

## A captive protects herself

## שבויה מנטרא נפשה -

### Overview

The גמרא explains, according to ר' יהודה, the difference between a גיורת and a שבויה (that a שבויה is נבעלה שלא בחזקת שלא) because a שבויה protects herself, and therefore she receives קנס (if someone was מאנס/מפתה her after she was redeemed).

-----

תוספות asks:

**ואם תאמר והא בקטנה נמי מיירי דלא מנטרא נפשה דהא אינה יודעת לשמור עצמה -**

**And if you will say, but the משנה is also discussing a minor girl that was taken captive, who cannot protect herself, for she does not know how to guard herself -**

**וקאמר רבי יהודה דבקדושתה קיימא דקתני במתניתין יתירה מבת ג' שנים ויום אחד -**

**And nevertheless ר"י maintains that she retains her sanctity even if she is a קטנה, for the משנה stated if she was taken captive when she was more than three years and one day old, she has no קנס, and ר"י responded that this three-year-old who was held captive receives קנס (even though she is not capable of defending herself) -**

תוספות answers:

**ויש לומר דקטנה לגמרי אינה מוסרת עצמה לביאה<sup>1</sup> -**

**And one can say; that when she is very young, she does not submit herself to ביאה -**

**וכשהיא מוסרת עצמה לביאה קצת היא בת דעת ויודעת לשמור עצמה:**

**And when she is already slightly interested to submit herself to ביאה, she is already knowledgeable enough and knows to protect herself**

### Summary

A קטנה is either not interested in ביאה, or when she is, knows how to protect herself.

### Thinking it over

Why does תוספות use the term מוסרת עצמה לביאה (which indicates an actual (forbidden) relationship), when he follows it with the statement that she is יודעת (meaning that she abstains from any such relationship)?!

---

<sup>1</sup> It would seem that ר' יהודה assumes that we are not concerned that the גוים will force themselves upon these young girls.