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Testimony of a *Katan*¹

We have seen in past articles that a *katan* (minor) is unfit as a witness. It may have been surprising when the *Mishnah* (2:10) this week listed cases where an adult is able to testify regarding something he saw when he was a minor. These include:

1. Substantiating the signatures of his father, rebbi or brother (where another adult has also identified the signatures).
2. The manner in which a woman got married (see 2:1)
3. That a particular individual would either eat or be allocated a portion of *trumah*.
4. The location of a *beit ha'pras*.
5. The location of the *techum Shabbat*.

The *Gemara* (*Ketubot* 28a) and commentaries explain that each of the cases listed above all have rabbinic implication and the *Chachamim* therefore ruled leniently. If that is the case one must understand why we must wait till the *katan* has grown till we can accept his testimony.

The *Ritva* explains that ordinarily we require that a person is suitable to be a witness at the time of witnessing and at the time of testimony. In these cases, the *Chachamim* relaxed one of these requirements.

The *Tosfot HaRid* explains that the testimony is only received when he is an adult because if he is willing to testify about the matter as an adult, he must have a high level of certainty and confidence in the matter he is testifying about. It follows then, that when he is a child, we cannot be confident in his testimony.

A further difficulty however is raised in the *Tosfot* by the *Riva* that cites the *Gemara* (*Pesachim* 4b) that enables a minor to testify whether a house has been

checked for *chametz*. There the *Gemara* justifies accepting the minor's testimony by explaining that it is a rabbinic matter and therefore the *Chachamim* were lenient. (It is a rabbinic matter since once *bitul chametz*, the annulment of *chametz*, is performed, *bedikat chametz* (checking) is rabbinically required.) How is that case different from here where we only accept his testimony once he has grown up?

The *Rashba* explains that the case in *Pesachim* is different as the minor is testifying about something he did himself. The other cases however, regards a matter he saw or can identify. It is regarding the former that one can rely with confidence on the minor in this rabbinic matter. (The *Tosfot* explain similarly that *bedikat chametz* is different as it is something that is in his ability to perform.)

Alternatively, the *Rashba* continues, *bedikat chametz* is different in that it occurs on a yearly basis and involves everyone. A minor would therefore be more familiar with it and may be relied upon.

From the above analysis we can develop an important insight into the *katan*. Firstly, it appears that when regarding many matters, they cannot be pushed or relied upon with confidence. If however once they grow up and on reflection still maintain their position, this may be relied upon in rabbinic matter.

More importantly, we find a further lesson in *chinnuch* (education). There is a stark difference between matters in which a child spectates and a matter in which he takes an active role. Once a child is involved in the *mitzvah* the impact is so strong and clear that the *Chachamim* trusted him, even whilst he is a child.

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¹ Much of the content of this article was taken from <http://www.dafyomi.co.il/kesuvos/insites/ks-dt-028.htm>.

Revision Questions

כתובות ב' ג' – ג' א'

- When are witnesses to a contract believed if they claim they were forced to sign the document? (ב' ג')
- Explain the debate regarding whether it is enough if each of the witnesses on a contract substantiate their own signature. (ב' ד')
- Is a woman believed if she says she was divorced but can not produce her *get*? (ב' ה')
- What is the other case brought in the same *Mishnah* that shares a similar law to the previous question? (ב' ה')
- If two women were captives and both claim that they are *tehora*, when are they believed? (ב' ו')
- How many witnesses does one require to prove he is a *kohen*? (ב' ז')
- What are the opinions of *R' Yehuda*, *R' Elazar* and *Rabban Shimon ben Gamliel* regarding the previous question? (ב' ח')
- If a woman is kidnapped, when is she allowed to return to her husband? (ב' ט')
- What can one testify about when they are an adult regarding what they saw when they were a child? (List five matters.) (ב' י')
- What does it mean when it says: "אלו נערות שיש להן קנס"? (ג' א')
- Which *ne'arot* do not have a *kenas* associated with them? (ג' ב')
- What is the source for the law that if one is sentenced to death, he is exempt from monetary payments? (ג' ב')
- Explain the debate regarding whether a *kenas* applies to a *ne'ara* that got engaged then divorced. (ג' ג')
- What three things is a *mefateh* obligated to pay? (ג' ד')
- What four things is a *ones* obligated to pay? (ג' ד')
- What are the three differences between a *mefateh* and an *ones*? (ג' ד')
- In what case is the *ones* not "*shoteh ba'atzitzo*"? (ג' ה')
- According to *R' Elazar* what is another difference between a *mefateh* and an *ones*? (ג' ו')

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 nd October ל' תשרי ראש חודש Ketubot 3:7-8	23 rd October א' חשוון ראש חודש Ketubot 3:9-4:1	24 th October ב' חשוון Ketubot 4:2-3	25 th October ג' חשוון Ketubot 4:4-5	26 th October ד' חשוון Ketubot 4:6-7	27 th October ה' חשוון Ketubot 4:8-9	28 th October ו' חשוון Ketubot 4:10-11

