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OVERVIEW of the Daf

1) מיאון

R' Yehudah or a Baraisa concludes elaborating on the language that was used in the מיאון document.

A Baraisa discusses the necessary language for a מיאון to be valid.

R' Yehudah in the name of Shmuel rules in accordance with R' Chanina ben Antigonus that a minor who cannot protect the item given to her as kiddushin does not need to do מיאון.

A Baraisa teaches that a minor who married a second husband has effectively done מיאון.

The Gemara asks if accepting kiddushin also constitutes מיאון.

A Baraisa, citing R' Yehudah ben Beseira, rules that kiddushin is also a form of מיאון.

Four related inquiries are presented.

In the course of attempting to resolve the four inquiries, additional questions arise.

The Gemara rules that kiddushin constitutes מיאון even if the minor girl was fully married to the first husband.

2) Clarifying R' Eliezer's position

R' Yehudah in the name of Shmuel notes that R' Eliezer is consistent in his position that "marriage" with a minor has no legal significance.

A Baraisa cites a dispute between R' Eliezer and R' Yehoshua on this matter and notes that R' Eliezer is consistent, whereas R' Yehoshua is not.

3) Clarifying R' Eliezer ben Yaakov's position

Two explanations of R' Eliezer ben Yaakov's position are presented.

The second explanation is unsuccessfully challenged.

4) MISHNAH: The Mishnah discusses the ramification of a minor who does מיאון or receives a גט from her husband and the different halachos that apply.

5) מיאון after a גט

The implication of the Mishnah that מיאון voids a גט is challenged.

R' Yehudah in the name of Shmuel explains that the contradictory sources represent differing opinions.

Rava asserts that the contradiction could be resolved.

This resolution is unsuccessfully challenged.

According to a second version the contradiction was related to whether מיאון of a friend voids the גט of the first husband.

R' Elazar accepts that they are contradictory whereas Ulla maintains hat the contradiction could be resolved.

R' Yehudah in the name of Rav cites a Baraisa that presents two Tannaim that disagree about this matter.

R' Yitzchok bar Ashyan suggests that although Rav maintains that a minor is prohibited to the husband who divorced

(Continued on page 2)

Distinctive INSIGHT

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 מיאון occurs, the marriage is nullified retroactively and is considered as if it never had validity. The case is where Reuven, the husband, gave his minor wife a גט. The girl then "refused" the marriage. Subsequently, the girl 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 מיאון of the young wife indicates that the גט 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 גט she received is not valid now that we see that the marriage never took place.

The לבוש 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 גט and only later declared her refusal. He explains that the truth is that a גט 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 גט is null. However, because people see that she has been given a גט, 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 מיאון after having been given a גט. Once she declares מיאון, this statement clarifies for everyone that the original marriage was meaningless, and the גט, 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. ■

REVIEW and Remember

1. Does a minor have to say anything for מיאון to be effective?

2. Why did Rebbi 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?

HALACHAH 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[1]. 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[2].

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[3]. 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[4]. 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[5]. Rav Akiva Eiger[6] notes a case where her rejection is not considered a valid מיאון. If while preparing to complete the marriage with נישואין 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[7]. ■

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

(Overview. Continued from page 1)

her even if she did מיאון to her second husband, he would agree that she is permitted to marry his brother.

The necessity of the ruling is explained.

According to a second version Rav maintained that she is prohibited to the brother as well.

6) MISHNAH: The Mishnah begins discussing the yibum ramification of one who remarries his wife after divorcing her. ■

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!" ■

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