

## וליתני קטנה קשיא - And let him teach, a minor; this is a difficulty

### Overview

answered that the ברייתא follows the ruling of ר"מ (that a קטנה has no קנס) and when the ברייתא stated that a ממאנת has no קנס, it meant (not [only] an actual ממאנת, but rather) a קטנה who is eligible to be ממאן. The גמרא asked, let the ברייתא teach explicitly a קטנה (why say a ממאנת and mean a קטנה). This difficulty remains.

responds to an anticipated difficulty:<sup>1</sup>

אף על גב דהוי תני קטנה דאין לה קנס מכל מקום תני נמי אילונית -

Even if the ברייתא would have mentioned קטנה has no קנס, nevertheless it would be understood why the ברייתא also teaches us that an אילונית has no קנס -

דהוה אמינא דוקא קטנה שיש לה נערות אין לה קנס<sup>2</sup> -

For I would have thought (if the ברייתא would just teach קטנה, but not אילונית) that it is only a קטנה, who has a נערות stage, that has no קנס (when she is a קטנה), however an אילונית, who has no נערות stage should receive a קנס (even when she is a קטנה), therefore the ברייתא teaches us that (even) an אילונית has no קנס.

asks:

ותימה לרבינו יצחק אמאי לא משני דאגב אורחיה קא משמע לן -

And the ר"י is astounded, why did not the גמרא answer; the reason the ברייתא states - ממאנת instead of קטנה because the ברייתא incidentally teaches us, by mentioning ממאנת דעד מתי הבת ממאנת עד שתביא<sup>3</sup> שתי שערות:

That until when can the daughter be ממאנת, until she brings two (pubic) hairs.

### Summary

אילונית needs to be mentioned even if קטנה is mentioned. Seemingly ממאנת can teach us that a נערה cannot be ממאן.

### Thinking it over

<sup>1</sup> It appears from the גמרא that if the ברייתא would state קטנה (instead of ממאנת), there would be no difficulty. However, the ברייתא also mentions אילונית (has no קנס), because she is a קטנה. The apparent question is once we mention קטנה, why mention אילונית, since the reason is the same; they are both קטנות. תוספות addresses this issue.

<sup>2</sup> The תורה does write נערה regarding קנס, therefore we may have assumed that a 'regular' girl who has a נערות stage, receives קנס only when she is a נערה (but not a קטנה), however an אילונית, who does not have a נערה stage should perhaps receive קנס even when she is a קטנה. See 'Thinking it over'.

<sup>3</sup> The ברייתא by stating ממאנת teaches us that the ruling is not like ר"י that a נערה can be ממאן; rather only a קטנה can be ממאן. It is not clear, however, how we would derive this if the ברייתא states ממאנת. See פנ"י, etc.

indicates that it is necessary to mention אילונית (even if it mentioned קטנה), because we may have assumed that since an אילונית has no נערות, she should receive קנס, even when she is a קטנה.<sup>4</sup> At what point would we have thought that she should receive קנס in her קטנות years, all the time or at a specific time?

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<sup>4</sup> See footnote # 2.