They were under censure. Most commentators accept the explanation of Tosafot that this is referring to the sin of the spies, as the Torah states that the sin involving the Golden Calf was forgiven and the Divine Presence resided upon the nation despite that transgression. Furthermore, the people sacrificed the Paschal lamb in the second year in the wilderness, after the sin of the Golden Calf (Rambam). The Meiri explains, based on Rash, that although the sin of the Golden Calf was essentially forgiven, complete pardon and atonement were not granted. The Ozar HaShita likewise cites the Gemara’s teaching that every retribution visited upon the Golden Calf was essentially forgiven, complete pardon and atonement being not granted. The Gemara’s teaching that every retribution visited upon the nation despite that transgression. Furthermore, the incident was not entirely forgiven.

The Lord preserves the simple. This principle that God preserves the simple applies only to an action that presents not a clear danger but merely a possible concern. In such a case one may rely on the fact that God will not allow many individuals to come to harm. The Riva, however, cites a view that if despite this teaching one is worried and does not wish to rely on it, it is permitted for him to refrain from circumcision. The Ran cites a similar opinion (see Yam shel Shlomo).

That a time of favor is a significant matter. The question still remains: What proof does this verse provide with regard to the northern wind? The Riaf explains that it is natural for the northern wind to blow at midnight. The fact that this wind continued unabated even during the plague of the firstborn, which was an hour of retribution, indicates that this time of good will never cease.

South wind (shuta). According to Rash, a shuta is a southerly wind, but the Arukh maintains that it is an entirely different wind. Some see the word as an abridged form of shu’ta, meaning a destructive (masahita) wind, with the guttural h sound swallowed. This accords with the understanding of the Arukh, as in many places the eastern wind blows in the form of a hot blast coming in from the desert.

Let blood (mesokhrinan). The Arukh reads this as mesorinan, whose root is connected to the Arabic جر jarr, sabar, meaning a special knife. The word is used here to indicate a knife used for bloodletting.

And if you wish, say instead that it was because the north wind did not blow for them, and the hot weather was likely to lead to medical complications following the procedure. As it is taught in a baraita: All those forty years that the Jewish people were in the wilderness, the north wind did not blow for them.

The Gemara asks: What is the reason that this wholesome wind did not blow all those years? If you wish, say it was because they were under censure following the sin of the spies and were therefore undeserving of this salutary wind. And if you wish, say instead that it was so that the clouds of glory covering the Tabernacle should not disperse.

Rav Pappa said: Therefore, learn from here that on a cloudy day or on a day that a south wind (shuta) blows, we may neither circumcise nor let blood (mesokhrinan), owing to the danger involved. But nowadays, when many are accustomed to ignoring these safeguards, the verse “The Lord preserves the simple” (Psalms 116:6) is applied, and it is assumed that they will come to no harm.

The Sages taught in a baraita: All those forty years that the Jewish people were in the wilderness there was not a day in which the north wind did not blow at midnight, as it is stated: “And it came to pass at midnight, that the Lord smote all the Egyptians that were in the camp of Egypt” (Exodus 12:29). The Gemara asks: What is the biblical derivation? How is it derived from this verse that speaks of the exodus from Egypt that a north wind blew at midnight during the forty years that the Jewish people wandered in the wilderness? The Gemara answers: This comes to teach us that a time of favor is a significant matter. Since midnight had once been a time of divine favor at the beginning of the exodus from Egypt, it continued to be a time of favor throughout the forty years that the Jewish people sojourned in the wilderness.

Rav Hunaid said: By Torah law, if one had been circumcised, but subsequently the residual foreskin was drawn forward by itself or manually so that it covered the corona, he may partake of teruma, as he is considered circumcised. However, from the words of the Sages, they decreed that he must be circumcised again because he looks as if he were uncircumcised.

The Gemara raises an objection based on the following baraita: One whose residual foreskin was drawn forward so that it covers the corona requires a second circumcision, indicating that he is not considered circumcised. The Gemara explains: This requirement is by rabbinic law, and by Torah law he is considered circumcised. The Gemara asks: And the amora who asked this question, why did he ask it in the first place? The baraita merely teaches that such an individual requires circumcision, and does not indicate that it is a Torah obligation.

A foreskin that was drawn forward. After a child is properly circumcised and the shreds of foreskin that disqualify the circumcision are removed, he remains circumcised. However, during certain periods there were those who wished to hide the fact that they had been circumcised, drawing forward the skin of the penis to create the appearance of a foreskin. Even if this extension lasted for a period of time, one could later restore himself to his former state, provided that he did so in such a way so as not to cause a wound or infection that might endanger his chances of fathering children.

Bloodletting depicted on an ancient Greek urn.
The Gemara explains: The amora who raised the question erred due to the latter clause of that same baraita, which states: Rabbi Yehuda says: He should not be circumcised because it would be dangerous for him to do so. His colleagues said to him: But weren’t there many who had drawn their residual foreskins forward and subsequently were circumcised a second time in the days of ben Koziva, otherwise known as bar Kokheva, and they fathered sons and daughters. Such re-circumcision is necessary, as it is stated: ‘He must surely be circumcised’ (hinnom yimmat).’ (Genesis 17:13), the double verb form indicating: Even one hundred times. And furthermore, it says: ‘He has broken My covenant’ (Genesis 17:14), which comes to include one whose foreskin was drawn forward.

The Gemara comments: What is the meaning of: And furthermore, it says? Why was it necessary to cite two verses in support of the same halakha? The Gemara answers: The additional verse is necessary, lest you say that this first verse: ‘He shall surely be circumcised,’ comes only to include the shreds of flesh that invalidate the circumcision if they are not cut and to indicate that they must be removed. If so, come and hear a second verse: ‘He has broken My covenant,’ which comes to include one whose foreskin was drawn forward.

Now he, the amorah who raised an objection based on the first part of the baraita, thought that since at the end of the baraita the tanna brings a derivation from a verse, this halakha must be by Torah law. But in fact that is not so. It is only by rabbinic law, and the verse quoted is a mere support but not the source of the halakha.

The Gemara raises an objection from a different source: A priest who is a tumtum may not partake of teruma, but his wives and slaves may partake of it. A priest who had been circumcised, but subsequently the residual foreskin was drawn forward, and similarly one who was born circumcised, i.e., without a foreskin, may partake of teruma. A priest who is a hermaphrodite and a male and female genitals, and was circumcised may partake of teruma, as whether he is male or female he is entitled to eat teruma, but he may not partake of sacrificial food, which is permitted only to male priests, as he might not be a male. A priest who is a tumtum may not partake of teruma or sacrificial food, as he might be a male, and since his member is hidden he cannot be circumcised.

A tumtum may not partake of teruma – From the Greek androginos, meaning a man-woman, i.e., a being with attributes of both genders.

Hermaphrodite – The man who was usually referred to as bar Koziva in talmudic sources, and also known as bar Kokheva, based on the nickname given to him by Rabbi Akiva, is called in his recently discovered letters Shimon ben Kosiba. His supporters changed his name to bar Kokheva based on the verse: “A star [kokhav] shall go forth from Jacob” (Numbers 24:17). His opponents, especially after his failed revolt, called him bar Koziva, from the word kozav, meaning deception. One of the reasons for the bar Kokheva revolt was the decree issued by the emperor Hadrian in the year 130 CE banning circumcision. This decree, which apparently was not initially directed against the Jews, caused tremendous resentment. According to the Gemara here, it seems that some men succumbed to the pressure of the rulers and restored their foreskins using a device known as a kynodyne. Subsequently, when bar Kokheva assumed power they circumcised themselves again.

BACKGROUND

In the days of ben Koziva – The man who...
A conclusive refutation of the opinion of Rav Huna – אכְּט בָּה וְאַכְּט בָּה: Rashi cites a reading according to which the Gemara actually cites a proof in support of Rav Huna’s opinion that one whose foreskin was drawn forward is not prohibited from eating teruma by Torah law but only by a decree of the Sages. The Rambam and Rashba accept this opinion.

A conclusive refutation – אכְּט בָּה: One could suggest that this baraita is in accordance with the opinion of Rabbi Yehuda, who exempts from a second circumcision one whose foreskin was drawn forward, whereas Rav Huna follows the opinion of the Sages. The Keren Ora answers that the context proves otherwise, as this halakha is stated alongside that of a child born circumcised, with regard to whom it certainly cannot be said that he is entirely exempt from circumcision even by rabbinic law.

If a tumtum betrothed – מַעְטָטָא טָבֹרֵת: The ge’onim note that this discussion with regard to the betrothal of a tumtum is relevant to the issue of forbidden relations. If his betrothal is valid, then his relatives are forbidden to his wife, and the same applies to the relatives of a tumtum who accepted a betrothal. The Rambam states this halakha in connection with the requirement to give a bill of divorce in a case of an uncertain betrothal (see Ritva).

What is his women? His mother – אִשָּׁה אֶלֶּה: If the tanna is referring to his mother, why does he say: His women, in the plural? One answer is that he enables both his mother and his mother’s mother to partake of teruma (Arukh LaNer, see Meiri).

HALAKHA

The betrothal of a tumtum is valid – מַעְטָטָא טָבֹרֵת: If a tumtum betrothed a woman or was betrothed by a man, there is certainty as to whether the betrothal is valid. Owing to that uncertainty, a bill of divorce is required (Rambam Sefer Nashim, Hilkhot Ishut 4:11; Shulhan Arukh, Even HaZer 44:5).

What is his women? His mother – אִשָּׁה אֶלֶּה: If an Israelite woman has a child with a priest, she may eat teruma on the child’s account, even if it is a tumtum or a hermaphrodite (Rambam Sefer Zera’im, Hilkhot Terumat 6:12).

BACKGROUND

His testicles are visible externally – מַפֵּרָת מַפֵּרָת: Such a situation is possible in a case where the child was born with his penis entirely covered by skin. Such a child, despite the fact that his penis is not visible externally, is essentially a male, although he cannot have intercourse with a female.

In any event, this baraita teaches that a priest whose foreskin was drawn forward and one who was born circumcised may partake of teruma. This would seem to be a conclusive refutation of the opinion of Rav Huna. A priest whose foreskin was drawn forward may not eat teruma at least by rabbinic law. The Gemara concludes: ‘This is in fact a conclusive refutation’ of his opinion.

The Master said above in the baraita: A priest who is a tumtum may not partake of teruma, but his wives [nashav] and slaves may partake of it. The Gemara is puzzled by this teaching: From where does a tuma have wives? If he does not have a visible male organ, how can he marry a woman? If we say that he merely betrothed a woman, as it is taught in another baraita: If a tumtum betrothed a woman his betrothal is considered a valid betrothal, as he might be a male, and similarly if he was betrothed by a man, his betrothal is deemed a valid betrothal as he might be a female, there is a difficulty.

One could say that the tanna said that the betrothal of a tumtum is valid only as a stringency, i.e., out of concern that he might be a male, and therefore the woman cannot leave without a proper bill of divorce. But should we say that his betrothal is valid also as a leniency, to allow his wife to eat teruma? There is an uncertainty here that perhaps he is a woman, and one woman cannot betroth another woman.

Abaye said: The tanna is referring to a tumtum whose male organ is hidden, but he is speaking of a situation where his testicles are visible externally. Since it is evident that he is a male, he can betroth a woman even though he cannot have relations with her.

Rava said a different answer: What is meant here by the word nashav, which was translated earlier as his wives, but which can also be understood as his women? It refers here to the priest’s mother, who, after her husband the priest has passed away, may continue to eat teruma by virtue of her son. The Gemara questions this interpretation of the baraita: His mother? It is obvious that she may eat teruma on his account, as she is her offspring by a priest. The Gemara explains: This statement is nevertheless necessary, lest you say that only if the priest is capable of having children does he enable his mother to eat teruma, but if he is incapable of having children he does not enable his mother to eat teruma, and therefore a tuma, who cannot have children, should not enable his mother to eat teruma. Therefore, the tanna teaches us that this is not so, as a woman may eat teruma by virtue of the child she bore a priest, even if that child is incapable of having children.

Come and hear a proof in support of Abaye’s opinion from that which is taught in the latter part of the baraita: A priest who is a tumtum may not partake of teruma or sacrificial food. There is a difficulty here, as the halakha that a tumtum may not partake of teruma was already taught in the first part of the baraita. Granted, according to Abaye, the tanna teaches in the first clause of the baraita the halakha governing a tumtum who is definitely uncircumcised, i.e., one whose testicles are visible externally, so that he is definitely male but cannot undergo circumcision because his member itself is hidden. And then he teaches in the latter clause of the baraita the halakha governing a tumtum about whom there is uncertainty as to whether he is uncircumcised, i.e., one whose genitalia are completely hidden, so that he might not even be a male.

But according to Rava, why do I need the repetition of the halakha governing a tumtum in the latter clause? The tanna already stated this halakha in the first part of the baraita. The Gemara answers: What is this tumtum referred to in the latter clause? It is a man who is definitely uncircumcised.
The Gemara asks: Now, if a tumtum, about whom there is uncertainty as to whether he is uncircumcised, may not partake of teruma, as stated in the first clause of the baraita, can it be supposed that a man who is definitely uncircumcised may eat teruma, so that it was necessary for the baraita to teach in the latter clause that he may not do so? The Gemara answers: He is saying: What is the reason. The baraita should be understood as follows: What is the reason that a tumtum may not partake of teruma? It is because there is uncertainty as to whether he is uncircumcised, and an uncircumcised priest may not partake of teruma or sacrificial food.

The Gemara suggests: Let us say that this amorai dispute as to whether or not one who had been circumcised but his residual foreskin was drawn forward is considered uncircumcised by Torah law is parallel to the following dispute between tanna'im. As it is taught in the Tosefta (Shabbat 16:7): One whose foreskin was drawn forward, and similarly, one who was born circumcised, and a convert who converted when he was already circumcised, and a child whose appropriate time for circumcision already passed and he was still uncircumcised, and all others who require circumcision, which, as the Gemara parenthetically adds, comes to include one who has two foreskins, both of which must be removed, may be circumcised only during the day. Rabbi Elazar bar Shimon says: If the circumcision is performed at its appropriate time, i.e., on the eighth day, they may be circumcised only during the day. However, if the circumcision is performed not at its appropriate time, they may be circumcised either during the day or at night. What, is it not the case that they disagree about the following: One Sage, the Rabbis, holds that the obligation to circumcise one whose foreskin was drawn forward is by Torah law, and therefore he must be circumcised during the day despite the fact that the procedure is not performed at the proper time, and one Sage, Rabbi Elazar bar Shimon, holds that the circumcision of one whose foreskin was drawn forward is by rabbinic law.

The Gemara rejects this suggestion: And how can you understand the disagreement in that way? With regard to a child whose appropriate time for circumcision has already passed, is there anyone who says that the obligation to circumcise him is only by rabbinic law? Even after the eighth day, there is certainly a Torah obligation to circumcise him, and yet the tanna'im disagree about this case as well.

Rather, everyone agrees that the obligation to circumcise one whose foreskin was drawn forward is by rabbinic law, and that the obligation to circumcise a child whose appropriate time for circumcision has already passed is by Torah law. And here they disagree with regard to the following: One Sage holds that we expound the phrase “and on the day” in the verse “And on the eighth day the flesh of his foreskin shall be circumcised” (Leviticus 12:3). The superfluous word “and” indicates that even if the child was not circumcised on the eighth day, the procedure must still be performed during the day. And one Sage, Rabbi Elazar bar Shimon, holds that we do not expound the phrase “and on the day,” and therefore a circumcision must be performed during the day only when it takes place on the eighth day, but afterward it may be performed even at night.

**HALAKHA**

Circumcision during the day – וְוְהָכָא נִימוֹלִין. Circumcision must always be performed during the day, even when not done on the eighth day, and even when it is required only by rabbinic law, in accordance with the opinion of the first tanna. If one underwent circumcision at night, it is necessary to drip covenantal blood from him during the day (Rambam Sefer Ahava, Hilkhot Mila 18; Shulhan Arukh, Yoreh De’a 26:2).

**NOTES**

Everyone agrees that one whose foreskin was drawn forward is by rabbinic law – וְמָשׁוּכַּה דְּכֵוֵלִי אוֹכֵל וְﬠָרֵל בְּקָדָשִׁים. The early authorities note that it could equally have been argued that everyone agrees that one whose foreskin was drawn forward must be circumcised by Torah law, but the Gemara wished to establish the baraita in accordance with the opinion of Rav Huna, especially as that is the accepted conclusion (Rashba; Riva).
The burning of notar — קלוות. The leftover flesh of offerings must be burned during the day. Even the leftover parts of a peace-offering, which may not be eaten from the beginning of the night of the third day, must be burned only during the day, whether on that third day or any time later. The halakha is in accordance with the opinion of Rabbi Elazar, as it appears that Rabbi Yohanan accepted his view (Rambam Sefer Avoda, Hilkhot Pesulei HaMakshosh 19:4).

An uncircumcised priest with regard to the sprinkling of the purification waters — חטאת בקרובים ומאת אשה. An uncircumcised priest may sprinkle the purification waters containing the ashes of a red heifer. The halakha is ruled in accordance with the opinion of Rabbi Elazar rather than that of Rabbi Akiva (Rambam Sefer Zera'im, Hilkhot Para Aduma 1:6).

One who immersed himself that day with regard to teruma — ורועה. One who was itially impure may not partake of teruma until the sun has set after he immersed and purified himself (Rambam Sefer Zera'im, Hilkhot Terumot 7:2).

**BACKGROUND**

Torat Kohanim — מבといえば. Torat Kohanim is a work of halakhic midrash on the book of Leviticus; it is also known as the book of the school of Rav. The work consists primarily of tannaitic statements that derive various halakhot from verses. According to the Talmud, unattributed statements in the book were taught in accordance with the opinion of Rabbi Yehuda. The final reduction of the work was apparently completed by Rav, who also taught it extensively. It was regularly studied by the amoraim and became the halakhic midrash quoted most often in the Talmud.

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**NOTES**

On the ninth, tenth — תanna ומשה. Another mishna (Shabbat 19b) explains why these particular numbers are specified: The tanna is not dealing with a simple case of a delay in circumcision due to illness or the like. Rather, he is referring to a situation where an infant is born during the twilight period between the end of the day and the beginning of the night, a period of uncertain status with regard to whether it belongs to the previous day or the day that follows, and the eighth day following the birth occurs on Shabbat or a Festival. If the child’s date of birth was definitely eight days earlier, his circumcision would take place even on Shabbat or the Festival. However, since the day of his birth is uncertain, Shabbat and the Festival are not desecrated for his circumcision. Instead, he is circumcised on the next day, after Shabbat or the Festival. Consequently, if the child was born during the twilight period on the eve of Shabbat, so that his eighth day is either Friday or Shabbat, his circumcision is postponed until Sunday, the tenth day, and if that Sunday is a Festival he is circumcised only on Monday, the eleventh day after his birth. If that Festival is the two-day festival of Rosh HaShana, he may be circumcised only on Tuesday, twelve days after his birth.

Expounds vav and heh — וואライン. Most commentators explain this in a straightforward manner: While there are differences of opinion with regard to the additional vav of “and on the eighth day” as not all Sages expound a vav as an inclusive expression, if a vav and heh appear together, as in “and that which remains [kehnotar]” everyone agrees that this serves as an inclusive expression. According to this opinion, the Gemara is offering a proof concerning the basis of the dispute between the Rabbis and Rabbi Elazar bar Shimon. However, some early authorities also cite a different interpretation, according to which there is a superfluous vav and heh in the context of circumcision as well. Accordingly, the Gemara is attempting to prove that almost all of the Sages concur that circumcision may be performed only by day, and any dissenting opinion is that of an individual Sage and should be disregarded (Avukh LaNet). What remains unclear is where there are in fact a superfluous vav and heh in connection with circumcision. Avukh LaNet suggests that since the word uwayom, meaning “and on the day” in the verse, includes a definite article, it is as though the letter heh, meaning “the” were written explicitly. Rabbi Elazar Hananel accepts the interpretation that the superfluous vav in the context of circumcision is in the word uwayom, but he explains that the superfluous heh is in the word hashemini, meaning “the eighth.”

Where is this taught; it is in Torat Kohanim — תanna ומשה. Rav Shira Gaon writes in his famous epistle that this is one of the proofs that halakhic midrashim, despite their importance as early sources, were not as widely studied as the Mishna, in which all Sages were fluent. This can be seen from the fact that even a Sage of Rabbi Yohanan’s stature was unfamiliar with the Torat Kohanim. As for the time it took him to study it, this is recorded as a reflection of his greatness in Torah, as this halakhic midrash is considered particularly difficult and complex, so much so that the tanna/Im themselves would learn it only a little at a time, and yet Rabbi Yohanan was able to complete it in a very short period.

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The Gemara raises a difficulty: If one who immersed himself that day is fit for all the rites connected to the red heifer, that is because he is at least permitted to eat tithes, and so he is treated more leniently than one who is uncircumcised, for whom it is prohibited to partake of second tithe. The Gemara answers: Is that to say that we are speaking about eating? We spoke in reference to touching, and the proof was as follows: If one who immersed himself that day and who is forbidden to touch teruma, as he invalidates teruma by touch, is nevertheless permitted to participate in all the rites connected to the red heifer; then with regard to one to one who is uncircumcised, who is permitted to touch teruma according to all opinions, is it not right that he should be permitted to participate in the rites connected to the red heifer?

The Gemara comments: That opinion is also taught in a baraita: If an uncircumcised priest sprinkled the purification waters, his sprinkling is valid. And an incident occurred in which such an individual sprinkled the purification waters and the Sages validated his sprinkling.

The Gemara raises an objection from that which was taught in the Tosefta (Para 5:5): If a tumtum sanctified the purification waters by placing a small amount of ashes from the red heifer into springwater that had been placed into a container for that purpose, his sanctification is invalid because there is uncertainty as to whether he is uncircumcised, and an uncircumcised man is disqualified from sanctifying the purification waters. But if a hermaphrodite sanctified the purification waters, his sanctification is valid. Rabbi Yehuda disagrees and says: Even if a hermaphrodite sanctified the purification waters, his sanctification is invalid, because there is uncertainty as to whether a hermaphrodite is a woman, and a woman is disqualified from sanctifying the purification waters. In any event, the baraita teaches that one who is definitely uncircumcised, and even one about whom there is uncertainty as to whether he is uncircumcised, is disqualified from sanctifying the purification waters.

Rav Yosef said: This tanna of the baraita, who disqualifies one who is uncircumcised from sanctifying the purification waters, is a tanna from the school of Rabbi Akiva, who includes the uncircumcised in the same halakha as that which governs the ritually impure. As it is taught in a baraita: Rabbi Akiva says that the words “any man” in the verse “Any man from the seed of Aaron who is a leper or a zav shall not eat of the holy things until he be pure” (Leviticus 22:4), come to include one who is uncircumcised, and it is prohibited for him as well to partake of consecrated food. And so too, with regard to other matters as well, e.g., sanctifying the purification waters, one who is uncircumcised has the same status as one who is ritually impure.

Rava said: I was sitting at the time before Rav Yosef, and I had the following difficulty: If so, according to Rav Yosef’s opinion that the uncircumcised and the ritually impure have the same status, should one not be able to find a tanna who teaches the halakha of the uncircumcised and that of the ritually impure together, and we should say that this is the opinion of Rabbi Akiva? There should be some source that reflects this view.
Who is fit to sanctify the purification waters – ימי שחיטה
The Rambam states: Everyone is fit to sanctify the purification waters by adding the ashes of the red heifer, apart from a deaf-mute, an imbecile, and a minor, in accordance with the opinion of the Rabbis (Rambam Sefer Tahara, Hilkhot Para Aduma 6:3).

One must take and the same one must place – ביאו הלכות
One who draws the water to be sanctified need not be the one who sanctifies and sprinkles it on the one who is ritually impure, as each of these actions may be performed by a different individual (Rambam Sefer Tahara, Hilkhot Para Aduma 10:1).

The Gemara asks: And is there not such a source? But isn’t it taught in a baraita: One who is uncircumcised and one who is ritually impure are exempt from making an appearance in the Temple on each of the three pilgrim Festivals. The Gemara refutes this argument: This is no proof, as there it can be argued that one who is uncircumcised is exempt from appearing in the Temple because he is repulsive, and it is unbecoming that one who is uncircumcised appear in the Temple courtyard, but this does not mean that with regard to other matters as well he is treated like one who is ritually impure.

The Gemara comments: And the Rabbis and Rabbi Yehuda follow their usual line of reasoning with regard to a hermaphrodite. As it is taught in a baraita: All are fit to sanctify the purification waters except for a deaf-mute, an imbecile, and a minor. Rabbi Yehuda deems a minor fit for the task, but deems a woman and a hermaphrodite unfit.

The Gemara explains: What is the reasoning of the Rabbis? As it is written: “And they shall take for the impure of the ashes of the burning of the sin-offering, and he shall place on it running water in a vessel” (Numbers 19:7). The juxtaposition of the placement of the water to the gathering of the ashes indicates that they are governed by the same halakha. Therefore, those who are unfit for gathering the ashes are likewise unfit for sanctification, whereas those who are fit for gathering the ashes are likewise fit for sanctification. Since a woman is fit to gather the ashes of the red heifer, she may also sanctify its waters.

And Rabbi Yehuda could have said to you: If so, then let the verse state: And he shall take. What is the significance of the shift to the plural form: “And they shall take”? It teaches that even those who are unfit there are fit here. As the halakhot of the two cases are not identical, Rabbi Yehuda deems a minor fit to perform the sanctification.

The Gemara raises a difficulty: If so, according to Rabbi Yehuda a woman should also be fit to sanctify the purification waters. The Gemara answers: Rabbi Yehuda reads the verse precisely. It says: “And he shall place on it,” and not: And she shall place on it. The Gemara asks: And how do the Rabbis respond to this claim? If the verse was written: And he shall take…and he shall place, I would say that one individual must take the ashes and the same one must also place the water on them. The Merciful One therefore writes: And they shall take, indicating that the ritual is valid even when performed by two different individuals.

And if the Merciful One had written: And they shall take…and they shall place, I would say that two people must take the ashes and two must place the water on them, but if these rites are performed by fewer than two people they are invalid. The Torah therefore states: “And they shall take…and he shall place,” to teach that even if two people take the ashes and one person places the water on them, the ritual is valid. Since the verse had to be formulated precisely in this manner in order to teach that halakha, the words “and he shall place” cannot be understood as coming to exclude a woman.

NOTES
There it is because he is repulsive – ימי שחיטה
The Rambam and others note that the Gemara in tractate Hagiga differ from the passage here, as it is clear to the Sages there that this halakha equating one who is uncircumcised and one who is ritually impure reflects the view of Rabbi Akiva. For this reason the Rashi explains that the halakha should ultimately be ruled in accordance with the Gemara there, based on the principle that whenever there are contradictory passages like these, the accepted version is that which appears in the tractate dedicated to the subject matter at hand. As for the repulsive nature of an uncircumcised man, this is based on the verse: “For it is a reproach to us” (Genesis 34:14). In tractate Nedaim (51b) the Sages discuss the repulsive character of the uncircumcised state and how it serves as a derogatory epithet throughout the Bible.