

HALAKHA

One may place a dry compress... on a wound, etc. – נותנין על גבי המכה מוך יבש וכו' : Contrary to Rashi's explanation that appears in the Gemara, it is permitted to wrap a wound with swatches of new fabric on Shabbat, since they do not heal but only protect the wound. However, old rags may not be used, because they have a medicinal effect. If they have already been used to dress a wound, it is permitted to reuse them, because they no longer have a medicinal effect (Rambam Sefer Zemanim, Hilkhoh Shabbat 21:26; Shulhan Arukh, Orah Hayyim 328:23).

תא שמע: אין נותנין חמין ושמן על גבי מוך שעל גבי מכה בשבת! התם נמי משום סחיטה.

The Gemara cites an additional proof. Come and hear that which was taught in a similar baraita: One may not place oil or hot water on soft material that is on a wound on Shabbat. This baraita supports the opinion of Shmuel. The Gemara answers: There too, it is prohibited due to concern for squeezing.

תניא בותיה דשמואל: אין נותנין חמין ושמן על גבי מכה בשבת. אבל נותנין חוץ למכה, ושותת ויורד למכה.

A baraita was taught explicitly in accordance with the opinion of Shmuel: One may not place oil or hot water on a wound on Shabbat; however, one may place it outside the wound so it flows and descends to the wound.

תנו רבנן: נותנין על גבי המכה מוך יבש וספוג יבש, אבל לא גמי יבש ולא כתיחין יבשין. קשיא כתיחין אכתיחין! לא קשיא, היא – בחדתי, היא – בעתיקי, אמר אביי: שמע מינה – היני כתיחין מסו.

The Sages taught another baraita: One may place a dry compress and a dry sponge on a wound,<sup>h</sup> but not a dry reed and not dry rags. The Gemara comments: This is difficult, as the first statement with regard to rags, i.e. a dry compress which is a type of rag, contradicts the second statement with regard to rags, as the baraita first permitted placing rags on a wound and then prohibited doing so. The Gemara answers: This is not difficult. This statement, which prohibits placing rags on a wound, is referring to new rags, which heal the wound; that statement, which permits placing rags on a wound, is referring to old rags, which are not effective in healing. Abaye said: Conclude from this that these rags heal, which is useful information with regard to the treatment of wounds.

”ספק ואנדרוגינוס כו’.” תנו רבנן: ערלתו – ערלתו ודאי דוחה את השבת.

We learned in the mishna: If there is uncertainty whether or not to circumcise a baby, and likewise in the case of a hermaphrodite baby, one does not desecrate Shabbat to perform the circumcision of a hermaphrodite, even on the eighth day following the birth. The Sages taught in a baraita: The verse states: “And on the eighth day the flesh of his foreskin shall be circumcised” (Leviticus 12:3), and they interpreted the verse: “His foreskin” indicates that only the circumcision of his halakhically certain foreskin overrides Shabbat,

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BACKGROUND

Born circumcised – נולד מהול: Occasionally, a baby is born without a foreskin. This is caused by the degeneration of the foreskin, and in this respect, the medical assessment would agree with the view expressed in the Gemara that one born circumcised has a type of concealed foreskin.

ולא ספק דוחה את השבת. ערלתו ודאי דוחה את השבת, ולא אנדרוגינוס דוחה את השבת.

and the circumcision of a halakhically uncertain foreskin does not override Shabbat. And by means of the same inference from the term his foreskin, derive that circumcision of his definite foreskin overrides Shabbat, and circumcising the foreskin of a hermaphrodite baby,<sup>h</sup> with regard to whom there is uncertainty whether or not circumcision is required, does not override Shabbat.

רבי יהודה אומר: אנדרוגינוס דוחה את השבת וענוש כרת. ערלתו ודאי דוחה את השבת, ולא נולד בין השמשות דוחה את השבת. ערלתו ודאי דוחה את השבת, ולא נולד בשהוא מהול דוחה את השבת. שבית שמאי אומרים: צריך להטיף ממנו דם ברית, ובית הלל אומרים: אינו צריך.

Rabbi Yehuda says: The circumcision of a hermaphrodite overrides Shabbat, and if he is not circumcised, when he reaches majority he is punishable by karet. Rabbi Yehuda interprets the verse in the following manner: His definite foreskin overrides Shabbat; however, the circumcision of one born at twilight<sup>h</sup> does not override Shabbat. And likewise, his definite foreskin overrides Shabbat; however, the circumcision of one who was born circumcised,<sup>h</sup> i.e., without a foreskin,<sup>b</sup> does not override Shabbat. With regard to a child in that condition, there is a dispute between Beit Shammai and Beit Hillel, as Beit Shammai say: It is necessary to drip covenantal blood from him, in lieu of circumcision of the foreskin, and Beit Hillel say: It is not necessary, as he is already circumcised.

HALAKHA

Circumcising a hermaphrodite baby – מילת אנדרוגינוס: The circumcision of a hermaphrodite does not override Shabbat, in accordance with the opinion of the Rabbis (Rambam Sefer Ahava, Hilkhoh Mila 1:11; Shulhan Arukh, Orah Hayyim 331:5 and Yoreh De'a 266:10).

Festival, or even the second day of the Festival in the exile (Rosh; Rambam Sefer Ahava, Hilkhoh Mila 1:12; Shulhan Arukh, Orah Hayyim 331:5 and Yoreh De'a 266:8).

Born at twilight – נולד בין השמשות: When a child is born at twilight, the eight days for his circumcision begin the night following twilight. However, this later date does not override Shabbat or a

Born circumcised – נולד בשהוא מהול: If a child was born circumcised, even though he is circumcised at the age of eight days, his circumcision does not override Shabbat (Rambam Sefer Ahava, Hilkhoh Mila 1:11; Shulhan Arukh, Orah Hayyim 331:5 and Yoreh De'a 266:10).

From one who was born circumcised it is necessary to drip covenantal blood – נולד כשהוא מהול – שצריך להטוף ממנו דם ברית: When a baby is born circumcised, his circumcision involves dripping covenantal blood from him. This must be performed very carefully to avoid endangering him, based on the incident involving Rav Adda bar Ahava and the statements of Rabbi Shimon ben Elazar and Rabbi Eliezer HaKappar (Rambam *Sefer Ahava, Hilkhot Mila* 1:7; *Shulhan Arukh, Yoreh De'a* 263:4).

A gentile who converted when he was already circumcised – גר שנתגייר כשהוא מהול: When a circumcised gentile converts to Judaism, a drop of covenantal blood is drawn from him. Then he immerses in a ritual bath, as ruled by the *ge'onim*, the *Ba'al Halakhot Gedolot*, the *Rif*, and the *Rambam*. Some dispute this ruling (Rabbeinu Hananel). There are many opinions with regard to the rationale for this ruling. Some commentaries explain that based on the ruling of the later authorities, the *halakha* is in accordance with the opinion of Rabbi Eliezer HaKappar, that one must drip covenantal blood from a circumcised convert. Other authorities explain that it is based on the ruling in tractate *Yevamot* that a drop of covenantal blood is drawn from a circumcised convert (see *Kesef Mishne; Rambam Sefer Ahava, Hilkhot Mila* 1:7 and *Sefer Kedusha, Hilkhot Issurei Bia* 14:5; *Shulhan Arukh, Yoreh De'a* 268:1).

Born after seven months...after eight months – בן שמונה וכו'...בן שמונה וכו': One may desecrate Shabbat to save the life of a baby born after seven months of pregnancy. If the eighth day after his birth occurs on Shabbat, he is circumcised on Shabbat. However, it is assumed that a baby born after eight months cannot survive. Therefore, one may not move the baby on Shabbat; one may not desecrate Shabbat to save its life; and if the eighth day after his birth occurs on Shabbat, he is not circumcised on Shabbat. This rule refers to a baby whose hair and nails are not fully developed. If the baby is fully developed, then Shabbat is desecrated on his behalf, as it is for any other child (Rambam *Sefer Ahava, Hilkhot Mila*, 1:13–14; *Shulhan Arukh, Oraḥ Hayyim* 330:7–8 and *Yoreh De'a* 266:11 and in the comment of the Rema).

BACKGROUND

Born after seven or eight months of pregnancy – בן שמונה ובן שבעה: During talmudic times, conventional wisdom was that a child born after eight months of pregnancy had no chance of survival, while a child born after seven months was more likely to survive. In modern medicine, there is no support for this distinction. Yet in practice, the Sages ruled that the determination is not based on the counting of the months of pregnancy. Rather, the physical signs of development, i.e., the nails and hair, are used to determine whether or not a child is potentially viable.

אמר רבי שמעון בן אלעזר: לא נחלקו בית שמאי ובית הלל על נולד כשהוא מהול שצריך להטוף ממנו דם ברית, מפני שערלה כבושה היא. על מה נחלקו – על גר שנתגייר כשהוא מהול, שביית שמאי אומרים: צריך להטוף ממנו דם ברית, ובית הלל אומרים: אין צריך להטוף ממנו דם ברית.

אמר מר "ולא ספק דוחה את השבת". לאתווי מאי? לאתווי הא דתנו רבנן: בן שבעה מחללין עליו את השבת, ובן שמונה אין מחללין עליו את השבת. ספק בן שבעה ספק בן שמונה – אין מחללין עליו את השבת.

בן שמונה הרי הוא כבאבן, ואסור לטלטלו. אבל אמו שוחה ומניקתו מפני הסכנה.

איתמר, רב אמר: הלכה כותנא קמא, ושמואל אמר: הלכה כרבי שמעון בן אלעזר.

רב אדא בר אבהו אתיליד ליה ההוא ינוקא כשהוא מהול אהדריה אתליסר מהולאי עד דשווייה כוות שפכה. אמר: תייתי לי דעברי אדבר.

Rabbi Shimon ben Elazar said: That was not the subject of their dispute, as Beit Shammai and Beit Hillel did not disagree over the fact that from one who was born circumcised, it is necessary to drip covenantal blood,<sup>NH</sup> because they agree that it is a case of a concealed foreskin. The child is not actually circumcised; it is just that his foreskin is not visible. With regard to what did they disagree? With regard to a convert who for some reason was circumcised when he was a gentile and converted when he was already circumcised,<sup>H</sup> as Beit Shammai say: Dripping covenantal blood from him is necessary, and Beit Hillel say: Dripping covenantal blood from him is not necessary, and he needs only a ritual immersion to complete his conversion.

The Gemara cited above that the Master said: The circumcision of a halakhically uncertain foreskin does not override Shabbat. The Gemara asks: What case of uncertainty does this statement come to include? The Gemara answers: It comes to include that which the Sages taught: To circumcise a child born after seven months of pregnancy, one desecrates Shabbat, as it will likely live. However, to circumcise a child born after eight months<sup>HBN</sup> of pregnancy, with regard to whom the presumption was that he would not survive, one may not desecrate Shabbat. And even for the circumcision of a child with regard to whom there is uncertainty whether the child was born after seven months and uncertainty whether the child was born after eight months, one may not desecrate Shabbat.

And the Sages taught: A child born after eight months is like a stone with regard to the *halakhot* of set-aside [*muktze*], and it is prohibited to move him. However, his mother may bend over the child and nurse him due to the danger that failure to nurse will cause her to fall ill.

With regard to the halakhic ruling in the case of a child born circumcised, it is stated that the Sages disagree. Rav said: The *halakha* is in accordance with the explanation of the first *tanna*, i.e., in accordance with Rabbi Yehuda's explanation of the dispute between Beit Shammai and Beit Hillel, that they disagree with regard to one born circumcised. Since we rule in accordance with the opinion of Beit Hillel, it is not necessary to drip covenantal blood from a child born circumcised. And Shmuel said: The *halakha* is in accordance with the explanation of Rabbi Shimon ben Elazar, that Beit Shammai and Beit Hillel do not disagree with regard to one born circumcised, and that everyone agrees that it is necessary to drip covenantal blood from him.

The Gemara relates that to Rav Adda bar Ahava there was this child that was born circumcised, and the time for his circumcision was on Shabbat. He inquired after thirteen ritual circumcisors, but they refused to circumcise him, until ultimately, he circumcised his son himself and rendered him one with a severed urethra. He did not know how to perform a circumcision and made too deep an incision.<sup>N</sup> Rav Adda bar Ahava said: I have it coming to me, i.e., I deserve to be punished, as I violated the ruling of Rav, who ruled that one born circumcised does not even need covenantal blood drawn.

NOTES

צריך להטוף...דם ברית: The primary discussion of the *halakhot* of circumcision appears in tractate *Yevamot*, including a discussion concerning the *halakhot* of circumcision of a convert. The early and late commentaries debated whether the essence of the mitzva of circumcision is for the person to remain without a foreskin or whether the essence of the mitzva is to perform the act of circumcision itself. Apparently, dripping blood from a child without a foreskin is a form of circumcision and fulfills the mitzva. Nevertheless, the authorities dispute whether or not a blessing is recited over this act. With regard to converts, however, the consensus appears to be that the central act of conversion is the immersion in a ritual bath for the sake of conversion.

Born after eight months – בן שמונה: The Sages of the Gemara cited sources that allude to the notion that a child born after eight months of pregnancy cannot survive. Nevertheless, they provided clear physical signs that indicate whether or not a child was fully de-

veloped. In later generations, the authorities ruled that the *halakhot* with regard to a child born after eight months apply only if there is absolute certainty that the child was indeed born after eight months. Some authorities state that since we lack the expertise to identify the physical signs described by the Sages, these *halakhot* cannot be applied. Rather, every newborn is treated equally: He is circumcised even on Shabbat, all of his needs are met, and Shabbat is desecrated to save his life (see *Me'iri*).

מעשה רב אדא בר אבהו – This incident is related in somewhat greater detail in the Jerusalem Talmud, which cites divergent traditions with regard to the details of the incident. Some say that, in his ignorance, Rav Adda fatally wounded the child, while others say that after he saw what he had done to him, knowing that a male whose tubes have been severed cannot have children and is even prohibited to marry a Jew (Deuteronomy 23:2), Rav Adda prayed for mercy that the child should die of his own accord.

The dispute between Rabba and Rav Yosef – מחלוקת – The version in the Gemara corresponds with Rashi's version of the text: Rav Yosef sought to cite proof for his opinion by approximating what the first *tanna*, whose opinion Rabbi Eliezer HaKappar disputes, might have said, even though only part of that *baraita* remains extant and there is no way to ascertain with certainty what the first *tanna* said. According to the *ge'onim*, this first *tanna* is Rabbi Shimon ben Elazar, and Rabbi Eliezer HaKappar's statement constitutes a continuation of the *baraita* that cited the dispute between Rabbi Yehuda and Rabbi Shimon. However, according to the variant reading of the majority of the *ge'onim*, it is not Rav Yosef who cites a proof from this source, but Rabba, who seeks to infer that the first *tanna*, Rabbi Shimon ben Elazar, is of the opinion that everyone agrees that one may not desecrate Shabbat for a child of that sort. Therefore, the entire discussion proceeds in a slightly different manner, as Rabbi Shimon ben Elazar did not explain his statement in this matter. Many commentaries considered this version and its rationale clearer (see Rashba and Ran).

Come to teach us the reasoning of Beit Shammai – טעמא דבית שמאי אתא לאשמענן: There are exceptions to this principle, where the Gemara analyzes the opinion of Beit Shammai or reveals their opinion. However, there is typically a reason for the discussion, e.g., so that if this opinion appears unattributed, it would be identified and rejected (see *Yad Malakhi*).

אמר ליה רב נחמן: ואדשמואל לא עבר? אימר דאמר שמואל בחול, בשבת מי אמר? הוא סבר: ודאי ערלה כבושה היא. דאיתמר, רבה אמר: חיישינן שמא ערלה כבושה היא, רב יוסף אמר: ודאי ערלה כבושה היא.

אמר רב יוסף: מנא אמינא לה – דתנא, רבי אליעזר הקפדן אומר: לא נחלקו בית שמאי ובית הלל על נולד כשהוא מהול – שצריך להטות ממנו דם ברית, על מה נחלקו – לתלל עליו את השבת. בית שמאי אומרים: מחללין עליו את השבת, ובית הלל אומרים: אין מחללין עליו את השבת. לאו מקלל דתנא קמא סבר "מחללין עליו את השבת"?

ודילמא: תנא קמא דברי הכל אין מחללין קאמר? אם כן, רבי אליעזר הקפדן טעמא דבית שמאי אתא לאשמענן? דילמא הכי קאמר: לא נחלקו בית שמאי ובית הלל בדבר זה.

אמר רבי אסי: כל שאמו טמאה לידה – נימול לשמונה, וכל שאין אמו טמאה לידה – אין נימול לשמונה, שנאמר "אשה כי תרוע וילדה זכר וטמאה וגו' וביום השמיני נימול בשר ערלתו".

אמר ליה אביי: דורות הראשונים יוכיחו, שאין אמו טמאה לידה – ונימול לשמונה!

אמר ליה: נתנה תורה

Rav Nahman said to him: And did he not violate the ruling of Shmuel? Say that Shmuel said that one is required to drip covenantal blood during the week, on Shabbat, did he say so? Certainly one does not desecrate Shabbat in that case. The Gemara explains that Rav Adda bar Ahava held differently, that in that case there is not merely a concern that perhaps there is a concealed foreskin. In that case, that there is definitely a concealed foreskin. Therefore, a form of circumcision must be performed on the child, and it overrides Shabbat. As it was stated that there is an amoraic dispute as to whether or not it is permitted to drip covenantal blood on Shabbat from a child born circumcised. Rabba said: We are concerned lest there is a concealed foreskin, and therefore there is uncertainty whether or not he is considered uncircumcised, and therefore it is prohibited to circumcise him on Shabbat. Rav Yosef said: In that case, there is certainly a concealed foreskin and therefore, it is permitted to circumcise him even on Shabbat.<sup>N</sup>

Rav Yosef said: From where do I say this line of reasoning? As it was taught in a *baraita*: Rabbi Eliezer HaKappar says: There is a tradition that Beit Shammai and Beit Hillel did not disagree with regard to a child who was born circumcised, that one is required to drip covenantal blood from him. With regard to what did they disagree? With regard to whether or not to desecrate Shabbat on his behalf. Beit Shammai say: One desecrates Shabbat in order to circumcise him, and Beit Hillel say: One does not desecrate Shabbat in order to circumcise him. Rav Yosef concludes: Does this not prove by inference that the first *tanna*, whose opinion Rabbi Eliezer HaKappar disputes, holds that everyone agrees that one desecrates Shabbat on his behalf, and Rabbi Eliezer HaKappar disagrees and states that Beit Shammai and Beit Hillel dispute that very matter?

The Gemara refutes this: And perhaps the first *tanna* is saying that everyone agrees that one may not desecrate Shabbat in that case, and Rabbi Eliezer HaKappar disagrees and holds that there is a dispute in this regard. The Gemara immediately rejects this assertion: If that is so, that Rabbi Eliezer HaKappar is coming to introduce an opinion that allows desecrating Shabbat to perform circumcision in this case, that is the opinion of Beit Shammai; did Rabbi Eliezer HaKappar come to teach us the reasoning of Beit Shammai?<sup>N</sup> Their opinion is rejected as *halakha*, and there would be no purpose in making a statement simply to explain the opinion of Beit Shammai. The Gemara answers that proof is not absolute; perhaps this is what he is saying: Beit Shammai and Beit Hillel did not disagree with regard to this matter of circumcision of a baby born circumcised on Shabbat. They disagree with regard to the requirement to drip covenantal blood on a weekday.

Rabbi Asi stated a principle: Any child whose birth renders his mother ritually impure due to childbirth is circumcised at eight days; and any child whose birth does not render his mother ritually impure due to childbirth, e.g., the birth was not natural, but by caesarean section, is not necessarily circumcised at eight days. As it is stated: "If a woman bears seed and gives birth to a male, she shall be impure seven days... and on the eighth day the flesh of his foreskin shall be circumcised" (Leviticus 12:2–3). This verse draws a parallel between the two issues, indicating that only a child whose birth renders his mother impure is circumcised on the eighth day.

Abaye said to him: The early generations, from Abraham through the revelation at Sinai, will prove that the principle is not valid, as the birth of a male during that era did not render his mother ritually impure due to childbirth, as the *halakhot* of the impurity of childbirth were commanded at Sinai, and nevertheless, the child was circumcised at eight days, as stated in the Torah, in the book of Genesis.

Rabbi Asi said to him: There is no proof from here, as when the Torah was later given,

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*halakha* was introduced. No proof can be cited from the observance of mitzvot prior to the revelation at Sinai.

איני? והא איתמר: יוצא דופן ומי שיש לו שתי ערלות, רב הונא ורב חייא בר רב. חד אמר: מחללין עליו את השבת; וחד אמר: אין מחללין. עד כאן לא פליגי - אלא לחלל עליו את השבת, אבל לשמנה - ודאי מהלינן ליה! הא בהא תליא.

The Gemara asks: **Is that so? Wasn't it stated** that there is a dispute with regard to this *halakha*? As it was taught with regard to a child born by caesarean section<sup>8</sup> and one who has two foreskins,<sup>9</sup> Rav Huna and Rav Hiyya bar Rav disputed their status. **One said: One desecrates Shabbat on his behalf and performs the circumcision; and one said: One does not desecrate Shabbat on his behalf. They only disagree with regard to whether or not it is permissible to desecrate Shabbat on his behalf; however, with regard to circumcising him at eight days, in principle, we certainly circumcise him,** even though the birth of a child by caesarean section does not render his mother ritually impure due to childbirth. The Gemara answers: The two disputes are interdependent. The one who holds that one desecrates Shabbat for this child's circumcision also holds that one must circumcise him on the eighth day. The one who holds that one may not desecrate Shabbat for this child's circumcision holds that one need not circumcise him on the eighth day.

בתנאי: יש יליד בית שנימול לאחד ויש יליד בית שנימול לשמנה, יש מקנת כסף שנימול לאחד, ויש מקנת כסף שנימול לשמנה. יש מקנת כסף שנימול לאחד, ויש מקנת כסף שנימול לשמנה.

The Gemara comments: The issue of Rabbi Asi's statement that the obligation to circumcise after eight days depends upon whether or not his birth renders his mother ritually impure due to childbirth is parallel to a tannaitic dispute, as we learned: **There is a home-born child of a Canaanite maidservant born in a Jewish home, who has the legal status of a Canaanite slave and his Jewish owner is obligated to circumcise him, who is circumcised at the age of one day, i.e., immediately after birth; and there is a home-born child circumcised at eight days. And there is a slave purchased in a money transaction who is circumcised at one day, and there is a slave purchased in a money transaction who is circumcised at eight days.**

ביצד? לקח שפחה מעוברת ואחר כך ילדה - זהו מקנת כסף הנימול לשמנה, לקח שפחה וילדה עמה - זו היא מקנת כסף שנימול לאחד.

The *baraita* explains: **How so?** If a Jew purchased a pregnant maidservant and she then gave birth to a child while in his possession; that is a slave purchased in a money transaction who is circumcised at eight days, as the fetus was purchased along with the maidservant. If he purchased a maidservant who had already given birth and purchased her child along with her, he is obligated to circumcise the child as soon as the child enters his possession; this is a slave purchased in a money transaction, who is circumcised at one day.

ויש יליד בית שנימול לשמנה, ביצד? לקח שפחה ונתעברה אצלו וילדה - זהו יליד בית הנימול לשמנה. רב חמא אומר: ילדה ואחר כך הטבילה - זהו יליד בית שנימול לאחד, הטבילה ואחר כך ילדה - זהו יליד בית הנימול לשמנה.

And likewise, there is a home-born child circumcised at eight days. **How so?** If he bought a maidservant and she became pregnant in his possession and gave birth; that is a home-born child circumcised at eight days. Rav Hama says there is a distinction: If the maidservant gave birth and he subsequently had her immerse for the purpose of becoming a maidservant, that is a home-born child circumcised at one day. But if he had her immerse and she then gave birth; that is a home-born child circumcised at eight days.

ותנא קמא לא שני ליה בין הטבילה ואחר כך ילדה, בין ילדה ואחר כך הטבילה, דאף על גב דאין אמו טמאה לידה - נימול לשמנה.

And the first *tanna* does not distinguish between whether he had her immerse and she then gave birth, or whether she gave birth and he then had her immerse. Apparently, even though the child's birth does not render his mother ritually impure due to childbirth, as she is not obligated in mitzvot before immersing and she is not susceptible to ritual impurity of childbirth, he is circumcised at eight days. The dispute between Rabbi Hama and the first *tanna* revolves around the *halakha* stated by Rabbi Asi.

BACKGROUND

A child born by caesarean section – יוצא דופן: In the time of the Gemara, these operations were not commonly performed on humans, but were occasionally performed to save a baby whose mother was about to die in childbirth. From the perspective of the *halakha*, a child who does not emerge through the opening of the womb has a somewhat different status, which affects certain *halakhot* pertaining to the date and time of birth.

HALAKHA

A child born by caesarean section and one who has two foreskins – יוצא דופן ומי שיש לו שתי ערלות: Both a child born by caesarean section and one who has two foreskins are circumcised on the eighth day. However, one does not desecrate Shabbat for their circumcision; the circumcision is postponed until Sunday. The reason for this ruling is that the *amora'im* disputed the matter and no definitive conclusion was reached. Therefore, the ruling is stringent (Rif; Rambam *Sefer Ahava, Hilkhot Mila* 1:7, 11; *Shulhan Arukh, Yoreh De'a* 262:3, 266:10).

Home-born and purchased in a money transaction – **יליד בית ומקנת כסף**: If one purchased a pregnant maidservant, and she accepted upon herself the obligations of a maidservant belonging to a Jew, when she gives birth, her child is circumcised at eight days. However, if one purchased a maidservant on the condition that he would not immerse her as a maidservant, or if one only purchased the fetus, the child is considered to have been purchased in a money transaction. Therefore, the child is circumcised on the first possible day after the transaction is completed, even if it is the day of his birth, as stated in the *baraita* according to the explanations of Rabbi Yirmeya and Rav Mesharshiya (Rambam *Sefer Ahava, Hilkhot Mila* 1:4–5; *Shulḥan Arukh, Yoreh De'a* 267:1).

Any child that remains alive thirty days after birth – **כל ששהה שלשים יום באדם**: When it is unclear if a child was born after a full-term pregnancy, the child loses the possible status of a stillborn after it lives for thirty days. If the infant then dies, the child is mourned by his family members. If the child's father is a priest, he is permitted to attend the funeral, in accordance with the opinion of Rabban Shimon ben Gamliel (Rambam *Sefer Ahava, Hilkhot Mila* 1:13; *Sefer Nashim, Hilkhot Yibbum VaHalitza* 1:22; *Sefer Nezikin, Hilkhot Rotze'ah UShmirat HaNefesh* 2:6; and *Sefer Shofetim, Hilkhot Evel* 1:6; *Shulḥan Arukh, Yoreh De'a* 340:30, 373:4 and *Even HaEzer* 156:4).

A newborn animal that survives for eight days – **ימים בבהמה**: A newborn animal that has not yet lived for eight days is still considered potentially non-viable. Therefore, it is prohibited to partake of its flesh, due to concern for the prohibition to eat an unslaughtered animal, in accordance with the opinion of Rabban Shimon ben Gamliel (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 4:4).

(אמר רבא): בשלמא לרבי חמא – משבחת לה יליד בית נימול לאחד, יליד בית נימול לשמונה. מקנת כסף נימול לאחד, ומקנת כסף נימול לשמונה. ילדה ואחר כך הטבילה – זהו יליד בית שנימול לאחד, הטבילה ואחר כך ילדה – זהו יליד בית שנימול לשמונה.

מקנת כסף נימול לשמונה – בגון שלקח שפחה מעוברת והטבילה ואחר כך ילדה, מקנת כסף נימול לאחד – בגון שלקח זה שפחה וזה עוברת.

אלא לתנא קמא בשלמא כולהו משבחת להו, אלא יליד בית נימול לאחד היכי משבחת לה?

אמר רבי ירמיה: בלוקח שפחה לעוברת.

הניחא למאן דאמר קנין פירות לאו בקנין הגוף דמי, אלא למאן דאמר קנין פירות בקנין הגוף דמי – מאי איכא למימר?

אמר רב משרשיא: בלוקח שפחה על מנת שלא להטבילה.

תניא, רבן שמעון בן גמליאל אומר: כל ששהה שלשים יום באדם – אינו נפל, שנאמר "ופדויו מבן חדש תפדה". שמנת ימים בבהמה אינו נפל, שנאמר "ומיום השמיני והלאה ירצה לקרבן" וגו'.

הא לא שדה – ספיקא הוי

With regard to the dispute between the *tanna'im*, Rava said: **Granted**, according to the opinion of Rabbi Hama, cases can be found of a home-born child circumcised at one day, a home-born child circumcised at eight days, a slave purchased in a money transaction circumcised at one day, and a slave purchased in a money transaction circumcised at eight days, in the following manner: If a maidservant gave birth and he subsequently had her immerse, that is the case of a home-born child circumcised at one day. If he had her immerse and she then gave birth, that is the case of a home-born child circumcised at eight days.

A slave purchased in a money transaction is circumcised at eight days in a case where a Jew purchased a pregnant maidservant and thereby paid for and purchased the fetus as well, and then had her immerse, and she then gave birth. A slave purchased in a money transaction is circumcised at one day in a case where that person purchased a maidservant, and that person, i.e., someone else, bought her fetus; since the owner of the fetus has no share in its mother, the child may be circumcised immediately after birth.

However, according to the opinion of the first *tanna*, granted that all the cases can be found; however, how can the case of a home-born child circumcised at one day be found?

Rabbi Yirmeya said: It can be found in the case of one who purchases a maidservant for the purpose of purchasing rights to her fetus without purchasing the maidservant herself.

The Gemara asks: This works out well according to the opinion of the one who said that a transaction to purchase an item for its product is not a transaction to purchase the item itself, i.e., one who purchased a field for its fruit did not purchase the field itself. However, according to the opinion of the one who said that a transaction to purchase an item for its product is a transaction to purchase the item itself, what can be said, as he does not distinguish between the purchase of the maidservant herself and the purchase of the children that she bears?

Rav Mesharshiya said: According to this opinion, it must be explained as referring to one who purchases a maidservant on condition that he will not have her immerse. They can stipulate that he will not have her immerse as a maidservant and that she will remain a gentile. In that case, the child is a slave born to a Jew, and the mitzva of circumcision is in effect immediately upon birth.<sup>4</sup>

The Gemara cites a related *baraita* where it was taught that Rabban Shimon ben Gamliel says: **With regard to people, any child that remains alive thirty days after birth<sup>4</sup> is no longer suspected of being a stillborn**, and is assumed to be a regular child who will go on living. Proof is cited from that which is stated with regard to the laws of redemption and valuations: **“And their redemption, from a month old you shall redeem** according to your valuation, five shekels of silver, according to the shekel of the Sanctuary; it is twenty *gera*” (Numbers 18:16), indicating that no value is ascribed to an infant less than a month old, as its viability is uncertain. Likewise, a newborn animal that survives for eight days<sup>4</sup> is no longer suspected of being a stillborn, as it is stated: **“When a bullock or a sheep or a goat is born, it shall be seven days under its mother; and from the eighth day and onward it may be accepted for an offering made by fire to the Lord”** (Leviticus 22:27).

The Gemara asks: Is that to say by inference: If the child did not yet remain alive for thirty days, it is considered an uncertainty whether or not it is a stillborn with regard to several *halakhot*?