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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

Rav Nachman stated, The question¹ is a point at issue between Tannaim, [for it was taught:] If a boy of the age of seven years grew two hairs they are attributed to a mole; from the age of nine years to that of twelve years and one day they are also to be attributed to a mole, but Rabbi Yosi son of Rabbi Yehudah ruled: They are a sign of puberty; at the age of thirteen years and one day, all agree that they are a sign of puberty. Now is not this self-contradictory: You said, ‘From the age of nine years to that of twelve years and one day they are also to be attributed to a mole’, from which it follows that at the actual age of thirteen years they are a sign of puberty; but then it is stated, ‘At the age of thirteen years and one day . . . they are a sign of puberty’, from which it follows, does it not, that at the actual age of thirteen years they are to be attributed to a mole? Must you not concede then that this question is a point at issue between the Tannaim, one Master holding that the intervening period is regarded as that of over age while the other Master maintains that the intervening period is regarded as that of under age?² No; all may agree that the intervening period is regarded as that under age, but both clauses refer to a girl the first³ supporting the view of Rebbe⁴ while the latter represents that of Rabbi Shimon ben Elozar.⁵ And if you prefer I might reply: Both clauses refer to a boy, and the first represents the view of Rabbi Shimon ben Elozar while the latter represents the view of Rebbe. And if you prefer I might reply: Both clauses are the view

of Rebbe, but one refers to a boy while the other refers to a girl. And if you prefer I might say: Both clauses are the view of Rabbi Shimon ben Elozar, but the one refers to a boy while the other refers to a girl.

‘Rabbi Yosi son of Rabbi Yehudah ruled: They are a sign of puberty.’ Rabbi. Kerusedai son of Rabbi Shabbsai explained: This applies only where they are still on him.⁶ So it was also taught: If a boy of the age of nine years and one day had grown two hairs they are to be attributed to a mole; from the age of nine years to that of twelve years and one day, though the hairs are still on him, they are to be attributed to a mole. Rabbi Yosi son of Rabbi Yehudah ruled: They are a sign of puberty.

Rava stated: The law is that the intervening period is regarded as that of under age. Rav Shmuel bar Zutra taught Rava's tradition in the following form: Rava stated, A minor all through her twelfth year may make a declaration of mi'un and go away,⁷ but from that age upwards she may not make a declaration of mi'un⁸ but⁹ she may not submit to chalitzah. Is not this statement, however, self contradictory? You said, ‘she may not make a declaration of mi'un’ from which it is evident that¹⁰ she is regarded as one of age; but if she is of age why may she not submit to chalitzah? And were you to reply that he was in

¹ To which age the intervening period belongs.

² Which proves Rav Nachman's contention.

³ According to which the growth of the hairs at the age of thirteen years is sufficient evidence.

⁴ Who stated that in the case of a girl the age of thirteen years is regarded as over the prescribed age.

⁵ Who, as stated, regards a girl at the age of thirteen years as being under the age prescribed.

⁶ When he attained his majority. If by that time they have fallen off it is obvious that their growth was merely due to a mole.

⁷ And there is no need to consider the possibility that she may have grown two hairs. If any hairs had grown they must be attributed to a mole. It thus follows that the intervening period is regarded as that of under age.

⁸ Since at this age the possibility must be considered that she may have grown two hairs.

⁹ If her husband died childless.

¹⁰ If she has grown two hairs.

doubt,¹¹ [it could be retorted:] Was he in doubt? Did not Rava in fact rule: A minor on attaining the age of majority need not be examined since there is presumption that she has grown the signs of puberty? — This applies only to general cases, but not here where an examination was held and no hairs were found. If so, why should she not be allowed to make a declaration of mi'un? The possibility is taken into consideration that they might have fallen off. This would be a satisfactory explanation according to he who holds that such a possibility is taken into consideration, but what explanation can be offered according to he who holds that such a possibility need not be taken into consideration? Was it not stated: Rav Kahana ruled, There is no need to consider the possibility that they may have fallen off and Rav Pappi ruled, The possibility must be considered? — This¹² applies only to the matter of chalitzah, but as regards mi'un the possibility is taken into consideration.¹³ Thus it follows that according to he who holds that the possibility is taken into consideration she may submit to chalitzah; but [it may be objected:] Did he not merely say that the possibility is taken into consideration? The fact is that this is a case where she was not examined,¹⁴ but the possibility is taken into consideration as regards chalitzah,¹⁵ and when Rava stated 'There is presumption' he meant it in regard to mi'un, but in regard to chalitzah an examination is a pre-requisite.

Rav Dimi of Nehardea stated: The law is that the possibility that the hairs may have fallen off is taken into consideration.¹⁶ This,

¹¹ Whether a girl at such an age had, or had not grown pubic hairs; and consequently he forbade mi'un in case she was already of age, and forbade chalitzah in case she was still a minor.

¹² That where no hairs were found there is no need to consider the possibility that they may have fallen off.

¹³ And mi'un is, therefore, forbidden and only a proper divorce can dissolve the marriage.

¹⁴ And as she has attained the age of majority, when she might be presumed to have grown pubic hairs, she must be forbidden mi'un and subjected to the restrictions of divorce.

¹⁵ And he cannot submit to chalitzah in order to be exempt from divorce, since the law must always be restricted.

¹⁶ Once she has attained the age of majority, though on examination no hairs are found, she may no longer exercise the right of mi'un.

¹⁷ With the approval of her mother or brothers.

however, applies only where one had betrothed her¹⁷ during the intervening period and cohabited after that period, since a Biblical doubt is thereby involved,¹⁸ but not to the original betrothal alone.¹⁹

Rav Huna ruled: If [a child]²⁰ dedicated some food and then ate it, he is subject to lashes, for it is said in Scripture, When... man . . . shall clearly utter a vow, and he shall not break his word, which implies that whoever is able to 'utter clearly' is subject to the prohibition of 'he shall not break his word' and only he who is not able to 'utter clearly' is not subject to the injunction of 'he shall not break his word'.

Rav Huna ben Yehudah addressed an objection to Rava in support of Rav Huna: Since we find that Scripture has put a minor on a par with an adult as regards a presumptuous oath, a self-imposed prohibition and [the injunction] not to break his word, it might have been presumed that he should also incur the liability of a sacrifice for eating that which he had dedicated, hence it was explicitly stated, This is the thing. At any rate, was it not here stated that guilt was incurred for infringing a self-imposed prohibition or [the injunction] not to break one's word?²¹ Read: The prohibition not to break his word.²² [You say,] 'The prohibition not to break his word'! Whatever your assumption may be [a difficulty arises]. If an intelligent minor²³ approaching manhood is Biblically forbidden to break his word, he should also incur the penalty of lashes; and if an intelligent

¹⁸ Cohabitation, which is a Biblical form of 'acquisition' in marriage, having taken place at an age when she may well be presumed to have attained her majority.

¹⁹ That was not followed by cohabitation after the age of majority had been attained. As the betrothal of a minor (if it was not effected through her father) has only Rabbinical sanction, the Rabbis did not insist on the restrictions of a divorce where her majority was in doubt. Where, however, hairs have grown, though betrothal took place during her minority, the Rabbis forbade mi'un and insisted on the restrictions of a divorce as a preventive measure against the possibility of allowing mi'un to one with whom cohabitation took place after majority had been attained.

²⁰ Who understands the significance of dedications and vows.

²¹ Evidently it was; but since such a negative precept is punishable by lashes, Rav Huna's ruling evidently finds support in the citation.

²² But no lashes are incurred.

²³ Sc. one understanding the significance of vows and dedications.

minor approaching manhood is not Biblically forbidden to do it, there should not be²⁴ even a mere prohibition? — The prohibition applies to those who are responsible for him. May it then be inferred from this ruling²⁵ that if a minor eats neveilah it is the duty of Beis din to take it away from him? Here we may be dealing with a case, for instance, where the minor dedicated the food and others ate it.²⁶ This explanation is quite satisfactory according to him who laid down that if a minor dedicated some food and others ate it the latter incurs lashes, but what can be said in explanation according to he who ruled that they were not to be lashed; for it was stated: If a minor dedicated some food and others ate it, Rav Kahana ruled, They are not to incur lashes, while both Rabbi Yochanan and Rish Lakish ruled, They incur lashes? — The prohibition is merely Rabbinical and the Scriptural text serves as a mere support.

[Reverting to] the above text, 'If a minor dedicated some food and others ate it, Rav Kahana ruled, They do not incur lashes, while both Rabbi Yochanan and Rish Lakish ruled, They incur lashes'. On what principle do they differ? — The Masters are of the opinion that an intelligent minor approaching manhood is under a Biblical obligation²⁷ while the Master is of the opinion that an intelligent minor approaching manhood is only under a Rabbinical obligation.

Rav Yirmiyah raised an objection: If a fatherless girl²⁸ made a vow, her husband may disallow it for her. Now if you grant that an intelligent minor approaching manhood is only under a Rabbinical obligation one can well justify the ruling, since the force of a Rabbinical marriage may well annul a Rabbinical vow, but if you maintain that the obligation is Biblical, could [it may

be objected] the force of a Rabbinical marriage annul a Biblical vow? — Rav Yehudah citing Shmuel replied: Her husband may disallow her vow for her whatever your assumption might be. If the minor's obligation is Rabbinical, the whole matter is a Rabbinical affair; and if the obligation is Biblical, it is a case of a minor who eats neveilah where it is not the duty of the Beis din to take it away from him. But would she not be eating, in reliance upon the first disallowance, even when she attains her majority? — Rabbah bar Livai replied: Her husband disallows her vow for her every now and then. This, however, applies only to one who cohabited with her.²⁹ But, surely, no husband may disallow vows made prior to marriage?³⁰ — This is in agreement with Rav Pinchas who cited Rava, for Rav Pinchas citing Rava stated: Any woman who vows acts in reliance on the opinion of her husband.³¹

Said Abaye, Come and hear: If a minor has not yet grown two hairs, Rabbi Yehudah ruled, his terumah is not valid; while Rabbi Yosi ruled, Before reaching the age when his vows are valid his terumah is not valid, but after reaching the age when his vows are valid his terumah is valid. Assuming that Rabbi Yosi is of the opinion that terumah at the present time is a Biblical institution, his ruling would be well justified if you grant that an intelligent minor approaching manhood is under a Biblical obligation, since a man under a Biblical obligation may well render fit Biblical tevel, but if you maintain that he is only under a Rabbinical obligation, could a man under a Rabbinical obligation render fit Biblical tevel? — No, Rabbi Yosi is of the opinion that terumah at the present time is only a Rabbinical institution.

²⁴ Since the Rabbis do not subject minors to preventive measures.

²⁵ According to which those responsible for a minor must prevent him from encroaching even on that which is only Rabbinically forbidden.

²⁶ The original reading, 'prohibition and [the injunction] not to break', may, therefore, be retained and yet no support would be forthcoming for Rav Huna since the penalty of lashes does not apply to the minor but to the adults who ate that which he has dedicated.

²⁷ To observe the laws of vows and dedications.

²⁸ A minor whose marriage was contracted by her mother or brothers.

²⁹ After she had attained majority. Cohabitation at that age having the Pentateuchal force of 'acquisition' the marriage which thus has Biblical

sanction may well enable the husband to disallow a vow that has Biblical sanction.

³⁰ After she had attained majority. Cohabitation at that age having the Biblical force of 'acquisition' the marriage which thus has Biblical sanction may well enable the husband to disallow a vow that has Biblical sanction.

³¹ As the minor was at least Rabbinically married when her vow was made, its validity is entirely dependent on her husband's pleasure. Only where a woman was not married at all at the time her vow was made is her subsequently married husband precluded from disallowing it.