



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

### Yevamos Daf Kuf Yud

- **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 chalitza 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.

#### 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 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.