

Laws of Marriage Chapter 2 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Chavrusa Shiur — Rambam Hilchot Ishut, Chapter 2

General Introduction to the Chapter

Chapter 2 is a continuation of the definitions that the Rambam began in Chapter 1 (kiddushin, arayot). The chapter sets out the **stages of age and physical development** — ketanah, na'arah, bogeret — because this is relevant to kiddushin (who can be mekadesh, until when the father can be mekabel kiddushin), and also to monetary and legal matters. The Rambam sets out all the rules at once, so that later he won't need to explain each time. The chapter also discusses male/female, tumtum, androginus — all types of "bnei adam" for halachic purposes.

The Rambam speaks **first about girls** (because with girls there are more details — ketanah, na'arah, bogeret — three stages), **then about boys**.

Halachah 1 — Ketanah: From Birth Until Twelve Years

The Rambam: "A girl from the day of her birth until she completes twelve years — she is called a ketanah. And even if she grows several hairs within this time — they are only like a shuma."

Explanation: From birth until a full twelve years, a girl is a "ketanah" (also called "tinokot"). Even if hairs grow before twelve years, they are not simanei gadlut — they are merely "like a shuma."

Chiddushim and Explanations:

1. **"Ke-shuma" — Not Actually a Shuma:** The Rambam says "ke-shuma" — *like* a shuma, not that it **is** a shuma. Shuma means hair that grows into a wound or from other causes — not hair that indicates gadlut. The point is that hair before twelve years can occur from other causes, but it is not the sign of gadlut.
2. **Two Conditions for Gadlut — Age and Signs:** One needs **both** a certain age (twelve years) **and** two hairs. One without the other is not enough. This is the foundation of the entire sugya.
3. **Hairs are a Sign, Not a Cause:** The hairs don't **make** gadlut, they are a **sign** that the body is already an adult. Therefore one cannot say that hairs before twelve years make gadlut — because before twelve years they cannot be a sign of gadlut.
4. **Reality of Exceptions:** In reality, hair can grow before twelve years, and conversely — no hair after twelve years. Usually a certain number of years passes, but there are exceptions in both directions.

Halachah 1 (Continued) — Na'arah: From Twelve Years with Hairs, Six Months

The Rambam: "But if she brings two hairs below on the body in the places known for bringing hair — she is called a na'arah. And the bringing of two hairs at this time is called siman hatachton."

Explanation: When a girl turns twelve years and brings two hairs in the known places, she becomes called a "na'arah." This is called "siman hatachton."

Chiddushim:

1. **"In the Known Places" — The Rambam's Refined Language:** The Rambam speaks refinedly — "in the places known for bringing hair" — according to his approach that lashon hakodesh is holy. In **Halachah 17** the Rambam specifies exactly where. The style here is like in Hilchot Megillah where he says "at the known time that they established for it" — only later is it specified.
2. **"Siman Hatachton":** Called so because it is on the lower part of the body — later we learn "siman ha'elyon" which is higher on the body.

Halachah 1 (Continued) — Bogeret: After Six Months

The Rambam: "And after she brings the siman hatachton... six complete months... and from the beginning of the day of completion of the six months and onward — [she is a bogeret]. And there is nothing between na'arut and bagrut except six months only."

Explanation: The period of na'arut lasts exactly six months. After that she automatically becomes a bogeret.

Chiddushim:

1. **"Complete" — Full Months:** "Six complete months" doesn't mean when one begins counting the sixth month, but when the sixth month has **completely passed** — i.e., when a person would naturally say "I am now seven months."
2. **"And There is Nothing Between Na'arut and Bagrut Except Six Months Only" — What is the Chiddush?** The Rambam already said six months — what is he adding? The chiddush is that **one doesn't need new signs for bogeret** — there is nothing more to check. Only the passage of six months after na'arut automatically makes her a bogeret. The body's development takes half a year, and when we know it's working (through siman hatachton), that's enough — no further checking is necessary.
3. **The Natural Development:** This reflects a reality — from when the body begins to develop until it is finished takes about half a year. The siman hatachton shows that the process has begun, and after six months it is complete.

Halachah 1 (End) — When Hairs Don't Come: Ketanah Until Twenty

The Rambam: "If she reaches twelve years and one day and has not brought two hairs — even though

signs of an ailonit are visible in her — she is still a ketanah until twenty years."

Explanation: If a girl turns twelve years and one day without two hairs, she remains a ketanah — even if signs of ailonit are seen. One cannot determine ailonit until twenty years.

Chiddushim:

1. **She Doesn't Become a Na'arah Without Hairs:** Without two hairs one cannot transition to na'arah — age alone is not enough. She remains a ketanah.

2. **Ailonit is Not Determined Before Twenty:** Even if signs of ailonit are seen (signs that the body has not developed), one cannot rule that she is an ailonit until twenty years — because perhaps the hairs will still come. Until then she remains in the category of ketanah.

3. **Question:** Why must one wait until twenty if signs of ailonit are already seen? The answer is unclear — perhaps because the signs are not clear enough earlier.

Halachah 2 — Ailonit: The Law of Ketanut and Gadlut

The Rambam: An ailonit — a woman who will never bring two hairs — remains a ketanah until one can determine that she is an ailonit. When she does bring two hairs even at twenty years, she is a na'arah for six months and then a bogeret.

Explanation: An ailonit is a woman who has a defect in her body and will never mature in the normal way. The Rambam in Perush HaMishnayot brings that the word "ailonit" comes from "ayil" — the male of sheep — meaning, her feminine signs have not developed.

Chiddushim:

1. **Gadlut Goes with Signs, Not with Age:** The main chiddush is that becoming an adult at twelve/thirteen is not only because one gets two hairs — the two hairs are a *sign* of maturity. But a person who will never mature cannot remain a ketanah forever — one needs another mechanism to determine gadlut.

2. **Ailonit is Not a Shoteh:** Ailonit doesn't mean she lacks intelligence. She can be smart — the deficiency is only in physical maturity, not in intellect.

Halachah 3 — The Law of Ailonit Without Signs of Ailonit

The Rambam: "And if all the signs of ailonit are not visible in her, she is still a ketanah until she brings two hairs, or until she is thirty-five years and one day... If she reaches this time and has not brought two hairs, behold she is called an ailonit even though no sign from the signs of ailonit is visible in her."

Explanation: Two ways to determine ailonit: (a) at twenty (minus 30 days) with signs of ailonit, (b) at 35 years + 1 day even without signs of ailonit — the fact alone that she has not brought two hairs at that age is enough.

Chiddushim:

1. **"It is Found That You Learn That an Ailonit Has No Days of Na'arut":** An ailonit does not have the period of na'arut. She goes directly from ketanut to bogeret. The reasoning: na'arut and bogeret are stages in the development of signs (from a little to complete). An ailonit who doesn't have the signs at all is not relevant to wait — the moment one

determines ailonit, she immediately becomes a bogeret/gedolah.

Halachah 4 — Signs of Ailonit

The Rambam: "And these are the signs of ailonit: Anyone who has no breasts, and has difficulty with intercourse, and does not have the lower abdomen like women, and her voice is thick and is not distinguishable between man and woman."

Explanation: Four signs: (1) no breasts, (2) intercourse is difficult/painful, (3) no lower abdomen (the lower part of the belly that protrudes in women), (4) a coarse/thick voice that one cannot distinguish between man and woman.

Chiddushim:

1. **Do All Signs Need to Be Together?** It is debated whether one needs all the signs or one is enough. The Rambam in Halachah 8 discusses what happens if one has only some of the signs.

2. **[Digression: What is the Medical Reality of Ailonit?]** Two approaches have been discussed: (a) ailonit lacks the female system (deficiency). (b) ailonit has too much testosterone — this makes her masculine, which explains why she gets a thick voice (not just that something is missing, but that it is positively masculine). The second approach is preferred. It is emphasized that this is not androgynous — "has difficulty with intercourse" doesn't mean she is like a man.

3. **Question on Thick Voice:** A child (whether boy or girl) doesn't have a thick voice. In boys the voice change comes at puberty. In an ailonit who doesn't have normal puberty — how does she get a thick voice? The answer: her body does grow (she becomes physically larger), and without the female hormones that make a soft voice, the voice naturally becomes coarser when the body grows.

Siman Ha'elyon — Eight Signs of Gadlut in a Girl

The Rambam: "And there are signs in a girl from above, and they are called siman ha'elyon." The Rambam lists eight signs:

1. **When she turns her hand backward** — when she turns her hands to the back, a fold (crease) forms at the place of the breast.

2. **When the head of the breast darkens** — the tip of the breast becomes black.

3. **When a person places his hand on the tip of the breast and it sinks and takes time to return** — when one presses on the tip of the breast, it becomes compressed and takes time to come back (not firm).

4. **When the head of the nipple splits and makes at its head like a small ball** — at the tip of the breast a small ball-shaped piece forms.

5. **When the breasts spread** — the breasts widen.

6. **When the breasts shake** — the breasts become large enough that they shake.

7. **When the crown rises** — the place of the protruding flesh above the genitals opposite the belly becomes larger.

8. **When this flesh softens and is no longer hard** — the flesh becomes softer, no longer hard.

Explanation: These are eight physical signs that show development toward gadlut, together called "siman ha'elyon."

Chiddushim:

1. **Why is it Called "Siman Ha'elyon"?** A question: the last two signs (7 and 8) are not above — they are by the genitals, not by the breasts. Two answers: (a) because most of the signs are above (by the breasts), the entire category is called "siman ha'elyon." (b) perhaps "elyon" doesn't mean geographically, but that these are more significant, greater signs — "vines" — compared to the hairs which are only a "hint."

2. **The Rambam's Interpretation of "Splitting of the Nipple":** The Rambam interprets that it means the nipple (tip) becomes divided and a small ball/sphere forms — a small ball. **But my teachers interpreted differently** — the teachers of the Rambam interpreted that the nipple itself, when it becomes large, becomes a split thing (not a ball that becomes divided, but the nipple itself splits).

Laws of Siman Ha'elyon — When Does It Take Effect?

The Rambam: "If a sign from all these or all of them is seen in a girl, and she is twelve years old or less — we do not pay attention to it... She becomes twelve years and one day and the siman hatachton is seen in her — [behold she is a gedolah]... And if the lower one is not seen and one of these is seen — it is a doubt between na'arah and ketanah and we judge her stringently... And if all of them are seen — behold she is certainly a gedolah, for it is impossible that all of them should come unless the siman hatachton has already come and fallen out."

Explanation: Under twelve — siman ha'elyon doesn't help at all. After twelve with siman hatachton — gedolah. After twelve without siman hatachton but with one siman ha'elyon — doubt. All eight signs — certainly gedolah.

Chiddushim:

1. **Under Twelve — "We Do Not Pay Attention to It" Without Shuma:** With siman ha'elyon under twelve we simply say "we do not pay attention to it" — one doesn't need an explanation of shuma like with siman hatachton. The difference: with siman hatachton there is a reality of hair on the body that is not a sign of gadlut (shuma), but with siman ha'elyon the entire concept of shuma is not relevant.

2. **Great Chiddush — Siman Ha'elyon is Only a Sign for a Sign, Not a Sign of Gadlut Itself:** The Rambam's language "for it is impossible that all of them should come unless the siman hatachton has already come and fallen out" shows that even when all eight signs are present, the reason she is a gedolah is not because the signs themselves make her a gedolah, but because they prove that siman hatachton (hairs) certainly grew and just fell out ("and fell out"). **The hairs remain the primary sign of gadlut.** A question is asked: Why doesn't the Rambam say that siman ha'elyon is an independent sign of gadlut? It appears that the hair is the determining factor.

3. **Proof from the Verse:** The Gemara asks from the verse (Yechezkel 16:7) "your breasts were established and your hair grew" — breasts come first in the verse. The answer: the verse means that if breasts are established, it is a sign that your hair grew — that is, siman ha'elyon is a sign of siman hatachton. This is how the Rambam learns.

The Girl Who Gave Birth — Giving Birth as a Sign of Gadlut

The Rambam: "A girl who gave birth after twelve years, even though she has not brought a sign, neither upper nor lower — behold she is a gedolah, for children are like signs."

Explanation: A girl who gave birth after twelve years is a gedolah, even without any signs, because children are like signs.

Chiddushim:

1. **"Like Signs" — Not Like with Siman Ha'elyon:** The Rambam doesn't say that it is certain there was siman hatachton and it fell out (as he says with siman ha'elyon), but "children are like signs" — the children themselves are like signs. This is a difference: with siman ha'elyon it is only proof of hairs, but with birth the children themselves are a sign.

2. **Simple Logic:** A child only comes when one is mature, therefore it is a sign that one is a gedolah.

3. **Lacks Days of Na'arut:** The Rambam doesn't say whether she has days of na'arut or not — only that she is a gedolah.

4. **Dispute of Rishonim Regarding Under Twelve:** The Rambam says clearly "after twelve years." The Rama brings an opinion that even under twelve is the same law. Also the Rama brings that even being pregnant (not just having given birth) is enough. But the Rambam's position is clear that it must be after twelve. If the Rambam meant that it is only a reality (that one cannot give birth under twelve), he wouldn't have needed to write "after twelve years" — it is a halachah, not just a reality.

Halachah 3 — Signs of Gadlut in a Boy (Male)

The Rambam: "A boy, from when he is born until he is thirteen years — is called a katan, or tinok. And even if he brings several hairs within this time — they are not a sign but a shuma." **When he brings two hairs below in the places known for hair, and he is from thirteen years and one day and onward — he is "gadol" and is called "ish."**

Explanation: A boy is a katan until thirteen years. Hairs under thirteen are not a sign of gadlut, but shuma. After thirteen + one day with two hairs he becomes a gadol.

Chiddushim:

1. **"Tinok" Doesn't Mean a Baby:** In the language of Chazal, "tinok" means a boy (katan), not specifically a baby — like "tinokot shel beit rabban" are older boys who learn Torah, and "katan shehegia lechinuch" is also called tinok. It is asked whether "tinok" comes from the root of nursing, but it is not developed.

2. **"Shuma" by a Boy:** The same concept as with a girl under twelve. It is suggested that shuma perhaps means like "shuma" — an estimate, a notation — something that is not the true sign.

3. **"Ish" as a Term for Gadlut:** The Rambam calls the gadol "ish" — which is interesting, because with a woman the Rambam doesn't say "ishah" as a term for gadlut. With a woman there are specific names: "na'arah", "bogeret",

"gedolah". But "ishah" is not a terminological concept for gadlut — a ketanah can also be called "ishah" (like "ki yikach ish ishah"). In contrast, "ish" is in Chazal often learned to mean specifically a gadol, not just a person.

Saris by a Male: The Stages

The Rambam: When he turns thirteen and has not brought two hairs — even if signs of saris are seen — he remains a katan until twenty years minus 30 days. If he reaches this age and doesn't have two hairs below, and one of the signs of saris is visible in him — he is a saris, and his law is the law of a gadol for everything. If signs of saris are not visible — he remains a katan until he brings two hairs, until thirty-five years and one day.

Explanation: Three stages: (1) thirteen until ~20 — katan even with signs of saris; (2) ~20 — if signs of saris are present, he becomes saris/gadol; if not, remains katan; (3) 35 + one day — saris even without signs of saris.

Chiddushim:

1. **Why 35?** This is based on the principle that "the days of our years are seventy years" — at 35 is "the majority of the years of his life has passed." A person cannot remain a katan for most of his life. When one has already lived more than half of life as a katan, one must say he is a saris. This is parallel to the ailonit by a woman.

2. **The Raavad's Dispute on "Minus Thirty Days":** The Raavad learns the opposite — that the thirty days must be thirty days *into* the twenty years (i.e., 20 years and 30 days), not minus thirty days before it.

3. **Complication with Siman Ha'elyon (Beard):** If he doesn't have two hairs below, but he does have two hairs in the beard, even with signs of saris — he remains a katan until all signs of saris come, or until 35. This is a chiddush — one positive sign of gadlut (beard) can prevent the status of saris. This is compared to the woman's law in Halachah 8, where siman elyon plays a role, but there it becomes a doubt, and here it becomes a stringency (he remains katan). The details are "not clear" and the Raavad also disagrees.

Signs of Saris

The Rambam: "And these are the signs of saris: (1) he has no beard; (2) his hair is deficient — thin and sparse; (3) his flesh is smooth — smooth childish skin; (4) his urine does not produce steam — his urine is not hot; (5) when he urinates it does not make an arc — the stream falls straight down without a curve; (6) his semen is watery — weak/watery; (7) his urine does not ferment — doesn't become sour/smelly when left standing; (8) he bathes in the rainy season and his flesh does not produce vapor — his body doesn't give off steam when he washes in cold weather; (9) his voice is deficient — a feminine voice, not distinguishable between man and woman."

Explanation: Nine signs that show the body has not gone through normal masculine development.

Chiddushim:

1. **"Does Not Make an Arc"** — a sign that there is no erection at all, which normally gives a bit of pressure even

when urinating.

2. **"Watery"** — is compared to the language of tzara'at ("keheh" = stronger/darker, "dihah" = weaker/paler), and also with dam dihah by niddah.

3. **"His Flesh Does Not Produce Vapor"** — a normal male's body is warmer, and when he washes in cold weather vapor comes out. A saris has a colder, childish body that doesn't sweat as much.

4. **"His Voice is Deficient and Not Distinguishable Between Man and Woman"** — this is the opposite of the ailonit, who has a "thick voice" (a masculine voice). The saris has a feminine voice.

Saris Chamah and Saris Adam

The Rambam: "And this saris is called saris chamah everywhere." "But a boy whose organ or testicles were cut or crushed or pressed as the gentiles do" — is called saris adam.

Explanation: Saris chamah is a natural condition from birth; saris adam is when people have intervened.

Chiddushim:

1. **Explanation of "Chamah":** The Rambam in Perush HaMishnayot interprets "from when he saw the face of the sun" — from when he saw the sun, i.e., from birth. Others interpret that "chamah" perhaps means a disease (heat). But simply: if it comes from a disease it is also saris adam. Saris chamah is specifically when one is born that way.

2. **[Digression: Why Gentiles Did This:]** Servants of the king — slaves were castrated so they wouldn't have desires. Also this was done to stop puberty for singers (castrati), so the childish voice would remain. There is a prohibition in the Torah "and in your land you shall not do."

3. **Practical Difference:** With saris adam there is no doubt — one knows immediately that he will never bring signs, because it was stopped. Therefore he becomes gadol at 13 years and one day without waiting. With saris chamah it is not so clear — one doesn't always know for certain.

Signs from Above by a Male

The Rambam: "A boy of thirteen years and one day who has not brought a sign from below, but all the signs from above are visible in him — behold this is a doubt between katan and gadol." If one has not checked below but one sees signs of maturity from above (beard), "behold he is in the presumption of gadol."

Explanation: If a 13-year-old doesn't have signs below but does above — he is a doubt. If one has not checked below but one sees a beard — he is in the presumption of gadol.

Chiddushim:

- **Raavad's Objection:** The Raavad says this is a "flying document" — with a woman there is siman ha'elyon, but there is no source that a man should have upper signs. The Raavad holds that only women have upper signs, men have only siman tachton. The Rambam holds differently.

The Measure of Two Hairs

The Rambam: "The two hairs mentioned in a boy and a girl and everywhere — their measure is enough to bend their head to their root." "And when they grow and are able to be taken with tweezers... until they reach to bend their head to their root" — between the two measures is an intermediate status.

Explanation: The hairs must be long enough that one can bend the head of the hair over to the root. A smaller measure is when one can remove it with scissors (tweezers).

Chiddushim:

1. **"Everywhere"** — two hairs with this measure appears also by the red heifer, negaim, nazir — everywhere halachah speaks of hairs.

2. **Intermediate Measure:** When the hair is large enough "to be taken with tweezers" but not enough for "to bend their head to their root" — we go stringently in both directions: we assume he is gadol stringently (e.g., needs a get) and also katan stringently (e.g., needs new kiddushin when he becomes certainly gadol).

3. **What is "With Tweezers":** Tweezers are two blades — the hair must be large enough that one can catch it between the blades. With hands alone one cannot grasp it, but with tweezers yes.

The Place of the Hairs

The Rambam: "These two hairs need to be in the place of the genitals... the entire area of the genitals, whether above or below, or on the reproductive organs themselves."

Explanation: The hairs must be on the place of the genitals — whether above, below, or on the reproductive organs themselves.

Chiddushim:

- "The area of the genitals" is a broader region, not just the reproductive organs themselves. Usually the hair doesn't grow exactly on the reproductive organs, but around — from above or from below.

Conditions of the Hairs — In One Place, Follicles

The Rambam: "And they need to be in one place, and there should be follicles at their root. And even if both of them are in one follicle — behold these are a sign."

Explanation: Both hairs must be in one place, and they must have follicles (follicles) at the root. Even two hairs from one follicle is valid.

Chiddushim:

1. **One Follicle:** We don't say that two hairs from one follicle means one hair — it counts as two.

2. **Shulchan Aruch's Custom:** The Shulchan Aruch says that the custom is that we don't check if there is a follicle. If there is longer hair, we already say it is valid.

Follicles Without Hairs

The Rambam: "If two follicles are found next to each other and there is no hair in them — behold these are a sign."

Explanation: Even follicles alone without hair is a sign of gadlut.

Chiddushim:

- **Presumption that "There is No Follicle Without Hair"** — if there is a follicle, the follicle was made so that from there a hair should grow. We say there was a hair and it fell out (and fell out).

Halachah 4 — Hairs That Grew Before the Time (Shuma)

The Rambam: "A girl who brought two hairs within the twelfth year and a boy who brought within the thirteenth — which are shuma. Even though those hairs stand in their place after thirteen for a male and after twelve for a female — they are not a sign." "In what case are we speaking? When they were checked within the time and it became known that they are shuma. But if they were not checked until after the time and two hairs were found there..."

Explanation: Hairs that grew before the time (before 12/13) are shuma — not a sign of gadlut. Even if they still stand there after the time, they are not valid as a sign.

Chiddushim:

1. **Only When One Checked Before the Time:** The law that it is shuma is only when one checked within the time and one knows that those hairs were already there then. But if one did not check before the time, and one finds hairs only after the time — one cannot say it is shuma, because perhaps they just grew now.

2. **A Person Cannot Claim:** If one did not check before the time, one cannot come afterward and say "perhaps this is shuma" — we assume they are valid signs of gadlut.

Checking Signs of Gadlut by Girls

The Rambam: "We check through kosher and trustworthy women, and even one woman checks, and we listen to her whether she brought or did not bring."

Explanation: When one needs to check whether a girl already has signs of gadlut (hairs), we rely on kosher women, even one woman alone, because it is not proper conduct for a man to check this.

Chiddushim:

1. **Why One Woman is Enough (Without Two Witnesses):** Two reasons: (a) it is not proper conduct for men to check women, (b) it is a **miltah de'avida le'igluyei** — with time it will anyway become clear. The Ramban also says so — because it will anyway come out, no one will lie. It may be that both reasons are relevant.

2. The Rambam also shows that no one should permit himself to be "the hand that feels women" — one should not think that because one needs to clarify halachot, it is permitted for men to check.

Counting Years — Years of the Order of Intercalation

The Rambam: "All the years mentioned in a boy and a girl are neither lunar years nor solar years, but years of the order of intercalation which are regular and intercalated as the court establishes them as we

explained in Hilchot Kiddush HaChodesh, and by those years we count for all matters of religion."

Explanation: All years that are mentioned (by gadlut, arachin, etc.) are not solar years (365 days) and not lunar years (354 days), but years according to the order of intercalation — as the court determines, with regular and intercalated years. This applies to all matters of religion.

Chiddushim:

1. **Great Chiddush:** A person might have thought that one counts a certain number of days that a person has lived, but the Rambam says that one goes according to what the court has determined — an intercalated year counts as one year, a regular year also one year, even though they don't have the same number of days.
2. When one says "a vow of so many days" one counts days; but when one says "years" — everything that is a matter of religion — one goes according to the order of intercalation.
3. The Yerushalmi of **"see do not complete upon me"** is mentioned as a source for this principle.

Trustworthiness on Counting the Years

The Rambam: "We do not rely on women for counting the years nor on relatives, but on two kosher witnesses to testify."

Explanation: On hairs we rely on women (as above), but on counting the years — to confirm the age — one needs two kosher male witnesses, not women and not relatives, because this is already a matter of testimony.

****Chiddush**

Trustworthiness on Counting the Years (continued)

Chiddushim:

1. **What Does "Kosher Witnesses to Testify" on Age Mean Practically?** Do they actually need to remember the day of birth? — Yes, the conclusion is that the witness must remember when the person was born, just like with any testimony.
2. **Practical Difficulty:** Jews had a custom to write in the back of a book when a child was born — this was the practical way to have a record. Today with birth certificates it is different, but in the past it was not so simple. It is mentioned that during the Holocaust Jews had to lie about their age — whoever was seventeen said sixteen or eighteen, just not the true age.
3. **Relatives Know But Are Invalid:** Usually only the mother and relatives know the exact age — but specifically they are invalid (relatives). This makes it practically difficult.
4. **Is Age a Miltah De'avida Le'igluyei?** It is asked: perhaps one shouldn't need strict testimony? — It is rejected, because age is not so simple to prove without testimony (someone can come tomorrow and say he is forty-three).
5. **The Difference Between Hairs and Years:** Hairs (where women are trusted) — miltah de'avida le'igluyei + proper conduct reason; years (where one needs kosher witnesses) — a pure testimony question.

Trustworthiness of the Father on the Age of a Child

The Rambam: "A father who says my son is nine years and one day, or my daughter is three years and one day — is believed for a sacrifice, but not for lashes or punishments. My son is thirteen years and one day, my daughter is twelve years and one day — is believed for vows and arachin and charamim and consecrations, but not for lashes or punishments."

Explanation: A father is believed to say the age of his child for certain laws (sacrifices, vows, arachin, charamim, consecrations), but not for lashes (malkot) or punishments.

Chiddushim:

1. **Boy of 9 and Girl of 3 for a Sacrifice:** A girl under three, intercourse is not considered intercourse; above three it is already intercourse. The one who was with her must bring a sacrifice. The father is believed to say her age regarding this sacrifice.
2. **Boy of 13 and Girl of 12 for Vows:** A mufla hasamuch le'ish can already make a vow even though he is not yet a gadol. The father is believed to say that he is already thirteen.
3. **For Charamim and Consecrations:** If the child consecrated or made a cherem of things — one needs to know if he is already a gadol, because with a katan "what a minor acquires his father acquires" — the father acquires. If the father says he is already thirteen, the father no longer acquires from him, and the consecration is valid.
4. **But Not for Lashes or Punishments:** Regarding punishments one needs "and the two men shall stand" — full kosher testimony, and a father (relative) is not enough. Example: if a boy is not thirteen (or a girl not twelve), he doesn't receive punishment because he is a katan — the father's testimony alone is not enough to punish.

Androginus

The Rambam: "One who has male organs and female organs is called an androginus... and he is a doubt whether male or female, and there is no sign by which it will be known whether he is certainly male or certainly female, ever."

Explanation: An androginus has both male and female organs, and he is a doubt as to which gender he belongs.

Chiddushim:

1. **A Doubt That Will Never Be Resolved:** The Rambam's language "ever" shows that the doubt is a fundamental doubt — we don't know which organs are dominant, and the doubt will **never be resolved**. This is different from tumtum (see below).
2. **Doubt in Reality or Doubt in Halachah:** It is debated whether the doubt is a doubt in reality (what he actually is) or a doubt in halachah (how we define him). The Rambam's language "doubt whether male or female" implies a doubt in reality. According to other approaches, androginus is a "creature unto itself" — not male and not female, but a separate creation.
3. **Etymology:** Androginus is a Greek word (andra = man).
4. **Parashat Bereishit:** "Male and female He created them" is understood according to many commentators that the first human was created with both — a kind of androginus-reality.

Tumtum

The Rambam: "And one who has neither male nor female organs but is sealed is called a tumtum, and he is also a doubt... And if the tumtum is torn open and found to be male, behold he is like a certain male, and if found to be female, behold she is female."

Explanation: A tumtum is one who is sealed (blocked), without visible organs. He is also a doubt, but if torn open — the doubt is resolved.

Chiddushim:

1. **Difference from Androginus:** With tumtum the doubt is only a practical doubt — we don't have the tools to clarify, but if torn open — the doubt is resolved, even retroactively. With androginus the doubt is fundamental and remains forever.

2. **Etymology:** Tumtum is from the language of "timtum" — blockage, like "timtum halev."

Tumtum and Androginus: Age of Gadlut

The Rambam: "And a tumtum and androginus who were twelve years and one day, behold they are in the presumption of adults."

Explanation: We assume stringently that they are adults from twelve years and one day — because perhaps they are female, and a female becomes an adult from twelve.

Chiddushim:

1. **Raavad's Objection:** The Raavad doesn't understand why the Rambam says "in the presumption of adults" — one should check if they have signs (hairs). A tumtum and androginus can have hairs, and one doesn't need to just assume.

2. **General Principle:** The Rambam establishes that **everywhere in the Torah** where tumtum and androginus are mentioned, we speak of this definition — twelve years and one day.

Cheresh, Pikeach

The Rambam: "A cheresh and chershet mentioned everywhere... are mute who do not hear and do not speak... for they are in the category of shoteh. But one who speaks and does not hear or hears and does not speak, behold he is like any person." "And a man and woman who are complete in their mind and are not deaf-mutes or insane are called pikeach and pikachat."

Explanation: A "cheresh" in halachah means only one who cannot hear **and** cannot speak — because he cannot learn anything, he is in the category of shoteh. But one who can only speak or only hear is like any person. "Pikeach" means a normal person — complete in his mind.

Chiddushim:

1. **Pikeach Doesn't Mean Wise:** "Pikeach" in the Gemara doesn't mean a smart person, but just a normal one — a "sober one" — the opposite of cheresh.

2. **Modern Times:** Poskim say that today, when there are systems for teaching deaf-mutes through signs (sign language), the halachah regarding cheresh has possibly changed, because he can now communicate.

End of Chapter 2 — The Rambam's Glossary of 20 Concepts

The Rambam: "It is found that all the names whose meaning we explained in these two chapters are twenty names... Place all these names before you always and let not all their meanings be obscured from your eyes, so that we will not need to explain the meaning of each name from them in every place we mention it."

Explanation: The Rambam lists all 20 terms that he defined in the first two chapters, and warns that one should remember them, so he won't need to repeat each time.

Chiddushim:

1. **The 20 Names:** Kiddushin, ervah (from the Torah — karet, family relatives), sheniyah (rabbinic arayot), prohibitions of negative commandments (like widow to high priest, also called prohibitions of holiness), prohibitions of positive commandments, ketanah, na'arah, bogeret, ailonit, gedolah, siman hatachton, siman ha'elyon, katan, saris chamah, saris adam, gadol, androginus, tumtum, chershim, pikchim.

2. **"Gedolah" vs. "Bogeret":** The Rambam counts "gedolah" separately from "bogeret" — because "gedolah" can also mean a na'arah (anyone who is no longer a ketanah), not just a bogeret.

3. **Chershim/Pikchim in Plural Form:** With chershim and pikchim the Rambam goes to plural language (not cheresh and chershet, pikeach and pikachat separately), because there is no halachic difference between a man and a woman in this matter — not like with katan/ketanah where there is a difference in age.

4. **The Rambam's Style as a Teacher:** The Rambam's last piece — "Place all these names before you always" — sounds like a teacher saying to students: remember this for the test. The language "let not be obscured from your eyes" is from a verse (Mishlei 3:21 "My son, let them not be obscured from your eyes"), and "naloz" means moved away (like "venalaz mipnei hayareach" in Hilchot Kiddush HaChodesh).

5. **Purpose of the First Two Chapters:** The Rambam in the first two chapters established all the foundational definitions, so that the remaining chapters of Hilchot Ishut can be learned more easily.

Full Transcript

Rambam Hilchot Ishut Chapter 2 — Stages of Maturity: Ketanah, Na'arah, Bogeret

Opening: Structure of the Chapter and Introduction

R' Yitzchak: A good one, we're learning the holy Rambam,

R' Yoel Asher: Hilchot Ishut, Chapter 2.

R' Yitzchak: Not Sefer Zemanim, Sefer Nashim.

R' Yoel Asher: Excuse me, Sefer Nashim, yes, Hilchot Ishut.

R' Yitzchak: And in this chapter we're going to learn a continuation of the list of definitions. Earlier we already learned more or less kiddushin, arayot, all sorts of arayot, and

now we're learning the ages and stages of people. Because it's relevant for

R' Yoel Asher: Which age one can be mekadesh a woman, until which age the father can be mekadesh kiddushin. So the Rambam wants to say now, instead of every time when he'll say a ketanah can or cannot accept kiddushin, what does a ketanah mean? He tells us once, all the rules of katan and ketanah and so forth, na'ar and bogeret, and later... gadlut and gadmut is a matter of the body, he'll also speak about who is a male, female, and who is a doubtful male-female,

R' Yitzchak: Like a tumtum and the like. There's also still part of the same, as if the whole chapter is, I wrote Hilchot Gela'im, it's perhaps not correct,

R' Yoel Asher: Perhaps one should write Hilchot...

R' Yitzchak: Yes, bnei adam. Who is considered for halachic purposes, for purposes of kiddushin, but also for purposes of inheritance and judgment, it can make a practical difference. For purposes of being a person. Legally, who is, what sort of people? We spoke about ish and ishah, but there are many levels, ish and ishah. Very good.

R' Yoel Asher: Yes. So,

R' Yitzchak: The Rambam says as follows. He's going to first speak about girls, then about boys, because girls and boys have their own categories.

R' Yoel Asher: Girls are more relevant because there are the laws of when the father can accept kiddushin from them and so forth.

R' Yitzchak: No, both are relevant. I mean there are simply many more details, and in a certain sense,

R' Yoel Asher: But there's the middle period, the na'arah.

R' Yitzchak: There are many things.

Halachah 1: Stages of Maturity for Girls

Ketanah: From Birth Until Twelve Years

R' Yoel Asher: The Rambam says like this. **A girl from the day of her birth, from when she is born, until she completes twelve full years, she is called a ketanah** - she is called a ketanah. This is something that is often called tinokot.

R' Yitzchak: And is called?

R' Yoel Asher: It means ketanah. But it says tinokot is also the same thing.

The Rambam says, until twelve years signs don't help. Later we'll see that there are signs. The Rambam says, **even if she brings several hairs during this time**, what happens if someone did bring hairs before twelve years? You might think that it's something from maturity from her youth, she's already mature? He says no, and says, **they are only like a mole**. It's only something called shuma. It's not hair that indicates maturity.

Shuma means, like often when one has a wound, or a hair grows in the wound, that's not hair that indicates the bigger picture. This means, hair is part of the body becoming older. But often there's hair that comes for another reason. So when we see hair before twelve years, we know that these aren't hairs that are signs of maturity, it's a different type of hair.

What does the word shuma mean?

R' Yitzchak: Kashuma, it doesn't say that it's a shuma.

R' Yoel Asher: Shuma is a noun for hair that grows in a wound? No,

R' Yitzchak: The Rambam says kashuma. The Rambam doesn't say that it's a shuma.

R' Yoel Asher: What does the word shuma mean? Shuma means hair that grows in a wound?

R' Yitzchak: As you said.

R' Yoel Asher: Where is there a language from a verse, what is a language of Chazal? Where do we have the word shuma? I don't remember such a word shuma. But that's how they translate it. Shuma means hair that grows in a wound. It means hair that grows in the body for other reasons.

R' Yitzchak: Right, but that's just a clarification. That is, wherever it says hairs doesn't mean that it says hairs in the nose, I don't know where.

R' Yoel Asher: We're talking about hairs there in the place, as we'll see later in which place hairs. Yes.

Discussion: The Two Conditions of Maturity — Age and Signs

R' Yitzchak: It counts more. The thing is a bit of a novelty. One must understand the logic of how it can be. But the idea is that one needs both to be a certain age and to have the...

R' Yoel Asher: After the certain age, hairs are signs, before the certain age hairs are worth nothing.

R' Yitzchak: Usually that's the reality, it can sometimes happen, sometimes it happens that one has hair, even when one is younger, just that it can happen the opposite, and one doesn't have hair when one is older we'll see, but it can happen the opposite, and as if usually a certain amount of years passes, it should be afterwards one must also have the signs.

R' Yoel Asher: It's certainly that the hair isn't the thing that makes maturity? It's only a sign of maturity. And then it can't be any sign of maturity.

R' Yitzchak: It's a sign that the body is already mature. It's real. What does a sign mean? That is to say, the hair itself doesn't make her mature.

R' Yoel Asher: The hair is a sign that she's already mature. And this is specifically the hair, specifically hair that comes after a certain age,

R' Yitzchak: After the age of twelve. But, now,

Na'arah: After Twelve Years with Two Hairs

R' Yoel Asher: **"But if she brings two hairs below,"** here he says where the two hairs are, **"below on the body," "in the places known for bringing hair,"** the place that's known that hair comes there. The Rambam speaks in very refined language, as is the Rambam's approach that lashon hakodesh is holy and one doesn't speak crudely.

R' Yitzchak: Let me tell you, the Rambam in halachah 17 is going to say exactly where it should be.

R' Yoel Asher: But where one can, he speaks refinedly. No, it's not... Sometimes he'll say it very clearly, but there's a refinement.

R' Yitzchak: Not about that, it's about that, it's about that. He's now going to speak about hair is not hair is when,

R' Yoel Asher: How. It's shorter than the known place.

R' Yitzchak: No, soon you'll see, it's very precise, it's not just like that. It's very specific in the details, like they learned for example in Hilchot Megillah, yes? The megillah must be in its

time, in the known time that they established for it. Some such language it says, not known, something like that. When is the time? You'll learn later ten lines of halachah.

The same thing, hair is in the known place, there where hair comes to be. What exactly is that? Not now the topic, we'll see it soon. Now one must learn the rules, when does it mean that before twelve years it doesn't help? After twelve years? Then.

R' Yoel Asher: He says, but when she becomes twelve and she gets hair in the places known for bringing hair, which later he'll tell us,

R' Yitzchak: Then...

R' Yoel Asher: And after she's already the age, and she's brought hairs, then **"she is called a na'arah,"** then she has a new status from a ketanah, or a tinoket becomes

R' Yitzchak: Called a na'arah.

R' Yoel Asher: A na'arah, for example in English one would say a young adult, she's not yet mature,

R' Yitzchak: But she's already...

R' Yoel Asher: The Rambam says, this type of sign of bringing two hairs after the first twelve, **and the bringing of two hairs at this time is called the lower sign.** The lower sign, because the sign is on the lower part of the body. Later we'll learn other signs that are more on the upper part of the body.

R' Yitzchak: Right, and sign means to say, that is, I remember that the Rambam simply gives definitions, he gives words, the word na'arah means one who has received two hairs in the known place, and it was already dense. That's called na'arah. What is this a na'arah? What are we going to do with this?

R' Yoel Asher: Right, what's relevant? We'll learn later regarding kiddushin.

R' Yitzchak: And the, after a translation, after like a century the dictionary, that this is called having the lower sign. Sign means that there are already the conditions of the sign, both the age, both the twelve years, and both the two hairs. And the sign is the lower sign.

Bogeret: After Six Months

R' Yoel Asher: Yes, the Rambam says, how long is the period called na'arah? The Rambam says, **and after she brings the lower sign,** from when the sign that he just said comes, one is called a na'arah. Until when? **Six complete months,** until six months are completed.

He also said earlier complete and complete. Complete not when one starts counting, because a person becomes six months, one says, now it's become six months, but that's not yet six complete months. Six months will be when a normal person will call, I'm now becoming seven months. The entire six months have passed.

And from the beginning of the day of completion of the six months and onwards, from when the first six months are completed and further, then she's a new category. It's no longer called a na'arah. She begins to become a bogeret. She begins to be called an adult, a bogeret.

In this period it's always exactly six months, **and there is nothing between na'arut and bagrut except six months only,** it can't last longer. Before that one is still a ketanah and signs won't help, and afterwards one is

automatically already a bogeret, one doesn't need any new signs.

Discussion: What is the Novelty of "There is Nothing Between Na'arut and Bagrut"?

R' Yitzchak: There are no signs before that. Perhaps "there is nothing between na'arut and bagrut" simply means to say...

R' Yoel Asher: The period lasts six months.

R' Yitzchak: But what, didn't we just say, he says the same thing twice. Perhaps he means to say that there's nothing more to check to see a bogeret than six months. What doesn't mean one must look for another sign for something?

Basically, six months after one begins to be a na'arah, one is a bogeret. That is, the simple meaning is simply that it takes a certain period, about half a year let's say, the development of the body takes from when it begins until it's completely finished, and whatever level we're talking about here, I don't know exactly.

And this simply takes time. Once we know that it's working, there's nothing to check, it's already enough. This is a normal bat, a normal daughter, a normal woman, whose body works, baruch Hashem.

What will be sometimes? Now, all these signs are, we learned, time passes, but it's the main sign, it's at least preventing according to what we learn until now, that the body has the two hairs. But what happens if a person whose body works something not.

R' Yoel Asher: Ah, we'll talk about an exception, things don't work properly.

When Hairs Don't Come: Ketanah Until Twenty Years

R' Yoel Asher: The Rambam says, **she reached twelve years and one day,** what happened if someone became twelve years and a day? **And she didn't bring two hairs,** she didn't bring.

R' Yitzchak: It means the body didn't bring?

R' Yoel Asher: Hevi'ah means she didn't bring the sign, or the body didn't grow?

R' Yitzchak: It simply means it's not there.

R' Yoel Asher: It's not there, I don't know, but hevi'ah meant like she brought before the beit din testimony that she has two hairs. Okay.

The Rambam says, then, **even though signs of an ailonit appear in her.** Ailonit means a woman who can't have children, a woman who has certain, her body didn't develop. Her body stopped developing after being a ketanah.

Even if we see other signs, later we'll learn that there are signs of an ailonit. But one can't determine about a person for certain that she's an ailonit until twenty years, **she is still a ketanah until twenty years.** Because the word doesn't become a na'arah because she didn't bring any two hairs, and we're not yet determining as an ailonit until twenty.

R' Yitzchak: The word is simple. That is, usually a person who has

The Law of Ailonit: Ketanut, Gadlut, and Signs of Ailonit

Halachah 2 (Continued) – Ailonit: The Law of Ketanut and Gadlut

R' Yitzchak: Now, there's such a sort of abnormal person, she's missing something, she's defective, she's missing

something in her body, she'll never – or she, soon we'll see similar things – she'll never become mature, two hairs will never come. So such a person basically what is there to wait for two hairs? It won't be and won't come. One must make some other level. Seemingly, that one becomes mature at twelve isn't only because one gets the two hairs, it's maturity. It's only like one sign. A person who will never become mature, an ailonit, becomes mature at the end. It's not that she remains forever a ketanah, because we say, since you don't have the signs,

R' Yoel Asher: You don't have the bodily maturity, that's it. She won't be called a ketanah regarding for example intellect, that she'll be called a shotah. She won't be called a shotah, because we know she's intelligent, only that her body didn't have maturity.

R' Yitzchak: She won't be called a ketanah regarding anything if we can't say

R' Yoel Asher: That she's an ailonit.

R' Yitzchak: But one can determine that she's an ailonit, yes. But one doesn't determine, that's the halachah. Even if there are signs of an ailonit, until twenty we don't say she's an ailonit. Consequently, an ailonit remains seven more years a ketanah, let's say eight years, right? Usually she becomes a ketanah until twenty years.

The Rambam's Words: Ailonit from the Language of Ayil

R' Yoel Asher: He brings that the Rambam in Perush HaMishnayot says that ailonit means from the language of ayil. Ayil is the male of the sheep. It means, the woman didn't develop her femininity, her feminine signs. As we see later, she doesn't have breasts and the like. She remained a... yes, such an ayil. Yes, so now, **and when she brings two hairs...**

R' Yitzchak: If she does bring...

R' Yoel Asher: But we're not learning any reasons now here, yes? Because seemingly it's really a strange thing, because once we see signs of an ailonit, why must one wait until twenty?

R' Yitzchak: We don't know,

R' Yoel Asher: It's the reason, it could be that it's not clear enough, or I don't know.

R' Yitzchak: We don't know.

An Ailonit Who Brings Two Hairs Even at Twenty

R' Yoel Asher: **Even in the twentieth year, even in the twentieth year, if she does bring two hairs, even if it happens when she's already twenty, then, she will be a na'arah for six months and afterwards will be called a bogeret.** Always, from when one brings the first signs of maturity, one has a period of six months which is the transition, the intermediate period between ketanut and gadlut, and this can even happen later.

R' Yitzchak: It makes sense. That is, since it goes with the... so he says, it takes a certain time until it finishes developing. Now, she starts late. Okay, the process starts now. Eh, she's already grown? What we spoke about, it goes with the signs, it doesn't go with how old one is. Now, but what is if... if she's almost twenty,

Halachah 3 – The Law of an Ailonit Without Signs of Ailonit

R' Yoel Asher: **She was twenty years old minus thirty days, thirty days less than twenty, and she didn't bring two hairs, she didn't bring two hairs, and signs of an**

ailonit appeared in her, are there other signs of an ailonit? She is an ailonit,

R' Yitzchak: Then one can determine that she's an ailonit.

R' Yoel Asher: Right. This is only when there are signs of an ailonit. But **if all the signs of an ailonit didn't appear in her**, there are no other signs of an ailonit, only that she didn't bring two hairs, **she is still a ketanah until she brings two hairs.** Then we estimate that she's still a ketanah until she brings signs of maturity.

Oh, there is an expiration date. One can't be a ketanah still at twenty, at twenty-five, but at thirty-five **and one day, or until she is thirty-five years and one day**, then, even if she doesn't have signs of an ailonit, and she still hasn't brought any signs of maturity, we don't say she's still a ketanah, but we say she's an ailonit

R' Yitzchak: Even without other signs of an ailonit.

R' Yoel Asher: **She reached this time and didn't bring two hairs, she is called an ailonit even though no sign from the signs of an ailonit appeared in her.** This alone, at this age this alone is already enough, that she didn't bring any two hairs, this alone at this age will already

R' Yitzchak: Make her an ailonit.

An Ailonit Has No Days of Na'arut

R' Yoel Asher: ****We find then that an ailonit does not have the days of na'arut,** an ailonit doesn't have the period called transitioning from ketanah to bagrut, between ketanah and bagrut is na'arut, that doesn't exist by an ailonit. **Rather from her ketanut,** she is called a ketanah until she brings two hairs, excuse me, until she brings other signs of ailonit at the age of twenty, or even if she doesn't bring them, at the age of thirty-five, then she immediately becomes a bogeret, she doesn't have na'arut. An ailonit is not a na'arah.**

R' Yitzchak: It's a simple thing, because na'arut and bagrut are the signs that take time from a little until completely. An ailonit who is something a creation unto herself, I mean, something another sort of broken person who doesn't have the signs at all, will never have the signs, it's not relevant to wait. The moment that it's established that she is an ailonit, either at twenty because we see signs, or at thirty-five even without signs, just simply that we see that lo kras, there are no signs, she immediately becomes a gedolah.

Halacha 4 – Signs of Ailonit

R' Yoel Asher: Now the Rambam will say what are the signs of ailonit that he mentioned. The Rambam says, **and these are the signs of ailonit: anyone who doesn't have breasts.**

R' Yitzchak: So all these things one needs to have, all together? All these signs stand all,

R' Yoel Asher: But one of them. It looks like this, she says this plus this plus this, no? It's interesting, **and she is not distinguishable between man and woman.**

R' Yitzchak: So I need to make a list? That's what I want to know.

R' Yoel Asher: It appears indeed that she has only one of the signs. Apparently, why should more than one of the signs be missing? It's a sign of ailonit, no?

R' Yitzchak: I don't know, today there's a doctor who knows. I don't know, these are all signs that existed in times when one could recognize. I see that he's making a list,

R' Yoel Asher: But he doesn't say... Later in section 8 the Rambam says what happens if she has only some of the signs.

R' Yitzchak: Okay, so these are the signs. So first of all, it goes like this, right? There are two other things, yes? Yes, very good. Sorry, not correct. She doesn't have breasts, that means, not like a woman has.

The Four Signs of Ailonit

R' Yoel Asher: And secondly, intercourse hurts her.

R' Yitzchak: Something like that, it doesn't work the...

R' Yoel Asher: It becomes hard, it's difficult for her

R' Yitzchak: That she should be...

R' Yoel Asher: She has difficulty with intercourse. She has difficulties with intercourse. **And she doesn't have the lower abdomen like women.** She doesn't have the certain thing called shifuli me'ayim, because the bottom of the belly is called, like it protrudes, I don't know exactly. **And her voice is thick.** She doesn't have a woman's voice, a soft voice that a woman usually has, rather she has a thicker voice, a masculine voice.

R' Yitzchak: That's still part of one thing, he says. One in a keres,

R' Yoel Asher: In a keres, the voice is not clear,

R' Yitzchak: She sounds like a man. That means, she lacks, basically, it's very simple, she lacks the female system. The female system comes with breasts, and it comes with during intercourse it becomes a bit softer, wherever it opens up, and it has something like a... what's it called? It bumps out from below, and it has a female voice. That means, with children, it's a bit funny, because a katan and a ketanah have roughly the same voice. Both don't have a thick voice. Yes, a boy sounds roughly like a woman. Afterwards, boys get... when they mature and chalak, it's not a sign, it's interesting, but more or less the same time as bar mitzvah.

R' Yoel Asher: Puberty happens, one gets a masculine voice.

Discussion: How Does an Ailonit Get a Thick Voice?

R' Yitzchak: Yes, so... I don't know what it means, what the ailonit. Does an ailonit also get a masculine voice? Why should she get a masculine voice? Perhaps it means the opposite, that she remains... I'm just saying theories according to my books.

R' Yoel Asher: It's not thick, a child doesn't have a thick voice.

R' Yitzchak: What am I asking you? So when does she get the thick voice? It's very strange. An ailonit gets a thick voice?

R' Yoel Asher: Apparently we're not talking about when she remained tiny, yes? She became, her body became big.

R' Yitzchak: She was six feet,

R' Yoel Asher: Such a portion. So again, I say, once one goes through changes in the body...

R' Yitzchak: There are no changes, that's what they're telling us.

R' Yoel Asher: But some changes happened, she became big, she became bigger, yes? She grew. She doesn't look now like a ten-year-old girl. Imagine. So I guess then, when one is not a woman, when one doesn't have the feminine features, I guess

then the voice must become. I'm just saying things, I don't know.

R' Yitzchak: One needs to have the hormone, what's it called? The one that makes women.

R' Yoel Asher: Does that mean that a woman's voice is like a child's voice? Or is it a special voice? Her voice also changes, no?

R' Yitzchak: Not really, no. It becomes more mature, that's the thing. A boy has really

R' Yoel Asher: A change that happens at a certain age, over the course of several months.

R' Yitzchak: But... okay, perhaps ailonit is something a creation unto itself, perhaps indeed, it could be that ailonit, I don't know exactly what an ailonit is, I mean, the doctors will say how we understand it today, but there's certainly such a type of ailonit, where the reason she is this way is because she has too much testosterone, the masculine thing, and it makes her a bit masculine. That means, it's not simple that it's lacking, it's not simple,

R' Yoel Asher: It's not simple.

R' Yitzchak: If mitkasheh doesn't mean like a man. Mitkasheh doesn't mean like a man.

R' Yoel Asher: Mitkasheh doesn't speak about that.

R' Yitzchak: It's not any dryness. It could be that it doesn't work on the woman is not on. Okay.

Summary: The Three Types of Gedolim

Anyways, these all three types of gedolim,

R' Yoel Asher: The three, these are signs of ailonit. Now the Rambam says, when the Gemara says about one, we already know when the Gemara says or when halacha says. Ketanah or tinokot. What does it mean when one says gedolah? The Rambam says like this, because na'arah, from the half year is not a na'arah, and bogeret is when one already becomes a gedolah. And ailonit, once it was established that even that one doesn't have signs, the reason why one doesn't have signs is because of ailonit, all three

Signs of Maturity by a Girl and a Boy — Siman Ha'elyon, Birth, and the Difference Between Male and Female

Siman Ha'elyon — Eight Signs of Maturity by a Girl

R' Yoel Asher: Now the Rambam says, when the Gemara says about one, we already know when the Gemara says or when halacha says ketanah or tinokot. What does it mean when one says gedolah? The Rambam says like this, **and the na'arah**, from the half year is a na'arah, **and the bogeret** is when one already becomes a gedolah. **And the ailonit**, once it was established that even that one doesn't have signs, the reason why one doesn't have signs is because of ailonit, all three, **are called gedolah**. The three are called gedolah regarding maturity, regarding most signs,

R' Yitzchak: What we're talking about, obligations of mitzvot and the like. All three are called gedolah, there's no difference between one and the other. So until now they learned signs, we haven't actually learned signs. We need to understand why we need to do the signs, we'll already see. But aside from what we learned earlier two hairs,

R' Yoel Asher: That's called siman hatachton. The Rambam says, there is siman ha'elyon.

R' Yitzchak: Right.

The Eight Signs of Siman Ha'elyon

R' Yoel Asher: That means **and there are in a girl signs from above, and they are called siman ha'elyon. When she turns her hand backwards**, when she turns her hands to the back, **and a fold is made in the place of the breast**, a fold is made... a fold means a crease, it becomes creased in the place of the breast.

R' Yitzchak: Whatever that means. It simply means that the breasts develop, it's hard to understand. It becomes more... I don't know exactly soft or bigger, whatever. And another thing, something is missing here for me, right? Yes. Yes.

R' Yoel Asher: The second... **and when the head of the breast darkens**, the tip of the breast becomes dark. And **when a person places his hand on the root of the breast**, if someone would place his hand on the root of the breast, it's also the same thing as the head of the breast, **and it sinks and takes time to return**.

R' Yitzchak: He says that root of the breast doesn't mean the nipple on the other hand, I don't know clearly. The edge? Root means an edge? Root of an etrog is like the...

R' Yoel Asher: The opposite of the pitom by the etrog, but the opposite of the... the opposite of the... the breast is in the body. It's not open.

R' Yitzchak: I don't know. Anyways, the point is that it has something like it's downy something.

R' Yoel Asher: Yes. Okay. Like sinks and takes time is that it's not so stiff, but the opposite. One squeezes in, it gets squeezed in.

R' Yitzchak: But it takes... ah, the opposite. It doesn't have like a person is his to...

R' Yoel Asher: It holds the shape a bit. 5) **And when the head of the nose of the breast splits and a small circle is made at its head**. But the end of the breast is there the head of the nose of the breast. Head of nose, nose, nose.

R' Yitzchak: Further everything is language of the... yes,

R' Yoel Asher: The tip of the breast makes a small circle.

R' Yitzchak: Right at the tip there is something a small ball like that. So then it becomes something like... the opposite, it becomes the ball. When one is small one doesn't have the extra piece, when it becomes big it becomes the something such a as if ball.

Dispute in Explanation of "Shiftzal Hachotam"

R' Yitzchak: And my teachers explained differently. That means, this is the Rambam's interpretation in the Gemara shiftzal hachotam. That means, the Rambam interpreted that it says in the Gemara shiftzal hachotam. The Rambam interpreted that it means that the nose becomes separated from the ball piece. Like a circle, actually the Rambam says kadur or dud, in short, some piece. And the Rambam's rabbis interpreted differently, that the nose itself, when it's big, it becomes such a split thing.

R' Yoel Asher: Ah, woe. And so.

R' Yitzchak: Another sign?

R' Yoel Asher: When the breasts spread, they spread out, the breasts, **and when the breasts shake**,

R' Yitzchak: And all things become the same.

R' Yoel Asher: They become big enough that they shake, they can shake. **And when the crown protrudes**,

R' Yitzchak: And it is the place of the swollen flesh that is above the private area opposite the belly. This is already not upper, I don't know why it's called upper. A woman has everything higher than the... This is what we learned earlier, that the ailonit doesn't have it. I mean that it's the same thing. The place of the swollen flesh above the private area opposite the belly, that it goes up a bit, that's also, it becomes bigger when it becomes big.

R' Yoel Asher: And 8 is **and when this flesh softens and is not hard**.

R' Yitzchak: This flesh, the flesh, general. Like an ailonit is not the same thing from yitkasheh, but when it's small it's more hard, becomes bigger, it becomes softer, lo yikshar. This is all **all these signs are eight**. All these are strange signs, because the last two are not above. Why is it called siman ha'elyon? It's just not hairs, but I don't know why it's called siman ha'elyon.

Discussion: Why Is It Called "Siman Ha'elyon"?

R' Yoel Asher: Most of them are upper, so the whole category is called siman ha'elyon.

R' Yitzchak: Perhaps it means this, because these are the signs and branches, the appearance, like the hairs, which is only like a hint.

R' Yoel Asher: What's the secret that people... I mean, these things people can see more easily, I know.

R' Yitzchak: Which? Which, which,

Laws of Siman Ha'elyon — When Does It Take Effect?

R' Yoel Asher: Which the Rambam says further, **"If one of all these signs appears in a girl"**.

R' Yitzchak: So what's the law? What do we hold from all these signs?

Under Twelve Years — We Don't Pay Attention to It

R' Yoel Asher: What will he explain? If on a woman one sees one of the signs, one of the eight signs, or perhaps also one of all the signs, **"or all of them"**, or one sees all the signs, **"and she is twelve years old or less, we don't pay attention to it"**. If she is younger than twelve, or twelve but not over twelve, **"we don't pay attention to it"**. It's interesting, here one doesn't need any answer of shuma. One is **"we don't pay attention"**, one doesn't need to have any answer of shuma.

R' Yitzchak: I mean that shuma is not a real thing. I don't believe that there is such a thing as shuma.

R' Yoel Asher: There is such a thing as hair on the body that is not a sign of maturity. **"We don't pay attention to it and she remains in her ketanut"**.

After Twelve Years — The Laws

R' Yoel Asher: If she became twelve years and one day old and the lower sign appeared in her", then the lower sign is enough

R' Yitzchak: Strong and we don't look at the eight signs.

R' Yoel Asher: But if she already became twelve, **"and if the lower one didn't appear"** - there aren't yet the hairs by the lower one, **"and one of these appeared"**, but one of the eight signs is indeed there, then she is **a doubt between na'arah and ketanah and we judge her stringently**. And one judges each thing stringently. For example, if she

received kiddushin, one will already look at her like a na'arah, but other things one will still look at her like a ketanah. One needs a stringency in both directions.

R' Yitzchak: "And if all of them appeared

All Eight Signs — Definitely Gedolah

R' Yoel Asher: she is definitely gedolah". If all the upper signs are there, she is certainly a gedolah. Why? **"Because it's impossible that all of them should come unless the lower sign already came and fell out".** Because... ah...

R' Yitzchak: It still remains important that there should be the hairs.

Innovation: Siman Ha'elyon Is a Sign for a Sign — The Hairs Remain the Main Thing

R' Yoel Asher: Very interesting, the hairs are what establishes that one is a gedolah, but there is a sign for a sign. Just as the eight signs are a sign that there are certainly hairs. Hey, you don't see any hairs? **"And fell out"**, they simply fell out the hairs.

R' Yitzchak: Interesting. Right. So, it looks like because this is simple, it's already complete. The part of complete comes first, before you see it, already, it fell out.

R' Yoel Asher: And why does this fall out? Why don't they say because the signs themselves are signs of maturity? Why do they need to be a sign on the hair? Interesting, it looks like something that the hair establishes the thing.

R' Yitzchak: That's how it looks here, yes.

R' Yoel Asher: Apparently, the questioners said that there is either this opinion, or this opinion. But it looks like it's not. It looks like the

R' Yitzchak: Hair is the main thing. That's how it looks here. And look at the Gemara, there are drashas from verses, presumably this is also built on the nature.

Proof from Verse — Breasts Are Formed and Your Hair Grew

R' Yoel Asher: That's indeed so. The Gemara asks that in the verse that we know from the Haggadah, vetivri vetishadayich nachonu vese'arech tzamach, it says first breasts are formed, that it's an earlier sign.

R' Yitzchak: Yes. I don't have the question. The Gemara doesn't say the answer, it means together. On the contrary, if breasts are formed, then the sign is your hair grew. That's how the Rambam learns.

R' Yoel Asher: Yes.

The Girl Who Gave Birth — Giving Birth as a Sign of Maturity

R' Yoel Asher: Now the Rambam will say a new innovation. Once one gave birth to a baby, one is already a mother. A mother can't be a ketanah. **A girl who gave birth after twelve years,**

R' Yitzchak: She gave birth at twelve. Ah, if one gave birth at twelve it doesn't help.

R' Yoel Asher: Perhaps there is such a rule that one doesn't give birth under twelve.

R' Yitzchak: Everything is possible,

R' Yoel Asher: Who knows. **A girl who gave birth after twelve years, even though she didn't bring a sign neither upper nor lower, she is gedolah.** Why? **Because children, if one already gave birth to children, they are like**

signs. Here one doesn't say like that one should say that there was certainly lower one that fell out. It looks like kesimamin. The children themselves are like the signs.

R' Yitzchak: It's also simple, because a child also only comes from having if one is mature. You already had a baby, so it's a sign, you're a gedolah. But it doesn't say here also regarding na'arut, whether she has days of na'arut.

Dispute of Rishonim: What About Under Twelve Years?

R' Yitzchak: And it's also interesting that the Rambam doesn't say about less than twelve years. There is a dispute in commentators. I see that the Rema says, for example, children not specifically she gave birth, even when she is only pregnant it's already because it's simple that it's the same thing. But he brings that there are those who say that even less than twelve is the same thing.

R' Yoel Asher: Not clear. It's a dispute of Rishonim, he says. The Rambam says very clearly after twelve years.

R' Yitzchak: That's how it seems. But it could be the Rambam thought that it's not possible before that.

R' Yoel Asher: Anyways. If it's not a law, it's only a reality, he wouldn't be silent, he wouldn't say the word instead what it's not. When one gives birth.

R' Yitzchak: So there is, but it's funny. Ah, the same thing, that it also turns out to be old enough. A baby that is just mature, it's mature, not a gadol. Anyway, until here we basically know what a ketanah is, a na'arah, bogeret, and an ailonit, who somehow becomes a bogeret even without being a na'arah, and the signs for all these things.

Signs of Adulthood for a Ben (Male) — Law 3

R' Yoel Asher: Now, until now we've learned about a bat, now we're going to learn about a zachar, a ben. When is a ben a gadol? The Rambam says like this, a ben, a boy, **from birth until he is thirteen years old,**

R' Yitzchak: Different from a girl who is until twelve, yes,

R' Yoel Asher: is called a katan, or often one calls him a **tinok.**

Discussion: What Does "Tinok" Mean?

R' Yitzchak: Interesting, in our language, tinok means a baby, but I think tinokot shel beit

R' Yoel Asher: rabban is not a baby, they are boys, big boys who learn Torah. Ah,

R' Yitzchak: right, I'm saying it. In Chazal, when it says one gives to a tinok, also, yes, we know, tinok means a boy.

R' Yoel Asher: Katan shehegia lechinuch, yes, it says katan shehegia lechinuch. Okay,

R' Yitzchak: Yes. Sometimes tinok and sometimes katan. Tinok is not necessarily a baby.

R' Yoel Asher: Isn't tinok from the root hanakah? Well,

R' Yitzchak: I didn't think about it, yes. Okay, but a big tinok, well?

R' Yoel Asher: Okay.

Shuma for a Ben Under Thirteen

R' Yoel Asher: "And is called tinok". The Rambam says, during this time, until thirteen, **"even if he brings several hairs during this time"**, even if he started growing hair at a young age, **"they are not a sign but rather a shuma"**, it's

not a sign, rather we say that it's a different kind of hair, it's not hair of adulthood.

R' Yitzchak: Perhaps shuma is like shuma, like... there is a sign that

R' Yoel Asher: It's like an estimation?

R' Yitzchak: Yes.

R' Yoel Asher: Somewhat, a mark.

Law 2 (Continued) — Signs of Adulthood for a Zachar; Law 3 — Seris Chamah; Law 4 — Signs of Seris

Law 2 (Continued) — Signs of Adulthood for a Zachar

R' Yoel Asher: Okay. "Is called tinok". The Rambam says, during the time until thirteen, "even if he brings several hairs during this time", even if he started growing hair at a young age, "they are not a sign but rather a shuma" - it's not a sign, rather we say that it's a different kind of hair, it's not hair of adulthood.

R' Yitzchak: Perhaps shuma is like shuma, like there is a sign, what is shuma?

R' Yoel Asher: An estimation? Yes. In short, it's shuma with a hei. I think that shuma is with an alef.

R' Yitzchak: Yes. Okay. No, I'm just thinking about sign. Sign is... okay, you understand the meaning. What if yes? When he...

R' Yoel Asher: Ah, "if he brings two hairs below in the places known for hair", the places where people know that hair grows there when one gets older, "and he is from thirteen years and one day and above", then he becomes a "gadol". And another thing that one calls such a person is an "ish". Interesting. That is,

R' Yitzchak: Did he say "ishah" for a woman?

R' Yoel Asher: He doesn't say "ishah" at all. "Ish" means a...

R' Yitzchak: And there is also, a woman has yes, "na'arah", "bogeret", "gedolah".

R' Yoel Asher: But "ishah" is not a word that says, it can be a ketanah who is called an "ishah".

R' Yitzchak: I don't know. So it is "ki yikach ish ishah".

R' Yoel Asher: She was still a ketanah.

R' Yitzchak: She wasn't a ketanah. Interesting. Yes, but that's because "ish" often we learn that "ish" means a gadol, not yet a person. Interesting though.

Discussion: The Difference Between "Ish" and "Ishah" as Terms for Adulthood

R' Yitzchak: Okay. Now, for a katan there is also such a concept of...

R' Yoel Asher: Just as there is ailonit for a woman, there is seris for a man.

R' Yitzchak: Yes.

Law 3 — Seris Chamah: The Stages

R' Yoel Asher: The Rambam says, "if he reached this time and did not bring two hairs", he turned thirteen and didn't bring two hairs, "even though signs of seris appeared in him", even if there aren't other signs that he is a seris, that is, he has some special "body condition" where he won't grow up completely,

R' Yitzchak: Someone who lacks something the...

R' Yoel Asher: Yes, he's a giant katan. But as long as one hasn't yet reached a certain age, even if one already sees signs of seris, we don't say that he is a gadol, rather the reason why there are no hairs is because he is a seris. We don't say it. Rather he is a katan until when? **Until he is twenty years minus thirty days.** The same as with the ailonit. That until twenty years minus, that means nineteen and eleven months, one can still be a katan, and we don't yet determine that he is a seris, even if there are signs. But **if he reached this time**, he's already become that age, **and did not bring two hairs below**, and **did not bring two hairs** we say that he doesn't have hair in his beard. So, **if one of the signs of seris appeared in him, he is a seris**, we say that this is a seris, **and his law is the law of a gadol for everything**, regarding all things where the difference is between gadol and katan, he will have the law of a gadol. **And if no sign from the signs of seris appeared in him**, if he already reached twenty and there are no signs of seris at all, **he is still a katan**, we say that he is a katan, **until he brings two hairs below in the proper place.** Oh, perhaps he is a late bloomer and he remembered at twenty to become a gadol?

R' Yitzchak: At twenty-eight,

R' Yoel Asher: No difference. At any age. Oh, when is the cut-off date that we say that's it? It can't be that he is still a katan. **Until he is thirty-five years and one day.** When one turns thirty-five and a day,

R' Yitzchak: Then it's already certain. Basically the same three ages that we had for a bat.

R' Yoel Asher: For a bat there is only one difference, the twelve and thirteen.

R' Yitzchak: Right, but I'm saying the ailonit is the same as a seris,

R' Yoel Asher: Twenty and thirty-five. It's interesting, from what did they make the age thirty-five? One must understand.

R' Yitzchak: Perhaps tradition, I don't know what...

R' Yoel Asher: No, perhaps he can have children,

R' Yitzchak: Or age thirty-five.

Discussion: Why Thirty-Five Years?

R' Yoel Asher: Until then one can still hope that it... yes, but what is it based on? Some doctor said so, there is some data or...

R' Yitzchak: Did Chazal set a certain day? I don't know,

R' Yoel Asher: I'm sure it's based on something. Ah, he says, sixty-four is that, because at thirty-five is avar rov shenot chayav, yes? From the calculation that

R' Yitzchak: A person lives seventy.

R' Yoel Asher: There is a majority that he won't become anymore. There is half of life as a katan.

R' Yitzchak: No, perhaps it's not a katan, it's all serisut. He's already lived most of his life as a katan? Already, presumably it's already most. No, on the contrary,

R' Yoel Asher: That's when one first doesn't remain a katan, rather we say that it must be that he is a seris.

R' Yitzchak: Yes, yes, I'm saying, no,

R' Yoel Asher: I'm saying that it can be most. A person can't be a katan for most of his life. Once half a life has already passed. The mid-life crisis age, I know, whatever it is. One can't be a katan then anymore.

R' Yitzchak: Okay. One must already try, thank God I'm already thirty-five, one must already try not to be a katan,

R' Yoel Asher: Because there isn't

R' Yitzchak: Any time to grow up.

The Complication with Two Hairs in the Beard

R' Yoel Asher: Now, the Rambam says,

R' Yitzchak: "If he reached this time and did not bring",

R' Yoel Asher: That means he didn't bring signs, no signs came.

R' Yitzchak: Let's learn already.

R' Yoel Asher: "**He is a seris, even though not one of the signs of seris appeared in him**", it's there.

R' Yitzchak: Why does he say the reason? He didn't say.

R' Yoel Asher: He continues, yes, there don't need to be really real new signs.

R' Yitzchak: It's apparently an error. Ah, I think it's actually an error, let's take it out. I can't, he won't let me. Anyway, it's an error. Yes.

R' Yoel Asher: "**If he reached twenty years minus thirty days**",

R' Yitzchak: When one reached the age,

R' Yoel Asher: Also the minus thirty days is something too. I want to touch on these things, it's said that it's a gezeirat hakatuv, whether it has some certain logic. Thirty days less? "**And did not bring two hairs below**", he's speaking here further about a zachar who reached approximately twenty, nineteen and eleven months. He didn't bring two hairs below, but he did bring two hairs in his beard, on his beard it does grow, he already has two hairs on his beard. "**Even though one of the signs of seris was born in him**", even if in practice other signs of seris come out, he's going to say what the signs of seris are. But he brought two hairs, yes there is, is one a seris. "**Rather he is in his minority until all the signs of seris are born in him**", he remains further a katan. Until when? Until more signs of seris come. Or the other thing is when he turns thirty-five and one day, which then one is already

R' Yitzchak: Never a katan.

Discussion: The Difference Between Zachar and Nekevah Regarding Upper Signs

R' Yitzchak: There is the rule that the Rambam made here, that it's more complicated. For a nekevah, if I remember, there wasn't such a sort of complication. That is, one sign interferes. Here you have like a sign, a positive sign. A bit of beard, two hairs in the beard, even though he has the others, if he has all the signs of seris.

R' Yoel Asher: It's yes, look in section 8, it was very similar, no? What was it for a woman? If she turned twelve,

R' Yitzchak: When is there a lower sign?

R' Yoel Asher: But if one of these appeared, it was yes one of the other signs, the upper signs. Here is also an upper sign, yes? It says before tell me very honestly the upper signs for adulthood, for a female.

R' Yitzchak: If I understand, is a woman...

R' Yoel Asher: The lower one didn't appear and one of these appeared, ah, here one becomes a doubt.

R' Yitzchak: It's the opposite, it becomes a doubt.

R' Yoel Asher: That means,

R' Yitzchak: Here it's the opposite, it becomes a stringency because he has one sign of adulthood, yes. There it speaks that he has signs of ailonit, here it speaks that he has twenties, but he does have some sign because he does have a beard. It's a different sort of rule. Not clear, the Raavad sees, I think actually, it's not clear the

R' Yoel Asher: Details what the meaning is.

R' Yitzchak: The Raavad also disagrees on the thirty days. It's the Raavad learns the opposite, that thirty days must be thirty days in the twenty years, not before. Okay. That it should be earlier. The Rambam says,

Law 4 — Signs of Seris

R' Yoel Asher: **And what are the signs of seris?** What are the signs of seris?

R' Yitzchak: Here there is also a list, apparently one needs...

R' Yoel Asher: He has no beard.

R' Yitzchak: None of them is apparently there. He has no beard. Very good. Who...

R' Yoel Asher: "**And his hair is deficient**", his hair is... he brings from the Mishnah of the Rambam, very thin and sparse. He doesn't have nice good hair and very thin hair. "**And his flesh is smooth**", his flesh is slippery, like childish flesh. Oy, what does it mean? "**And his urine doesn't produce steam**". His urine is not hot. "**And when he urinates it doesn't make an arch**", when he urinates the urine doesn't go in an arc, it doesn't go in a curve, rather it falls down straight. I think it's a simple sign that there isn't any sort of stiffness. The bit of stiffness that happens with urine isn't there. "**And his semen is thin**" - if he has semen it is thin. Thin means dark, yes? Thin in tzara'at we say thin.

R' Yitzchak: Kehah and dehah. Kehah is strong, dehah is weak. Kehah hanegah means that it became darker, and dehah means that it became weaker. We learned by the blood of niddah also, dam dehah,

R' Yoel Asher: That it became weaker. "**And his urine doesn't ferment**" - his urine doesn't ferment. That means, it's very watery. That is, if one leaves it outside, it won't start to ferment, it won't start to make a smell and the like. "**And he washes in the rainy season and his flesh doesn't produce steam**" - usually, a person when he washes in the rainy season, his body is warm and outside is cold, there becomes such sweat, becomes such steam production, there becomes a certain sweatiness. But he, since his body is cold, he has a childish body, his body is not yet as warm as a male, he doesn't sweat so much, he doesn't give any sweat,

R' Yitzchak: "And his flesh doesn't produce steam". "**And his voice is deficient**" - also, this is the same as the ailonit. That is, the opposite. She has a thick voice, and this deficient voice has a womanish voice. "**And it's not distinguishable between man and woman**". Yes.

Seris Chamah

R' Yoel Asher: Okay. So these are the signs of seris that we learned that if he has all of them, then he is already at twenty a seris, and if he has only one of them,

R' Yoel Asher: Then one must wait until he is thirty-five.

R' Yitzchak: It has a name, a special sort. Are there different sorts of seris or serisim? I don't know how one should say.

What is there with seris? I don't know. Serisim and seris, yes, apparently.

R' Yoel Asher: Seris is when it's a construct. Serisim, plural. Seris perhaps? **"This seris is called seris chamah everywhere"** - yes,

R' Yitzchak: Seris means seris chamah, because seris is when it's construct.

R' Yoel Asher: Yes. There is also such a thing as a seris that one makes him into a seris.

R' Yitzchak: He's going to say already. Yes. That is, that is seris chamah,

R' Yoel Asher: Because chamah means nature.

Laws of Forbidden Relations — Laws of Seris, Two Hairs, and Place of Hairs

Law: Seris Chamah and Seris Adam

R' Yitzchak: What is there? Mesuras? I don't know. Serisim and sarus, yes, apparently. Seris is when it's a samech. Sarusim. Sarusim I would say, yes.

R' Yoel Asher: Sarus perhaps. **And this seris is called seris chamah everywhere.**

R' Yitzchak: Yes, sarus means seris chamah, because seris is when it's a samech.

R' Yoel Asher: There is also such a thing as a sarus.

R' Yitzchak: That one makes him into a sarus. He's going to say already. That is, that is seris chamah.

R' Yoel Asher: Chamah means nature, that creation made him into a seris, not some certain person, a wicked person made him into a seris.

Explanation of "Chamah" — Nature or Illness

R' Yitzchak: He brings that the Rambam explains in Perush HaMishnayot, "from when he saw the face of the sun" he was already like that, that is nature, he was already born. An interesting language of chamah.

He actually brings other interpretations that chamah perhaps means an illness, heat, coming from heat perhaps. But there is in this a dispute, because the simple meaning implies that if it comes from an illness it's also called seris adam. Seris chamah is specifically when one is actually born that way.

R' Yoel Asher: When it's completely nature.

Seris Adam — When People Have Intervened

R' Yoel Asher: **But the son who they cut or severed or crushed his organ or his testicles**, one forced him that his male parts shouldn't grow, **as the gentiles do.**

R' Yitzchak: As gentiles do.

R' Yoel Asher: I think, the gentiles he means perhaps like the eunuchs of King Solomon, yes? That a slave one removes his... he shouldn't make any problems, he shouldn't have any desires, one castrates.

R' Yitzchak: There is a prohibition, yes? There is a prohibition in the Torah, "and in your land you shall not do", and it's understood from this that there are those who do this yes. There was some craziness that was done so one could sing beautifully. Or as you say,

R' Yoel Asher: For the... one makes him good, when one knows one will have an influence on the singer.

R' Yitzchak: Yes, because one can stop puberty by cutting things.

R' Yoel Asher: As it seems.

R' Yitzchak: Today one does it for other funny reasons. In short, there are all kinds of reasons. Yes, that one stops it, then the voice doesn't change, then the childish voice remains, so that's nicer today. Or as you say, for the king was afraid.

In short, this is not called seris chamah, but seris adam, and he doesn't need to wait. The seris adam,

The Practical Difference — Seris Adam Doesn't Need to Wait

R' Yoel Asher: When he turns thirteen and one day, is called gadol, because we know that he will never bring any signs. One stopped, there was intervention, one stopped him from becoming. So we know that the reason why he didn't bring any hairs is because...

R' Yitzchak: **So apparently there's no doubt. Saris chamah isn't clear, nobody knows, it's hard to know always. But by saris adam one always knows right away.**

Halacha: Upper Signs by a Male

R' Yoel Asher: There's immediately what to rely on. The Rambam says further: **A boy of thirteen years and one day who has not brought a lower sign. What happens with a thirteen-year-old who hasn't brought any of the lower signs, but all the upper signs are visible on him** - meaning there is reddish hair in his beard - **this is a doubt between minor and adult.**

Discussion: Upper Signs by Men - The Rambam and the Raavad

R' Yitzchak: This is similar to what the Rambam - it's not the same thing that the Rambam says for women. The Raavad argues, the Raavad says on this that this is a shtar pruach, because by a woman there is such a thing as an upper sign. The Raavad says there's no source that a man should have such a thing as an upper sign. The Raavad holds that only women have upper signs, men only have a lower sign. The Rambam holds differently.

Chazakat Gadol When One Sees a Beard

R' Yoel Asher: No, **and if he wasn't checked below**, if one wasn't checked for two hairs and for the other lower signs, **since signs of maturity are visible on him from above**, one sees...

R' Yitzchak: He has a beard, basically.

R' Yoel Asher: We're talking about not being checked, but one does see a beard, **this one has the presumption of being an adult.** Such a presumption that when one sees hair by the beard, presumably there are also lower signs of maturity.

R' Yitzchak: Okay. Very good.

Halacha 3: The Measure of Two Hairs

R' Yitzchak: Now one can learn, what are the two hairs? What is the measure?

R' Yoel Asher: What hairs? From when is it called two hairs? The Rambam says, **the two hairs mentioned regarding a boy and a girl and in every place**, wherever it says two hairs, it already says in every place. Where else it says two hairs I don't know. I mean, it's certainly

R' Yitzchak: Not the matter of saving on Shabbat, right? No, just not. Perhaps learning and making peyos? It could come up.

The Measure: To Bend Their Head to Their Root

R' Yoel Asher: Their measure, what is the measure to bend their head to their root? That one can bend it over. That the end of the hair should touch the beginning of the hair. If it's very small one can't bend it over, and it's not yet enough that it should be called two hairs.

R' Yitzchak: He says that two hairs also appears by the red heifer, by negaim, by a nazir. There are places that come up in the laws of hairs. Yes.

Smaller Measure: To Be Grasped by Tweezers

R' Yoel Asher: The Rambam says, **and from when the two hairs grow**, from when the two hairs grow, **and they can be grasped by tweezers**, one can cut them with scissors.

R' Yitzchak: Yes. **Until they reach to bend their head to their root.** That means in between there's a smaller measure. The measure for bending their head to their root means to be grasped by tweezers, that means one can't apparently take it together with the hands, but one can with scissors one can give it a cut.

R' Yoel Asher: It means very small hair, for example if one uses a hair clipper it's a means, but normally there needs to be something substantial to be able to cut it with tweezers. No, tweezers isn't a razor, tweezers is scissors, is a double, zug means two, two little scissors. It needs to be big enough that one should be able to grasp between the...

R' Yitzchak: Otherwise one needs to use a complete removal.

R' Yoel Asher: Then the question is whether it's actually big enough to bend their head to their root. But here normally one says that if one can remove it with tweezers it's presumably big enough that it already has the measure.

Doubtful Measure: Stringently Both Ways

R' Yoel Asher: **Therefore, regarding a boy and a girl we consider them adults stringently.** In such a case, when one doesn't know for certain that it has the full measure to bend their head to their root, one does know that one can remove it with tweezers, **since they grew enough to be grasped by tweezers**, one will consider them stringently. **And we consider them minors stringently**, but one will also consider them stringently both ways. **Since they haven't reached to bend their head to their root**, but in practice the two hairs aren't long enough to be able to make bending their head to their root, also consider stringently.

For example, I know that one needs to have fresh kiddushin when one is already an adult, but one needs to have a get in order to become permitted to the market. One will go stringently both sides.

R' Yitzchak: And this is the like the size of the hairs, let's say, the laws of the size of the hairs. Yes, let's write, size.

Discussion: Why Does There Need to Be a Size Measure?

R' Yoel Asher: What's the explanation? Why does there need to be a size at all? I mean, why does one also say something like this? And think that a small hair doesn't mean hair?

R' Yitzchak: I don't know. You're asking a good question. Okay.

Halacha: Location of the Hairs

R' Yitzchak: Now one can learn where the hairs need to be, yes? A location now.

R' Yoel Asher: The Rambam, **these two hairs**, where? The Rambam said earlier, the known place. Now he's going to say, **they need to be in the place of the ervah.** What about the place of the ervah? The place of the ervah is also not such a very specific place. It can be the beginning by the end, the Rambam says, **the entire beit ha'ervah**, whatever about the nakedness which is called beit ha'ervah, **whether above**, whether above the place of the ervah, **whether below**, **whether on the reproductive organs themselves.** Beit ha'ervah means where it grows, where the beit ha'ervah is even...

Discussion: What Does "Beit Ha'ervah" Mean?

R' Yitzchak: What grows here? I know,

R' Yoel Asher: It's not like what grows here. I just want to know if "ervah" is the same thing as "reproductive organs", but it seems not, I want to speak delicately. I don't know if he means the entire "nakedness" on the body,

R' Yitzchak: And where... no, usually, usually falls, the hair doesn't grow exactly on the reproductive organs. Usually, the hair grows a bit or "on top" of it or from below it.

R' Yoel Asher: I'll say, yes,

R' Yitzchak: There's even something on the reproductive organs themselves, but where does the hair grow? Not around, from above, from below,

R' Yoel Asher: I know. Yes, but I'm saying, beit ha'ervah, inside in the belly begins the system of the...

R' Yitzchak: No,

R' Yoel Asher: Not that it grows "inside" in the body, but I'm saying from the navel, yes, Rabbeinu Hakadosh didn't leave below his navel. I mean, from the navel it happens already inside the body, already begins the beit ha'ervah. Yes,

R' Yitzchak: Could be. "Below his navel", "by the way", means "literally" it's a nice way of saying the organ.

R' Yoel Asher: But one actually calls, from there begins the beit ha'ervah.

R' Yitzchak: Many times it was pious Jews who wouldn't put down their hands, it's simply a mistake, it's not ervah meaning. "Below his navel" is simply a way, like one says "under the belt", it doesn't mean "under the belt", it means what it means. In short, but the hair is there where it is... I mean that regarding this, the earlier language makes where the hair grows.

Halacha: Conditions of the Hairs - In One Place and Pits

The Hairs Need to Be in One Place

R' Yoel Asher: **And they need to be**, the Rambam says, the two hairs need to be **in one place.** That means, if there's one on one side above and one below, one doesn't count them together.

The Hairs Need to Have Pits

R' Yoel Asher: And another condition, **and there should be pits at their root.** The hair has a pit in which it grows, and from the pit it takes "nourishment" so

R' Yitzchak: The hair should be able to grow.

R' Yoel Asher: If it doesn't have pits, it seems it's not hair. I know, is it a mole or what?

He says, **and even if both are in one pit, these are a sign.** Usually, each hair has its own pit, its own source of nourishment. Very interesting, hair has a system, each hair has a place from where it grows out.

R' Yitzchak: Pit simply means the...

R' Yoel Asher: Yes, yes, the small indentation.

R' Yitzchak: With a "microscope" one needs to see it. He brings that the Shulchan Aruch says that the custom is that one doesn't check if there's a pit. If it's longer hair, one already says that it's kosher.

Two Hairs from One Pit

R' Yoel Asher: He says further, **and even if both are in one pit**, even if it's two hairs from one pit,

R' Yitzchak: One doesn't say that it means one hair,

R' Yoel Asher: Rather **these are a sign.** Ah, it's enough, it means two. Interesting.

Halacha: Pits Without Hairs

R' Yoel Asher: What if there are only pits? **If two pits are found next to each other and there's no hair in them, these are a sign.** And this is a sign why?

R' Yitzchak: Because there's a presumption that there's no pit without hair. If there's a pit, the pit was made so that from there should grow a hair. If there's a pit, they say there's a hair. **And hairs were in them and fell out**, it fell out.

Halacha 4: Hairs That Grew Before the Time - A Mole

R' Yitzchak: Now one can learn an interesting law. We learned earlier that by twelve years, when one has before twelve years or before thirteen by a male, it's merely a mole. It comes out that the hair isn't kosher. The Rambam says so, look what the Rambam says an interesting halacha.

Hairs That Grew Before the Time Are a Mole

R' Yoel Asher: **A girl who brought two hairs within the twelfth year** - she showed two hairs still before she came to the age of naarot. **And a boy who brought within thirteen** - and we learned that this isn't a sign, why? **Because they are a mole**, this isn't real hair.

What happens if later no new hair grew, but by thirteen and a half, I know, when one comes already the age, one wants to check, one sees, ah, those hairs. A person could have said, ah, this isn't hair, we said then that it's a mole. When did one say it's a mole? When she was a minor. Once she's an adult, it's no longer a mole. Interesting.

The Rambam says, no. **Even though those hairs remain in their place after thirteen for a male and after twelve for a female, they are not a sign.** No, it's not a sign. Why?

R' Yitzchak: Because it's a mole.

Only When One Checked Within the Time

R' Yoel Asher: Because one already established then that it's a mole. **When does this apply? When they were checked within the time and it became known that they are a mole. But if they weren't checked except after the time and two hairs were found there** - but if one finds, when one is already the years of adulthood, and one finds two hairs, will the person say, no, perhaps this is a mole. Perhaps the person thought, perhaps

Laws of Marriage - Laws of Maturity, Counting Years, and Trustworthiness of the Father

Halacha: Checking Signs of Maturity by Women

R' Yoel Asher: They have the presumption of signs and we don't say perhaps they grew before the time so that they would be a mole.

R' Yitzchak: So if one already checked, then one can't use the claim to say it again from the claim, it becomes established.

R' Yoel Asher: It becomes not established. But if one said earlier the trick that it fell out, why shouldn't one say this fell out? New ones came, I don't know, it seems there's a measure.

R' Yitzchak: How much one can make explanations. What? If it has more signs, you say that behold they fell out, but not just like that.

Trustworthiness of Kosher Women for Checking

R' Yoel Asher: When checking the girl, when one wants to check the girl, one should know the laws. That means regarding kiddushin, whether within the time which is the entire twelfth year, whether before this time or after it. Who is trusted on this? One needs to have usually, there needs to be a trusted man.

The Rambam says, **we check based on kosher and trustworthy women.** It's not proper conduct, it's not a nice thing that a man should check. The Sages gave trustworthiness to a kosher woman, a kosher and trustworthy woman.

R' Yitzchak: It's comparable, there are jobs to do this. Okay.

R' Yoel Asher: And even one woman checks, there doesn't even need to be two witnesses. **And we listen to her whether she brought or didn't bring.**

R' Yitzchak: Even one woman can make a check. Interesting, this goes for more things.

Discussion: Why Is One Witness Enough?

R' Yoel Asher: Yes. Okay, here... I guess, here one doesn't need full testimony, because it's something that with time it will anyway become clear. Yes?

R' Yitzchak: So such... why? Ah, so it says. The Rambam says like you say, that you will inevitably, one won't say a lie.

R' Yoel Asher: Okay. But I mean, the Rambam means here also to say that no one should be afraid to be his hand touching women, because... because he needs now to clarify laws. Why should they do it? Yes, because he brings the Gemara's. The Gemara says that

R' Yitzchak: One honored women with this.

R' Yoel Asher: It's not an answer.

Halacha: Counting the Years - Years According to the Intercalation Order

R' Yoel Asher: Yes, the Rambam says further. Now the Rambam says so: One has here a whole time counted years. What does years mean? Years means twelve months? Years means three hundred sixty-five days? For example, the year that we're now in, 5787, has something like three hundred eighty-five days if I remember. So what does a year mean?

The Rambam says so: **"All the years mentioned regarding a boy and a girl"**, and the same thing he says when by arachin. If a person makes an arachin - arachin means, whoever doesn't remember - if someone says I'll give the value of such and such animal which is such and such age for hekdesch, one needs to know, a person or an animal, one needs to know what is the age.

He says, an animal that is three years old, how does one count the years? The Rambam says **"they are neither lunar years nor solar years"**. One doesn't say that the solar year is three hundred sixty-five, and the lunar year is

R' Yitzchak: Three hundred fifty-four approximately.

R' Yoel Asher: One doesn't say that ten years means ten times three hundred fifty or ten times three hundred sixty-five, rather it means years that have actually passed with our calendar, **"but years according to the intercalation order which are regular and intercalated as the court establishes them as we explained in the Laws of Sanctification of the Month and by those years we count for all matters of religion"**.

Whatever thing that is relevant to matters of religion. That means to say, if someone made a vow of so many days, one will count days. But when one says years, anything that is a matter of religion,

R' Yitzchak: One will say years.

R' Yoel Asher: Whatever the court says is a year. One year was an intercalated year, one year wasn't an intercalated year. Yes. Rabbis, **"and by those years we count for all matters of religion"**. It's a great novelty, but a person could have said that if it's a certain amount of days

R' Yitzchak: That a person lived.

R' Yoel Asher: You don't grasp it that way, rather one established it with...

R' Yitzchak: Yes, yes. One doesn't need to make any... apparently an answer, that's how it goes.

R' Yoel Asher: That's how it goes. On this there's the Yerushalmi of "see not to complete upon me".

R' Yitzchak: Yes, but one needs already to come to this, that's how it goes, that's how it goes. Yes. Okay.

Halacha: We Don't Rely on Women Regarding Counting Years

R' Yitzchak: Now, but regarding this there's a problem. That means, regarding the hairs one said that one can rely.

R' Yoel Asher: One made a special halacha that regarding hairs one will rely on women. It could be for two reasons: one, because it's not proper conduct that one should make men check women, and it's a matter that will be revealed. It could be that it's both.

But not so regarding years, that means, someone says that such and such woman is twelve and a half years, from where do I know? One needs to know from an adult who remembers when she was born or such a thing. **"We don't rely on women regarding counting years"** - one doesn't rely on women, because this is already a matter of testimony, which for this one needs to have kosher witnesses.

R' Yitzchak: **"And not on relatives"** - and not on relatives.

R' Yoel Asher: Because relatives are close to the matter, **"but based on two kosher witnesses to testify"** -

R' Yitzchak: One needs to have two kosher witnesses who should testify.

Discussion: What Does "Kosher Witnesses to Testify" Mean Regarding Age?

R' Yoel Asher: I don't know exactly what this means. One needs two people who remember when she was born and they made themselves a note?

R' Yitzchak: Apparently, what's the problem?

R' Yoel Asher: It's a bit of a strange thing, because all of us know about people what age they are, and there's no law of testimony. I know that you're in your... you believe me, I said it. Your adult years. When I would have

R' Yitzchak: Told you that I'm twenty-five.

R' Yoel Asher: You could have believed me too. Or if I would have said that I'm twenty-five,

R' Yitzchak: You would have also believed me.

R' Yoel Asher: No, but what does this mean? Testimony usually is he remembers something.

R' Yitzchak: Someone remembers that... ah, I remember he was born twelve years ago. I count, I count in my years. We have - Jews have a custom to write in the back of a book, that day my child was born. A hand, you are our... living in a different kind of world, because there are birth certificates such things.

How do we truly know when a person was born? Remember, the friend so-and-so doesn't need a sign. He testifies that on the 13th of Cheshvan 5797 that person was born. What's the problem? Yes, remember, every testimony must be remembered.

R' Yoel Asher: He doesn't need to write anything down. We're accustomed, one doesn't need to write. He needs to remember which day that person was born, which year. Yes, okay, I hear there's something interesting here, because if one remembers, usually the age is the mother of the child and the relatives, you know, what are the relatives - family.

R' Yitzchak: We know that a boy has turned thirteen.

R' Yoel Asher: Because his mother with his brothers, they keep track. Why does the age need... You should say that Gets is eight and a half, Gets is eight and three quarters. Okay, not a problem.

R' Yitzchak: It seems to me, it seems like it's such a thing... It's such a milta d'avida l'igluyei, it's a public matter. How is there avida l'igluyei? I can come to you tomorrow and say from three... forty-three.

R' Yoel Asher: Do me a favor. No, you're right. The Jews had a rule, when there were troubles they had to say lies. As I interviewed many Jews who went through the Holocaust, and every one... They didn't know exactly what to lie about, but they had to lie. If you're seventeen, say you're either sixteen or eighteen. Don't say you're seventeen.

R' Yitzchak: But today, we're accustomed today that everything is written down, we know exactly, but it wasn't like that once. Perhaps today one can rely on this.

R' Yoel Asher: No, what I mean to say, "kosher witnesses to testify" means as you say, that they need to actually remember the day he was born?

R' Yitzchak: Or "kosher witnesses."

R' Yoel Asher: That you know that I've known him for years and he can't be thirteen. How can you know? Because I've seen him in shul for the last ten years and...

R' Yitzchak: He needs to remember when he was born. I mean, it's simple. I don't understand the question. We're talking about when we're going to execute him, don't you want to know for certain that he's actually thirteen?

Law: The Father's Reliability for Sacrifices and Vows, But Not for Lashes and Punishments

R' Yoel Asher: The Rambam says further, "**A father who said**", what happens if a father said, "**This son of mine is nine years and one day old**" or "**This daughter of mine is three years and one day old**"? "**He is believed**" - he is believed "**for a sacrifice**". What does this mean, when does one bring a sacrifice based on age?

R' Yitzchak: For example, if someone had relations with an ervah.

R' Yoel Asher: He must bring a sacrifice. A girl under three is not considered intercourse, above three is already considered intercourse for example. The one who had relations with her must bring a sacrifice. "**But not for lashes and not for punishments**" - but to give punishment to the person, there must be clearer reliability. A relative is not believed in such a case. Regarding a sacrifice yes.

R' Yitzchak: That's the point.

R' Yoel Asher: As if a sacrifice means it's theirs. Regarding punishments we seek "**and the two men shall stand**", we won't accept the...

R' Yitzchak: We need two witnesses for everything, there's no such thing that a father is believed.

R' Yoel Asher: Further, the same thing, "**This son of mine is thirteen years and one day old**" or "**This daughter of mine is twelve years and one day old**", it is so, "**He is believed for vows**" - that is, a mufla hasamuch l'ish can already make a vow even though he's not yet an adult, and the same thing a girl - "**and for valuations**", if one said "the valuation of this son is upon me", "**and for cheramim and for consecrations**" - that is, if the child made a consecration.

R' Yitzchak: I mean also one can say, we give like who is worth, not erech is erech according to what's written in the Torah, and cheramim and hekdeshot.

R' Yoel Asher: No, he says cheramim and hekdeshot, that the child can already make cherem or consecrate his things. One must know exactly the definition, because if he's a minor, what he acquires, the father acquires. Ah, if the father says he's already thirteen and a day, then the father no longer acquires from him. What?

R' Yitzchak: Well said. Okay.

R' Yoel Asher: Well, okay, perhaps we'll learn later as it says that the father has removed the responsibility for the money. Only that. Like findings and actions and that, not for a minor.

R' Yitzchak: It could be that a child can have money.

R' Yoel Asher: Okay. **But not for lashes and not for punishments**, the same thing. Regarding giving the child lashes for punishments, he must be older. In which case does one give lashes and punishments? Ah, yes, again.

R' Yitzchak: For example. If he's twelve, the kingdom comes. Not twelve, thirteen. If he's not thirteen, or she's twelve, he doesn't receive punishment. He's a minor.

R' Yoel Asher: Yes. Good.

Law: Tumtum and Androginus

R' Yoel Asher: And now we're going to learn the topic that the Minchat Chinuch loved so much, the topic of tumtum and androginus.

R' Yitzchak: Very simple, just the two sections about this.

R' Yoel Asher: Yes, the Rambam says, **One who has male organs and female organs, he is called an androginus.**

R' Yitzchak: That's what he's called.

R' Yoel Asher: Yes, we're learning this week, "in the image of God He created him male and female, He created them," at least according to many commentators, with both. And he, what does this other androginus mean? **It's a doubt whether male or female.** It's a doubt to which identity we count him, which are the more

Laws of Marriage Chapter 2 - Androginus, Tumtum, Deaf and Hearing; Summary of Twenty Terms

Law 2:24-25 - Androginus and Tumtum

R' Yitzchak: Now he's going to define it.

R' Yoel Asher: The Rambam says: "**One who has male organs and female organs**", he has both,

R' Yitzchak: "**He is called an androginus**". Okay, good, that's what he's called.

R' Yoel Asher: We're learning this week "in the image of God He created him male and female He created them", at least according to many commentators,

R' Yitzchak: With both. "**And he**",

R' Yoel Asher: What does this androginus mean? "**It's a doubt whether male or female**". It's a doubt to which organs we count, which are the more dominant.

R' Yitzchak: It's a doubt how we count him,

R' Yoel Asher: How we define him.

R' Yitzchak: You'll say about him, he's a creature unto himself.

R' Yoel Asher: And he remains forever with the same doubt. "**And he has no sign by which it will be known whether he is definitely male or definitely female forever**". It's not simple that at a certain point we'll know which we count and which not.

R' Yitzchak: It's as if a doubt in law or

R' Yoel Asher: A doubt in reality. "**And one who has neither male nor female but is sealed**", he's closed up, and that area hasn't opened, everything is covered with skin. We don't know what's happening

R' Yitzchak: Under the skin.

R' Yoel Asher: "**He is called a tumtum**".

Discussion: Etymology of Androginus and Tumtum

R' Yitzchak: The root of the two words? The word androginus is a Greek word.

R' Yoel Asher: Yes, it's actually in English one also says the word "androgynous".

R' Yitzchak: Andra means person, something like that, in short, androginus in Greek. And tumtum is simply a tumtum,

R' Yoel Asher: A m'tumtam,

R' Yitzchak: Like when there's timtum halev,

R' Yoel Asher: A language of blocked.

Distinction Between the Doubt of Androginus and the Doubt of Tumtum

R' Yoel Asher: "**And also he is a doubt**". But it's a different kind of doubt. It's a doubt because we haven't yet

been able to clarify the reality. Not a doubt that can't be clarified,

R' Yitzchak: But we don't have the tools.

R' Yoel Asher: Therefore, **"And if the tumtum is torn open and found to be male, behold he is like a definite male"**, we say certainly he was a male. **"And if found to be female, behold he is female"**. Also retroactively, apparently also retroactively, I mean if it's relevant.

Law 2:26 - Tumtum and Androginus: Age of Majority

R' Yoel Asher: The Rambam says: **"And a tumtum and androginus who were twelve years and one day old"**,

R' Yitzchak: Both of them,

R' Yoel Asher: Just twelve, interesting. Twelve and a day, **"behold they are presumed to be adults"**. We assume stringently that perhaps he's a woman, and a woman becomes an adult from twelve.

R' Yitzchak: Interesting.

Raavad's Objection: Why Not Check for Signs?

R' Yitzchak: The Raavad argues, the Raavad doesn't understand. The Raavad says, why is there a presumption of adulthood? Let them check, there should be signs. A tumtum and androginus can have signs,

R' Yoel Asher: There can be hairs.

R' Yitzchak: Okay. Your video ran away, why? I don't know. Further,

R' Yoel Asher: The video became one minute and ten seconds.

R' Yitzchak: Ah, tumtum and androginus reached the age of twelve years and one day, behold they are presumed to be adults. Right.

R' Yoel Asher: He says, and this is when tumtum and androginus are mentioned throughout the entire Torah,

R' Yitzchak: We're talking about this. Certainly. In every place. Ah, actually regarding this he mentions it, because he already spoke about tumtum earlier in the laws of lulav, laws of sukkah, whatever.

R' Yoel Asher: Yes. The Rambam says further.

R' Yitzchak: And this is what we learned.

Law 2:27 - Deaf Man and Deaf Woman, Hearing Man and Hearing Woman

R' Yoel Asher: He finished counting the definitions of minor, adult, na'arah, bogeret, and tumtum and androginus. He goes on to other things, what does bar da'at mean? Who is a deaf-mute, shoteh and minor? **A deaf man and deaf woman mentioned everywhere**, one who is deaf, or a man or woman who is deaf, mentioned everywhere, deaf... The Rambam needs to explain:

R' Yitzchak: The word deaf regarding the

R' Yoel Asher: Law that always says that a deaf-mute, shoteh and minor is exempt from mitzvot and the like, what does this mean? **Are mute ones who neither hear nor speak**, one who is completely mute,

R' Yitzchak: He can't hear,

R' Yoel Asher: He can't take in any sound,

R' Yitzchak: And he can't produce a sound, because they are in the category of shoteh, because they can't learn anything.

R' Yoel Asher: **But one who speaks and doesn't hear**, he can speak, **or** he can hear, **behold he is like any person**.

R' Yitzchak: That means, one doesn't need to be...

R' Yoel Asher: I mean he can't communicate. I mean that the poskim say that in modern times when there are systems of learning with the deaf through signs and the like, the law regarding the deaf has changed. **And a man and woman who are complete in their mind**,

R' Yitzchak: That is, what is the... So, a deaf person is sick. What is the normal?

R' Yoel Asher: One who is complete in his mind, **and they are neither deaf nor shotim, are called a hearing man and hearing woman**.

Discussion: What Does "Pikei'ach" Mean?

R' Yitzchak: Pikei'ach means a clear one, a smart one, not exactly smart, yes, pikei'ach from... Ah, this means that pikei'ach in the Gemara doesn't mean a wise person. Pikei'ach means... Or pikachat means a...

R' Yoel Asher: Not a deaf person.

R' Yitzchak: A sober one, as we say.

End of Chapter 2 - Summary of Twenty Terms

R' Yitzchak: The Rambam says, he finishes here:

R' Yoel Asher: **"Place all these terms before you always"**, "I have set Hashem before me always". The words, shemot means words, yes. **"Before you always, and let not all their matters be removed from your eyes"**,

R' Yitzchak: It shouldn't go away. Luzu is a language of what? Becoming hidden? Nalaz,

R' Yoel Asher: Nalaz is like moved away. Nalaz means moved away. **"And moved away from the moon"** we learned in Kiddush HaChodesh, moved back. **"My son, let them not be removed from your eyes"**, it's a language of the verse, "My son, let them not be removed from your eyes". **"So that we won't need to explain the matter of each term in every place we mention it"** - so that we won't need to explain the matter of each term in every place we mention it. And later in the laws we'll mention several times "minor girl", "na'arah", and so on, you'll check in the signs.

R' Yitzchak: Very good. So we won't need to mention each time, the Rambam won't need to explain each time "adult woman, that is...".

Counting the Twenty Terms

R' Yoel Asher: Very good. The Rambam said like an introduction, he speaks like a teacher. The last piece is exactly like a teacher. Students, you should remember the whole time.

R' Yitzchak: This can be on the test. What is a bogeret? Are we going to make a test? That's the thing. What is a bogeret? What is a minor girl? With all things.

R' Yoel Asher: With this the first two chapters ended, and now one will be able to learn the remaining chapters more easily, because we already know the terminology of all these things.

R' Yitzchak: The Rambam says, **it turns out**,

R' Yoel Asher: It comes out... **It turns out**, the Rambam says, how many kinds of things did we count here? It's interesting, he makes from this such a glossary. **All the terms whose matters we explained in these two chapters are twenty terms**. Twenty kinds of words we

spoke about here in the first two chapters, and so you'll always remember. **And these are they: kiddushin** - the Rambam counted what kiddushin means. And the Rambam counted what kiddushin means.

R' Yitzchak: The point means that he says what is a mekudeshet?

R' Yoel Asher: As said, one of the three things, money, document, intercourse. **Ervah?** Who is an ervah did he count ervah? Ervah from the Torah, ervah from the Rabbis, and arayot...

R' Yitzchak: One minute, now one can say,

R' Yoel Asher: Ervah from the Torah, yes, it's arayot karet, arayot of close relatives. **Sheniyah**, what are the rabbinic arayot, which he counted the daughter of his daughter's daughter and the like. **Prohibitions of negative commandments**, what are things that are only forbidden by a negative commandment, like a widow to a High Priest, for example, which he also said is called prohibitions of holiness, yes.

R' Yitzchak: **And prohibitions of positive commandments**, no, prohibitions of positive commandments means,

R' Yoel Asher: "He shall not take". Yes,

R' Yitzchak: Okay.

R' Yoel Asher: The Rambam makes it here more briefly, he puts them all in one. That was the first chapter. And in this chapter there was **minor girl, na'arah, bogeret, aylonit**, and we had **adult woman**. He counts adult woman separately from bogeret,

R' Yitzchak: I don't know, because bogeret and adult woman is the same thing. Okay, again, the word isn't the same thing. It happens in the Gemara the word, or in the Rambam, the word adult woman. Adult woman means... No, adult woman can also mean a na'arah.

R' Yoel Asher: Na'arah, bogeret, and aylonit,

R' Yitzchak: The Rambam says all are called adult woman.

R' Yoel Asher: After that there was **lower sign, upper sign, minor boy**,

R' Yitzchak: **Congenital eunuch, man-made eunuch, adult, androgynus, tumtum, deaf people, and hearing people**. By the last two he goes to plural language, I don't know,

R' Yitzchak: Deaf people and hearing people. He also said earlier, by the way. No, deaf man and deaf woman? Actually interesting.

R' Yoel Asher: The Rambam says, the Rambam lists, ah,

R' Yitzchak: Because he separates minor boy and minor girl, and by deaf people and hearing people he doesn't make separate.

R' Yoel Asher: He doesn't say deaf man and deaf woman and hearing man and hearing woman, because there's no halachic difference. Yes, not about that.

The Rambam's Instruction: Remember the Twenty Terms

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