



Berakhot 24a

The William Davidson Talmud (Koren - Steinsaltz)



- אמר רב: אם היו בנני ובנני ביתו קטנים, מותר: ועד כמה? אמר רב חסדא: תינוקת בת שלש שנים ויום אחד, ותינוק בן תשע שנים ויום אחד. איכא דאמרי: תינוקת בת אחת עשרה שנה ויום אחד, ותינוק בן שתים עשרה שנה ויום אחד. אידי ואידי עד כדי "שדים נכנו ושערך צמה".

The Master said in a *baraita*: If his children and the members of his household were minors, even though they are unclothed, it is permitted to recite *Shema* even without a garment separating between them. The Gemara asks: **Until what** age is one still considered a minor? **Rav Ḥisda said: A girl until she is three years and one day old, and a boy until he is nine years and one day old**, for these are the ages from which a sexual act in which they participate is considered a sexual act. **Some say: A girl eleven years and one day old and a boy of twelve**

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אמר ליה רב כדמיא ליה אשוייה דתם אמר רבא. אמ על גר דחורבא

The Master said in a *baraita*: If his children and the members of his household were minors, even though they are unclothed, it is permitted to recite *Shema* even without a garment separating between them. The Gemara asks: **Until what** age is one still considered a minor? **Rav Ḥisda said: A girl until she is three years and one day old, and a boy until he is nine years and one day old**, for these are the ages from which a sexual act in which they participate is considered a sexual act. **Some say: A girl eleven years and one day old and a boy of twelve years and one day old**, as that is the age at which they are considered adults in this regard. This age is only approximate, as the age of majority for both **this**, the boy, **and that**, the girl, is at the onset of puberty in accordance with the verse: **“Your breasts were formed and your hair was grown”** (Ezekiel 16:7).

אמר ליה רב כדמיא ליה אשוייה דתם אמר רבא. אמ על גר דחורבא



## Yevamot 96b

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 • **מתני'** בן תשע שנים ויום אחד שבא על יבמתו, ואחר כך בא עליה אחיו שהוא בן תשע שנים ויום אחד — פוסל על ידו. רבי שמעון אומר: לא פסל. בן תשע שנים ויום אחד שבא על יבמתו, ואחר כך בא על צרתה — פסל על ידי עצמו. רבי שמעון אומר: לא פסל.

**MISHNA:** If a boy aged nine years and one day had sexual relations with his *yevama*, and afterward his brother, who is also nine years and one day old, had relations with her, the second brother disqualifies her to the first one. **Rabbi Shimon** says he does not disqualify her. If a minor aged nine years and one day had relations with his *yevama*, and afterward that same boy had relations with her rival wife, he thereby disqualifies her to himself, and both women are now forbidden to him. **Rabbi Shimon** says he does not disqualify her.



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- גְּמָרָא תִּנְיָא, אָמַר לְהֵם רַבִּי שְׁמַעוֹן לְחַכְמִים: אִם בִּיאָה רִאשׁוֹנָה בִּיאָה <sup>2</sup>  
 — בִּיאָה שְׁנִיָּיה אֵינָה בִּיאָה. וְאִם בִּיאָה רִאשׁוֹנָה אֵינָה בִּיאָה —  
 בִּיאָה שְׁנִיָּיה נְמִי אֵינָה בִּיאָה.

**GEMARA:** It is taught in a *baraita* that Rabbi Shimon said to the Rabbis: If the first sexual act of a nine-year-old is considered a proper act of sexual relations, then the second act is not an act of consequence, just as the intercourse of one adult *yavam* after that of another adult *yavam* is of no effect. And if you say that the first sexual act is not considered a sexual act, the second act of himself or his brother is also not a sexual act. However, the Rabbis maintain that as the intercourse of a nine-year-old is like a levirate betrothal, one sexual act can take effect after another.

- מִתְנִיתִין דְּלָא כְּבוֹ עֻזְאִי. דְּתִנְיָא, בְּן עֻזְאִי אוֹמֵר: יֵשׁ מְאָמֵר אַחֵר <sup>3</sup>



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- מִתְנִי' הַגְּדוֹל שָׁבָא עַל הַקְּטָנָה וְקָטָן שָׁבָא עַל הַגְּדוֹלָה וּמוֹפֶת עֵץ<sup>15</sup>  
 — כְּתוּבָתָן מְאֵתִים, דְּבַרֵי רַבִּי מֵאִיר. וְחֻכָּמִים אוֹמְרִים: מוֹפֶת עֵץ  
 כְּתוּבָתָהּ מִנָּה.

**MISHNA:** With regard to an adult man who engaged in intercourse with a minor girl less than three years old; or a minor boy less than nine years old who engaged in intercourse with an adult woman; or a woman who had her hymen ruptured by wood or any other foreign object, for all these women their marriage contract is two hundred dinars, as their legal status is that of a virgin. This is the statement of Rabbi Meir. And the Rabbis say: The marriage contract of a woman whose hymen was ruptured by wood is one hundred dinars, as physically, since her hymen is not intact, she is no longer a virgin.

- בְּתוּלָה, אֶלְמָנָה, גְּרוּשָׁה וְחֵלוּצָה מִן הַנִּישׁוּאִין — כְּתוּבָתָן מִנָּה.<sup>16</sup>



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**Rabbi Meir. And the Kabbis say: The marriage contract of a woman whose hymen was ruptured by wood is one hundred dinars, as physically, since her hymen is not intact, she is no longer a virgin.**

- **בְּתוּלָה, אֶלְמָנָה, גְּרוּשָׁה וְחַלּוּצָה מִן הַנִּישׁוּאִין — כְּתוּבָתָן מִנָּה.** <sup>16</sup>

With regard to a **virgin** who is either a **widow**, a **divorcée**, or a *ḥalutza* who achieved that status **from** a state of **marriage**, for all these women **their marriage contract is one hundred dinars,**

11b

- **וְאִין לָהֶן טַעֲנַת בְּתוּלִים.** <sup>1</sup>

**and they are not** subject to a **claim** concerning their **virginity**. Since they were married, even if they did not engage in intercourse with their husband, their presumptive status is that of non-virgins, and the second



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who achieved that status **from** a state of **marriage**, for all these women **their marriage contract is one hundred dinars,**

11b

- ואין להן טענת בתולים.<sup>1</sup>

**and they are not** subject to a **claim** concerning their **virginity**. Since they were married, even if they did not engage in intercourse with their husband, their presumptive status is that of non-virgins, and the second husband cannot claim that he was misled with regard to their status as virgins.

- הגיורת והשבויה והשפחה שנפדו וּשְׁנַתְּגִירוּ וּשְׁנַשְׁתַּחֲרָרוּ, יְתִירוֹת עַל בָּנוֹת שְׁלֹשׁ שָׁנִים וְיֹם אֶחָד — כְּתוּבָתָן מִנָּה, וְאִין לָהֶן טַעֲנַת בְּתוּלִין.<sup>2</sup>

And similarly, with regard to a **female convert**, or a **captive woman**, or



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- הגיורת והשבויה והשפחה שנפדו וּשְׁנַתְּגִירוּ וּשְׁנַשְׁתַּחֲרָרוּ, יתירות על בנות שלש שנים ויום אחד — כתובתן מנה, ואין להן טענת בתולין.

And similarly, with regard to a **female convert, or a captive woman, or a maidservant, who were ransomed** with regard to the captive, or **who converted** with regard to the convert, or **who were freed** with regard to the maidservant, when she was **more than three years and one day old**, for all of these, **their marriage contract is one hundred dinars and they are not subject to a claim concerning their virginity.** When they married, their presumptive status was that of a non-virgin.

- גמ' אָמַר רַב יְהוּדָה אָמַר רַב: קָטָן הָבָא עַל הַגְּדוּלָּה — עֲשָׂאָה מוֹכַת עֵץ. כִּי אִמְרִיתָהּ קָמִיָּה דְשְׂמוּאֵל, אָמַר: אִין מוֹכַת עֵץ בְּבִשְׂרָה.

GEMARA: Rav Yehuda said that Rav said: A minor boy who





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- גַּמְ' אָמַר רַב יְהוּדָה אָמַר רַב: קָטָן הָבָא עַל הַגְּדוּלָּה — עֲשָׂאָהּ מוֹכֶת עֵץ. כִּי אִמְרִיתָה קָמִיָּה דְשִׁמוּאֵל, אָמַר: אֵין מוֹכֶת עֵץ בְּבִשְׂרָה.

**GEMARA:** Rav Yehuda said that Rav said: A minor boy who engaged in intercourse with an adult woman renders her as one whose hymen was **ruptured by wood**, as the act is not considered full-fledged intercourse. Rav Yehuda continues: **When I said** this statement **before Shmuel**, he said to me: A woman does **not** achieve the status of one whose hymen was **ruptured by wood** by means of **flesh**, i.e., intercourse.

- אִיכָּא דַּמְתַּנִּי לָהּ לְהָא שְׁמַעְתָּא בְּאַפִּי נַפְשָׁה: קָטָן הָבָא עַל הַגְּדוּלָּה, רַב אָמַר: עֲשָׂאָהּ מוֹכֶת עֵץ, וְשִׁמוּאֵל אָמַר: אֵין מוֹכֶת עֵץ בְּבִשְׂרָה.

Some teach this *halakha* independent of Rav Yehuda: With regard to



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intercourse.

- 4 איבא דמתני לה לה להא שמעתא באפי נפשה: קטן הבא על הגדולה, רב אמר: עשאה מופת עץ, ושמואל אמר: אין מופת עץ בבשר.

Some teach this *halakha* independent of Rav Yehuda: With regard to a minor boy who engaged in intercourse with an adult woman, Rav said: He renders her as one whose hymen was ruptured by wood. And Shmuel said: A woman does **not** achieve the status of one whose hymen was ruptured by wood by means of flesh.

- 5 מתיב רב אושעיא: גדול שבא על הקטנה, וקטן הבא על הגדולה, ומופת עץ — כתובתן מאתים, דברי רבי מאיר. וחקמים אומרים: מופת עץ כתובתה מנה.

Rav Oshaya raised an objection to the opinion of Rav from the mishna: With regard to an adult man who engaged in intercourse



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- מְתִיב רַב אוֹשְׁעִיא: גָּדוֹל שָׁבָא עַל הַקְטָנָה, וְקָטָן הֵבֵא עַל הַגְּדוֹלָה, וּמוֹפֵת עֵץ — כְּתוּבָתָן מֵאֲתִים, דְּבַרְי רַבִּי מְאִיר. וְחֻכְמִים אוֹמְרִים: מוֹפֵת עֵץ כְּתוּבָתָהּ מִנָּה.

Rav Oshaya raised an objection to the opinion of Rav from the mishna: With regard to **an adult man who engaged in intercourse with a minor girl** less than three years old, **or a minor boy** less than nine years old **who engaged in intercourse with an adult woman, or a woman who had her hymen ruptured by wood** or any other foreign object, **the marriage contract** for each of these women **is two hundred dinars**. This is **the statement of Rabbi Meir**. **And the Rabbis say: The marriage contract** of a woman whose hymen was **ruptured by wood is one hundred dinars**. Contrary to Rav's opinion, the Rabbis distinguish between the *halakha* in the case of the intercourse of a minor boy and the *halakha* in the case of a woman whose hymen was ruptured by



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## מוֹפֵת עֵץ כְּתוּבָתָהּ מִנָּה.

Rav Oshaya raised an objection to the opinion of Rav from the mishna: With regard to an adult man who engaged in intercourse with a minor girl less than three years old, or a minor boy less than nine years old who engaged in intercourse with an adult woman, or a woman who had her hymen ruptured by wood or any other foreign object, the marriage contract for each of these women is two hundred dinars. This is the statement of Rabbi Meir. And the Rabbis say: The marriage contract of a woman whose hymen was ruptured by wood is one hundred dinars. Contrary to Rav's opinion, the Rabbis distinguish between the *halakha* in the case of the intercourse of a minor boy and the *halakha* in the case of a woman whose hymen was ruptured by wood.

- אמר רבא. הכי קאמר: גדול הבא על השטנה — ולא כלום. דפחות 6



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- אָמַר רַבָּא, הָכִי קָאָמַר: גְּדוֹל הַבָּא עַל הַקְטָנָה — וְלֹא כְּלוּם, דְּפָחוּת מִכָּאן כְּנוּתוֹן אֶצְבַּע בְּעֵין דְּמִי. וְקָטָן הַבָּא עַל הַגְּדוּלָּה — עֲשָׂאָהּ מוּכַת עֵין. וּמוּכַת עֵין גּוּפָא פְּלוּגְתָּא דְּרַבִּי מֵאִיר וְרַבְּנָן. 6

Rava said that **this is what the mishna is saying: An adult man who engaged in intercourse with a minor girl less than three years old has done nothing, as intercourse with a girl less than three years old is tantamount to poking a finger into the eye.** In the case of an eye, after a tear falls from it another tear forms to replace it. Similarly, the ruptured hymen of the girl younger than three is restored. **And a young boy who engaged in intercourse with an adult woman renders her as one whose hymen was ruptured by wood. And with regard to the case of a woman whose hymen was ruptured by wood itself, there is a dispute between Rabbi Meir and the Rabbis.** Rabbi Meir maintains that her marriage contract is two hundred dinars, and the Rabbis



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- אָמַר רַבִּי בְּרַחְמִי בְּרַחְמִי: מִחְלוּקַת כְּשֶׁהִכִּיר בָּהּ, דְּרַבִּי מֵאִיר מְדַמֵּי לָהּ לְרִזְוֹתָּהּ וְרַבְּנָא מְדַמֵּי לָהּ לְרִשְׁוֹלָהּ. אַרְלָא לֹא הָבִיר בָּהּ — הָרִינוּ הַלָּל