do miun.

MISHNA

- If a minor yavam has bi'ah with an orphaned minor yevama, we allow them to live together and become adults. If he had bi'ah with an adult yevama, we wait until he becomes an adult.
- If a yevama says that within 30 days from when she began living with the yavam she had not had bi'ah, we force him to give her chalitza. If she says this after 30 days have passed, we ask him to give her chalitza. If he admits that bi'ah was not done, even after 12 months, we force him to give her chalitza.
- If a woman, during her husband's lifetime, made a vow not to benefit from his brother and she then fell to him in yibum, we force him to do chalitza. If she made the vow after her husband's death, we ask him to give her chalitza. If we think that she only made the vow to prevent yibum from taking place, then even if the vow was made during the husband's lifetime, we only ask him to give chalitza.

GEMARA

- **Q:** Must we say that our Mishna does not follow **R' Meir**, because he says that minors may not do yibum!? **A:** **R' Meir** only says it is assur when one of the 2 are an adult. However, when both are minors he would agree that it would not be assur.
 - **Q:** Our Mishna says that if he was a minor and she was an adult they may continue to live together!? **A:** **R' Chanina Choza'a** said that **R' Meir** says it is assur l'chatchila, but would agree that if it was already done they may live together.
 - **Q:** By living together they will continue to have bi'ahs, which **R' Meir** would surely hold is assur!? **A:** Our Mishna must not follow **R' Meir**.
- **Q:** A minor cannot have children, so how can he do yibum!? **A:** **Abaye** said, the pasuk of "yevama yavo aleha" teaches that a yavam of any age may do yibum. **A2:** **Rava** said, it must be that a minor is permitted, because if not he could not become permitted later on, because **R' Yehuda in the name of Rav** said that only one who is permitted at the time of death is permitted later on.
 - **Q:** Maybe we should say that a yavam who is a minor at the time of death should be prohibited forever!? **A:** The pasuk says "ki yeishvu achim yachdav", which teaches that even if a brother is one day old at the time of death, he is eligible for yibum.

YEVAMA SHE'AMRA B'TOCH SHLOSHIM YOM..

- **Q:** The Gemara understands that the reason for the distinction of before and after 30 days is that after 30 days we presume that a bi'ah was done. Who is the Tanna who holds that up till 30 days a person can hold back from having bi'ah with his wife? **A:** **R' Yochanan** said, it is the view of **R' Meir**, who says that a person may claim for up to 30 days after his wedding that his wife was found not to be a besulah. **R' Yose** says that the claim can only be made until the first time they are secluded together. **A2:** **Rabbah** said the Mishna may even follow **R' Yose**. That

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case is different, because a chosen husband and wife can't wait for 30 days, but a yavam and yevama may end up waiting 30 days.

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- **Q:** Instead of forcing him to give her chalitza, why don't we force him to do yibum? **A: Rav** said, the case is where she was given a get, and therefore yibum may no longer be done.
 - **Q:** A Braisa says, if she says during the first 30 days that no bi'ah was done, we force him to give chalitza. The Braisa in a later case then discusses a case where the yevama would need to receive a get and chalitza. This means that the first case is discussing where a get was not received. If so, why do we force chalitza and not allow for yibum!? **A: R' Ami** said, the end of the Braisa means that she needs to have chalitza along with the get she had already received. This would mean that the previous cases are also discussing cases where a get was already received. **A2: R' Ashi** said, **Rav** may be referring to a get that was written to dissolve the zikah, whereas the Braisa is discussing a get that was written as a divorce after the bi'ah.
 - **Q: Hon the son of R' Nachman** asked, do we make the tzara wait to get remarried until the chalitza in this case is given? **A: R' Nachman** said, just because we require her to get chalitza based on her claim, that would not make the tzara assur.

HANODERES HANA'AH

- A Mishna says, originally the **Rabanan** said that if a woman says that she vowed not to have hana'ah from any man, she must be divorced. Later they said, that the husband may revoke the vow with respect to himself.
 - **Q:** Would she remain assur to her yavam if her husband revoked the vow with respect to himself? Did she think that she may fall to yibum, and therefore the vow encompassed that as well, or did she not? **A: Rav** said she is permitted to the yavam, and **Shmuel** said the yavam is included in the vow like the husband and therefore must have the vow revoked if he is to marry her.
 - **Abaye** said, our Mishna seems to say like **Rav**. The Mishna says that if she vowed during her husband's life we require him to give chalitza. If **Shmuel** is right, that a woman thinks of the possibility of falling to yibum, then her vow to prevent yibum should make us request that he give chalitza, but not force him!
 - The case may be where the woman had children at the time of the vow, in which case she surely did not contemplate falling to yibum.
 - **Q:** That would mean that if she had no children we would say that we don't force chalitza, rather we request chalitza? If so, the Mishna should base the differing cases on whether she had children, not on whether she purposely intended for it!? Rather, it must be, that whether she had children or not, we force him to give chalitza, and this is a proof to **Rav**.

HADRAN ALACH PEREK BEIS SHAMMAI!!!

PEREK CHEIRESH SHENASAH -- PEREK ARBA'AH ASSAR

MISHNA

- A deaf-mute man who marries a healthy woman, or a healthy man who marries a deaf-mute woman, they may get divorced or remain married. The same way they accept marriage with gesturing, they can get divorced by doing that as well.
- If a healthy couple gets married and the woman then becomes a deaf-mute, they can still get divorced if they want. if she becomes a shoteh, he cannot divorce her. If he became a deaf-mute or a shoteh, he may never divorce her.

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- **R' Yochanan ben Nuri** asked, why is it different when the woman becomes a deaf-mute and when the man becomes a deaf-mute!? They said, the difference is that a woman can get divorced even against her will, whereas a man can only divorce if he is willing.
- **R' Yochanan ben Gudgida** testified that a deaf-mute who was married off by her father as a minor may be divorced with a get. The **Rabanan** said to **R' Yochanan ben Nuri**, the case of a woman who was healthy when married and then became a deaf-mute is the same as this woman, and therefore she can likewise get a divorce.
- If 2 deaf-mute brothers are married to 2 deaf-mute sisters, or to 2 healthy sisters, or to sisters one of whom is healthy and one of whom is a deaf-mute, or if there are 2 deaf-mute sisters married to 2 healthy brothers, or to 2 deaf-mute brothers, or to brothers one of whom is healthy and one of whom is a deaf-mute, all these women as widows would be patur from chalitza and yibum. If the women were not sisters, the surviving brother may marry the widow and can then divorce her if he'd like.
- If 2 brothers, one of whom was a deaf-mute and the other of whom was healthy, and they married 2 healthy sisters, and the deaf-mute died without children, she is patur from yibum as a wife's sister. If the healthy brother died, the deaf-mute must divorce his wife and the yevama remains assur to remarry forever.
- If 2 healthy brothers are married to 2 sisters one of whom is a deaf-mute and the other of whom is healthy, if the husband of the deaf-mute dies, she is patur from yibum as a wife's sister. If the husband of the healthy sister dies, he must divorce his wife and give the yevama chalitza.
- If there are 2 brothers one of whom is healthy and one of whom is a deaf-mute, who are married to sisters who are also one and one, if the deaf-mute husband of the deaf-mute wife dies, she is patur from yibum as a wife's sister. If the healthy husband of the healthy wife dies, the deaf-mute must divorce his wife and the healthy woman is assur to remarry forever.
- If there are 2 brothers, one healthy and one deaf-mute, married to 2 healthy, unrelated women, if the deaf-mute brother were to die, the yavam can do yibum or chalitza. If the healthy brother was the one to die, the deaf-mute would have to do yibum and could never divorce the yevama.
- If 2 healthy brothers married unrelated women, one who was healthy and one who was a deaf-mute, if the husband of the deaf-mute died, the yavam could do yibum and then divorce her. If the husband of the healthy woman died, he can do yibum or chalitza.
- If 2 brothers, one healthy and one deaf-mute, married unrelated women, one healthy and one deaf mute, if the deaf-mute husband of the deaf-mute wife died, the healthy brother can do yibum and then divorce her. If the healthy brother was the one who died, the deaf-mute could do yibum and could never divorce her.

GEMARA

- **Q: Rami bar Chama** asked, why is it that the **Rabanan** allowed marriage for deaf-mutes but not for mentally deranged people? **A:** Deaf-mutes can live a normal marriage, while a shoteh cannot.
- **Q: Why did the Rabanan** not allow marriage for minors? **A:** A minor will eventually be able to marry as an adult, so there is no reason to allow it earlier.
 - **Q: The Rabanan** allowed marriage for a minor girl even though she can wait until she becomes an adult!? **A:** That is to protect them from immoral people.
 - **Q: Why do they allow miun** for a minor but not for a deaf-mute? **A:** A deaf-mute would never grow out of that right, and that would prevent people from wanting to marry them.

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- **Q: Why is it that the Rabanan** allowed a minor to eat terumah when she is only Rabbinically married to a Kohen, but they do not allow a deaf-mute to eat terumah when she is Rabbinically married to a Kohen? **A:** It is a gezairah to prevent a deaf-mute who is married to a deaf-mute Kohen from eating D'Oraisa terumah.
 - **Q: A deaf-mute is not chayuv** in mitzvos and we should therefore not be concerned that they may eat something that is assur, just as we do not have to prevent a minor from eating something that is assur!?

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A: We are concerned that if we allow the deaf-mute to eat terumah, then a healthy woman (who is chayuv in mitzvos) married to a deaf-mute Kohen will eat terumah.

- **Q:** Why can't such a woman eat terumah D'Rabanan (since she is Rabbinically married to a Kohen)!? **A:** We are concerned that it would lead her to eat terumah D'Oraisa as well (and D'Oraisa she is not the wife of a Kohen).
- **Q:** Why is it that a minor is given a kesubah and a deaf-mute is not? **A:** We don't want people to be deterred from marrying the deaf-mute.
 - **Q:** If so, when a healthy woman marries a deaf-mute man she should get a kesubah, so that women should not be deterred from marrying such a man!? **A:** A woman wants to marry more than a man wants to marry, so we don't have to further entice a woman to marry him.
 - **R' Malkiyo** once had a deaf-mute write a kesubah for his wife. **Rava** said, this was based on the logic that the man would have to pay for a person to tend to all his needs, so he should surely write a kesubah for a wife who will do that and more!
- **R' Chiya bar Ashi in the name of Shmuel** said, one would not bring an asham taluy for mistakenly living with the wife of a deaf-mute (which shows that she is not even considered to be a wife as a safek).
 - **Q:** Maybe we can bring a proof from a Mishna which says that the terumah separated by a deaf-mute is not considered to be terumah at all (we see that he does not have the ability to do any sort of acquisition, which seems to be what **Shmuel** said)? **A:** It may be that **Shmuel** holds like **R' Elazar**, who says that the terumah separated by a deaf-mute is a safek. **Shmuel** maybe means to say that it is a safek marriage as well.
 - **Q:** If it is a safek, why would one not have to bring an asham taluy? **A:** He holds, that in order to be chayuv an asham taluy the mistake must have been done when choosing the wrong piece from among the good piece. Although **R' Elazar** holds that is not required, regarding this Halacha **Shmuel** does not agree with **R' Elazar**.
 - **Another version of Shmuel** was that he said that a person would have to bring an asham taluy for living mistakenly with the wife of a deaf-mute. Although the Mishna says that the terumah separated by a deaf-mute is not valid, **Shmuel** will hold like **R' Elazar** that it is a safek.
 - **Q:** **R' Ashi** asked, why does **R' Elazar** hold that the mental capacity of a deaf-mute is a safek? Is it that although **R' Elazar** is certain that he has limited mental capacity, he doesn't know whether it is sufficient to make acquisitions, but that level remains constant for him at all times, or is it because there are times when a deaf-mute has more mental capacity and times when he has less? The difference between these reasons would be whether he can divorce a wife. If his level remains constant, then he can divorce just as he was allowed to marry. On the other hand, if there are varying levels, then maybe he was at a higher level at the time of marriage, and we cannot allow him to divorce, because he may be at a more limited level at that time. **A: TEIKU.**

NISHTATEIS

- **R' Yitzchak** said, D'Oraisa a woman who is a shoteh may be divorced, since she is no worse than a healthy woman who may be divorced without her consent. However, the **Rabanan** said that she may not be divorced so that she have a protector from immoral people.
 - **Q:** What is the case that **R' Yitzchak** is referring to? If he was referring to a woman who is capable of safeguarding a get and of protecting herself, then clearly the **Rabanan** would not have to be goizer for her. If she is incapable of both of those, then even D'Oraisa she cannot be divorced, based on pesukim!? **A:** The case is where she is capable of safeguarding a get, but not of protecting herself. D'Oraisa she can get divorced, but the **Rabanan** said that she cannot.
 - **Abaye** said, this can be seen in the Mishna as well, which says that the woman shoteh cannot be divorced, and says that the man shoteh cannot divorce "forever". This suggests that the man cannot divorce D'Oraisa, whereas the woman cannot divorce only D'Rabanan.

AMAR R' YOCHANAN BEN NURI...

- **Q:** Was **R' Yochanan ben Nuri** certain that a man deaf-mute cannot divorce his wife and was only unsure about divorcing a woman deaf-mute, or was he sure that a woman can be divorced, and his question was regarding a

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man? **A:** From the fact that the **Rabanan** in the Mishna told him that the case of a man is very different than the case of a woman, it must be that his question was regarding the man.

- **Q:** Maybe since they brought the case of the minor deaf-mute, it shows that his question was regarding the woman!? **A: R' Yochanan ben Nuri** was talking to the **Rabanan** and said – according to me, just as a man deaf-mute can't divorce, the same way a woman deaf-mute can't be divorced. However, according to you, why is a woman different than a man? They answered, that a man needs competence to divorce, and a woman does not need competence to be divorced.

HEYID R' YOCHANAN...

- **Rava** said, from the testimony of **R' Yochanan ben Gudgida**, we can learn that if a man tells witnesses that the get in his hands will be given to his wife, and he then tells her to accept this promissory note from him (it was truly a get), she will be divorced, just as **R' Yochanan ben Gudgida** said that her consent is not needed.
 - **Q:** This Halacha seems obvious!? **A:** We would think to say that by him telling her it was a promissory note he has thereby made the get batul. **Rava** teaches that since he told the witnesses that it was a get, he did not intend to make it batul. The reason he told her it was a promissory note was because he was embarrassed to tell her that it was a get.

-----Daf דף ---114-----

- **R' Yitzchak bar Bisna** once lost the keys to the Beis Medrash in the reshus harabim on Shabbos. **R' Pedas** told him, bring children to that area. They will play there, and when they find the keys they will bring it to you.
 - We see that he held that one need not stop a minor from doing an aveirah.
 - **Q:** Maybe we can say that a Braisa is a proof to this. A Braisa says that a person may not tell a minor to do an aveirah, but he need not stop a minor from ripping out plants on Shabbos or throwing things (into a reshus harabim) on Shabbos? **A: Abaye** said, the Braisa may be discussing where he was ripping plants out of a non-perforated flower pot (the plants are not attached to the ground and therefore assur to rip only D'Rabanan), and throwing things into a karmelis (which is only assur D'Rabanan). However, it may be that we would have to stop a minor from doing a D'Oraisa aveirah.
 - **Q:** A Mishna says, if a goy comes on Shabbos to extinguish a fire in a Jew's house, we may not ask him to extinguish it, but we need not stop him from doing so. If a minor comes to do so, we must tell him not to do it. This refutes **R' Pedas**!? **A: R' Yochanan** said, that is because the minor is doing so because he knows his father wants him to do it. However, if he is doing something on his own will, we need not stop him. Although we would also have to stop a goy who does it because he knows the Jew wants him to, a goy only does something for his own benefit (a reward) and therefore we need not think that it was done for the Jew.
 - **Q:** A Braisa says, if the son of a chaver had fruit from his grandfather who is an ahm haaretz, the father need not prevent him from eating it (even though the chaver himself could not eat it without first separating maaser). This is a proof to **R' Pedas**! **A: R' Yochanan** said, it may be that the **Rabanan** were lenient regarding demai.
 - **Q:** This suggests that if it wasn't demai **R' Yochanan** would say that we must stop the child from eating it. How can that jive with **R' Yochanan** from before, where he said that a child who acts on his own does not need to be stopped? **A: R' Yochanan** was unsure whether we must stop a child from doing an aveirah. Therefore, he refutes proofs from either side.
 - **Q:** A Braisa says that if the son of a chaver Kohen got terumah from his grandfather who is an ahm haaretz, the father need not prevent the child from eating the terumah, even though it may be tamei terumah, which is assur to eat. This is a proof to **R' Pedas**! **A:** The Braisa may be discussing terumah D'Rabanan, and we said there is only a need to stop a child from doing an aveirah D'Oraisa.
 - **Q:** A Braisa says that we do not stop an infant from nursing from a goy or tamei animal. This is a proof to **R' Pedas**! **A:** That is because the infant would be in danger if he did not have a milk supply.
 - **Q:** If so, why does the Braisa say that an older child may not do so? **A:** The Braisa just means that for an older child we must first determine that there is a danger to him before we allow him to do so. An infant is presumed to be in danger without a milk supply.

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- **Q:** The Braisa said that **Abba Shaul** said that in practice they allowed infants to nurse from kosher animals on Yom Tov. What is the case? If there is danger for the child, then it should even be mutar on Shabbos, and if there is no danger it should even be assur on Yom Tov!? **A:** The case is where the child is in pain, but not in danger. Nursing is considered an unusual form of “mefarek”. Therefore, on Shabbos when the issur carries a sekila penalty, the **Rabanan** are goizer and do not allow it. On Yom Tov, when it is only a lav, the **Rabanan** were not goizer, and allowed it.
- **Q:** A Braisa says, the pasuk of “lo sochlum ki sheketz heim” teaches that an adult must not allow a child to eat these assur things. This refutes **R’ Pedas**!? **A:** This only teaches that an adult may not give it to a child with his hands to eat. However, an adult need not prevent a child from eating them.
- **Q:** A Braisa learns a similar drasha regarding the eating of blood, from the pasuk of “kol nefesh mikem lo sochal dam”!? **A:** The Gemara give the same answer as it gave regarding shekatzim.
- **Q:** A Braisa learns a similar drasha regarding a Kohen becoming tamei. **A:** Again the Gemara answers in the same way.
 - All these 3 are necessary, because the shekatzim are assur in the most minute amount whereas blood is not. On the other hand, blood carries a kares penalty whereas shekatzim does not. These two apply to all Jews, whereas tumah only applies to Kohanim. Finally, tumah may have more reason to be assur because Kohanim have many extra mitzvos.
- **Q:** Our Mishna said that when the husband of a healthy woman dies without children and she falls to a deaf-mute brother who is married to the yevama’s sister, he must divorce his wife, because the yevama has a D’Oraisa zikah and he therefore can’t stay married to her sister. We see that we don’t allow a minor (or the similar case of a deaf-mute) to do an aveirah!? **A:** The reason they must divorce is because the wife is not a deaf-mute, and the divorce is therefore done to prevent her from an aveirah.
- **Q:** Our Mishna gives the similar case where the wife of the yavam was a deaf-mute, and still they must get divorced!? **A:** That case had the yavam as a healthy man. The divorce must be done to prevent him from doing an aveirah.
- **Q:** **Rava** asked, our Mishna says that where the yavam and his wife were both deaf-mute, and her sister fell to him for yibum, he must divorce his wife. We see that we don’t allow them to do an aveirah!? **A:** **R’ Shmaya** said, the reason there is that the **Rabanan** were goizer that they get divorced so that people not think that the yevama was released to remarry based on a D’Rabanan marriage treating her as an ervah.

HADRAN ALACH PEREK CHEIREISH SHENASSA!!!

PEREK HA’ISHA SHALOM -- PEREK CHAMISHA ASSAR

MISHNA

- If a woman and her husband traveled overseas, and they were living peacefully (they were not fighting) and the world was at peace (they were not in a place of war), and she comes and says that her husband has died, she is believed and may remarry. If he didn’t have children, she is allowed to do yibum.
 - If there was marital harmony but the world was at war, or if there was no war but there was no marital harmony, and she comes back and says her husband has died, she is not believed.
 - **R’ Yehuda** says, a woman is never believed unless she returns crying with torn clothing. The **Rabanan** said to him, she is believed whether or not she has these signs of mourning.

GEMARA

- The Gemara says, the case in the Mishna of where there is marital peace and peace in the world does not mean that those circumstances have to be established. It was said to conform with the next part of the Mishna that discusses where there was no peace.
- **Rava** explained, the reason she is not believed during times of war is because we say that she didn’t actually see her husband dead, but rather assumes that he had died.

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- **Rava** thought to say that a time of famine is not like wartime, and a woman would not say her husband died unless she actually saw him dead. **Rava** then retracted this ruling based on a story that happened where a woman told **Rava** that her husband died in a famine, and **Rava** was able to determine that she assumed that he must be dead, based on the amount of food he had, but never actually saw him dead. Based on this **Rava** said that famine is worse than war. During war she is still believed to say that I saw him dead in his bed. During famine she is only believed if she says she saw him dead and buried.
- The case of a collapsed building is like a case of wartime, because she assumes that he is dead. The same is true when she says so based on a snake and scorpion attack. With regard to a plague, some say it is like wartime, because she assumes death, and others say it is not like wartime, because she believes that if it is not his destined time to die, he will not, and she therefore will not assume him dead.

-----Daf 107---115-----

- **Q:** If we only know that it was wartime based on the woman's testimony that it was so, would we then believe her that her husband actually died? Do we say that since she is the one that brought her trust into question (by saying there was a war) we believe her when she says that he died, or do we say that once we know it was wartime, we can no longer believe her?
 - **A:** A Braisa says, if a woman says that the house that my husband and I were in was on fire, and I was saved but my husband died, she is not believed (because we are afraid that she is assuming him dead without having actually seen him dead). We see that even though she created the awareness that leads to the concern (she told us of the fire), we still don't believe her.
 - It may be that that case is different, because she was saying that she left him in the burning building, and we therefore say to her, just like you were able to miraculously escape, maybe he was too. In the case of the war, she is claiming to have seen him dead, and maybe we believe her based on the fact that we only know there was a war based on her say so.
 - **A:** A Braisa says, if a woman says, my husband and I were attacked by goyim, and he died but I escaped, she is believed to say that he died. We see that when she creates the awareness that leads to the concern, we believe her!
 - The reason we believe her there is that we say she remained with him until the time he died. She is not afraid that the goyim will kill her (as **R' Idi** said, they would not kill her, because they want her alive for znus). In wartime we assume that she fled and never saw him actually dead.
 - It once happened that a wife came running from a burning house and yelled, "Look! My husband is burning!" When people went into the house they found a body charred beyond recognition and an arm. **R' Chiya bar Avin** thought to say that this is the same case as the first Braisa, where she says she was saved from a burning building but her husband got killed, and we should therefore not let her remarry based on this testimony. **Rava** said, the cases are different, because here she saw her husband burning, and we also see the body and arm of a charred person. **R' Chiya bar Avin** said, the finding of the man means nothing, because it may be the body of someone who had come to rescue them, and the husband may have been badly burned and deformed and therefore ran away from embarrassment.
- **Q:** Do we not believe the testimony of a single witness regarding the death of a husband if the testimony is given during a wartime? Is the reason we believe a single witness because he will not lie about something that will become known, and this too will become known (and we therefore believe him), or do we say that he is believed because we rely on the wife that she will check very well to ascertain her husband's death, but in wartime we can't rely on her because she will rely on an assumption, and therefore we can't believe the single witness either? **A:** **Rami bar Chama** said, a Mishna says that **Nechemya of Beis Deli** asked **R' Akiva** to deliver a message to the **Rabanan** of Eretz Yisrael as follows, "You know that this county is at war, however you should know that I have a tradition from **R' Gamliel the Elder** that a woman may marry based on the testimony of a single witness (that her husband died)". Presumably, he was saying that even in a situation like this country, which is at war, a single witness is believed.

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- **Q: Rava** said, if that is what he meant to say, why did he specify “this country”? He should have said, any country that is at war!? Rather, what he was saying was, the reason I have sent **R’ Akiva** as a messenger, rather than come myself, is that we are at war and I cannot travel.
- Maybe we can answer from a Braisa that says that **Rebbi** allowed the wives of 2 talmidei chachomim to remarry based on the testimony of 2 women (which is equivalent to one witness) that their ship sunk at sea. Now, this is similar to a case of being at war (the testimony may be based on an assumption), and we see that they were believed (and the same would therefore hold true for a single witness)?
 - The case there was where it sank in the ocean. The Halacha is that we can’t presume death in the ocean, because it is possible that the person who seemingly drowned made it to some distant shore. Therefore, the case must be where the women say that the lifeless bodies were brought to shore and they saw them and recognized an identifying mark on the bodies. Therefore, the reason they are believed is actually because we are relying on those marks, and not on their testimony.
 - A person once gave sesame seeds to another person to safeguard for him. When he asked for them back the other person told him, you already took them back! He responded and said, I had given you a certain amount and they were put into a barrel, and you still have the barrel in your possession! The person responded, I gave you back yours, and the ones in the barrel are different ones. **R’ Chisda** thought to say that this is the same case as the 2 tamidei chachomim who had drowned, where we assumed that the bodies that were found were the people who had drowned, and we don’t say that these people were elsewhere and the bodies found were from somewhere else. The same should be here and we should say that these are the same sesame seeds. **Rava** said, the case there is very different, because there were identifying marks on the bodies.
 - **Q: Mar Kashisha bar R’ Chisda** asked **R’ Ashi**, a Mishna says that when produce is found in a keili with an identifying mark, we assume that the produce is the same produce that was originally placed into that keili (whether it is terumah, maaser, etc.). If so, why do we not say that the sesame seeds in the barrel are the same seeds that were placed there originally? **A: Ravina** said to **R’ Ashi**, in that Mishna **R’ Yose** says that even with the identifying mark on the keili we do not assume that the original produce is in there. It must be that the **T”K** agrees with this as well, and the only machlokes is whether one would exchange the produce without rubbing out the identifying mark. However, all would agree that the produce is switched out.
- Yitzchak Reish Galusa, the nephew of **R’ Bibi**, went from Kurtiva to Aspamyā and died. They sent a message that “Yitzchak Reish Galusa, the nephew of **R’ Bibi**, went from Kurtiva to Aspamyā and died”. **Abaye** said, there is reason to be concerned that there is another person by the same name and this not the person we know by this name, and **Rava** said that we need not be so concerned.
 - **Abaye** said, I can prove my view from the story of the get that was found in Neharda’a near a particular city. **Shmuel’s** father sent the question to **R’ Yehuda Nesia**, whether we can return it to the woman who is claiming it, or whether we have to be concerned for another couple with the same name, and **R’ Yehuda Nesia** said, we must search the entire Neharda’a to see if there is another such couple. We see that we are concerned.
 - **Rava** said, if we are concerned, we would have to check the entire world. Rather, we are not concerned. The reason he said to check was out of respect for **Shmuel’s** father, for having even asked the question.
 - **Rava** said, I can prove my view from the case of 2 documents that were produced by someone in Mechuza, and he was allowed to collect based on these, even though there were many people with the name written in the document. We see we are not concerned.
 - **Abaye** said, there we are not concerned. What would the concern be, that he found it on the floor? People are careful to safeguard loan documents and would not lose them. That he only had it from the true owner for safekeeping? The owner would not give it

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for safekeeping to a man with the same name. That he gave it to someone but did not do a valid kinyan? Simply handing over the document is the kinyan in itself. Therefore, in that case we need not be concerned.

-----Daf תולק-----116-----

- There was a get found in Sura, in which Anan bar Chiya of Neharda'a divorced his wife in Sura. The **Rabanan** checked from Sura to Neharda'a and found only one other Anan bar Chiya, and witnesses said that that other man was in Neharda'a on the date that the get was written in Sura. **Abaye** said, even according to my view (that we must be concerned for another person with the same name), in this case there would be no concern, because we have witnesses who say that the other man with the same name was in a different city on that date. **Rava** said, even according to my view that we need not be concerned, in this case we would have to be concerned. Once we know that there is another person with that name, we must be concerned that he was in Sura and used a very fast camel to get back to his city, or said a Name of Hashem and got back quickly, or although he wasn't in Sura, maybe he gave the authorization for the get to be written there.
- **Q:** What is the Halacha in the case of the sesame seeds given for safeguarding? **A: R' Yeimar** said we are not concerned that the barrel was emptied, and we therefore believe the one who gave the seeds, and **Ravina** said we are concerned for that, and therefore we believe the one who is doing the safeguarding (the shomer).
 - The Gemara paskens that we are concerned, and therefore the one doing the safeguarding is believed.

KETATA BEINO L'VEINA...

- **Q:** What is considered a fight for these purposes? **A: R' Yehuda in the name of Shmuel** said, it is when she asks her husband for a divorce.
 - **Q:** All women say so when they are angry!? **A:** It means when she says to her husband "You have divorced me".
 - **Q:** We should believe her based on **R' Hamnuna**, who says that a woman would not have the chutzpah to say that to her husband unless he had actually divorced her!? **A:** The case is where she tells him that he divorced her in front of 2 particular people, and those people say that the divorce never took place.
- **Q:** Why is it that a woman is not believed to say that her husband died when they are in a fight? **A: R' Chanina** said it is because she may lie. **R' Simi bar Ashi** said, it is because she may say so based on an assumption, without having actually seen him dead. The difference between these reasons would be where he is the one who started fighting, so she does not hate him enough to lie.
 - **Q:** What is the Halacha with believing a single witness who says that the husband died during a period where the couple was fighting? Is a single witness believed because he won't lie about something that will become known, and he therefore won't lie here either, or is it because we rely on the woman to verify his testimony, and here the woman cannot be relied on? **TEIKU.**

R' YEHUDA OMER L'OLAM EINA...

- A Braisa says, the **Rabanan** said to **R' Yehuda**, according to you, a sane woman could remarry in this case but an insane woman could not (since her crying and wearing ripped clothing doesn't show mourning)!? Rather, a woman is believed even without showing signs of mourning.
 - A woman once testified before **R' Yehuda** that her husband had died. The **Rabanan** that were there told her to display signs of mourning.
 - **Q:** Were they trying to get her to lie? **A:** They held like the **Rabanan** in the Mishna, that she need not display signs of mourning. They told her to do so, so that **R' Yehuda** would accept her testimony.

MISHNA

- **B"H** say that a woman is only believed to say that her husband is dead when she comes from the grain harvest in the same country, which is like the story that happened that brought about this psak. **B"S** said to them, whether she comes from the grain harvest, or the olive harvest, or the grape harvest, and whether it is the same country

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or a different country. The **Chachomim** spoke in terms of grain harvest only because that was the circumstances of the story that happened. Ultimately, **B”H** retracted their view and held like **B”S**.

GEMARA

- A Braisa says, **B”S** said to **B”H**, if we must strictly follow the circumstances of the story, then she should only be believed when she comes and testifies from a wheat harvest, not from barley, grapes, olives, dates or figs, and yet you agree that she would be believed in those cases! Similarly, she is believed even when she comes from another country, even though that is not exactly how the story went. **B”H** said, when she testifies in the same country there is a fear of getting caught in a lie (people may be familiar with the incident). When she comes from another country she doesn’t have that fear, and is therefore not believed. **B”S** say, since there are caravans of people between the countries, she still has that fear.
- The story that took place is told by **R’ Yehuda in the name of Shmuel**. Once, during the wheat harvest 10 men went to harvest wheat and one was bitten by a snake and died. His wife went to Beis Din and reported his death. They went and found her report to be accurate. At that time they said that a woman is believed to say that her husband died and may on that basis remarry or do yibum.
- **Q:** Regarding the proper method of transporting the parah adumah ashes, there was once a story how they became tamei on a boat in the Jordan River. Regarding this Halacha, the **Rabanan** say that the prohibition to transport it over water applies to any body of water, whereas **R’ Chananya ben Akiva** says it is only assur to do on a boat in the Jordan River, like the story that happened. Shall we say that the **Rabanan** hold like **B”S** and that **R’ Chananya ben Akiva** holds like **B”H**? **A:** The **Rabanan** may even hold like **B”H**. Regarding believing the wife’s testimony we need her to fear to say a lie. In the same place she is afraid and elsewhere she is not. However, regarding the parah adumah, there is no reason to differentiate between the Jordan or any other river. **R’ Chananya ben Akiva** can even hold like **B”S**. Regarding the woman we trust that she verifies the facts and therefore trust her no matter where she comes from. However, regarding the parah adumah, the gezeirah was based on that particular story. The **Rabanan** were only goizer in those exact circumstances.
 - **R’ Yehuda in the name of Rav** told the story of the parah adumah ashes, where it was once being transported on a boat in the Jordan and a kezayis from a meis was found in the bottom of the boat, making the ashes tamei. At that time they were goizer that the parah aduma ashes may not be transported on a boat in the Jordan River.