



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

### Yevamos Daf Kuf Yud Aleph

- **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.
- 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 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.