



Today's Daf In Review is being sent I'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Yevamos Daf Kuf Zayin

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 nisuin 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 nisuin.
- **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 nisuin.
 - **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 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 chalitzah, 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

- 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 Antigonus** 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).