

This month's Daf Digest is dedicated  
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעעש  
From the Grin family, Sao Paulo, Brazil

## OVERVIEW of the Daf

### 1) Can a minor father a child? (cont.)

Abaye unsuccessfully challenges Rabbah's position that a minor cannot father a child.

Dvei Chizkiya also cites a Baraisa that maintains that a minor cannot father a child.

Another unsuccessful challenge to Rabbah's position is presented.

### 2) The period of time a child can become a **בן סורר ומורה**

R' Kruspedai in the name of R' Shabsai asserts that there is only a three-month window in which a child could be made a **בן סורר ומורה**.

This assertion is unsuccessfully challenged.

R' Yaakov from Nehar Pekod deduced that when a woman gives birth in seven months her pregnancy is not recognizable when she is one third of the way through her pregnancy.

Ravina rejected this deduction.

Ravina's premise that we follow the majority when it comes to capital cases is unsuccessfully challenged.

R' Yirmiyah of Difti cited a second proof that we follow the majority when it comes to capital cases.

This proof is rejected.

### 3) The age at which a boy's cohabitation is recognized

A Baraisa presents a dispute between Beis Shammai and Beis Hillel concerning liability for a minor who has relations with his mother.

The exact point of dispute is explained.

One unsuccessful attempt to prove that in earlier generations boys could father children at the age of eight is presented.

A second unsuccessful attempt to prove that in earlier generations children could father children at the age of eight is suggested.

The Gemara succeeds at demonstrating that in earlier generations children could father children at the age of eight.

### 4) **בן סורר ומורה**

A Baraisa presents the exposition that teaches that only a male can be a **בן סורר ומורה** and not a female. ■

Today's Daf Digest is dedicated  
In honor of Rabbi Yitzchok Berkovitz shlita

Today's Daf Digest is dedicated  
By Rabbi and Mrs. Michael Glassenberg  
In memory of their father  
**ר' משה בן ר' ארי' לייב, ע"ה**

## Distinctive INSIGHT

### *Earlier generations gave birth at younger ages*

אלא מהכא אלה תולדות תרח תרח הוליד את אברם וגו'

The Gemara cited a disagreement between Beis Hillel and Beis Shammai that hinged upon the observation that we find that in earlier generations people at age eight were able to father children. The Gemara attempted to substantiate this fact by monitoring the ages of Achitophel, Eliam and Bas Sheva, leading up to the birth of Shlomo. This proof was shown to be inconclusive.

The Gemara finally brings a proof from Terach, the father of Avraham Avinu, to prove its contention that in earlier generations young men at the age of eight were able to father children. The verse (Bereshis 11:26) teaches that Terach had three sons, Avram, Nachor and Haran. The Gemara assumes that Avram and his two brothers were born in successive years, and in the order listed in the verse. Accordingly, Avram was two years older than Haran. Later, the Torah tells us that Avram married Sarai, the daughter of Haran (according to the Midrash). We also know that Avraham was ten years older than Sarai, even though he was only two years older than her father. It must be, therefore, that Haran had Sarai, his daughter, when he himself was only eight years old.

Aruch LaNer asks why it is that the Gemara did not first bring the proof regarding Terach, which is rooted in a verse in the Torah, rather than attempting to bring its proof from the verses in Navi, from Sefer Shmuel? He answers that the proof from Sefer Shmuel would have been a better proof for the Gemara to demonstrate its rule, because there we see that three people, in three successive generations, each had a child at age

(Continued on page 2)

## REVIEW and Remember

1. What does Dvei Chizkiyah derive from the words **וכי יזיד איש**?
2. Do we follow **רוב** when deciding capital cases?
3. What is the point of dispute between Beis Shammai and Beis Hillel?
4. How do we know that Shem was the youngest of Noach's sons?

# HALACHAH Highlight

## When does one become a father?

”בן” ולא הראוי לקרותו אב

“A child” and not one who is fit to be called a father

An interesting issue that is discussed in the general topic of surrogate motherhood is the question of paternity. Specifically, at one point is one considered to be the father of a child? Teshuvos Yachel Yisroel<sup>1</sup> writes that at first glance it would seem that fatherhood is determined at the moment of conception. Behag rules that if a Jewish man has relations with a gentile woman who then converts and gives birth, the child is considered a convert. A consequence of the fact that the child is a convert is that he is not considered the halachic child of his Jewish father and when the father dies this “son” will not inherit his estate. The reason for this ruling is that yichus is established at the moment of conception and since the mother was not Jewish at the time of conception the child adopts the mother’s yichus and converts while in the womb together with his mother.

A difficulty with this assumption is our Gemara. The Gemara states that there is only a three-month window in which a child could become a **בן סורר ומורה**, from his thirteenth birthday until he is thirteen and three months. The reason that he cannot become a **בן סורר ומורה** beyond three months from his thirteenth birthday is that at that point he could already be called a father. Had he impregnated a woman on his thirteenth birthday the fetus would be recognizable and he could be called a father and the Torah refers to a child who is sorer umorah and not a father who is sorer umoreh.

R’ Yosef Engel<sup>2</sup> answers that halachically one is considered

(Insight...continued from page 1)

eight. This would have established a **חוקה**, and the rule would have been well founded. Only when the proof was shown to be inconclusive did the Gemara revert to the proof from Haran, the brother of Avram, even though it only illustrates the rule in regard to a single instance of someone having a child at age eight.

**יד רמה** notes that the Gemara said that Avram, Nachor and Haran were born in successive years, and that each one of the brothers was one year older than the next. This is not exactly precise, because after the birth of Avram it was technically possible for his mother to have two more pregnancies and births within fourteen months (seven months is the minimum time possible for gestation and birth.) Why does the Gemara assume automatically that each brother was a full year younger than his sibling? He answers that once the Gemara realizes that we have entered into a new year, we count that year that is in progress as if it is complete. In other words, counting from the birth of Avram, fourteen month later is past one year later, and it is into the third year counting. And in any case, Haran had his daughter before he was nine, which is within the range about which Beis Hillel and Beis Shamai dispute. ■

a father from the moment of conception. The Gemara in Sanhedrin is not addressing the question of when one halachically is called a father; rather it is addressing the reality that a person is not recognized as a father until the fetus is recognized in the mother’s womb. A slight difficulty he has with this explanation is that Rashi<sup>3</sup> writes that to be a **בן סורר ומורה** one cannot be fit to be a father (**ולא ראוי להיות אב**) rather than that he is not called a father (**ולא ראוי להיקרות אב**). ■

1. שו"ת יחל ישראל סי' כ"ט.

2. בית האוצר מערכת א כלל ד'.

3. רש"י ד"ה אלא כי אתא ר' דימי. ■

# STORIES Off the Daf

## A critical period

”אינו אלא ג' חדשים בלבד...”

Rav Yechiel Michel Stern, shlit”a, explained the significance of becoming bar mitzvah in a very inspiring manner. “Imagine people watching a film in a dark room. Someone walks in and wonders what will happen if he shines some of his own light on the screen. Will the images be sharper or dimmed? Of course, the moment he flips on his powerful flashlight and shines it on the screen, the image is seen for what it really is: a collection of

lights that does not represent reality. People will likely insist that he stop ruining the image with the extra illumination.

“The same is true regarding illicit desires and sin. The image seems compelling only as long as one refrains from shining the light of the intellect on the image. The moment he puts it into proper perspective, it is shown to be nothing more than an illusion.

“Our sages say that the yetzer hara is compared to a fly. Like a fly which thrives on a wound or rot, but does no harm to healthy skin, our yetzer hara needs an opening to make his mischief. If one is vigilant and seals any possible entrances with his newly acquired yetzer tov, he has

nothing to worry about.”<sup>1</sup>

Now we can understand why a ben sorer u’moreh is only punished from bar mitzvah until three months after bar mitzvah. This time is so essential for setting safeguards and becoming a mentch that if one follows in the ways of a ben sorer u’moreh during this time, he will certainly follow an evil path for the rest of his life. Of course the rule is that the good outweighs the bad. We see from this that one who uses these three months properly, to strengthen his connection to Hashem and accept the yoke of heaven, will surely go in a good way and live an upright life!”<sup>2</sup> ■

1. רעיונות לדרוש, ע' ס'

2. שם משמואל, פרשת כי תצא, תרע"א ■