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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 *braisa* had stated: And so regarding the years of the son and the daughter (they are reckoned from one point in time to that same point in a later year; and we do not follow the calendar year).

The *Gemora* asks: With respect of what *halachah* is that stated?

Rav Giddal answered in the name of Rav: It is in regard to valuations (*erech* vows - which differ with the ages of the persons valued). Rav Yosef, however, replied: It is in regard to the ages given in our chapter of Yotzei Dofan (such as an aylonis and a saris).

The *Gemora* notes that the two do not argue with each other; rather, they each explained the *braisa* in a different manner.

Rav Yitzchak bar Nachmeini said in the name of Rabbi Elozar: The *halachah* follows Rabbi Yosi ben Kippar, who said in the name of Rabbi Elozar (that thirty days in the twentieth year renders one an aylonis or a saris).

Rav Zeira observed: I wish that I be granted to go up to *Eretz Yisroel*, and learn this law from the mouth of the master (*Rabbi Chiya bar Abba*). When he went there, he

found Rabbi Abba the son of Rabbi Chiya bar Abba and asked him: Did the master say that the *halachah* was in accordance with the view of Rabbi Shimon ben Gamliel in the matter of *tereifah*? He replied: May I be worthy to go up and to learn the tradition<sup>25</sup> from the Master's mouth. When he went up he met Rabbi Elozar and asked him, 'Did you say: The *halachah* is in agreement with Rabbi Yosi ben Kipper?' — 'What I said was', the other replied, 'that it seemed to be reasonable. For since, throughout the chapter, "one day" was explicitly added while in this case it was not mentioned it may well be inferred that it seems reasonable [that the *halachah* is] in agreement with him'.

CHAPTER VI

MISHNAH: If the lower mark<sup>1</sup> appeared before the upper one had yet made its appearance, she may perform chalitzah or contract a yibum marriage.<sup>2</sup> If the upper mark appeared before the lower one had made its appearance, though this is impossible, Rabbi Meir ruled, she may neither perform chalitzah nor contract the yibum marriage; but the sages ruled, she may either perform chalitzah or contract the yibum marriage, because they maintain: it is possible for the lower mark to appear before the upper one had yet made its

<sup>1</sup> Two pubic hairs.

<sup>2</sup> Because she is deemed to have attained her majority.

appearance, but it is impossible for the upper mark to appear before the lower one had made its appearance.<sup>3</sup>

GEMARA: 'Though this is impossible'! But has it not in fact appeared?<sup>4</sup> — 'Appeared', according to Rabbi Meir;<sup>5</sup> 'though this is impossible' according to the Rabbis. Why then was it not stated: 'If the upper mark appeared, Rabbi Meir ruled, She may neither perform chalitzah nor contract a yibum marriage but the Sages ruled, She may either perform chalitzah or contract a yibum marriage', and I would well have known that their reason is that it is impossible? — If 'though this is impossible' had not been stated, it might have been presumed that in most women the lower mark appears first and in that of a minority the upper mark appears first, and that Rabbi Meir is guided by his principle according to which he takes even a minority into consideration,<sup>6</sup> while the Rabbis are guided by their principle according to which they do not take a minority into consideration; and that this applies only to a general case, but where an examination was held and no [lower mark] was found the Rabbis, it might have been assumed, agree with Rabbi Meir since the upper mark has appeared first, hence we were informed that this is impossible and that the lower mark had undoubtedly appeared earlier but merely fell off.

According to Rabbi Meir one may well justify the Scriptural text, Your breasts were fashioned, and your

<sup>3</sup> Though it cannot be discovered the hairs may be presumed to have fallen off.

<sup>4</sup> Of course it had; since it was explicitly stated, if the upper mark appeared before the lower one.

<sup>5</sup> Who ruled that she may neither perform chalitzah etc., thus regarding her as a minor because, obviously, the upper mark may appear though the lower one had not yet made its appearance.

hair was grown, but according to the Rabbis, shouldn't the order have been reversed? — It is this that was meant: As soon as the 'breasts are fashioned' it is known that 'your hair was grown'.

According to Rabbi Meir one may well justify the Scriptural text: Your breasts were squeezed by Egypt, for the sake of your naarus ready to sprout forth,<sup>7</sup> but according to the Rabbis, shouldn't the order have been reversed? — It is this that was meant: As soon as the 'breasts are fashioned' it is known that 'your naarus already came'. And if you prefer I might reply: As to the meaning of 'ready to sprout forth', all the clause was written with regard to the breasts; and it is this that the Holy One, Blessed be He, said in effect to Israel: 'Your breasts began to develop, yet you did not repent; your breasts developed completely, yet you did not repent'.

In any event, all agree that we rely on the lower mark; from where do we deduce this? — Rav Yehudah citing Rav replied and so it was taught at the school of Rabbi Yishmael: Scripture said, When a man or a woman shall commit any sin that men commit, Scripture compared the 'woman' to the 'man' in respect of all the punishments in the Torah; as a man is subject to punishments on the appearance of the one mark so is also a woman subject to punishments on the appearance of the one mark. Might it not be suggested: Either the one or the other?<sup>8</sup> — Like the man: As with

<sup>6</sup> And since a minority have the upper before the lower mark, every girl producing the upper mark alone must be regarded as a minor in case she belonged to the minority.

<sup>7</sup> Since the marks do sometimes appear in that order.

<sup>8</sup> The analogy between 'man' and 'woman' extending only as far as a single mark is concerned, sc. that one mark (upper or lower) suffices to establish the majority of a woman as one mark (the lower) establishes the majority of a man.

the man [the determining factor] is the lower mark and not the upper one so also with the woman it is the lower one that determines majority but not the upper one. So it was also taught: Rabbi Eliezer son of Rabbi Tzadok stated, Thus did they explain and promulgate at Yavneh: As soon as the lower mark makes its appearance no attention need any longer be paid to the upper one.

It was taught: Rabban ben Gamliel stated, Among towns-women the lower mark appears earlier because they are in the habit of taking baths; among village women the upper mark appears earlier because they grind with millstones. Rabbi Shimon ben Elozar stated: Among the daughters of the rich the right hand side develops earlier because it rubs against their scarves; among the daughters of the poor the left side develops earlier because they carry jars of water on them. And if you prefer I might say, Because they carry their brothers on their sides.

Our Rabbis taught: The left side develops earlier than the right side. Rabbi Chanina the son of the brother of Rabbi Yehoshua stated: The left side never developed earlier than the right side except in the case of one woman who lived in our neighborhood whose left side developed earlier than the right one which later regained its normal strength.

Our Rabbis taught: All girls to be examined must be examined by women. So also Rabbi Eliezer entrusted

the examination to his wife, and Rabbi Yishmael entrusted it to his mother. Rabbi Yehudah ruled: Before the period<sup>9</sup> and after the period,<sup>10</sup> women examine them.<sup>11</sup> During the period no woman may examine them, since in doubtful cases no woman is allowed to marry on the evidence of women. Rabbi Shimon ruled, Even during the period women examine them. And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby. How so? [She may be relied upon when she states: 'The girl] is of age', so that the latter should thereby be denied the right of mi'un, or 'She is a minor', so that she should thereby be denied the right of performing chalitzah; but she is not trusted when asserting, 'She is a minor', so that she should have the right of exercising mi'un, or 'She is of age', so that she should be entitled to perform chalitzah.

The Master said, 'Rabbi Yehudah ruled: Before the period and after the period women examine them'. One can well concede that before the period an examination is required, for should [the same hairs] be found after the period they would be regarded as a mole; but what need could there be for an examination after the period seeing that Rava has laid down that a minor who has attained the age of her majority need not be examined since there is presumption that she had by that time produced the marks of puberty? — When Rava stated, 'there is presumption', he meant it in respect of mi'un,

deemed to be of age if the women report the presence of hairs; but even if they report their absence, the girls cannot be treated as minors (since the hairs may have fallen off) and they are consequently deprived of the right of mi'un.

<sup>9</sup> Sc. before the age of eleven years and a day.

<sup>10</sup> After the age of twelve years and a day.

<sup>11</sup> But, whether they report the presence of hair or their absence, the girls in the former case (a time when hairs are regarded as a mere 'mole') are treated as minors. In the latter case (a time when pubic hairs and maturity may well be expected) the girls are

but as regards chalitzah an examination is still required.<sup>12</sup>

‘During the period no women may examine them’, because he is of the opinion [that the presence of hairs] during the period [is a mark of majority] as after the period; but after the period, when Rava's presumption is applicable, we rely upon women who may, therefore, conduct the examination, while during the period, when Rava's presumption is not applicable, we cannot rely upon women, and women, therefore, may not conduct the examination.

‘Rabbi Shimon ruled, Even during the period women examine them’, for he is of the opinion [that the presence of hairs] during the period [is no more a mark of puberty] than it is before the period; and an examination is, therefore, required so that if [the same hairs] should be found after the period they would be regarded as a mole.

‘And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby.’ Who taught this? — If you wish I might say: Rabbi Yehudah, and [the reference is to evidence] during the period. And if you prefer I might say: Rabbi Shimon, and [the reference is to evidence] after the period, for he does not uphold the principle of Rava's presumption.

Because they maintain: it is possible etc. What need again was there for this statement, seeing that it was already taught in the earlier clause? And were you to reply: Because it was desired to lay down an anonymous

statement in agreement with the Rabbis [it could be objected:] Isn't this obvious, since in a dispute between an individual authority and a number of authorities the halachah is in agreement with the majority? — It might have been presumed that Rabbi Meir's reason is more acceptable because Scriptural texts provide support for his view, hence we were informed [that the halachah is in agreement with the view of the Rabbis]. And if you prefer I might reply: Because it was desired to state, ‘Similarly’.

<sup>12</sup> A woman's evidence being in such a case relied upon, since a girl at the age mentioned usually has all the mark of puberty.