

OVERVIEW of the Daf

1) Androgonus (cont.)

R' Nachman bar Yitzchak presents a second proof that R' Yehudah does not consider an androgonus a male for all matters of halacha. The Gemara explains why R' Yehudah treats the androgonus like a male for milah.

2) MISHNAH: The Mishnah records a discussion concerning liability for one who performed a bris milah on Shabbos on a baby that was not eight days old.

3) Clarifying the Mishnah

According to R' Huna's reading of the Mishnah, if a mohel performed milah on a child due to be circumcised on Sunday, all opinions agree that he is liable. A Baraisa supports this reading of the Mishnah.

According to R' Yehudah's reading of the Mishnah, if a mohel performed milah on a child due to be circumcised on Sunday, all opinions agree that he is exempt. A Baraisa supports this reading of the Mishnah.

R' Chiya taught a Baraisa quoting R' Meir that contained a third way to understand the dispute between R' Eliezer and R' Yehoshua.

4) MISHNAH: The Mishnah presents circumstances where an infant's bris could take place between the eighth and twelfth day. The Mishnah also rules that a sick child is not circumcised until he is healthy.

5) Performing milah on a child who was ill

Shmuel rules that we wait seven days after recovery before performing milah on a child who had a fever.

The Gemara asks whether the seven days are counted by twenty-four hour periods, and the question is not resolved.

6) MISHNAH: Details regarding the actual removal of the foreskin are presented.

7) Clarifying the Mishnah

Rav is quoted to clarify exactly what skin impedes the validity of the milah.

Shmuel and a Baraisa rule concerning a child with thick skin who appears uncircumcised even after the milah was performed. The Gemara points out the difference between their respective opinions.

A Baraisa is recorded that contains the text for the brachos to be recited for the milah of a baby, convert and Canaanite slave.

הדרן עלך רבי אליעזר דמילה

8) MISHNAH: R' Eliezer and Chachamim dispute the permissibility of suspending and pouring into a strainer on Shabbos and Yom Tov.

9) Clarifying the views of R' Eliezer and Chachamim

The Gemara explains that although R' Eliezer is generally strict concerning adding to an existing structure, he is lenient when it comes to food preparation on Yom Tov, and permits even preliminary preparations that could have been performed before Yom Tov.

R' Yosef and Abaye dispute, according to Chachamim, the liability of one who suspends a strainer. According to R' Yosef, he is Biblically liable, whereas according to Abaye he is only Rabbinnically liable. ■

Distinctive INSIGHT

A baby born during twilight Friday evening

נולד לבין השמשות נימול לתשעה

The Gemara reports that if a baby boy is born during the twilight hour of erev Shabbos, its bris will take place on the Sunday of the next week. It cannot have a bris on Friday, because the moment of birth might have already been too late on Friday, when it was already Shabbos. Accordingly, Friday will be only the seventh day since birth, which would be too early. The bris also cannot be on Shabbos of the next week, because perhaps the baby was born late on Friday, and Shabbos the next week will be the ninth day. A bris which is delayed cannot take place on Shabbos. Therefore, he will have the bris on Sunday, which is either the ninth or tenth day from birth.

Rema (Yoreh De'ah 262:1) rules that if a bris is done on a baby before it is eight days old, the mitzvah is valid, although the mitzvah of performing the bris "on the eighth day" has not been fulfilled. Sha'agas Aryeh (#52) asks from our Gemara against the opinion of Rema. If Rema is correct, when a baby is born during Bein HaShemashos of Friday evening the bris should be done on Friday of the next week. First of all, it might be the eighth day, if the birth was actually on Friday. Furthermore, even if the birth was technically on Shabbos, let the bris be on Friday, and although it is the seventh day from birth, Rema rules this is a fulfillment of the mitzvah. This seems to be a better solution than the Mishnah gives, where the bris is certainly going to be either on the ninth or even the tenth day from birth. If we were to give the baby a bris on Friday, it might be the eighth day, which is ideal, or it may be the seventh, which, according to Rema, is also acceptable. Based upon this question, Sha'agas Aryeh rejects the ruling of Rema, and he determines that a bris before the eighth day is invalid.

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REVIEW and Remember

1. According to Rashi's explanation of the Mishnah, what is the point of dispute between R' Eliezer and R' Yehoshua?
2. Is Shmuel's ruling concerning the requirement to wait seven days after the child recovers from fever inconsistent with the final ruling of the Mishnah?
3. Why is the pasuk in Yirmiyahu not cited in the bracha on the milah of a baby?
4. In what way is R' Eliezer more lenient than R' Yehudah?

Today's Daf Digest is dedicated

By the Mauer Family

לע"נ ר' חיים בן ר' מרדכי לייב

HALACHAH Highlight

Milah of a child who was ill and recovered before the eighth day

אמר שמואל חלצתו חמה נותנין לו כל שבעה להברותו איבעיא להו מי בעינן מעת לעת... יום הולדו לא בעינן מעת לעת ואילו יום הבראתו בעינן מעת לעת
Shmuel said: Once a fever releases him [the newborn baby], we give him all of seven days for his recovery [before he is circumcised]. They asked: Do we require [seven] twenty-four hour periods? ... With the day of his birth we do not require twenty-four-hour periods, while with the day of his recovery we do require twenty-four-hour periods.

What is the law in the case of a baby who became sick and then recovered before the eighth day from his day of birth? May he be circumcised on the eighth day or must his circumcision be pushed off until seven days will have elapsed from his recovery?

Teshuvos Binyan Tziyon¹ addresses this question, beginning his inquiry with an analysis of Shmuel's statement: Is the rule of seven days from the day of recovery one of the details of the mitzvah of bris milah given to Moshe Rabbeinu at Mt. Sinai? What is the difference?

If it is only a rabbinic decree, it may be possible to assume that they only enacted this decree in a case in which the child only recovered after the eighth day had already passed — i.e., since this child missed the eighth day in any event, the Rabbis decreed that his circumcision might as well be delayed further. But perhaps in our case, where it is still possible to achieve the advantage of a bris milah on the eighth day, the Rabbis enacted no such decree. If, however, the rule of seven days from the day of recovery is Torah law, in the absence of a specific indication to the contrary, we must assume that the rule applies under all circumstances, and that this child's bris milah cannot take place on the eighth day.

Binyan Tziyon suggests that Rosh is of the opinion that the rule is of rabbinic origin, as Rosh writes that although the question of whether the seven days consist of twenty-four days is left unresolved in the Gemara, it is incumbent upon us to be stringent because we are dealing with a matter of potential life and death. Were this rule a Torah law, Rosh could have simply stated that it is incumbent upon us to be stringent because we are required to be stringent in cases of doubt involving Torah law (ספק דאורייתא לחומרא). Subsequently, however, Binyan Tziyon notes that the Gemara in Yevamos² does resolve the issue, and

(Insight...continued from page 1)

Beis HaLevi proposes an answer to this question. When the bris is fulfilled, there are two aspects to the mitzvah. The main mitzvah is that the foreskin is removed. The other is that the person is circumcised. If the bris is done earlier than the eighth day, as Rema states, we do accomplish that the person is circumcised. However, the main mitzvah, that the foreskin be removed "on the eighth day" is not fulfilled. Therefore, everyone agrees that it is not an option to do the bris on Friday in our case. When the bris is done on Sunday, we are in compliance with the mitzvah of bris "on the eighth day." The verse is understood to mean that the mitzvah for the foreskin to be removed is in effect beginning with the eighth day. ■

states that the rule of seven twenty-four hour days is so strict that we do not allow a father whose son's seventh day occurs on the eve of Pesach, but whose seven full days only elapse after the time of the performance of the Pesach offering to circumcise his son in the morning (and the father, having an uncircumcised son, is therefore barred from performing the mitzvah of Korban Pesach). Since the Rabbis would not enact a decree that deprived the father of the mitzvah of Korban Pesach, the seven day rule is clearly Torah law.³ Rif here and Rambam⁴ rule in accordance with the Gemara in Yevamos. Binyan Tziyon goes so far as to suggest that if the child was circumcised on the eighth day after birth but before the seven day rule had been fulfilled, that the law is the same as that of a child who is circumcised less than eight days after he was born⁵ - that hatafas dam bris must be performed on this child!

Binyan Tziyon concludes that although it seems to him that people are not meticulous in such cases, and do circumcise a child who was ill but recovered on the eighth day, before the seven day rule has been fulfilled, they are in error. Not only are they putting their children in danger, but since the circumcision is premature, if they proceed to hold the bris milah on the eighth day in a case in which the eighth day falls on Shabbos they are violating the Shabbos. ■

1. מעבמח"ס ערוך לנר, סי' פ"ז
2. מסכת יבמות דף ע"א ע"א
3. ביישוב דעת הרא"ש כתב הבנין ציון: "וא"כ ק' אל הרא"ש ונ"ל דבלא"ה י"ל על הראש למה לא נחא ל"י בטעם הר"י שכתב דאף דהתם בשבת לא נפשטה האבע"י מ"מ כיון דביבמות אפשיטא הכי פסקין אבל י"ל כיון דרק לתירוצ קמא אפשיט ביבמות כן אבל לאידך אמוראי דמתרצי בענין אחר לא מוכח לכן רצה הרא"ש ליתן טעם דשייך ג"כ אליב"י דשאר תירוצים וכיון דלהנך תירוצים לא מוכח ג"כ דמדאורייתא הוא לכן הוצרך הרא"ש ליתן טעם דפסקין לחומרא משום ספק נפשות
4. רמב"ם הלכות קרבן פסח פרק ט' הלכה ט'
5. עיין שו"ע, י"ד סי' רס"ב ס"ק ב' ■

Gemara GEM

The Blessing of אבינו של אברהם אבינו

Tosafos (ד"ה אבי הבר) cites Rabeinu Shmuel that this bracha should be recited before the bris actually takes place. According to this, the phrase להכניסו וכו' suggests "we are about to enter this boy into the covenant..." Therefore, the bracha should be said as we are about to do the mitzvah. Furthermore, all brachos are recited before the mitzvah is done, and this is no exception.

Rabeinu Tam says that this bracha is said after the bris is completed. According to Rabeinu Tam, the phrase להכניסו can also be translated accurately in reference to an act that has already occurred. It would now mean "we have been commanded regarding having entered our son into the covenant of Avraham Avinu". Furthermore, the requirement to recite a bracha before a mitzvah is performed is only in effect when the person who does the mitzvah is the same one who recites the bracha. Here, where the mohel does the bris and the father recites the bracha, this requirement is suspended. Rashba explains that we only recite a bracha before a mitzvah when the bra-

cha is directly in reference to the mitzvah. However, the bracha of "להכניסו" is a proclamation of praise that we have been given the opportunity to bring this son into the covenant, and not a bracha upon the mitzvah.

Rosh rules that the bracha should be said between the מילה—the cutting of the foreskin, and פריעה—the peeling back of the thin cover under the foreskin which exposes the limb. According to the Rosh, this is still considered "before the mitzvah is completed", because without the פריעה the milah is invalid. If the father is the one who does the milah on his own son, he should recite the bracha before the milah begins. ■