

OVERVIEW of the Daf

1) Circumcision (cont.)

The Gemara continues to determine what R' Meir and R' Yehudah hold regarding the permissibility of an idolater circumcising a Jew.

R' Chisda explains the rationale behind R' Yehudah's opinion that circumcision must be done for the sake of the mitzvah.

The exchange between R' Yehudah and R' Yosi about this issue is recorded.

Two different sources are offered for R' Yehudah HaNasi's position that an idolater may not perform a circumcision.

The practical difference between these two opinions is explained.

This explanation is successfully challenged and another practical difference between these two opinions is presented.

This explanation is also rejected, and another practical difference between these opinions is offered.

The last explanation is unsuccessfully challenged.

2) MISHNAH: The Mishnah discusses whether we may receive from or administer medical treatments to idolaters. A dispute related to taking a haircut from an idolater is presented.

3) Clarifying the Mishnah

The Gemara asks for the definition of ריפוי ממון and ריפוי נפשות

A number of suggestions are suggested and rejected until the Gemara finds the correct definition of these terms.

4) Accepting medical treatment from an idolater

R' Chisda in the name of Mar Ukva rules that one may receive medical advice from idolaters.

Another qualification to the Mishnah's ruling is presented that one may not accept medical treatment from idolaters.

The rationale behind this ruling is explained.

The source of the principle that we are not concerned with momentary life is identified.

This ruling is unsuccessfully challenged from an incident recorded in a Beraisa involving R' Yishmael.

R' Yishmael's statement in the Beraisa is unsuccessfully challenged.

The Gemara wonders what verse Ben Dama would have quoted to prove that he could accept medical treatment from a non-believer.

R' Yishmael's response to that exposition is recorded.

Rabbah bar bar Chana in the name of R' Yochanan offers a guideline to determine whether one may accept medical treatment from an idolater. ■

Distinctive INSIGHT

What type of medical care may an idolater provide for a Jew?

מתרפאין מהן ריפוי ממון אבל לא ריפוי נפשות

The Mishnah allows an idolater to perform healing which is monetary, but not healing which is a "life condition." The Gemara provides two explanations regarding the definition of a life condition which is prohibited. R' Yehuda, in the name of Rav, says that an idolater may not perform any healing for a Jew himself, and the monetary healing which is permitted refers to healing of an animal owned by a Jew. An idolater may only cure an animal of a Jew, which is only property. Rabbah bar bar Channa, in the name of R' Yochanan, explains that an idolater may treat a Jew himself, but only ailments which are not life-threatening. He understands that when the Mishnah allows "monetary healing," it refers to a treatment for which the consequences of non-treatment is only a monetary loss, as opposed to being a threat to the life of the Jew.

The Rishonim discuss whether an idolater may perform treatment for a Jew if another Jew who is a trained medical expert supervises his movements. Ba'al HaMaor permits this, and he compares this to opinion of Chachamim which permits an idolater to act as a midwife, nurse a baby, or perform bris milah if he/ she is supervised by another Jew.

Ramban (in Milchamos) does not allow an idolater to give medical treatment to a Jew, even while supervised. He dismisses the comparison to the cases of birthing, nursing and bris milah, because the case of critical medical care is

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REVIEW and Remember

1. What is the reason a Cuthean may not perform the mitzvah of circumcision on a Jew?

2. How is it possible to read the verses in a way that does not indicate that Tziporah gave her children a bris milah?

3. Explain לחיי שעה לא חיישינן.

4. What principles are derived from the phrase וחיי בהם?

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 By Dr. and Mrs. Berk
 In loving memory of their father
 ר' טובי' בן' משה

HALACHAH Highlight

Is it necessary to perform a bris milah lishmah?

וכי היכן מצוינו מילה מן התורה לשמה

Where do we find that, Biblically, milah must be done for its own sake?

In our Gemara R' Yosi asks the question, "Where do we find that a bris milah must Biblically be done for the sake of the mitzvah - lishmah?" Rav Yaakov Emden¹ notes that R' Yosi contradicts himself about this issue. On the one hand, R' Yosi holds that bris milah does not have to be done for the sake of the mitzvah, while in Yevamos (46b) he seems to adopt the opposite position. Regarding a convert who reports that he circumcised himself but did not immerse R' Yosi rules that we would not have him immerse since his circumcision was not done lishmah. From the Gemara in Yevamos it is evident that lishmah is a necessary prerequisite for a valid bris milah. He concludes by noting that he hasn't seen any authority that resolves this contradiction.

Chasam Sofer² wrote that he does not even see a hint of a question. When a gentile wants to become Jewish and the bris milah is necessary to establish his covenant with Hashem it is absolutely necessary that the circumcision be performed lishmah. The reason is that if the circumcision is not performed lishmah it is nothing more than a medical procedure. A baby who was born Jewish, even if yet uncircumcised, has the sanctity of a Jew since he was born to Jewish parents. The only reason a Jewish baby is circumcised is to fulfill the mitzvah, and when it comes to the performance of a mitzvah, the mitzvah is fulfilled even if it was not lishmah. It was in reference to such a child that R' Yosi declared in our Gemara,

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more dangerous, even when being supervised. Often, even experts disagree regarding treatment of a patient, so the idolater can claim that he had a different opinion than the Jewish medical expert who was supervising him. The idolater may also administer a poison, while claiming that he was giving a medicine which he trusted. Therefore, although supervision may remove the threat of sinister acts of an idolater midwife, nurse or one performing milah, it would not help by an idolater who is providing critical medical care.

Sefer Avodas Melech points out a question regarding the opinion of Ramban. Later on this daf, we find that Mar Ukva holds that it is only prohibited for the idolater to administer medical care, but if we consult with him and ask his advice, we may follow his instructions when he says that a particular medicine is helpful or harmful for the Jew's illness. The reason we can believe this doctor is that we can rely upon the assumption that he feels we are testing him, and just as we consulted with him, we also consulted with others. This is why we assume his information is sincere. According to Ramban, though, the idolater doctor might be giving misguided information to hurt the Jewish patient, and if he is confronted later when we discover his plot, he could say that his professional opinion differs than others. ■

"Where do we find that a bris milah must be done for the sake of the mitzvah - lishmah." The issue of whether mitzvos require כונה relates to the intent of the father or the person who is being circumcised, but that is a different issue altogether from lishmah. ■

1. שאילת יעב"ץ ח"ב סי' קס"ד

2. שו"ת חת"ס יו"ד סי' א' וסי' ש' ■

STORIES Off the Daf

The Sandek's Price

אסור בערלי ישראל

Today's daf discusses those who do not bother to perform bris milah.

The Beis Yisrael of Gur, זת"ל, had much experience dealing with secular people from all walks of life. He would say, "When a person has dealings with a secular Jew, it is often worth giving in to them on an individual basis if doing so will protect them from sinning."

He would illustrate with a story re-

garding his father, the Imrei Emes, זת"ל. "When we lived in chutz l'aaretz, everyone in the vicinity would honor my father to be sandek at their son's bris. Even wealthy people, who were far from chassidus, to say the least. My father would always demand the same 'price' for his presence. He would insist that from then on, the father accept upon himself not to shave with a razor. He would jokingly explain, 'After all, a child holds on to his father's beard...'

"One time a very unrefined person requested my father's presence at his son's bris. But when my father explained as usual that he would only accept the

offer to be sandek if the father of the newborn would stop shaving with a razor, this man became quite furious. 'All right then. If you don't come, I won't circumcise my son!'

"When the day of the bris arrived, my father said, 'This father doesn't care if his son is circumcised on the eighth day. But I do care. A Jewish son must have a bris on the eighth day.' Although by being the sandek he was giving in, since this was the first time anyone ever refused his request, this was worthwhile to protect a Jew from sin."¹ ■

1. פאר ישראל ח"ב ע' רמ"ג ■