



Volume 6. Issue 58

Mufla Samuch L'Ish

At the beginning of this week we learnt about the laws that apply to girls and boys at various ages below twelve and thirteen years respectively. One *Mishnah* (5:6) discussed the novel law that applies to a girl and boy in their twelfth and thirteenth years (prior to turning twelve and thirteen). The *Mishnah* teaches that if the minor makes a *neder* (vow) in that year, one must assess if the minor fully understood "for Whom she made the *neder*". If the minor demonstrates a satisfactory level of understanding then the *neder* is binding on a biblical level (see *Bamidbar* 6:2). The *Mishnah* then adds that "we recheck [her] the entire twelfth year." What is the meaning of the *Mishnah* and what is it teaching that we would do not already know?

The *Gemara* (*Nidah* 45b) explains that the *Mishnah* had to teach that there is a requirement to continually assess whether she understands when making *nedarim* throughout the year. In many *halachic* contexts a month is considered a year. Therefore if she failed in our assessment in the first month, one might have thought that no further checking would be required. *Rashi* explains that one might have thought that the *chazaka* is formed in the first month and none of her further *nedarim* would be considered till she turned twelve.

The *Mishnah Achrona* question the above explanation of the *Gemara*. How could the *Gemara* explain that one might think that such a leniency could be based on the *chazaka* formed in the first month of the twelfth year? Firstly, there is a principle that one cannot rely on a *chazaka* if it is possible to check and clarify the matter – as in our case. Furthermore, it is a bad *chazaka* as it is likely to change. There is a good possibility that as she develops during the year her intellect will mature.

Based on these difficulties the *Mishnah Achrona* cites the *Rambam's* version of the *Gemara* which is the complete opposite understanding. He explains that one might of thought that if she passed the test then no further checking would be required and all her *nedarim* would be binding. The *Mishnah* therefore teaches that even if in the beginning of the year she has passed the test, nevertheless checking is required for the remainder of that year. The *Meiri* explains that we are concerned that the earlier result was successful by chance.

The *Meiri* indeed combines both understandings. In other words, irrespective of her past performance, whether pass or fail, the *Mishnah* requires continual checking during that year.

Yisrael Yitzchak Bankier

Revision Questions

נידה ה' ד' – ו' ח'

- What are the laws listed that apply to a three years old girl? (ה' ד')
- What are the laws listed that apply to a nine year old boy? (ה' ה')
- What law applies to an eleven year old girl? (ה' ו')
- What is the comparable age for a boy? (ה' ו')
- Regarding the previous law what is different when the girl turns twelve? (ה' ו')
- Can that law apply to a girl younger than that age that is extremely clever? (ה' ו')
- For what laws did the *Chachamim* apply the following parable: פְּנֵהָ, בְּחֵל וְצִמָּל (ה' ו')
- What are the *simanim* for a *bogeret*? (Include all opinions.) (ה' ח')
- At what age would one become an *aylonit*? (ה' ט')
- At what age would one become a *saris*? (ה' ט')
- What law listed applies to both? (ה' ט')
- What is the law regarding one where only one of the upper and lower *simanim* have appeared? What case is debated? What case is considered impossible? (ה' י')
- What hole in a *kli cheres* is larger: *machnis* or *motzi*? (ה' י')
- Can part of the body have a bone without a nail? A nail without a bone? (Why is this important?) (ה' י')
- Which of the following two *tumot* can cause *tumah* to more *keilim*: *tumat met* or *tumat midras*? (ה' י')
- Explain what the *Mishnah* means when it states that there are people that are fit for judging monetary cases that are not fit for judging capital cases. (ה' י')
- Which of the following two laws apply to more food: *tumat ochlin* or *chiyuv ma'asrot*? (ה' י')
- Which of the following two laws apply to more food: *peah* or *chiyuv ma'asrot*? (ה' י')
- Which of the following two laws apply to more animals: *matanot* or *reishit ha'gez*? (ה' י')
- Which of the following two laws apply to more produce: *bi'ur* or *shvi'it*? (ה' י')

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 th March י"ג ניסן	29 th March י"ד ניסן	30 th March ט"ו ניסן	31 st March ט"ז ניסן	1 st April י"ז ניסן	2 nd April י"ח ניסן	3 rd April י"ט ניסן
Nidah 6:9-10	Nidah 6:11-12	Nidah 6:13-14	Nidah 7:1-2	Nidah 7:3-4	Nidah 7:5-8:1	Nidah 8:2-3

