

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah enumerates women who receive a fine for having been violated as a *נערה*.

2) Clarifying the Mishnah

The Gemara challenges the Mishnah's implication that only unfit *נערות* collect a fine.

The Mishnah, explains the Gemara, is teaching which unfit women collect a fine.

The implication of the Mishnah is that a *na'arah* collects a fine but not a minor. This indicates that the Mishnah follows the opinion of R' Meir.

The Baraisa that contains the dispute between R' Meir and Chachamim is presented.

The implication of Chachamim that a father cannot sell his daughter who is a minor is challenged.

The Gemara clarifies that according to Chachamim a father even collects the fine if his daughter is violated.

3) The source that a fine is collected even if the violator may not marry his victim

Reish Lakish and R' Pappa offer alternative sources that teach that a violator must pay a fine for violating a woman he is not permitted to marry.

The reason R' Pappa does not cite the source of Reish Lakish is explained. Reish Lakish explains why he doesn't utilize R' Pappa's source.

Both explanations are successfully challenged and the Gemara concludes that their expositions are, in fact, complementary and there is no dispute between them.

It is noted that our Mishnah that requires payment to a woman who is prohibited to the violator is at odds with the opinions of Shimon Hatimni and R' Shimon ben Menasya.

The difference between Shimon Hatimni and R' Shimon ben Menasya is explained.

The Gemara, due to unresolved challenges, offers a second and third difference between the two opinions. ■

REVIEW and Remember

1. What are the three stages of development for a girl?
2. What rights does a father have in his daughter who is between the ages of three and twelve?
3. What does the term *חויה* indicate?
4. What prohibited relationships cause mamzerim according to R' Akiva?

Distinctive INSIGHT

Who were the *גבשווים*?

אליה נערות שיש להן קנס... ועל הנתינה

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he Mishnah begins with a list of women who receive the fine of fifty silver shekel in a case of *אונס*. The novelty of the first group in the list is that they are eligible to receive the money even though these women are prohibited to be married among the Jewish people. Among them are a group called the "Nissinim." The Nissinim were among the seven nations who inhabited the Land of Canaan, and they managed to convert to Judaism through deception at the time of Yehoshua. They received the name "Nissinim" from the word "נתן—to give or place." Originally, Yehoshua "placed them" as water drawers, as we find (Yehoshua 9:27): "That day Yehoshua made them (ייתנו) woodchoppers and water drawers." In the Mishnah, Rashi explains that they are a group which Dovid Hamelech declared as prohibited to be married among the Jewish nation. The Gemara Yevamos (78b) identifies this connection found in 2 Shmuel (21:2): "So the King called to the Givonites and spoke to them. (The Givonites were not of the Children of Israel, but from the remnant of the Amorite; the Children of Israel had sworn not to harm them...)" The reference in the verse that they "were not of the Children of Israel" is to the prohibition to marry among the Jews.

The reason Rashi mentions the declaration of Dovid Hamelech in the Mishnah, rather than the original decree of Yehoshua is addressed by the commentators. Although Yehoshua decreed that they be servants, he did not directly prohibit their being married as converts. This was done by Dovid Hamelech, as Rashi indicates. Tosafos HaRosh (Yevamos 79a) explains that the Torah's prohibition to marry a slave only applies to individuals who are personal slaves. However, the Nissinim are included in a group category as a nation of slaves, and as such, as a result of Yehoshua's decree, were not included in the verse (Devarim 23:18) "there shall not be a promiscuous man among the sons of Israel." Dovid Hamelech decreed that they should have a status of being individually enslaved, whereby the verse excluded them from marrying among the Jewish people.

It is noteworthy that Rashi (Makkos 13a) defines the Nissinim as the Givonim, who are included in the prohibition of the verse Devarim (7:3): "Do not marry among them." ■

HALACHAH Highlight

A Bar-Mitzvah boy's obligation to do mitzvos the night of his birthday

שנפדו ושותגינוו ושנשחררו פחוותם מבנות ג' ויום אחד

Who were redeemed, converted or freed while less than three years and a day.

Rav Mordechai Yafah¹, the Levush, cites a question posed by Rav Yoel Sirkis², the Bach, whether a boy whose bar-mitzvah coincided with Shabbos is permitted to serve as shliach tzibbur on Friday night. Bach wrote that although to be included in a minyan a boy must be thirteen years old and "a day," nevertheless the reference to "a day" should not be understood as indicating that he must complete that "day" as well. The emphasis is that the boy should have completed thirteen full years and that milestone occurs on the night when he becomes thirteen years and a day. Bach cites as support for his position a ruling of Maharil. Maharil³ ruled that a bar-mitzvah boy may not serve as shliach tzibbur on Friday night if the community accepts Shabbos early. The reason is that although one may add onto Shabbos that addition to Shabbos does not actually transform that time into the next day, thus it is not yet his birthday

and consequently he may not serve as shliach tzibbur. The implication of this ruling is that if the community did not accept Shabbos early it would be acceptable for the bar-mitzvah boy to lead davening and it is unnecessary to wait until he completes the "day" after his thirteenth birthday.

Another related issue is the dispute whether a boy's bar-mitzvah is calculated by the day or by the hour. For example, if a boy is born on the afternoon of the first day of Rosh Hashanah when does he celebrate his bar mitzvah? Is he considered a bar-mitzvah the night of Rosh Hashanah or does he have to wait until the afternoon of Rosh Hashanah to be considered a bar-mitzvah? Most Poskim⁴ rule that a bar-mitzvah is not calculated based on the hour the child was born but a minority of Poskim⁵ maintain that a bar-mitzvah is calculated according to the hour. ■

הגחות הלבוש, ד"ה ג' שמים

1. שווי'ת הב"ח הישנות סי' קמ"ה.

2. מהרי"ל הל' תפילה אות ח'.

3. עי' מ"ב סי' ניג ס"ק ל"ג וס"י נ"ה ס"ק מ"ב.

4. עי' מועדים זמנים ח"ד סי' רפ"ח בהערה שמביאה הני דעתות

ושיש שנגגו להחמיר בשיטות. ■

STORIES Off the Daf

The Shabbos Tallis

תוס': "אי עבד לא מהני..."

A certain man once promised his friend that he would tie the tzitzis on his new Shabbos tallis in for him before Shabbos. Unfortunately, the man was very busy that week and his erev Shabbos was especially hectic. He forgot the whole matter until after the Shabbos meal. Unfortunately, this man didn't have the strongest yiras Shomayim, and it was very hard for him to face his friend's disappointment the next day. He failed to overcome temptation and tied the tzitzis that night even though he knew that it was a flagrant violation of Shabbos. When he finished, he felt terrible. His

conscience would give him no rest, so he decided not to give the tallis to his friend until after Shabbos so that at the very least his friend would not inadvertently enjoy a benefit from his chilul Shabbos. The following morning, the man told his friend that it wasn't ready and he took his friend's disappointment in stride. After Shabbos, he asked Rav Yaakov Yakil Hirsch, zt"l, the din: does he need to retie the tzitzis on the garment or not?

The Rav answered, "The halachah is that the tzitzis are invalid and must be removed and retied. This is because we hold like Rava who says that whenever the Torah prohibits something, transgression does not accomplish anything (as brought in Tosafos, Kesuvos 29b: "chalulin"). The Shaar Hamelech (Hilchos Gerushin, chapter 3) writes that this doesn't mean to invalidate the

action of anyone who has sinned. It means that if the sin was entirely corrected by some compensating act, it is truly considered as naught. The Noda B'Yehudah (Tinyana Orach Chaim, 135) applies this principle to a mitzvah that was accomplished by way of an aveirah, as in your case. Therefore, doing something to nullify the sin you did in the physical sense will invalidate the act. Tosafos writes that if there was an obligation to retie the tzitzis every day, it would be permitted to knot them on Shabbos as well since the knot will definitely be untied by the next day. So according to this, we find that by invalidating the tzitzis we have completely corrected the sin. This is why the strings are invalid and must be retied." ■

