

OVERVIEW of the Daf

1) Betrothing a three-year-old girl (cont.)

The Gemara completes its successful challenge against R' Yochanan's understanding of the dispute in the Beraisa concerning the youngest a girl may be betrothed through cohabitation.

2) Besulim

The Gemara wonders what happens to the besulim of a girl less than three.

The practical difference is explained.

R' Chiya the son of R' Ika challenges this practical difference and suggests another practical difference.

R' Chisda resolves the inquiry from our Mishnah.

A related incident is recounted.

A second related incident is presented.

3) **MISHNAH:** The Mishnah discusses laws that relate to a boy who is nine years old.

4) A nine-year-old yavam who wants to divorce his wife

The Gemara questions whether it is sufficient for a boy who did yibum at nine to merely give his wife a divorce when he turns thirteen.

Rav explains the intent of the Mishnah.

5) **MISHNAH:** The Mishnah discusses the laws that apply to different age girls and boys.

6) Clarifying the Mishnah

The Gemara explains the necessity for each of the Mishnah's rulings that relate to a girl taking a vow.

7) The maturation of boys and girls

A Beraisa presents a dispute whether girls mature faster than boys.

R' Chisda explains the rationale behind Rebbi's opinion that girls mature faster than boys.

R' Shimon ben Elazar's response and the rationale behind his opinion that girls and boys mature at the same rate is recorded.

The Gemara inquires whether "within the time" is like before the time or after the time.

The significance of the question is explained.

Rav and R' Chanina maintain that it is like before the time whereas R' Yochanan and R' Yehoshua ben Levi contend that it is like after the time.

R' Nachman bar Yitzchok offers a mnemonic aid.

R' Hamnuna challenges the opinion that hairs grown between 12 and 13 render a boy an adult.

Rava unsuccessfully challenges R' Hamnuna's proof. ■

Distinctive INSIGHT

The age at which vows are binding

בן שתים עשרה שנה ויום אחד נדריו נבדקין

The Mishnah lists the halachos which apply at various period of a person's life. Some halachos become relevant during the year prior to when a person attains majority.

The Mishnah details the laws of oaths. The rule is that if a boy or girl makes an oath, it is valid if either the girl is in the year prior to her turning twelve or if the boy is within his turning thirteen, provided the child understands the concept of before Whom it is we make oaths. When they issue an oath, we have to investigate this particular child's capacity to comprehend what he or she has said, and if they indicate a level of competency, the oath is valid.

Before this age the oath has no meaning, and once the girl has turned twelve or the boy has turned thirteen, the oath is certainly valid, and we do not have to quiz them regarding their understanding.

A question was presented regarding a case of a girl in her twelfth year who made an oath, but she was not cross-examined to determine her competency until she was twelve. At that time she was found to be aware of the importance of the concept of oaths. Mishnah Achronah writes that this girl would be prohibited to violate her oath, because we are dealing with a doubt in the realm of a Torah law. Although we are not sure whether the girl would have proven to be aware at the moment she made the oath when she was still eleven, it could be that she was mentally astute at that time, and that the oath is binding. She would not be believed now to tell us that she was uninformed earlier when she made the oath, because this would be comparable to the Gemara (Kesubos 28a) that says that a person who is an adult is not believed to tell us what he saw as a child.

Mishnah Achronah adds that if we were to quiz her now that she is twelve, and we find her not competent, although due to her age any oath she would make would be considered valid, her currently being unaware of the significance of her oral statements is enough for us to at least question the validity of the oath she made when she was still eleven.

Sefer Rov Pe'alim (Y.D. 1:38) writes that if a boy is twelve years old and is literate and understands that which is written in sefarim, we do not have to interrogate him, and we can rely upon his educated status to qualify him as being understanding of the meaning of oaths. Sefer Lehoros Nosan (7:67) also writes that if a boy has studied Torah and we know that he learned the passage of oaths and vows, he is certainly considered competent. Similarly, if the children are accustomed to prohibit their personal items from one another using the terms of vows, this indicates that they understand the importance of this issue, and it would not be necessary to quiz them specifically in this regard. ■

HALACHA Highlight

Sharpening the minds of one's students

אלא לחדד בה את התלמידים

Only to sharpen the minds of his students

The Gemara records an incident of a woman who asked R' Akiva whether she was permitted to marry a kohen. He responded that she is permitted to marry a kohen. She then suggested a reason why she should be prohibited to marry a kohen and R' Akiva responded, "If so, you are unfit to marry a kohen." The students were astonished by R' Akiva's agreement that she should be prohibited from marrying a kohen and when R' Akiva inquired about this they responded that since this halacha is a Halacha L'Moshe MiSinai it applies regardless of the individual circumstances of the case. The Gemara then comments that when R' Akiva agreed with the woman asking him her question his intent was to sharpen the minds of his students.

Aruch Laner¹ wonders how the minds of the students became sharpened when they knew the matter was a Halacha L'Moshe MiSinai. Furthermore, why was it permitted for R' Akiva to issue a ruling that is not true? He answered that R' Akiva never agreed with her that she should be prohibited and proof to this is that he did not simply respond, "You are unfit to marry a kohen." From the fact that he introduced his statement with the words, "If so" he indicated that according to her understanding of the halacha she should be prohibited to marry a kohen. The reason why R' Akiva chose to respond in this manner was to see

REVIEW and Remember

1. How does the Gemara reconcile Yustini's declaration that she became pregnant at seven when halacha states that it is not possible ?

2. What is the youngest age that one can perform the mitzvah of yibum ?

3. At what age are vows binding ?

4. What is the source that women have more binah than men ?

if his students would pay attention to the nuance of his words and realize that he was not ruling that she is prohibited to marry a kohen. From this explanation of Aruch LaNer it is evident that a rebbi may not say something that is not true in order to sharpen the minds of his students. The most he is permitted to do is to say something that could be understood in more than one way to determine whether his students could figure out the correct intent of his statement. This principle can also be inferred from Rambam² who when discussing the value of sharpening the minds of one's students does not give an example of lying to them. ■

¹ ערוך לנר ד"ה לחדד.

² רמב"ם פ"ד מהלי תלמוד תורה ה"ו. ■

STORIES off the Daf

A Woman's Gift

"מכאן שבינה יתירה ניתנה לאשה..."

The Imrei Elimelech, zt"l, points out a fairly obvious question from a statement on today's daf. "In Niddah 45 we find that women have binah yeseirah, extra understanding. Our sages also tell us in Bava Metzia 59 'If your wife is short, bend down and listen to her counsel.' Although this is generally only regarding mundane matters, it still contradicts the Talmudic passage in Shabbos 33 which famously states that the da'as of women is light.

"We can reconcile this apparent contradiction by understanding the difference between binah and da'as. Binah means understanding one thing from another. But this capacity is able to see things from two angles, and to understand their pros and cons. Da'as is the capacity to make a clear decision when necessary. This is implied in the verse. Although women can understand the advantages and disadvantages of various actions better than men, they tend to vacillate and often have a hard time making painful decisions. A man usually has an easier time delving to a clear-cut conclusion. For this reason he should ask his wife regarding mundane matters. In this manner he will not miss important details and be able to make a clear decision.

But in spiritual matters he should delve into the Torah, since 'everything is in it.'"¹

The Chazon Ish, zt"l, gives another explanation. "The extra binah women are blessed with is a special ability to attain yir'as shamayim. Although a man must toil extra hard in Torah to attain profound yir'as shamayim we have seen many women achieve this naturally, without toil. The meaning of binah in this context is yir'as shamayim."² ■

¹ אמרי אברהם, ח"א, ע"י נ"א

² מעשה איש, ח"א, ע"י קני"ט ■