

NOTES

They were under censure – נזופים הוּ: Most commentaries 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 rested 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 (Ramban). The Meiri explains, based on Rashi, that although the sin of the Golden Calf was essentially forgiven, complete pardon and atonement were not granted. The *Otzar HaShitot* likewise cites the Gemara's teaching that every retribution visited upon the Jewish people includes some punishment for the Golden Calf, which indicates that the incident was not entirely forgiven.

The Lord preserves the simple – שומר פתאים ה': 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 Ritva, 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 – דעת רצון מילתא – היא: The question still remains: What proof does this verse provide with regard to the northern wind? The Rifa 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 goodwill will never cease.

LANGUAGE

South wind [shuta] – שוּתָא: According to Rashi, a *shuta* is a southerly wind, but the *Arukh* maintains that it is an easterly wind. Some see the word as an abridged form of *shuhta*, meaning a destructive [*mashhita*] 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] – מסוכרין: The *Arukh* reads this as *mesovrinan*, whose root is connected to the Arabic *sabar*, meaning a special knife. The word is used here to indicate a knife used for bloodletting.



Bloodletting depicted on an ancient Greek urn

ואיבעית אימא: משום דלא נשיב להו רוח צפונית. דתנא: כל אותן ארבעים שנה שהיו ישראל במדבר לא נשבה להם רוח צפונית.

מאי טעמא? איבעית אימא: משום דנזופים הוּ, ואי בעית אימא: דלא נבדור ענני כבוד.

אמר רב פפא: הלכך, יומא דעיבא ויומא דשוותא – לא מהלינן ביה, ולא מסוכרין ביה. והאידידנא דדשו בה רבים – שומר פתאים ה'.

תנו רבנן: כל אותן ארבעים שנה שהיו ישראל במדבר לא היה יום שלא נשבה בו רוח צפונית בחצי הלילה, שנאמר "ויהי בחצי הלילה וה' הכה כל בכור" וגו'. מאי תלמודא? הא קא משמע לן דעת רצון מילתא היא.

אמר רב הונא: דבר תורה משוך אוכל בתרומה, ומדבריהם גזרו עליו, מפני שנראה כערל.

מיתבי: משוך צריך שימול! מדרבנן. ודקארי לה מאי קארי לה? הא צריך קתני!

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^N 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*]^L blows, we may neither circumcise nor let blood [*mesokhrinan*]^L, 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)^N 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 firstborn in the land 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.^N 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 Huna said: By Torah law, if one had been circumcised, but subsequently the residual foreskin was drawn forward^B 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.

BACKGROUND

A foreskin that was drawn forward – משוך: 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.

He erred due to the latter clause – קטעי בסיפא: If one whose foreskin was drawn forward is obligated by Torah law to undergo a second circumcision, how could Rabbi Yehuda have exempted him from this duty due to the danger? One answer is that according to this opinion, the dispute between Rabbi Yehuda and the Rabbis is precisely whether or not the second circumcision of such a man is a Torah obligation.

BACKGROUND

In the days of ben Koziva – בימי בן כוזיבא: The man who is 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 Kosba. 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 *kazav*, 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 *kynodesme*. Subsequently, when bar Kokheva assumed power they circumcised themselves again.



Letter found in the Judean Desert in which bar Kokheva refers to himself as ben Kosba

A *tumtum* and a hermaphrodite – טומטום ואַנדרוגיניוס: A *tumtum* and a hermaphrodite are often discussed together, as both are neither male nor female. However, there is a fundamental difference between them: A *tumtum* is a case of unresolved uncertainty, which can sometimes be resolved one way or the other. A hermaphrodite, by contrast, might be an entity in and of itself, constituting a third, unique gender.

LANGUAGE

Hermaphrodite [androgynos] – אַנדרוגיניוס: From the Greek ἀνδρόγυνος, *androgynos*, meaning a man-woman, i.e., a being with attributes of both genders.

הקטעי בסיפא: רבי יהודה אומר: לא ימול, מפני שסכנה היא לו. אמרו לו: והלא הרבה מלו בימי בן כוזיבא והולידו בנים ובנות, שנאמר "המול ימול" אפילו מאה פעמים, ואומר "את בריתי הפר" לרבות את המשוך.

The Gemara explains: The *amora* who raised the question erred due to the latter clauseⁿ 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,^b 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 [*himmol yimmol*]" (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.

מאי "ואומר"? וכי תימא, האי "המול ימול" לרבות ציצין המעבבים את המילה, תא שמע: "את בריתי הפר" לרבות את המשוך.

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.

הוא סבר: מדקא נסיב לה תלמודא קרא דאורייתא היא, ולא היא, מדרבנן, וקרא אסמכתא בעלמא.

Now he, the *amora* 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*.

מיתבי: טומטום אין אוכל בתרומה, נשיו ועבדיו אוכלין. משוך, ונולד כשהוא מהול, הרי אלו אוכלים. אַנדרוגיניוס אוכל בתרומה ואין אוכל בקדשים, טומטום אינו אוכל לא בתרומה ולא בקדשים.

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

HALAKHA

A *tumtum* may not partake of *teruma* – טומטום אין אוכל בתרומה: A priest who is a *tumtum* may not eat *teruma*, as there is uncertainty with regard to whether he is uncircumcised (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:11).

His wives and slaves may partake of it – נשיו ועבדיו אוכלין: If a priest is a hermaphrodite or a *tumtum*, his wife may not eat *teruma*. This is the *halakha* even if his testicles are evident, as the *halakha* is ruled in accordance with the opinion of Rava against that of Abaye (*Mishne LaMelekh*). It is permitted, however, for his slaves to eat *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:14).

One who was born circumcised – נולד כשהוא מהול: A child who was born without a foreskin may eat *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:11).

A priest whose foreskin was drawn forward may partake of *teruma* – משוך אוכל בתרומה: It is permitted for a priest whose foreskin was drawn forward to eat *teruma* even though he looks uncircumcised. By rabbinic law, he must circumcise himself a

second time in order to correct his appearance. The *halakha* is not ruled in accordance with Rav Huna's opinion, as it is ultimately rejected by the Gemara (Radbaz; Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:10).

A hermaphrodite may partake of *teruma* – אַנדרוגיניוס אוכל בתרומה: A priest who is a hermaphrodite may eat *teruma* after he has been circumcised (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:11).

A hermaphrodite...may not partake of sacrificial food – אַנדרוגיניוס...אין אוכל בקדשים: A priest who is a hermaphrodite may partake of the meat of offerings of minor sanctity, as the statement that he may not eat from sacrificial food refers to offerings of the most sacred order (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh Korbanot* 10:9 and *Kesef Mishne* there).

A *tumtum* may not partake of...sacrificial food – טומטום אין אוכל בקדשים: It is prohibited for a *tumtum* to eat from sacrificial food, as there is uncertainty as to whether he is uncircumcised (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh Korbanot* 10:9).

A conclusive refutation of the opinion of Rav Huna – תיובתא דרב הונא: 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 Ramban and Rashba accept this opinion.

A conclusive refutation – תיובתא: 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 – טומטום שקידש: 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 – מאי נשוי אמו: 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 – טומטום קדושין: If a *tumtum* betrothed a woman or was betrothed by a man, there is uncertainty 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 HaEzer* 44:5).

What is his women? His mother – מאי נשוי אמו: 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 – כְּשֵׁבִי צִוּוּ נִכְרוֹת – מבחור: 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.

קתני מיהת: משוך, ונולד כשהוא מהול – הרי אלו אוכלין. תיובתא דרב הונא! תיובתא.

אמר מר: טומטום אינו אוכל בתרומה, נשוי ועבדיו אוכלים. נשוי לטומטום מנא ליה? אילימא דקדיש, דתנא: טומטום שקידש קדושיו קדושין, נתקדש קדושיו קדושין?

אימר דאמר – לחומרא, לקולא מי אמרינן? ספק אשה הוא, ואין אשה מקדשת אשה!

אמר אביי: כשבצינו נכרות מבחור.

רבא אמר: מאי נשוי – אמו. אמו, פשיטא! מהו דתימא: מוליד מאכיל, שאין מוליד אינו מאכיל, קא משמע לן.

תא שמע: טומטום אינו אוכל לא בתרומה ולא בקדשים. בשלמא לאביי – תנא רישא ערל ודאי, וקתני סיפא ספק ערל.

אלא לרבא, טומטום דסיפא למה לי? מאי טומטום – ערל.

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^N that 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^N 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 *tumtum* 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^N 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^H 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.^B 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,^{NH} 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 he 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 *tumtum*, 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.

מילה ביום – Circumcision during the day – 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* 1:8; *Shulhan Arukh, Yoreh De'a* 262:1).

השתא ספק ערל לא אכיל, ודאי ערל אכיל? מה טעם קאמר. מה טעם טומטום אינו אוכל בתרומה – מפני שספק ערל הוא, וערל אינו אוכל לא בתרומה ולא בקדשים.

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.**

לימא כתנאי: משוך, (ונולד בשעה מהול), וגר שנתגיייר בשעה מהול, וקטן שעבר זמנו, ושאר כל הנמולים, לאיתויי מי שיש לו שתי ערלות – אינן נמולין אלא ביום. רבי אלעזר בר שמעון אומר: בזמנו

The Gemara suggests: **Let us say** that this amoraic 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.**¹⁴ **Rabbi Elazar bar Shimon says:** If the circumcision is performed at its appropriate time, i.e., on the eighth day,

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אינו נמולין אלא ביום, שלא בזמנו – נמולין ביום ובליילה. מאי לאו בהא קמיפלגי, דמר סבר: משוך דאורייתא, ומר סבר: משוך דרבנן.

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.

ותסברא? קטן שעבר זמנו מי איכא למאן דאמר דרבנן?

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.

אלא, דבולי עלמא: משוך דרבנן, וקטן שעבר זמנו דאורייתא, והכא בהא קמיפלגי, מר סבר: דרשינן "וביום", ומר סבר: לא דרשינן "וביום".

Rather, everyone agrees that the obligation to circumcise one whose foreskin was **drawn forward** is by rabbinic law,¹⁵ 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.

NOTES

Everyone agrees that one whose foreskin was drawn forward is by rabbinic law – דבולי עלמא משוך דרבנן – 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; Ritva).

The burning of *notar* – שְׂרִיפַת נֹתָר: 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, Hilkhhot Pesulei HaMukdashin* 19:4).

An uncircumcised priest with regard to the sprinkling of the purification waters – עָרַל בְּהִזְאֵת מִחֶטְאֵת: 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 Tahara, Hilkhhot Para Aduma* 10:6).

One who immersed himself that day with regard to *teruma* – טָבֵל יוֹם בְּתְרוּמָה: One who was ritually impure may not partake of *teruma* until the sun has set after he immersed and purified himself (Rambam *Sefer Zera'im, Hilkhhot Terumat* 7:2).

BACKGROUND

Torat Kohanim – תּוֹרַת כֹּהֲנִים: *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 redaction of the work was apparently completed by Rav, who also taught it extensively. It was regularly studied by the *amora'im* and became the halakhic midrash quoted most often in the Talmud.

כִּי הָא דִּיתִיב רַבִּי יוֹחָנָן וְקָדְרִישׁ: נֹתָר, בְּזִמְנוֹ – אֵינוֹ נִשְׂרָף אֶלָּא בַּיּוֹם, שְׁלֵא בְּזִמְנוֹ – נִשְׂרָף בֵּין בַּיּוֹם בֵּין בַּלַּיְלָה.

וְאִיתִיבֵיהּ רַבִּי אֶלְעָזָר לְרַבִּי יוֹחָנָן: אֵין לִי אֶלָּא נִימוּל לְשִׁמְיִי שְׂאִין נִימוּל אֶלָּא בַּיּוֹם, מִנֵּין לְרִבּוֹת לְתַשְׁעָה, לְעֶשְׂרָה, לְאַחַד עָשָׂר, לְשִׁנַּיִם עָשָׂר (מִנֵּין) – תַּלְמוּד לְזוּמַר: "וּבַיּוֹם".

וְאֶפִּילוּ לְמַאֵן דְּלֵא דְרִישׁ וְאִ"ו וְאִ"ו וְהִ"ו דְרִישׁ! אִישְׁתִּיק.

בְּתַר דְּנִפְק אֶמְר לִיהּ רַבִּי יוֹחָנָן לְרִישׁ לְקִישׁ: רְאִיתִי לְבָן פְּדַת שְׂוִישְׁב וְדוּרִישׁ כְּמִשָּׁה מִפִּי הַגְּבוּרָה. אֶמְר לִיהּ רִישׁ לְקִישׁ: דִּידִיָּה הִיא? מִתְנַתָּא הִיא! הִיכָא תִנָּא לִיהּ? בְּתוֹרַת כֹּהֲנִים. נִפְק, תִּנְיָה בְּתַלְתָּא יוֹמֵי וְסַבְרָה בְּתַלְתָּא יְרְחֵי.

אֶמְר רַבִּי אֶלְעָזָר: עָרַל שְׂהֵזָה – הִזְאֵתוּ בְּשָׂרָה, מִיַּדֵּי דְהֵזָה אֶטְבּוּל יוֹם, שְׂאֵף עַל פִּי שְׂאֶסוּר בְּתְרוּמָה כְּשֵׁר בְּפָרָה.

As in the case where Rabbi Yohanan was sitting and he expounded: *Notar*, the flesh of an offering that is left over beyond its allotted time, requires burning. If it is burnt at its appropriate time, i.e., on the same day that it became *notar*, it may be burned only during the day.^h If it is burnt not at its appropriate time, it may be burned either during the day or at night.

And Rabbi Elazar raises an objection to the opinion of Rabbi Yohanan from the following *baraita*: I have derived only that a child who is circumcised on the eighth day may be circumcised only during the day. From where do I derive to include in this *halakha* a child who is circumcised on the ninth, tenth,ⁿ eleventh, or twelfth day? From where is it derived that he, too, may be circumcised only during the day? Therefore, the verse states: "And on the day," which teaches that the obligation to circumcise during the day extends beyond the eighth day itself.

And even the Sage who does not expound the letter *vav*, meaning "and," as superfluous, expounds the letters *vav* and *heh*ⁿ when they come together and understands them as alluding to cases not explicitly mentioned in the biblical text. Regarding *notar* the verse states: "And that which remains [*vehanotar*] of the flesh of the offering on the third day shall be burnt with fire" (Leviticus 7:17), where the letters *vav* and *heh* teach that the obligation to burn *notar* during the day extends beyond the third day itself. Rabbi Yohanan was silent, as he had no response.

After Rabbi Elazar left, Rabbi Yohanan, who was impressed with Rabbi Elazar's exposition, said to Reish Lakish: I saw that Rabbi Elazar, son of Pedat, was sitting and expounding the Torah as Moses had received it directly from the mouth of the Almighty. Reish Lakish said to him: Was this exposition his own? It is a *baraita*. Rabbi Yohanan inquired: Where is this *baraita* taught? Reish Lakish replied: It is in *Torat Kohanim*,^{BN} otherwise known as *Sifra*, a work of halakhic midrash on the book of Leviticus. Rabbi Yohanan went out and learned the entire *Torat Kohanim* in three days, and reached a full understanding of it in three months.

S Rabbi Elazar said: If an uncircumcised priest sprinkled the purification waters^h containing the ashes of a red heifer in order to purify someone who had contracted ritual impurity imparted by a corpse, his sprinkling is valid, just as it is in the case of a priest who immersed himself that day but does not become completely purified until nightfall. As, although such an individual is prohibited from eating *teruma*,^h he is fit for all the rites connected to the red heifer.

NOTES

On the ninth, tenth – לְתַשְׁעָה, לְעֶשְׂרָה: Another mishna (*Shabbat* 137a) 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* – וְהִ"ו דְרִישׁ: Most commentaries 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 [*vehanotar*]," 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 (*Arukh LaNer*). What remains unclear is where there are in fact a superfluous *vav* and *heh* in connection with circumcision. *Arukh LaNer*

suggests that since the word *uvayom*, meaning "and on the day" in the verse, includes a definite article, it is as though the letter *heh*, meaning "the," were written explicitly. Rabbeinu Hananel accepts the interpretation that the superfluous *vav* in the context of circumcision is in the word *uvayom*, but he explains that the superfluous *heh* is in the word *hashemini*, meaning "the eighth."
Where is this taught; it is in *Torat Kohanim* – הִיכָא תִנָּא לִיהּ: Rav Sherira 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.

One who immersed himself that day with regard to tithes – טבול יום במעשר: It is permitted for one who immersed that day to eat second tithe immediately following his immersion, even before the sun sets (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 3:4).

One who immersed himself that day with regard to the red heifer – טבול יום בכרה: It is permitted for one who immersed that day to participate in all the rites connected to the red heifer, including the sanctification and sprinkling of the purification waters (Rambam *Sefer Tahara, Hilkhot Para Aduma* 1:13).

מה לטבול יום – שכן מותר במעשר! אטו אגן לאכילה קאמרינן? אגן לנגיעה קאמרינן: ומה טבול יום שאסור בנגיעה דתרומה – מותר בכרה, ערל שמוותר בנגיעה – אינו דין שמוותר בכרה.

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,^h 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;^h then with regard 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?

תניא נמי הכי: ערל שהזה הזאתו בשרה. ומעשה היה והכשירו חכמים הזאתו.

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.

מיתבי: טומטום שקידש – קידוש פסול, מפני שהוא ספק ערל, וערל פסול לקדש. ואנדרוגינוס שקידש – קידוש כשר, רבי יהודה אומר: אף אנדרוגינוס שקידש – קידוש פסול, מפני שספק אשה, ואשה פסולה מלקדש. קתני מיהא: ערל וספק ערל פסול מלקדש!

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.

אמר רב יוסף: האי תנא – תנא דבי רבי עקיבא הוא. דמרבי ליה לערל בטמא. דתנא: רבי עקיבא אומר: "איש איש – לרבות הערל."

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.

אמר רבא: הוה יתיבנא קמיה דרב יוסף, וקשיא לי: לא לישתמיט תנא וליתני "הערל והטמא" ולימא רבי עקיבא היא?

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,ⁿ and we should say that this is the opinion of Rabbi Akiva? There should be some source that reflects this view.

NOTES

Who teaches the *halakha* of the uncircumcised and that of the ritually impure together – ליתני הערל והטמא: Rava sought a source in which the *halakha* of an uncircumcised man is derived from that of one who is ritually impure. In fact, the *halakha* of a pilgrim's appearance in the Temple is a proof of this kind, as there is no biblical source for the exemption of

one who is uncircumcised, whereas with regard to one who is impure it is derived from the verses that one who cannot bring an offering is exempt from the pilgrimage. This shows that the *halakha* of an uncircumcised man is derived from the *halakha* of one who is ritually impure (Meiri).

Who is fit to sanctify the purification waters – מי – שקיל חד ויהיב חד: 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* 6:2).

One must take and the same one must place – שקיל חד ויהיב חד: 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).

ולא? והא קתני: הערל והטמא פטורים מן הדיאיה! התם משום דמאיס.

ואודו לטעמייהו. דתניא: הכל כשרים לקדש, חוץ מחרש שוטה וקטן. רבי יהודה מכשיר בקטן ופוסל באשה ובאנדרוגינוס.

מאי טעמא דרבנן – דכתיב “ולקחו לטמא מעפר שריפת החטאת” הנך דפסלי באסיפה – פסולין בקידוש, הנך דכשרין באסיפה – כשרים בקידוש.

ורבי יהודה אמר לך: אם בן נמא קרא “ולקח” מאי “ולקחו” דאפילו הנך דפסולין התם, כשרים הכא.

אי הכי אשה נמי! “ונתן”, ולא “ונתנה”. ורבנן, אי כתיב “ולקח, ונתן” הוה אמינא שקיל חד ויהיב חד, כתב רחמנא “ולקחו”.

ואי כתב רחמנא “ולקחו ונתנו” – הוה אמינא: דשקלי תרי ויהיב תרי, כתב רחמנא “ולקחו ונתנו” דאפילו שקלי תרי ויהיב חד.

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**,^N 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**.^H **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 19:17). 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^H 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

^Nהתם משום דמאיס: The Ramban and others note that the Gemara in tractate *Hagiga* differs 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 Rashba 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 *Nedarim* (31b) the Sages discuss the repulsive character of the uncircumcised state and how it serves as a derogatory epithet throughout the Bible.