



# THE SHABUOT MATTERS

שבת קודש פרשת נשא | מסכת יבמות דף ק"ח

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

לע"נ הרב יעקב בן ר' קים משה יצחק

## INSIGHTS FROM OUR CHABUROS

The Power of מיאון

נתן לה גט והחזירה מיאנה בו ונשאת לאחר ונתארמלה או מתגרשה מותרת לחזור לו

The Mishnah illustrates a case which demonstrates the rule that once a **ט** occurs, the marriage is nullified retroactively and is considered as if it never had validity. The case is where Reuven, the husband, first gave his minor wife a **ט**. The girl then "refused" the marriage. Subsequently, the girl went and married Shimon. The second marriage ended either with Shimon's death or through divorce. The Mishnah rules that Reuven may then remarry this girl. Although a man may not remarry his divorced wife if she has been remarried to another man in the meantime, in this case the pronouncement of the young wife of **ט**—that she "refuses" - indicates that the **ט** had no validity because the first marriage itself has been annulled. Additionally, because it is considered as if they were never married, Reuven, the husband, is permitted to marry any of this girl's relatives (her mother or sister), and the girl may also marry any of Reuven's relatives. The girl is also permitted to marry a kohen, because the **ט** she received is not valid now that we see that the marriage never took place. The **לכוש** notes that it may seem peculiar that we do not consider this girl as a divorcée even in a case where she was first given a **ט** and only later declared her refusal. He explains that the truth is that a **ט** given to a minor has no meaning when the kiddushin was only rabbinic. She is in control of being able to refuse the marriage, so the status of the **ט** is null. However, because people see that she has been given a **ט**, the rabbis generally deem her prohibited for kehuna and from the husband's relatives. We treat her as an adult who has been given a divorce. This, however, is only as long as she has not actually declared **ט** after having been given a **ט**. Once she declares **ט**, this statement clarifies for everyone that the original marriage was meaningless, and the **ט**, as well, has no meaning. Each spouse is permitted to the relatives of the other, and the first husband may take her back even if she was married in the interim.

## STORIES OFF THE DAF

Paying the Price

שכרו אדם אחד בארבע מאות זוז

During a period when the Roman kingdom forbade learning Torah, a non-Jewish man was paid four hundred zuz to ask a particular question of Rebbi Akiva in prison. Similarly, all too often Jews throughout the exile have had to pay veritable fortunes in bribes to the authorities in order to properly observe the Torah's laws. Rav Moshe Feinstein, zt"l, possessed a "white pass," a deferment from the Russian army granted to a select few. In 5676 (1915-1916), however, the Russian government nullified previous deferments and forced everyone to be reevaluated. Although it was possible to undergo inspection in a nearby city, Rav Moshe and his father Rav Dovid, zt"l, figured that they were better off reporting to the draft board in the distant city of Homil where they were unknown. Homil had the added advantage of being close to Samalovitch near Minsk where the Chofetz Chaim, zt"l, and his yeshiva were temporarily staying. On the way to Homil, both father and son went to the Chofetz Chaim, zt"l, to ask him to daven for them and to receive the blessing of the great tzaddik. When they arrived and were introduced, the Chofetz Chaim turned to the young Rav Moshe and said, "I have heard about you." After speaking in learning for a while, the Chofetz Chaim asked what had brought them so far from home. They explained their purpose. The gadol said, "There is a heavenly decree against you. Since you bear the yoke of Torah, however, the yoke of the kingdom will be nullified as it says in Avos!" When the Feinsteins reached Homil they noticed that even cripples were being drafted. They bribed an official thirty rubles to grant them three weeks reprieve for "family reasons" in hopes that the next time they appeared for inspection, the selection would not be so broad. According to the law, any appointed Rabbi over thirty was exempt. Before the time elapsed, they paid the official in charge of the draft in their area the astronomical sum of three hundred rubles to confirm that Rav Moshe, who was only twenty-one at the time, was really of age so that he could quickly avoid the draft. Despite obstacles, they succeeded, and Rav Moshe was not forced to serve. In later years, when Rav Moshe would tell this story he would say, "This shows the greatness of the blessing of a tzaddik combined with proper "השתדלות"!"

## PARSHA CONNECTION

In this week's daf we learn of a special concern that חז"ל had regarding a **קטנה** who was divorced by her first husband and married a second husband. The concern is that the first husband will get her attention and convince her to perform **ט** to the second husband, **וקריצותיו** and **מקרת בקריצותיו**. In an adult wife this would make her a **סוטה** which our parsha describes at length. The next segment of the פרשה deals with a **נזיר** which חז"ל explain is a way to avoid a **סוטה** situation. By refraining from drinking wine the Nazir is protecting himself from doing an **עבירה**. When the **נזיר** completes the **נזירות** he can go back to drinking wine, and the Passuk says "ואחר כך ישתה הנזיר יין". Since this refers to a time AFTER he has completed his **נזירות** why is he still called a **נזיר**? It should say **אחר כך ישתה יין**. The **הקודש** explains that this teaches us that ideally the **נזירות** had an impact on him and even now that he returns to drinking wine he will do so as an elevated person, who was changed by the **נזירות**. We just completed the wonderful **שבועות** of **יום טוב** culminating 50 days of anticipation. Let's maintain this high level of learning into the summer **י"ח**.

# HALACHA HIGHLIGHT

מיאון

תנו רבנן איזהו מיאון וכו'

The rabbi taught: What is מיאון?

A female minor who has no father and was married rabbinically by her mother or brother (or if she has a father but he married her once so that she is considered an orphan during her father's lifetime) is allowed to reject her husband and end the marriage without a get<sup>1</sup>. This option is available as long as she remains a minor but if she physically matures or has a child she is an adult who may no longer exercise the option of מיאון<sup>2</sup>.

The Gemara and Shulchan Aruch make it clear that her מיאון can be expressed in different ways. If she states explicitly that she no longer wants to remain with her husband, or she has no interest in the kiddushin performed by her mother or brother on her behalf, she has done מיאון<sup>3</sup>. Even if it seems obvious that she is doing מיאון out of selfish interests, her rejection constitutes a valid מיאון. Consequently, if she was serving guests in her home and she declares that she no longer desires to remain with her husband or if her husband sent her to the store and she makes a statement of מיאון, the marriage is over<sup>4</sup>. Furthermore, accepting kiddushin from another man constitutes a מיאון even if she did not articulate that she is thereby refusing to remain with her husband<sup>5</sup>. Rav Akiva Eiger<sup>6</sup> notes a case where her rejection is not considered a valid מיאון. If while preparing to complete the marriage with a disagreement took place between the husband-to-be and the girl's mother and the girl declared that she does not want to marry unless her mother agrees, there is no מיאון even if her mother does not agree.

Although a female minor has the option to do מיאון, nonetheless, as long as מיאון has not been performed they are considered married in every way. Thus, the husband has the rights to her wages and the lost items that she finds and he is obligated to provide her with financial sustenance and must redeem her in the event that she is kidnapped. A minor who does מיאון loses her kesubah but she does retain the right to collect the amount above and beyond the minimum value of the kesubah, i.e. she collects the תוספת כתובה but not the kesubah itself<sup>7</sup>.

1. שר"ע אה"ע סי' קנ"ה סע' א'
2. שם סע' י"ב
3. שם סע' ג'
4. ע' סוגייתנו ריש ק"ח
5. שר"ע שם סע' ג'
6. הגהות רעק"א שם לסע' ג'
7. שר"ע שם סע' י'

## POINT TO PONDER

The Gemara says that there are various ways in which a קטנה can do מיאון including agreeing to marry someone else. According to רבי אליעזר that a קטנה בת a קטנה can even continue to eat תרומה after marrying a ישראל, what is the relevance of מיאון? She can marry someone else without saying anything, and even before she does anything she continues to enjoy the benefits of being single and part of her father's family?

### Response to last week's Point to Ponder:

The משנה starts by saying "אין נמאנין אלא ארוסות" since the wife is the one who is נמאן why does the משנה use the word נמאנין which is לשון זכר rather than לשון נקבה which is נמאנות?

The משנה is actually referring to the בית דין who may consider allowing a קטנה to be נמאן, and not to the קטנה herself. (See רשב"א י"א).

## REVIEW AND REMEMBER

1. Does a minor have to say anything for מיאון to be effective?
2. Why did Rabbi prefer R' Eliezer's position over R' Yehoshua's position?
3. What is the implication of מיאון voiding a גט?
4. Why was R' Akiva in prison?

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