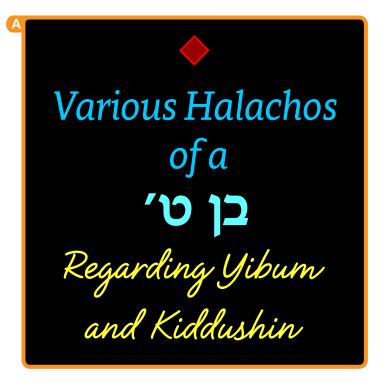




τ"ο Τ...

Intro
Today we will בע"ה learn דף צ"ו of מסכת יבמות of The topics we will learn about include.

The various Halachos of a בן ט', a nine-year old boy regarding Yibum and Kiddushin









So let's review

## Zogt Di Mishna

The Mishna is discussing a case of four sets of sisters. There were two sisters, Dinah and Yocheved who shared the same mother, Leah. Yocheved had another sister, Sarah, who shared the same father Chetzron. Sarah had another sister Rivka who shared the same mother Keturah. Rivkah had a sister Milkah who shared the same father Besuail.

Levi marries Milkah, and then traveled abroad without her.

אמרו לו מתה אשתך ונשא אחותה מאביה

Levi is told that Milkah died, so he marries Rivkah, who is Milkah's sister of one father, Besuail. This is permitted since the Issur אחות only applies while she is alive. מתה ונשא אחותה מאמה

Then Levi is told that Rivkah died, so he marries Sarah, Rivkah's sister of one mother, Keturah.

מתה ונשא אחותה מאביה

Then Levi is told that Sarah died, so he marries Yocheved, Sarah's sister of one father, Chetzron.

מתה ונשא אחותה מאמה

Then Levi is told that Yocheved died, so he marries Dina, Yocheved's sister of one mother, Leah.

Later, it turns out that all these women are actually alive.



מותר בראשונה ובשלישית ובחמישית ופוטרות צרותיהן

The Halacha is that his first wife Milkah, his third wife, Sarah, and his fifth wife, Dina are rightfully married to him, because they are not sisters in any form. Therefore if Levi dies without children and his brother performed Yibum or Chalitzah with any of these three wives, it is effective, and the other wives are released from their Zikah.

ואסור בשניה וברביעית

ואין ביאת אחת מהן פוטרת צרתה

However, Levi's second wife Rivkah, and his fourth wife Yocheved were never legitimately married. This is because Rivkah was a sister to the first wife, Milkah, sharing the same father, Besuail. Yocheved was a sister to the third wife Sarah, sharing the same father, Chetzron. Therefore, if Levi dies without children and his brother performed Yibum or Chalitzah with any one of these two women, it is not effective, because their marriage was invalid.









3 However,

ואם בא על השניה לאחר מיתת הראשונה

If, in fact, Levi's first wife, Milkah, actually died, but the other wives are all alive, the Halacha would be as follows.

מותר בשניה וברביעית ופוטרות צרותיהן

The second wife Rivkah, and the fourth wife, Yocheved, are rightfully married to Levi, because Levi only married Rivkah after the death of her sister Milkah, which is permitted. Yocheved is not a sister to Rivkah, therefore her marriage is valid.

ואסור בשלישית ובחמישית

ואין ביאת אחת מהן פוטרת צרתה

However Levi's third wife, Sarah, and his fifth wife, Dinah were never legitimately married. This is because Sarah is a sister to the second wife, Rivka, sharing their mother, Keturah. Dinah was a sister to the fourth wife Yocheved, sharing the same mother, Leah.

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The Mishna continues

בן תשע שנים ויום אחד הוא פוסל ע"י אחין

The actions of a טְבן, a nine-year old boy disqualify the Yevama to the remaining brothers

והאחין פוסלין על ידו

And the actions of אחץ גדולים, mature brothers disqualify the Yevama to the 'בן ט

However, there is a difference;

הוא פוסל תחילה

A ט ב' can only disqualify when he performs the initial action

והאחין פוסלין תחילה וסוף

However, אחץ גדולים disqualify even through a subsequent action.

The Mishnah explains

כיצד בן תשע שנים ויום אחד שבא על יבמתו

פסל ע"י אחין

If a בן ט' performed Biyah with the Yevama, she becomes disqualified to his brothers.

באו עליה אחין ועשו בה מאמר נתנו גט או חלצו

פוסלים על ידו If an אם גדול subsequently either perform

If an אח גדול subsequently either performed Biyah, gave a Maamer, a Gett, or Chalitzah, she becomes disqualified to the  $\upsilon$  'בן.

The Gemara elaborates:

מאמר

תחילה פסיל

בסוף לא פסיל

The Maamar of a בן 'disqualifies only if he did it first, but does not disqualify if he did it after an older brother. However,

ביאה פסיל אפי' בסוף

The Biyah of a בן ט' disqualifies even if done later.











אמר שמואל יש לו גט

שמואל says a יבן ט who gave a **G**ett, פסיל, disqualifies the Yevama. However,

אית ליה וזוטר

Although the Gett of a בן 'is effective, it is weaker than a Gett of an older brother regarding the following: לר"ג דאמר אין גט אחר גט

According to רבי גמליאל that א און גט אחר אין א a second  $\boldsymbol{G}ett$  is not effective – that is only in a case of

גדול אחר גדול

וקטן אחר קטן

Where the second Gett is equivalent to the first Gett; אבל גדול אחר קטן מהני

However, when the first Gett was only of a בן ט', the subsequent Gett of a Gadol is effective.

לרבנן דאמרי יש גט אחר גט

And according to the רבנן that אחר גט אחר, a second Gett is effective – that is only in a case of

בגדול אחר גדול

או בקטן אחר קטן

Where the second Gett was equivalent to the first Gett; אבל קטן אחר גדול לא

However, when the first Gett was a Gadol, the subsequent Gett of a יבן 'is NOT effective.

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Zogt Di Mishna

בן ט' שנים ויום אחד שבא על יבמתו

ואח"כ בא עליה אחיו שהוא בן ט' שנים ויום אחד

A nine-year old performed Biyah with the Yevama, and his nine-year old brother subsequently performed Biyah with her;

פוסל על ידו

The אמא says she is disqualified to the first brother, because,

עשו ביאת בן ט' כמאמר בגדול

The Biyah of a nine-year old is the equivalent of a Maamar of a Gadol – And the אחר חנא קמא holds יש מאמר אחר holds יש מאמר אחר, a second Maamar is also effective. Therefore, since the second brother must give a Gett to remove his

Maamar, we apply the Halachah of

כיון שלא בנה

שוב לא יבנה

And she becomes disqualified to all brothers.

רבי שמעון אומר לא פוסל

 $\Gamma''$  disagrees and says that she is NOT disqualified to the first brother, because "ר holds אין מאמר אחר מאמר, a second Maamar is not effective. Therefore, since the second brother does NOT give a Gett, she is permitted to the first brother.









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7 The Mishnah continues:

בן ט' שנים ויום אחד שבא על יבמתו

ואח"כ בא על צרתה

A nine-year old performed Biyah with the Yevama, and he subsequently performed Biyah with her Tzarah. פוסל ע"י עצמו

Both the Yevama and the Tzarah are disqualified to him. The Yevama is disqualified because, יש מאמר אחר מאמר אחר מאמר מאמר, a second Maamar is also effective. Therefore, since he must give a Gett to remove his Maamar from the Tzarah, we apply the Halachah of

כיון שלא בנה

שוב לא יבנה.

The Tzarah is disqualified because, since he already gave Maamar to the Yevama, we apply the Halachah of בית אחד הוא בונה

ואין בונה ב' בתים

ר"ש אומר לא פוסל אומר לא פוסל holds that the first one is NOT disqualified to him, because, אין מאמר אחר מאמר

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## בן מ' שנים ויום אחד שבא על יבמתו ואח"כ בא על צרתה

פוסל ע"י עצמו

Both the Yevama and the Tzarah are disqualified to him

The Yevama is disqualified

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since he must give a

Gs to remove his SNEN

from the 323, we

כיון שלא כנה שוב לא יבנה The Tzarah is disqualified

since he already gave >nkn to the >ns we apply the Halachah of

בית אחד הוא בונה ואין בונה כ' בתים

8 Zogt Di Mishna

בת ט' שנים ויום אחד שבא על יבמתו ומת

A nine-year old performed Biyah with the Yevama, and he subsequently died.

חולצת ולא מתייבמת

She is disqualified for Yibum, and must receive Chalitzah from his brother.

Since ביאת בן ט' כמאמר, his Biyah is only a Maamar, therefore the Zikah of her initial husband remains, and we apply the Halachah of

מי שיש עליה זיקת יבם אחד ולא שעליה זיקת שני יבמין

נשא אשה ומת

A nine-year old married a woman, and he subsequently died.

הרי זו פטורה

She is exempt from Mitzvas Yibum, because a nine-year old is ineligible for Kidushin and they were never legitimately married.

בת מ' שנים ויום אחד שבא על יכמתו ומת חולצת ולא מתייכמת

Since ITF איל אב אלים אלים, therefore the איק of her initial husband remains, and we apply the Halachah of

> מי שיש עליה זיקת יבם אחד ולא שעליה זיקת שני יבמין

> > נשא אשה ומת

A nine-year old married a woman, and he subsequently died

הרי זו פטורה

Because a nine-year old is ineligible for Kidushin and they were never legitimately married







בן ט' שנים ויום אחד שבא על יבמתו

A nine-year old performed Biyah with the Yevama ומשהגדיל נשא אשה אחרת ומת

When he matured he married another woman, and he subsequently died.

אם לא ידע את הראשונה משהגדיל

If he did not cohabit with his first wife, the Yevama, after maturity

הראשונה חולצת ולא מתייבמת

The first wife is disqualified for Yibum, and must receive Chalitzah from his brother, because, since he only performed Biyah while he was a קטן, the Zikah of the initial brother remains, and we apply

מי שיש עליה זיקת יבם אחד ולא שעליה זיקת שני יבמין

והשניה או חולצת או מתייבמת

However the second wife is eligible for either Chalitzah or Yibum, because she is a regular legitimate wife.

ר"ש אומר מייבם לאיזו שירצה

וחולץ לשנייה

ר"ש holds that a brother may perform Yibum with either wife, and gives Chalitzah to the remaining wife, because "disagrees with the Halachah of

מי שיש עליה זיקת יבם אחד

ולא שעליה זיקת שני יבמין

Therefore, the Yevama is also eligible for Yibum.

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The Mishna concludes:

אחד שהוא בן ט' שנים ויום אחד

ואחד שהוא בן עשרים שלא הביא שתי שערות

The Halachos of a ט בן 'are also applicable to a twenty-year old who has not matured. They are both considered  $\sigma$ , minors.

הדרך עלך האשה רבה

We have B"H completed the Tenth Perek of מסכת, and will begin the Eleventh Perek, נושאין על האנוסה, in the next Shiur, B'ezras Hashem.

בן מ' שנים ויום אחד שבא על יכמתו ומשהגדיל נשא אשה אחרת ומת

When he matured he married another woman and he subsequently died

אם לא ידע את הראשונה משהגדיל

If he did not cohabit with his first wife, the Yevama after maturity

השניה

או חולצת

או מתייבמת

because she is a regular legitimate wife. הראשונה חולצת

ולא מתייבמת since he only performed

Biyah while he was a קטן, the Zikah of the initial brother remains, and we apply

מי שיש עליה זיקת יבם אחד ולא שעליה זיקת שני יבמין

אחר שהוא בן מ' שנים ויום אחר ואחר שהוא בן עשרים שלא הביא שתי שערות שלא הביא שתי שערות

They are both considered קמנים קמנים הדרן עלך האשה רבה הדרן עלך האשה רבה



