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Sanhedrin Daf 69

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A Man, Not A Child

Abaye asked a question from a *braisa*. The *braisa* states: *Man*. This only implies to a man. How do we know that this also refers to a minor who is nine years and one day old? The verse says *and a man*. [*This implies that a minor can have a child, unlike Rabbah!*]

Rabbah answers: He can have relations, but cannot have a child like grain that has not grown one third of its growth.

In the Academy of Chizkiyah it was taught: *And when a man purposely etc.* This refers to a man who purposely lets out seed, as opposed to a minor who does not do so willingly.

Rav Mordechai said to Rav Ashi: How do we know that this term (*yazed*) implies cooking? The verse says “*va’yazed Yaakov nazid*” -- “*And Yaakov cooked a pot of lentils.*”

The *Gemora* asks: Wasn’t it taught by the Academy of Rabbi Yishmael (*regarding a ben sorer u’moreh*) a son and not a father? [*This implies that one cannot be a ben sorer u’moreh if he is already a father.*] What is the case referred to by this teaching? If he did these transgressions after he already had two hairs, and he fathered a child before he had a full beard (*i.e. amount of hair*) is there such a long time between the two? Didn’t Rav Kruspadai say that the entire window of time in which one can be a *ben sorer umoreh* is three months! Rather, it must be that he did these transgressions before he had two hairs, and he fathered a child before he had a full beard. We see from here that a minor can be a father (*unlike Rabbah!*)

The *Gemora* answers: No. The case is that he did these transgressions after he had two hairs, and he fathered a child after he had a full beard. Rabbi Yishmael’s teaching can be understood according to Rav Kruspadai’s teaching that a son is a *ben sorer umoreh*, not one who could technically be a father.

The *Gemora* discusses a previous statement. Rav Kruspadai says: The entire window of time in which one can be a *ben sorer umoreh* is three months.

The *Gemora* asks: Didn’t we learn in the *Mishna* that one can be a *ben sorer umoreh* from the time that he has two hairs until he has a full beard?

The *Gemora* answers: The *Mishna* means that if one has a full beard, he can no longer be a *ben sorer umoreh*, even though less than three months have passed since he first had two hairs. If three months pass since he has two hairs, even though he does not yet have a full beard, he can no longer be a *ben sorer umoreh*.

Rav Yaakov from Pakod River was sitting before Ravina, and he said the following statement in the name of Rav Huna the son of Rav Yehoshua. We see from the statement of Rabbi Kruspadai in the name of Rabbi Shabsi that if a woman is pregnant with a baby for seven months, her pregnancy will not be apparent after one third of her pregnancy (*as opposed to a woman who carries to full term*). If one would think that her pregnancy is apparent, why would he say three months? Two and one third



months should be enough (*for him to be considered a potentially expectant father*)!

Ravina answered: It is possible that her pregnancy is apparent. Rabbi Kruspadai merely understood that the amount of time should be based on how long it would take for most pregnancies to become apparent.

They said this before Rav Huna the son of Rav Yehoshua. He said: In laws of capital punishment, do we say one follows most similar circumstances? The Torah says, *and the congregation will judge, and the congregation will save*, and you say we should go by the majority?! [*Any argument that will save him is used!*]

They said this to Ravina. He asked, do we not indeed use the majority of similar circumstances to determine capital cases? The *Mishna* says: If one says it was on the second of the month and the other says it was on the third, their testimony stands. This is because one of the witnesses knew the month had been extended (*by a day*), and one did not. If we do not say that we use majority of circumstances, why don't we say that they both know the calendar and are contradicting each other? It must be because we do use the majority of circumstances, and most people do make mistakes regarding the date.

Rabbi Yirmiyah from Difti says: We already learned this. The *braisa* states: A girl who is three years and one day old can become betrothed through having relations. If a *yavam* has relations with her, he has acquired her. One is liable if he has relations with her when she is married for the prohibition against having relations with someone else's wife. She causes someone who has relations with her when she is a *niddah* to make things he is resting on impure even if he does not touch them (*i.e. the bottom mattress becomes impure even if he is sitting atop a mattress that is on top of it*). If she is married to a *Kohen*, she can eat *terumah*. If one of the people who cause a woman to become disqualified from marrying a *Kohen* upon having

relations with him has relations with her, she is indeed unfit to marry a *Kohen*. If anyone forbidden to have relations with her by Torah law does so, they are killed because of these relations, while she is exempt (*as she is a minor*). Rabbi Yirmiyah asks: Why do we say that one is killed if he has relations with this married minor? Perhaps she is an *aylonis* (*woman who later exhibits manly characteristics*), and we will say that her husband never betrothed her if this turns out to be the case! [*The man killed for having an affair with a married woman would then turn out not to have had an affair at all, as the kiddushin is nullified.*] Rather, the reason we are not concerned with this possibility is because most women are not an *aylonis*. We see from here that we use the majority of circumstances, even to convict in capital cases!

The *Gemora* answers: No. It is possible that when the *braisa* says he is liable, it means that if he does so by accident, he must bring a *korban*. It was not discussing the death penalty.

The *Gemora* asks: Doesn't the *braisa* state these men are killed because of her?

The *Gemora* answers: This is only if her father has relations with her.

The *Gemora* asks: Doesn't it say that this is the case if any people forbidden to her have relations with her? Rather, it must be that the case is where the person who married the minor accepted that the betrothal should be valid even if she is discovered to be an *aylonis*.

The *braisa* states: Someone was being flirtatious with her young son and she caused him to have the beginnings of relations with her (*see Rashi*). Beis Shamai says: Her son has made her invalid to marry a *Kohen*. Beis Hillel says: She can still marry a *Kohen*.



Rabbi Chiya the son of Rabbah bar Nachmeini says in the name of Rav Chisda, and some say Rav Chisda says in the name of Zeiri: Everyone agrees that the relations of a boy who is nine years old and one day is considered relations. If he is less than eight years old, his relations are not considered relations. The argument is regarding an eight year old. Beis Shamai says: We derive from the earlier generations. Beis Hillel says: We do not derive from the earlier generations.

The *Gemora* asks: How do we know that the children of earlier generations fathered children at this age? You might suggest it is from the following combination of verses. *Bas Sheva the daughter of Eliam, the wife of Uryah the Chitite...Eliam the son of Achitofel the Golani...And he sent in the hands of Nasan the prophet and he called his name Yedidyah for Hashem...and it was for two years and they were shearing for Avshalom...And Avshalom ran away and left to Geshurah, and was there for three years...And Avshalom sat in Yerushalayim for two years and never saw the face of the king...And it was at the end of forty years, and Avshalom said to the king, "I will go and fulfill my vow, the vow that I had vowed to Hashem in Chevron..." And Achitofel saw that his advice had not been done, and he saddled his donkey, and he got up and went to his house and to his city, and he gave his will to his family and choked to death...People of blood and trickery will not live out half of their years.* The *braisa* states: Doeg only lived for thirty four years, and Achitofel for thirty three years. How old was Achitofel when he died? He was thirty three. Take away the seven years of Shlomo, and he was twenty six. Take away two years for three pregnancies (*minimum*), and one is left with twenty four. This shows that each had a child at the age of eight. [*Achitofel had Eliam at the age of eight (plus a few months), Eliam had Bas Sheva at eight, Bas Sheva had Shlomo at eight.*]

The *Gemora* asks: Perhaps the men had children at nine, and Bas Sheva had her child at six, as women are healthier (*and physically more ready to have children earlier*)? This is

indeed the case here, as Bas Sheva had a child before Shlomo (*as mentioned in the verse*)!

Rather, the proof is as follows. *These are the generations of Terach, Terach begot Avraham, Nachor, and Haran.* Avraham was a year older than Nachor, and Nachor was a year older than Haran, making Avraham two years older than Haran. *Avraham and Nachor took wives for themselves etc.* Rabbi Yitzchak says: *Yiska* refers to Sarah, who was called this because she was basking in ruach ha'kodesh. This is as the verse states, *whatever Sara says, listen to her voice.* Another reason why she was called Yiska is because everyone basked in her beauty. The verse continues *And Avraham fell on his face and laughed. And he said in his heart etc.* How much older was Avraham than Sara? He was ten years older than her. He was two years older than her father (*Haran*). This shows that Haran had her when he was eight years old.

The *Gemora* asks: How do we know this is true? Perhaps Avraham was the youngest brother, and they are listed in order of wisdom, not age? The verse does this sometimes, as is apparent from the verse *And Noach was five hundred years old, and he had Shem, Cham, and Yefes.* It seems that Shem was a year older than Cham, and Cham was a year older than Yefes. This means Shem was two years older than Yefes. The verse says *And Noach was six hundred years old, and the great floodwaters already started hitting the ground...These are the descendants of Shem, Shem was one hundred years old when he begot Arpachshad, two years after the great flood.* It would seem that he should have been one hundred and two, not one hundred!

Rather, the verse listed them by how smart they were, not how old they were. The same is true regarding Avraham and his brothers.

Rav Kahana says: I said over this *Gemora* before Rav Zevid from Nehardea. He said: You derive this from there, while we derive this from here. *Shem also gave birth, the father*



of all the sons of Eiver, the brother of Yefes the elder. This indicates that Yefes was the oldest brother.

Rather, what is the source? The source is from the verse *And Betzalel the son of Uri the son of Chur from the tribe of Yehudah...And Azuvah died, and Kalev took Efras and begot Chur*. How old was Betzalel when he made the Mishkan? He was thirteen. This is as the verse says, *each man from the work that they are doing*. The *braisa* states: The first year Moshe made the Mishkan, the second year it was raised and he sent the spies. The verse says, *I was forty years old when Moshe sent spies...and today I am eighty-five*. How old was Kalev when they left Egypt? He was forty. Take away the fourteen years of Betzalel, and you are left with twenty six. Take away two years for three pregnancies, and one is left with twenty four years. This shows that Kalev had Chur at eight, Chur had Uri at eight, and Uri had Betzalel at eight.

INSIGHTS TO THE DAF

Son; not a Daughter

The *Mishna* says that only a son can become a *ben sorer umoreh*. The *Gemora* quotes a *braisa* that really it should apply to a daughter as well because if she steals as a young girl, she is more likely to resort to prostitution as she grows older to support her expensive taste. But, since the Torah says "ben," we understand it to be to the exclusion of a daughter. The *Gemora* seems to imply that there is no logical reason to limit the situation to a son, but that is the *gezeiras hakasuv*.

The Meiri, however, seems to hold that a son would have more of a tendency to be drawn after his desires, rather than give them up when he has no money, more than a daughter would. He seems to understand the *Gemora* to be saying that the *gezeiras hakasuv* to limit it to a son is also logical, just that without the explicit limitation we would have expanded it to a daughter as well.

The Maharatz Chayus says that Rabbi Shimon is the one who is speaking in the *braisa* because he is the opinion who generally expounds the rationale of the Torah and would therefore expand the prohibition to a girl as well.

The difficulty with this approach is that Rabbi Shimon should then expound the reason and expand it the concept to a daughter even after the Torah explicitly says a son. Why does he limit it? Based on the Meiri we can say that the reason Rav Shimon limits it is because we have another rationale that a boy would be more prone to being drawn after his desires more than a daughter so there is a reason to limit just as there is a reason to expand, therefore we follow the simple reading of the verse.