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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

The *Mishna* had stated: if a girl was younger than this age (*three years old*), cohabitation with her is like putting a finger in the eye.

The *Gemora* inquires: Do the features of virginity (*her hymen*) disappear (*with cohabitation*) and reappear again, or perhaps they cannot be destroyed until after the age of three?

The *Gemora* notes the practical difference that it makes: If one cohabited with her before the age of three and found blood, and when he cohabited with her after the age of three he found no blood. If you grant that they disappear and reappear again, it may well be assumed that there wasn't sufficient time for their reappearance (*and therefore we would not be concerned that perhaps she was violated by another man after she reached three years of age*), but if you maintain that they cannot be destroyed until after the age of three years, it would be a clear indication that another man cohabited with her. Now, what is the *halachah*?

Rabbi Chiya the son of Rav Ikka asked: But who can tell us that a wound inflicted within the three years is not healed immediately? Perhaps it is immediately healed, and it would thus be clearly evident that another man had cohabited with her? Rather, the practical difference is the case where one had cohabited with her while she was under three years of age and found blood, and when he had cohabited with her after the age of three he also found blood. If you grant that the features disappear and reappear again, the blood (discharged initially) might well be treated as that of virginity (and will not cause *tumah*), but if you maintain that they

cannot be destroyed until after the age of three years, that must be *niddah* blood. Now, what is the *halachah*?

Rav Chisda replied: This can be proven from our *Mishna* which states: if a girl was younger than this age (three years old), cohabiting with her is like putting a finger in the eye; what need was there to state the expression 'like putting a finger in the eye, instead of merely saying that cohabiting with her is of no consequence? Does this then not teach us that, just as the eye tears and tears again, so do the features of virginity disappear and reappear again.

The *Gemora* cites a *braisa*: It is related of Justina the daughter of Aseverus son of Antonius that she once appeared before Rebbe, and asked him: Master, at what age may a woman marry (that cohabiting with her has legal consequences)? He told her: At the age of three years and one day. She asked him: And at what age is she capable of conception? He replied: At the age of twelve years and one day. She said to him: I married at the age of six and bore a child at the age of seven; woe is to me for the three years that I have lost at my father's house!

The *Gemora* asks: But can a woman conceive at the age of six years? Did we not learn a *braisa* that Rav Bibi cited in front of Rav Nachman: Three types of women are permitted to insert a wad into their bodies prior to engaging in marital relations in order to prevent conception. They are: A minor, a pregnant woman and a nursing woman. A minor is permitted because otherwise, she may become pregnant and die. A pregnant woman is permitted because otherwise, she might become pregnant again, and the second fetus will

crush the first one. A nursing woman is permitted because otherwise, she might be compelled to wean her child, resulting in his death. The *braisa* continues: What age minor are we referring to? We are concerned when the minor is between eleven and twelve years old. If she is younger or older than that, she is not permitted to cohabit in that manner; these are the words of Rabbi Meir. The Chachamim disagree with the entire ruling and state that these women should cohabit in the regular manner and Heaven will have compassion on them (*becoming pregnant in these situations is highly unusual and therefore we prohibit them from utilizing and type of contraceptive measures*) as it is written [Tehillim 116:6]: *Hashem protects the fools*. [This *braisa* shows that a minor does not normally have a child, as she would normally either not become pregnant or die due to the pregnancy.]

The *Gemora* answers: If you wish I might reply with the verse: Whose flesh is as the flesh of donkeys (meaning that they have an excessive drive for cohabitation, and somehow this caused her to conceive). And if you prefer I might answer with the verse: Whose mouth speaks falsehood, and their right hand is a right hand of lying (meaning that she wasn't being truthful).

The *Gemora* cites a *braisa*: A story is told of a certain woman who came before Rabbi Akiva and said to him: Master, I have cohabited (with men that cause disqualification) when I was under three years of age; what is my position towards Kehunah? He replied: You are fit for Kehunah. She continued: Master, I will give you a comparison to what may this incident be compared? It is to a child whose finger was submerged in honey. The first time and the second time he cries about it, but the third time he sucks it (out of enjoyment). He replied: If so, you are unfit for Kehunah. Observing that the students were looking at each other (for they were perplexed by his ruling), he said to them: Why do you find the ruling difficult?

<sup>1</sup> Thus, being of age, affecting valid kinyan of marriage.

<sup>2</sup> Being now in all respects her lawful husband, chalitzah is no longer necessary.

They replied: It is because the entire Torah is a tradition that was handed to Moshe at Sinai; so is the law that a girl under the age of three years is fit for Kehunah one that was handed to Moshe at Sinai! Rabbi Akiva too made his statement only for the purpose of sharpening the minds of the students.

The *Mishna* states: A boy who is nine years old and one day who cohabits with his *yevamah* has acquired her. However, he cannot give her a *get* until he becomes an adult. He becomes impure like a *niddah* to make what is underneath him impure as if he is sitting directly on top of it (*as explained above*). He can make a woman unfit to marry a *Kohen* (*if he is one of the people whom having relations with makes one unfit to marry a Kohen*). He cannot entitle a woman to eat *terumah* (*if he is a Kohen*) by cohabiting with her for the sake of marriage. If he cohabits with an animal, he disqualifies it from being brought as a *korban*, and it is stoned because of him. If he cohabits with anyone mentioned in the Torah who is forbidden to him, they are killed because of him, though he is exempt from punishment.

GEMARA: But when he reaches adulthood, is a divorce alone sufficient? Was it not taught: The cohabitation of a boy of nine years of age was given the same validity as that of a *ma'amar* by an adult; as a *ma'amar* by an adult requires a divorce in respect of his *ma'amar* and *chalitzah* in respect of his marital bond so does the cohabitation of a boy of nine years of age require a divorce in respect of his *ma'amar* and *chalitzah* in respect of his marital bond? — Rav replied: It is this that was meant: when he reaches adulthood he shall cohabit with her<sup>1</sup> and give her a divorce.<sup>2</sup>

MISHNAH: The vows of a girl of the age of eleven years and one day must be examined;<sup>3</sup> the vows of one who is of the age of twelve years and one day are valid;<sup>4</sup> and throughout the twelfth year they are to be examined. The vows of a boy

<sup>3</sup> To ascertain whether the girl was aware of their significance.

<sup>4</sup> No examination being necessary.

of the age of twelve years and one day must be examined; the vows of one who is of the age of thirteen years and one day are valid; and throughout the thirteenth year they are to be examined. Prior to this age,<sup>5</sup> even though they said, 'we know in honor of whose name we have made our vow' or 'in honor of whose name we have made our dedication', their vow<sup>6</sup> is no valid vow and their dedication is no valid dedication. Subsequent to this age,<sup>7</sup> even though they said, 'we do not know in the honor of whose name we have made our vow' or 'in honor of whose name we have made our dedication', their vow is a valid vow and their dedication is a valid dedication.

GEMARA: But since it was stated: The vows of a girl of the age of eleven years and one day must be examined,<sup>8</sup> what need was there for stating: The vows of one who is of the age of twelve years and one day are valid? — It might have been presumed that henceforth they must always be examined,<sup>9</sup> hence we were informed that after the age of twelve years and a day the vows are invariably valid. But since it was stated: The vows of one who is of the age of twelve years and one day are valid,<sup>10</sup> what need was there for stating: And throughout the twelfth year they are to be examined?<sup>11</sup> — It might have been presumed that, since a Master has laid down that 'Thirty days of a year are counted as a full year', where we examined her vows during a period of thirty days<sup>12</sup> and she did not know how to express their significance,<sup>13</sup> no further examinations<sup>14</sup> should be held<sup>15</sup> hence we were

informed that her vows are to be examined all through the twelfth year. Then let the last two cases be stated: The vows of one who is of the age of twelve years and one day are valid, and throughout the twelfth year they are to be examined, but<sup>16</sup> what was the need for the statement: The vows of a girl of the age of eleven years and one day must be examined? — It was required: Since it might have been suggested that as a rule examination was necessary in the twelfth year and unnecessary in the eleventh year, but that where we see that the girl is particularly bright she might also be examined in the eleventh year,<sup>17</sup> we were informed that the period of examination invariably begins at the age of eleven years and one day. What was the need for stating: prior to this age and subsequent to this age? — It might have been presumed that the previous rulings applied only where the children themselves spontaneously say nothing<sup>18</sup> but that where they do assert spontaneous opinion we may rely upon them, hence we were informed that even their own assertions do not affect the age limits.

Our Rabbis taught: These<sup>19</sup> are the rulings of Rebbe. Rabbi Shimon ben Elozar stated: The age limits that were assigned to the girl apply to the boy while those assigned to the boy apply to the girl.<sup>20</sup>

Rav Chisda stated: What is Rebbe's reason? Because it is written in Scripture: And Hashem, God built the rib which teaches that the Holy One, blessed be He, endowed the

<sup>5</sup> The first day of the twelfth year in the case of a girl and the first day of the thirteenth year in that of a boy.

<sup>6</sup> Since they are still minors.

<sup>7</sup> Twelve years and a day in the case of a girl and thirteen years and a day in that of a boy when they respectively attain their majority.

<sup>8</sup> From which it might well be inferred that at a later age her vows are valid and no examination is necessary.

<sup>9</sup> And that the age of eleven years and one day is only the limit below which even an examination does not establish the validity of a vow.

<sup>10</sup> And it has previously been stated that from the age of eleven years and one day vows must be examined.

<sup>11</sup> A ruling which evidently follows from the previous statements.

<sup>12</sup> The first of the twelfth year.

<sup>13</sup> Thus revealing her mental incapacity.

<sup>14</sup> During the remaining months of that year.

<sup>15</sup> On the assumption that the examinations during the thirty days have established for the rest of that year that her mental state was that of a minor.

<sup>16</sup> In view of the explicit statement that examinations are conducted throughout the twelfth year.

<sup>17</sup> And if she shows sufficient mental development her vows are valid even at that early age.

<sup>18</sup> Sc. they do not claim 'we know' when they are under the age limit or 'we do not know' when they are above the limit.

<sup>19</sup> The statements on the respective age limits of a boy and a girl, according to which the latter matures earlier than the former.

<sup>20</sup> The boy, in his opinion, maturing earlier.

woman with more understanding than the man. And the other?<sup>21</sup> — He requires that text for the same deduction as the one made by Rish Lakish, for Rish Lakish citing Rabbi Shimon ben Menasya stated: And Hashem, God built the rib which he took from the man into a woman, and he brought her unto the man, teaches that the Holy One, Blessed be He, plaited Eve's hair and then brought her to Adam, for in the sea-towns they describe net-work as binyasa. But what is Rabbi Shimon ben Eloazar's reason? — Rav Shmuel son of Rav Yitzchak replied: As a boy frequents the house of his teacher his subtlety develops earlier.

It was asked: Is the intervening period<sup>22</sup> regarded as that of under, or of over age? — In respect of what law could this matter: If in that of vows, it is neither regarded as that of under age nor as that of over age? — Rather in respect of punishments.<sup>23</sup> Now what is the ruling? — Both Rav and Rabbi Chanina replied: The intervening period is regarded as that of under age.<sup>24</sup> Both Rabbi Yochanan and Rabbi Yehoshua ben Levi replied: The intervening period is regarded as that of over age. Said Rav Nachman bar Yitzchak: Your mnemonic<sup>25</sup> is: Now this was the custom in former time in Israel.<sup>26</sup>

Rav Hamnuna raised an objection:<sup>27</sup> Subsequent to this age, even though they said, we do not know in honor of whose name we have made our vow' or 'in honor of whose name we have made our dedication' their vow is a valid vow and their dedication is a valid dedication. Thus it follows, does it not, that the intervening period is regarded as that of under age? Said Rava to him, Read then the first clause: prior to this age, even though they said, 'we knew in honor of whose name we have made our vow' or 'in honor of whose name

we have made our dedication', their vow is no valid vow and their dedication is no valid dedication. Thus it follows, does it not, that the intervening period is regarded as that of over age? — This, however, is no argument, Rava having labored under a misapprehension. He thought that Rav Hamnuna drew his inference from a Mishnah redundancy, [hence he argued that] instead of drawing an inference from the final clause he might as well have drawn one from the first clause; but this was not the case. Rav Hamnuna in fact drew his inference from the very wording of our Mishnah. How [he reasoned] is one to understand the expression of 'subsequent to that age'? If by that time one had not yet grown two hairs, one would, surely, still be a minor. Consequently it must refer to one who had grown two hairs, the reason for the ruling being that one was over age, when all requirements were satisfied. Thus it follows, does it not, that the intervening period is regarded as that of under age?

A further objection was [also] raised by Rabbi Zeira: When . . . man . . . shall clearly utter a vow, the vow of . . . What was the purpose of stating 'man'? To include in the scope of the law a boy of the age of thirteen years and one day whose vows are valid, though he is unable to 'utter clearly'. Now how is this to be understood? If it be suggested that the reference is to a boy who had not yet grown two hairs, [the objection could be raised:] Such a boy would still have the status of a minor. The reference consequently must be to one who had grown two hairs, the reason being that he is thirteen years and one day old, when he is regarded as a 'man'. Thus it follows, does it not, that the intervening period is regarded as that of under age? — This is indeed a refutation. (45b – 46a)

<sup>21</sup> Rabbi Shimon ben Elozar; how in view of this deduction can he maintain his view?

<sup>22</sup> From the age of eleven years and a day to that of twelve years and a day and from twelve years and a day to thirteen years and a day in the case of a girl and a boy respectively.

<sup>23</sup> And in the case where the boy or the girl had grown two pubic hairs. In the absence of these, even one of age is exempt from punishments.

<sup>24</sup> And exempt from punishment.

<sup>25</sup> An aid to the recollection of the respective authorship of the two views just expressed.

<sup>26</sup> Rabbi Yehoshua ben Levi was a Levite, while Rav and Rabbi Chanina were Israelites; and those who were 'in Israel' gave former time' which recalls 'before time' ('under age') as their ruling.

<sup>27</sup> Against Rabbi Yochanan and Rabbi Yehoshua ben Levi.