

39.6.1

48a (משנה א) → 49a (כיוצא בו)

1. רבבה כצמח השדה נתתיך ותרבי ותגדלי ותבאי בעדי עד"ים שדים נלנו וישערך צמח ואת ערם ועריה: יחזקאל טו, ז  
 2. ותפקדי את זמת נעוריך בעשות ממצרים דדיך למען שדי נעוריך: יחזקאל כג, כא  
 3. דבר אל בני ישראל איש או אשה כי יעשו מכל חטאת האדם למעל מעל בה' ואשמה הנפש ההוא: במדבר ה, ו

- I א status of girl who shows “upper” סימן but not “lower” סימן “even though it is impossible”
- a מ”מ still considered קטנה (→ cannot perform חליצה nor ייבום)
- b חכמים it is physically impossible (→ may perform חליצה or ייבום)
- i Note: all agree that we rely on סימן תחתון – from v. 3, which equates men::women for all עונשין in עורה
- 1 Just as: man is liable when he has 1 סימן, so too – woman
  - 2 Challenge: perhaps, since she has 2 סימנן, either one is sufficient
  - 3 Answer: just like man – סימן תחתון is necessary and sufficient (support from רב”צ per יבנה)
- ii עליון/תחתון (R/L, סימנין): different חכמים suggest conditions which speed up development of certain סימנין
- iii תוספתא נדה ו: ח: girls are checked by women (חכמים would entrust their wives/mothers with check)
- (a) ד’ יהודה before and after “the age” (12<sup>th</sup> year) checked by women – but not during that year, as we don’t approve marriages (lit. “resolve doubts”) based on testimony of woman
    - (i) Question: why the need for בדיקה after that year? (we understand before 11; if we find שתי שערות, we know it to be a שומא and if we see it later, will recognize it as a non-סימן) per רבא
      1. חזקה דרבא when a girl reaches 12, no need for בדיקה, there is a חזקה that she has סימנין
      2. Answer: רבא’s חזקה is only לחומרא – to prevent her from performing מאון – חליצה, she still needs בדיקה
        - a. Therefore: since during 12<sup>th</sup> year, it is like “later” (i.e. she’ll be a גדולה if she has סימנין) but she has no חזקה, we don’t rely on women; after 12, we have חזקה so we can “add” testimony of women
    - (b) ד’ ש even during that year, women may check her
      - (i) Reason: he holds הפרק כלפני הפרק – תוך הפרק – woman may check because we won’t declare her a גדולה based on that testimony, but we’ll know where she has a שומא to check later (if still there – שומא and not סימן)
    - (c) And: a woman is believed לחומרא but no לקולא
      - (i) Example: to testify that she is a גדולה to prevent her from performing מאון, but not to be able to perform חליצה
        1. Or: to testify that she is not a גדולה, to keep her from performing חליצה, but not to allow her to do מאון
      - (ii) Question: who authored this statement - ר’ יהודה or ר’ ש?
        1. Could be: ר’ יהודה and he was referring to הפרק
        2. Or could be: ר’ ש, referring to after 12 – and he doesn’t accept רבא’s חזקה
- II Analysis of rhetoric of משנה
- a “Impossible”: but it happened!
- i Answer: מ”מ – “it happened”; לחכמים – “impossible”
- b Question: why not state “if upper came, מ”מ says...” – and we’ll understand that חכמים see her as גדולה due to “impossibility”
- i Answer: had it omitted that, מ”מ that some girls (מיעוט) have upper come first;
- 1 מ”מ follows his own reasoning – חושש למיעוט – and considers her as קטנה (might not yet have תחתון)
  - 2 דבנן follow their reasoning – חושש למיעוט – and she must have had תחתון come first
  - 3 But: this would only apply without additional information (default)
    - (a) However: if we checked and found no סימן תחתון; רבנן may agree that she is the anomaly → קטנה
    - (b) Therefore: it teaches that רבנן hold it to be impossible - they must have come and fallen out
- c v. 1: according to מ”מ, we understand the order of שדים נכוננו, then שערך צמח, but how do רבנן explain the sequence?
- i Answer: read as symptom and cause – if we see that שדים נכוננו, then we know that שערך already צמח
- d v. 2: according to מ”מ, we understand the order of דדיך, then נעוריך, but how do רבנן explain the sequence?
- i Answer: read as indicator if we see that דדיך have “come”, then we know that נעוריך have also come
- ii Or: entire פסוק is about breasts – (in metaphor –when her breasts first grew she didn’t return – nor when they got larger)
- e End of משנה repeats “impossibility” axiom
- i Explanation1: to support that the סתם here is רבנן and we rule that way (contra מ”מ, in spite of vv. 1-2 supporting him)
  - ii Explanation2: since next משנה will begin with כיוצא בו...wanted to restate inevitable inclusion of תחתון before עליון