



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

### Yevamos Daf Kuf Yud Gimmel

- **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 gezeirah 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!? **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 ashum 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 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.