

39.5.6

45b (לא כולהו סלוק) → 47a (משנה ו)

1. ויבן ה' אלהים את הצלע אשר לקח מן האדם לאשה ויבאה אל האדם: בראשית ב, כב
 2. וזאת לפנים בישראל על הגאולה ועל התמורה לקים כל דבר שלף איש נעלו ונתן לרעהו וזאת התעודה בישראל: רות ד, ז
 3. דבר אל בני ישראל ואמרת אלהם איש או אשה כי יפלא לנדר נדר נזיר להזיר לה: במדבר ו, ב
 4. איש כי ידר נדר לה' או השבע שבועה לאסור אסר על נפשו לא יחל דברו ככל היצא מפיו יעשה: במדבר ל, ג
 5. וידבר משה אל ראשי המטות לבני ישראל לאמר זה הדבר אשר צוה ה': במדבר ל, ב
 6. והביאך ה' אלהיך אל הארץ אשר ירשו אבותיך וירשתה והיטבך והרבך מאבותיך: דברים ל, ה

- I הפלאה Halakhic status of girls in 12th year and boys in 13th year vis-à-vis משנה ו
 - a During that year: we check to see if s/he understands to Whom they were נודר; if they do – valid; if not – invalid
 - i Before this time: regardless of what they state, נדר and הקדש are invalid
 - ii After this time: regardless of their ignorancfe, נדר and הקדש are valid
- II Analysis of rhetoric of משנה
 - a Question1: once we were taught that her נדרים are checked at 11, why mention that at 12 her נדרים are valid?
 - i Answer: we may have thought that we continue checking forever
 - b Question2: once taught that her נדרים are valid at 12, why mention that we continue to check through 12th year?
 - i Answer: since 30 days ina year is considered the year; if we checked her at 11+30 and she “failed”, perhaps no need to check further – therefore it teaches that we continue checking through the year
 - c Question3: could have just stated – “at 12, her נדרים are valid and we check throughout 12th year” – no need for ב.ת. יא שנה...
 - i Answer: סד"א that the default is at 12 and only a very sharp girl is checked at 11 → teaches that all girls are checked at 11
 - d Question4: why the need for the clauses about “before this time” and “after this time”?
 - i Answer: סד"א only applies if they don't volunteer information; but if they speak up, rely on them (even before 11) – קמ"ל
- III Attribution: our משנה follows רבי רשב"א has opposite approach (girls mature later – only at 13; boys at 12)
 - a דב"י based on v. 1 – ויבן ויבן alludes to greater “understanding” given to women
 - i דב"י v. 1 teaches that ה' braided חוה's hair and escorted her to אדם
 - b דב"י: since little boys are in בית הרב, they pick up cleverness earlier
- IV Discussion: what is the child's status during the זמן (during 12th year for girls, 13th year for boys)?
 - a Clarification: not asked about נדרים; is it neither; asked about עונשים
 - i רב ור' חנינא (in בבב) like beforehand (i.e. no עונשין until full 12/13 reached)
 - ii ד' יוחנן וריב"ל like afterwards – mnemonic is v. 2 (לפנים – earlier maturity – בישראל – these were חכמי א"י)
 - 1 Challenge (ר' המנונא לרב): from our משנה – afterwards, even if they claim they didn't know – נדר valid
 - (a) Implication: during the year, considered as if before the time
 - (b) Counter (רבא): infer the opposite from last clause
 - (c) רבא erred; thought that ר' המנונא was reading רישא carefully
 - (i) ד' המנונא was reading it from the משנה itself – what is זמן?
 - 1. If: the child doesn't yet have שתי שערות, s/he is a קטן
 - 2. Rather: must have שתי שערות
 - a. Nonetheless: must be overage → during the year, considered like beforehand
 - 2 Challenge (ר' זירא): from v. 3; איש expands to include boy at 13 – even if he doesn't understand, his נדר is valid
 - (a) However: he must already have שתי שערות, else he is a קטן; yet if he is below 13, considered זמן כלפני דרב – תיובתא דרב
 - 3 Defense (ר' ג'נ): it is a מח' תנאים, in re: שערות found on boy from 9-12
 - (a) If: found at 9 (or before) – considered שומא (disregarded)
 - (b) From 9-12: סימן – ר' יוסי בר יהודה; שומא rule it to be שומא
 - (i) Note: he only rules סימן if they are still there at age 13 (supporting ברייתא)
 - (c) After: 13 – all agree that it is a סימן
 - (i) Challenge: if 9-12 is the dispute → anytime during the 13th year is a סימן; why present the consensus as at 13?
 - (ii) Conclusion: must be a dispute about the 13th year
 - (iii) Rejection: all agree that during the time is still before the age
 - 1. rather: both are discussing a young girl; רבי רישא follows רבי (maturity@12), רבי סיפא (majority@13)
 - 2. Or: both are discussing a תינוק, רישא follows רשב"א (majority@12), רבי סיפא (majority@13)
 - 3. Or: both are רבי רישא, רבי רישא is in re: young girl, רבי סיפא is in re: young boy
 - 4. Or: both are רשב"א, רישא is in re: young boy, רבי סיפא is in re: young girl

- b **בבא's ruling:** תוך הזמן is like before hand (considered a minor)
- i **ד' שמואל בר זוטרא** taught this statement of רבא as follows:
- ii during entire 12th year may be ממאנת; after that, she may not be ממאנת, but cannot yet perform חליצה
- 1 **Challenge:** inherent contradiction; if she can't be ממאנת, she is a גדולה; why can't she perform חליצה?
- (a) **Proposal:** perhaps רבא is in doubt as to her status during that time?
- (b) **Rejection:** רבא ruled that a קטנה who reaches the age needs no בדיקת סימנים – חזקה that she has them
- (i) **Block:** that is only a default case; here, if we checked and found no סימנים, not yet fit for חליצה
- (ii) **Challenge:** if so, she should still be able to do מאון
- (iii) **Answer:** we are concerned that she had סימנים and they fell out
1. **Note:** this is only a valid response according to מ"ד that we have such suspicions (פי' ר')
2. **But:** according to מ"ד that we aren't חושש לנשיירה (ר' פפא), how can it be answered?
- a. **Answer:** that is only for חליצה (which is lenient) – but for מאון, all agree to חשש
- b. **Implication:** according to ר"פ, she may be חולצת? (else, they don't disagree) and חוששין is stated **סתם**
- (iv) **Rather:** this is a case where we didn't check; re: חליצה, we are חושש; the חזקה is only operative for מאון
- iii **Final ruling (ר' דימי מנהרדעא):** we are חושש that the סימנים fell out; but only in a case where he was מקדש her during the year and was בוועל afterwards – we have a ספק (אשת איש) which is מה"ת; but if not – we aren't חושש (and allow מאון)
- V **הונא's dictum:** if a child, during "the year" (and s/he understood), was מקדיש and then ate it - מכות are given
- a **Source:** vv. 3-4; if he is considered an adult for חלות נדרים, he is considered a בר עונשין for that
- i **Support (ברייתא):** we find that the תורה equated גדול קטן: זדון שבועה, for איסור and יחל בל
- 1 **We might have thought:** that they are equal for קרבן (מעילה) – therefore, it states זה הדבר (v. 5)
- 2 **Note:** ברייתא stated that קטן is liable for יחל בל
- 3 **Correction:** read it as איסור בל יחל (but not מכות)
- (a) **Challenge:** if מה"ת is מופלא סמוך לאיש, he should get מכות; if not – should be no איסור (his נדר is invalid)
- (b) **Answer:** it is directed to those adults who are responsible for his behavior
- (i) **Challenge:** is ברייתא taking (contested) position that קטן who eats נבילות ב"ד – is obligated to keep him away?
- (ii) **Answer:** case is where קטן was מקדיש but others were eating
1. **Note:** this is only valid according to position that if he is מקדיש and others eat – they are לוקה (ר"י ור"ל)
2. **But:** according to מ"ד that others aren't לוקה (ר' כהנא) – how can it be answered?
- a. **Answer:** the מכות are מדרבנן; the verse (alluded to in גדול קטן לגדול) is an אסמכתא
- VI **Revisiting dispute ר' כהנא/ר"י ור"ל** regarding a מופלא סמוך לאיש who was מקדיש and others ate
- a **Point of dispute:** whether דאורייתא is מופלא סמוך לאיש (ר"י ור"ל) or דרבנן (ר"כ)
- b **Challenge (ירמיה):** if a (minor) תיומה took a נדר, her husband may (alone) be מפר
- i **If:** we agree that מופלא סמוך לאיש is מד"ס, then the husband's מדרבנן relationship is strong enough to repudiate her נדר
- ii **But if:** מופלא סמוך לאיש is מה"ת, then how can he be מפר?
- iii **שמאל:** her husband is מפר "ממה נפשך" – if מד"ס is מופלא... – his הפרה is valid; if מה"ת, she's still קטנה, and ב"ד isn't obligated to keep her from violating the law (קטן האוכל נבילות אין ב"ד מצוין להפרישו)
- 1 **Challenge:** when she grows up, she'll still be violating נדר, based on original (faulty) הפרה
- 2 **רבא:** husband keeps repudiating נדר (as long as they've had ביאה after she came of age)
- (a) **Challenge:** husband can't repudiate earlier נדרים (that pre-dated (נישואין))
- (b) **Answer (רבא):** when she is נודרת, she does it with her husband in mind (when she was קטנה, they were married)
- iv **Challenge (אבוי):** תרומה designated by a קטן at נדרים is valid (ר' יוסי – valid)
- 1 **Assumption:** ר' יוסי holds that תרומה in our day is מה"ת; he must hold that מופלא סמוך לאיש is מה"ת
- (a) **Rejection:** ר' יוסי holds that תרומה בזמן הזה is מד"ס
- (b) **Challenge:** in סדר עולם (per יוחנן – ר' יוסי authored by ר' יוסי, v. 6 teaches that there won't be a 3rd ירושה
- (i) **Answer:** he taught it, but he holds that תרומה בזה"ז is מד"ס
- (ii) **Support:** ברייתא – if dough was mixed in or risen with תרומה-leaven, it is fully חולין
1. **Therefore:** ר' יוסי ור"ש; ר"מ ור' יהודה – per טב"י – חלה in חיוב, not נפסל by contact with a טב"י
- a. **Assumption:** whatever one holds about תרומה, would hold same for חלה
- (iii) **Therefore:** if ר' יוסי holds חלה is מדרבנן today; the mix can come and exempt from חלה; but if מה"ת חלה is, how does mix (which is מד"ס) exempt dough from חלה
1. **Block:** perhaps ר' יוסי holds that חלה today is מדרבנן, but תרומה is מה"ת
2. **Per:** רבנן דבי רב – (their argument – חלה must be מה"ת, since during first 14 years, we were only in חיוב חלה, but not תרומה) – even if תרומה is מה"ת חלה, מדרבנן חלה requires בבאכם – all must come – and during ציון שיבת a minority returned