

DERECH B'YAM HATALMUD ON THE DAF

IYUN INSIGHTS ON KESSUBOS 11A-11B

(A selection of issues discussed by the מפרשים on the דף.)

When can a בית דין convert a child?

(This is not a discussion of the הלכה למעשה, but rather of some of the relevant שיטות.)

The גמרא on יא. says that a non-Jewish child can be converted through the authority of בית דין. The commentators debate in which cases a בית דין has this authority.

רש"י in (ד"ה [על דעת ב"ד]) says that a בית דין can convert a child who does not have a father, and is brought by his mother to convert. The רשב"א in (ד"ה "אומר רב הונא") says that even though רש"י mentions the role of the child's parents, he does not mean that this is the only situation in which conversion works. Rather, רש"י holds that a בית דין can only convert a child if it is approached to do so, and does not initiate a conversion of a קטן.

The רי"ד in (ד"ה "אמר ר'ה") says explicitly that a בית דין is even permitted to convert a child without his parents. For example, he says that they can convert a child who was abandoned or who was captured by non-Jews.

How does the בית דין have the right to convert a child?

תוס' in (ד"ה מטבילין) suggests that the conversion of a גר קטן works through the mechanism of זכייה, referring to the rule **זכין לאדם שלא בפניו**. He holds that זכייה is based on the rule of שליחות – a person can act as a שליח to acquire an item or a benefit for another person. He asks: how can a בית דין convert a child? The rules of שליחות apply neither to children (even if they are Jewish) nor to non-Jews.

תוס' gives two answers. First, he says that זכייה works דרבנן. Even though the child is not Jewish at the time of the conversion, the Rabbis rely on the fact that he will become Jewish through it and that the laws of שליחות will eventually apply to him (when he becomes an adult).

Alternatively, he says that since the גוי קטן will become a Jew through this act, we view him as if he is a Jew now regarding the conversion.

רש"י in (ד"ה על דעת בית דין) can be used to answer the question of תוס' as well. רש"י says that three members of בית דין are required to oversee the טבילה of the child, and that they have a status like a father towards him.

The שיטה מקובצת in (ד"ה זה לשונו) says that רש"י addresses the question of תוס' when he makes this point. The words of רש"י imply that the conversion does not work through שליחות, but through the דעת of the בית דין.

Is a גר who converted as a child permitted to renounce his conversion?

The גמרא in the middle of דף יא. says: הגדילו יכולין למחות – if a גר was converted while a קטן by a בית דין, he is able to renounce the גרות when he becomes an adult. He has שעה אחת – one moment – to renounce it. When does this occur, and how does he renounce it?

The תוס' הרא"ש (ד"ה כיון שהגדילה) says that we observe whether the child is observing הלכה at the time of his Bar Mitzvah. If he is, we can assume that he accepts the conversion.

The ר"ן says that actions performed by a child cannot be used as a sign that he accepts or rejects his conversion, but they allow us to assume that he will continue this behavior in adulthood.

The ים של שלמה (לה) says that since the conversion of a child occurs through זכייה, for his benefit, it cannot be done against his will. Consequently, when he comes of age, he has the right to protest the גירות if he does not consider it to be a benefit. If he is unaware at this point that he was converted, and he finds out later, he can renounce his conversion then.

Why would the value of a woman's כתובה be reduced?

The גמרא on the bottom of יא. brings a משנה with a מחלוקת whether the value of a woman's כתובה is reduced in the cases of קטן שבא על הגדולה and of מוכת עץ. Why do the חכמים say the כתובה is lowered?

The רשב"א in (יא. ד"ה מתניתין) says that the amount of a woman's כתובה is based on the level of חן – esteem – which her husband has for her. Any event which will lower his opinion of her causes the value of her כתובה to go down.

In the two cases in the משנה, the חכמים say that the woman's כתובה is valued at a מנה, because her חן was diminished since a physical act was done to her which caused her to lose her בתולים.

The רשב"א applies this rule even to the case in the משנה of a בתולה whose husband died following גישואין, before they had ביאה. Her כתובה is valued at a מנה since she lost her חן as soon as she entered the חופה.

יא. (יא. ד"ה עשאה מוכת עץ) compares the מחלוקת here regarding the כתובה in the case of כהן גדול to another מחלוקת whether a מוכת עץ is permitted to marry a גדולה. According to the חכמים in the opinion of רב, this is prohibited.

Since רשב"א compares the two דינים, it appears that he holds differently than ר"ן. According to ר"ן the issue is whether the woman in each of these cases is considered a בעולה, not whether she still has חן in the eyes of her בעל. (Based on אזהל תורה.)

For more regarding the conversion of a Ger Katan, see our short video entitled, [“Can a Ger Katan Renounce His Conversion?”](#) on our website.

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