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Yevamos Daf 110

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Mishna had stated: [If two brothers were married to two sisters, one an adult woman and one a minor, and the husband of the minor sister died childless, the minor is exempt on account of being the wife's sister. If the husband of the adult sister died (*he may not perform yibum because he is Rabbinically married to her sister; there is a Biblical zikah-attachment*), Rabbi Eliezer says: They teach the minor to refuse him.] Rabban Gamliel says: If she refused, she refused (*this is referred to as mi'un, which would nullify her marriage retroactively*); [and if not, she waits until she becomes an adult, and then the other is exempt on account of being the wife's sister.]

Rabbi Elozar inquired of Rav: What is Rabban Gamliel's reason? Is it because he holds the opinion that the betrothal of a minor remains in a suspended condition, and as she grows up (into an adult), it grows with her - even though no cohabitation has taken place (after she matured; and the betrothal is effective retroactively from when she was a minor), or is the reason because he is of the opinion that when a man betroths the sister of his yevamah, the yevamah is released (from chalitzah and yibum) and she walks away (for Rabban Gamliel maintains that a Biblical betrothal nullifies a pre-existing zikah attachment to the sister), and consequently (in our case), only if cohabitation has taken place (with the sister after she has become an adult) is the elder sister exempt, but if no cohabitation has taken place, she is not?

Rav replied: This is Rabban Gamliel's reason: It is because he is of the opinion that when a man betroths the sister of his yevamah, the yevamah is released (from chalitzah and yibum) and she walks away (for Rabban Gamliel maintains that a Biblical betrothal nullifies a pre-existing zikah

attachment to the sister), and consequently (in our case), only if cohabitation has taken place (with the sister after she has become an adult) is the elder sister exempt, but if no cohabitation has taken place, she is not.

Rav Sheishes said: It seems that Rav made this statement while he was sleepy and about to doze off; for it was taught in a braisa: If a man betrothed a minor, her betrothal remains in a suspended condition.

The Validity of a Minor's Marriage

Rav stated (109b) that a minor who was married off by her brothers/mother, and subsequently married someone else after she became an adult without ever having done mi'un to the first husband does not require a get (*halachic divorce document*) from her second husband. It must be that Rav is discussing a case where the girl did not have relations with her first husband after she became an adult, and even so she does not need a get from her second husband, as the kiddushin of the first husband is valid. The Gemora answers that no, Rav only stated his Halachah when the minor did have relations with the first husband after she became an adult.

The Gemora asks, if this is the case, what is the reasoning of Shmuel (*who argues on Rav and state that her second husband is required to give her a get*)? [It is clear that the first marriage is valid, and the second is totally invalid!] The Gemora answers that Shmuel holds that whenever someone has marital relations, they do so on the basis of their original kiddushin (*not in order to make a new kiddushin*).

The Gemora asks, didn't Rav and Shmuel already argue about these principles? A case was stated where a person

made a conditional *kiddushin* (that the woman would not have any outstanding vows or blemishes), but the *nisuin* was done without mention of conditions. Rav said that if the condition was later found to have been violated a *get* is still required. Shmuel said that a *get* is not required. Rav stated that a *get* is required because once he married her he essentially relented on his condition. Shmuel said that a *get* is required because his marital relations are based on the validity of his original *kiddushin*. [This argument seems to be the same as the previous argument between Rav and Shmuel. Why are both necessary?]

The *Gemora* answers that both arguments are necessary (using the text of *Rashi*, see *Bach*). In the first case of our *Gemora*, Rav might have only stated that the *kiddushin* was valid when the first husband had relations with her, because there was no condition against the *kiddushin*. However, in the second case where there is a condition, Rav might admit to Shmuel that the *kiddushin* is invalid. If we would only state the second case, maybe the second case (where an explicit condition was violated) is where Shmuel applied his rule. In the first case, perhaps he would agree to Rav. Both cases are therefore necessary.

The *Gemora* returns to its original question: Does Rav indeed hold that for the marriage of a minor to become valid she must have marital relations with her husband when she becomes an adult (and if not the marriage is invalid)? There was an incident in *Narsh* where a girl was married off when she was a minor. When she became an adult, they sat her by a *Chupah* (wedding canopy, in order to validate the first marriage), and someone else snatched her away before the “wedding” (and made her his wife)! Rav *Bruna* and Rav *Chananel*, students of Rav, were present when this happened, and they did not even require her to have a *get* from the second “husband” (as his *kiddushin* is invalid). This implies that Rav viewed the first marriage as valid when she became an adult, even before she had relations!

Rav *Papa* answers that this was because the custom in *Narsh* was to have the real marriage before the public *Chupah* (in

such a case, meaning that they already had relations since she became an adult). Rav *Ashi* answers that being that the wife snatcher acted improperly, the *Rabbanan* therefore acted improperly with him and removed the validity of his *kiddushin*. *Ravina* asked that this makes sense if he only did *kiddushin* with money (as the *Rabbanan* can invalidate his *kiddushin* transaction). If he did *kiddushin* through having marital relations, how can the *Rabbanan* “take away” his having had marital relations? Rav *Ashi* answered that the *Rabbanan* can state that his relations are considered to have been promiscuous and are not valid for *kiddushin*. Rav *Yehuda* states in the name of Shmuel that the law is like Rabbi *Eliezer* (see *Mishna* 109a). Rabbi *Elazar* also stated that the law is like Rabbi *Eliezer*. (110a)

Mishna

If someone was married to two minors who were orphans and he died, if his brothers do *yibum* or *chalitzah* to one of them, the other is then exempt from *yibum* or *chalitzah*. This would also be the case if the two girls are (adults and) deaf. If the two wives in such a case are one minor and one deaf girl, doing *yibum* to one of them does not exempt the other. If one is a regular woman and one is deaf, doing *yibum* to the regular woman exempts the deaf woman, and *yibum* to the deaf woman does not exempt the regular woman. If one wife was an adult and the other a minor, the *yibum* of the adult exempts the minor, but the *yibum* of the minor does not exempt the adult. (110a)

A Deaf Woman and Chalitzah

The *Gemora* asks, can a deaf woman have *chalitzah*? Doesn't the *mishna* state that a deaf man who does *chalitzah*, a deaf woman who receives *chalitzah*, and a woman who received *chalitzah* from a minor, their *chalitzah* are ruled invalid. Rav *Gidal* says in the name of Rav that the *Mishna* is actually referring only to *yibum* as a choice for the deaf woman. *Rabah* (see *side of Gemora*) says that the *Mishna* could even be referring to *chalitzah*. Our *Mishna* is talking about a woman who was deaf from birth, and the *Mishna* earlier is talking about a woman who was originally a *Pikei'ach* (meaning that he has all of his senses as opposed to being

deaf) and then became deaf. It makes sense that a woman who was deaf from birth can receive chalitzah, as just as she got married this way (*through hints*), so too she should be able to have chalitzah in this way. If she was a Pikachas adult (*when she married*) and only then became deaf she cannot do chalitzah, as she cannot hear the words of chalitzah.

Abaye asked, is it true that a woman who was originally deaf can have chalitzah? Doesn't the Mishna (112b) state that if two brothers, one a Pikei'ach and one deaf, married two women of similar types, if the deaf husband of the deaf wife dies, what options are there for the Pikei'ach husband? He should do yibum, and if he wants he can subsequently divorce her. If the Pikei'ach is the one who dies, what should the deaf husband do? He can only do yibum, and he cannot give her a get (*as his get cannot take away his brother's kiddushin, which is more powerful than the kiddushin of a deaf person*). Abaye asks, this Mishna seems to be talking about a case where the deaf woman married a deaf man when she was already deaf, and even so the Mishna does not give the option of chalitzah! The *Gemora* answers the case must be that she became deaf afterwards.

The *Gemora* further tries to clarify whether or not a woman who was deaf before her marriage can have chalitzah. The Mishna (112b) gives a case where two Pikei'ach brothers marry two women: one who is also a Pikachas and one who is deaf. If the husband of the deaf woman dies, what option is there for the Pikei'ach husband? He can do yibum, and if he wants he can give her a get. If the husband of the Pikachas dies, what options are there for the Pikei'ach who is married to the deaf woman? He may do either yibum or chalitzah. It must be, the *Gemora* states, that being that the case clearly involves men who were Pikchin originally, even before they married, the woman who is deaf must be someone who was deaf before she was married, and yet only yibum is an option and not chalitzah! The *Gemora* answers that each person in the case has a different status (*and the deaf woman must have only become deaf afterwards*).

Abaye asked (*a similar question*) from a Mishna (112b) regarding two brothers, one a Pikei'ach and one who is deaf, who married two similar sisters. If the deaf husband of the deaf woman dies, what option is there for the Pikei'ach husband? The deaf woman is exempt from yibum as she is the sister of her potential yavam. If the Pikei'ach husband of the Pikachas wife dies, what option is there for the deaf husband of the deaf wife? He must divorce his own wife, and not marry his ex-wife's sister as well. The *Gemora* asks, if you will say this deaf man is someone who was originally a Pikei'ach before marriage and only later became deaf, can someone like that divorce his wife? The Mishna states that if a wife becomes deaf, she can still be divorced, but if she becomes insane she cannot be divorced. If a man either becomes deaf or insane, he cannot divorce at all. It must therefore be that the braisa is talking about a man who was originally deaf, and his wife was also originally deaf. Being that we have now established a case in this Mishna where sisters (*one who was a deaf woman*) were originally deaf, it must be that the cases in this same Mishna involving deaf women who are not sisters also refers to women who were originally deaf before marriage! As stated above, these cases clearly conclude that the only option for such women is yibum, not chalitzah! [*This proves that women who were deaf before marriage are not eligible for chalitzah, unlike the opinion of Rabah stated above.*] This question caused Rabah to remain quiet (*seemingly without an answer*).

When Abaye went before Rav Yosef, Rav Yosef asked him why he had asked Rabah from these cases. Rabah could still answer that although the case of the deaf sisters discuss sisters who were originally deaf, the cases in the Mishna that deal with two wives who were not sisters deal with women who only became deaf after marriage! Rav Yosef said that you should have asked him from the following case (*in the Mishna*). Two deaf brother who married either two Pikachas sisters, two deaf sisters, or two sisters one of who was a Pikachas and one who was deaf, and two deaf sisters who married either two Pikei'ach brothers, two deaf brothers, or two deaf brothers one who was a Pikei'ach and one who was deaf, they are all exempt from yibum and chalitzah (in the

event that one of the husband's die). If the wives were not sisters, they can do yibum, and if they want to subsequently divorce them, they can. What is the case? If it talking about husbands who were originally Pikchim and then became deaf, doesn't the Mishna state that if a wife becomes deaf, she can still be divorced, but if she becomes insane she cannot be divorced. If a man either becomes deaf or insane, he cannot divorce at all. The Mishna must therefore be discussing cases where everyone in the case was originally deaf, and yet the Mishna states that if the wives were not sisters, yibum can be performed. This implies that only yibum, not chalitzah! This question is a Tiyuvta (*question that is seemingly impossible to answer*) on Rabah. (110a – 110b)

A Minor and a Deaf Woman

Rav Nachman said that he found Rav Ada bar Ahavah and his son-in-law Rav Chana sitting and gathering students (*for a study lesson*) in the marketplace of Pumbedisa. They stated that this that it states in the Mishna, that the yibum of one of two widows, one who is a minor and one who is deaf, does not exempt the co-wife from yibum, is only true when their husband was a Pike'ach. We are uncertain if he would have rather had the minor as a wife, or the deaf woman as a wife. He might have preferred to have the minor as a wife as she would eventually be knowledgeable (as opposed to being deaf), or he might have preferred the deaf woman who was physically an adult and a more appropriate mate for marital relations. However, if the husband was deaf, he certainly preferred having a wife who was deaf, as she was better for marital relations and similar to him. Rav Nachman states that he told them that even if these wives were widowed from a deaf husband we are still doubtful.

How indeed do we rectify the status of the minor and deaf widows (*who the Mishna states do not exempt each other*)? Rav Chisda says in the name of Rav that he should do yibum to the deaf woman, give her a get, and the minor should wait until she is older at which point the yavam can do an effective chalitzah. (110b)

INSIGHTS TO THE DAF

WIFE SNATCHER

There was an incident in Narsh where a girl was married off when she was a minor. When she became an adult, they sat her by a Chupah (*wedding canopy, in order to validate the first marriage*), and someone else snatched her away before the "wedding" (*and made her his wife*)! Rav Bruna and Rav Chananel, students of Rav, were present when this happened, and they did not even require her to have a get from the second "husband" (*as his kiddushin is invalid*).

Rav Ashi explains that being that the wife snatcher acted improperly, the Rabbanan therefore acted improperly with him and removed the validity of his *kiddushin*. (*This is following the opinion of Rav, who maintains that for the marriage of a minor to become valid, she must have marital relations with her husband when she becomes an adult, and if not the marriage is invalid.*) This incident must be referring to a case where she was "snatched" willingly, for otherwise, the *kiddushin* would anyways not be valid since it is taught in Gemora Kiddushin that a betrothal cannot be valid if the woman does not consent. We must say that the man snatched her, but she nodded with her head in agreement.

The Nimukei Yosef understands the case to be referring to one where originally, she did not consent, but afterwards, he convinced her until she finally agreed.

Reb Yosef Engel in Gilyonei Hashas cites a Teshuvos haRashba who writes that we do not apply the principle of "Since he acted improperly, the Rabbanan acted improperly with him" only in places that are specifically mentioned in Chazal. The Sages did not annul the marriage in every case where one acts with trickery. This can be proven from a Gemora in Kiddushin (58b). The Gemora states: One who tells his friend to marry a woman for him (as an agent), and he goes ahead and marries her for himself, she is married to the second one. We do not say that since he acted improperly, the *Chachamim* invalidated his marriage.