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DAF YOMI DIGEST
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יבמות ע׳
The Chicago Center

OVERVIEW of the Daf

1) Relations with one's ארוסה (cont.)

The Gemara concludes its presentation of the dispute between Rava and Abaye concerning Rav's position regarding the child born to a man and his ארוסה.

2) Clarifying the Mishnah

The Gemara identifies the source that a slave is not linked genealogically to his Jewish grandparents.

A Baraisa is cited that identifies the source that even illicit offspring disqualify a woman from eating the teruma of her father's house.

Reish Lakish suggested that the Mishnah that rules that the offspring of a slave and a Jewish woman is a mamzer is limited to R' Akiva's opinion.

R' Yochanan explains how it could even follow Rabanan.

A Baraisa presents a more detailed account of what a grandmother would say in the event that her grandson would disqualify her from teruma.

הדרן עלך אלמנה

3) MISHNAH: The Mishnah presents different people who may or may not eat their own teruma and who may or may not feed teruma to others. The definitions of a פצוע דכא and a כרות שפכא are presented.

4) The uncircumcised kohen

A Baraisa presents the source that an uncircumcised kohen may not eat teruma.

The Gemara declares that the גזירה שוה mentioned by R' Eliezer is open on both ends of the גזירה שוה.

The superfluous words that make the גזירה שוה open are identified.

The reason the גזירה שוה does not prohibit an onein from eating teruma is explained.

Rava offers an alternative explanation why the גזירה שוה does not prohibit an אונן from eating terumah.

Two reasons are presented to explain why the גזירה שוה does not teach that the non-circumcision of the males in one's household does not prevent one from eating teruma.

The Gemara explains what halacha is derived from one of the times the word בו appears in the context of קרבן פסח. ■

Distinctive INSIGHT

An uncircumcised male does not eat teruma

הערל וכל הטמאים לא יאכלו בתרומה

Rashi explains that the case of an uncircumcised male is where the brothers of this person underwent milah, and they died tragically due to the procedure. As soon as a chazakah is established, and we see that milah is causing the death of the children of this family, we do not allow milah to be done to any other boys in the family, as it poses a life-threatening danger to the child. If this child is a kohen, he cannot eat teruma, and when he grows older and marries, his wife cannot eat teruma on his behalf. Tosafos cites Rashi, and agrees that this is, indeed, the case of the Mishnah.

The point of Tosafos is that we might have thought that the case where teruma must be withheld is that of a newborn, who has not yet had his bris milah (ערל שלא בזמנה), but a person who is forcibly prevented from doing the mitzvah due to uncontrollable circumstances might be allowed to eat teruma. The truth is, though, that the Mishnah teaches the case of מתו אחיו. The proof of Tosafos is that the Gemara (71a) asks whether teruma oil may be spread on a newborn before he has his bris, and the Gemara does not refer to our Mishnah to resolve the issue. It must be, says Tosafos, that our Mishnah is not dealing with an infant before his scheduled bris, but rather a case of even an older person, where the bris was suspended due to mortal danger.

Throughout shas, Rabeinu Tam argues against this interpretation, and he insists that the case of ערל is where the person is required to have a bris, but he consciously neglects to do so due to fear of danger or of pain (משומד לערלות). ■

REVIEW and Remember

1. Is an exposition needed to teach that grandchildren are like children?

2. What is the source that one who is uncircumcised is prohibited from eating teruma?

3. Is an אונן permitted to eat teruma?

4. Does the non-circumcision of one's children prevent one from eating teruma?

HALACHAH Highlight

Qualification of a laser as an instrument for circumcision

הערל וכל הטמאים לא יאכלו בתרומה

An uncircumcised person (i.e. Kohen) and all those who are ritually impure may not eat teruma.

The Torah obligates the circumcision of all Jewish males, unless the circumcision would endanger the individual. One of the conditions that pose such a risk is hemophilia, a condition represented by a clotting deficiency in the blood such that the bleeding from even minor injuries can possibly become life threatening. Some options[1] have been suggested to be able to safely circumcise even a hemophiliac child.

The Strasbourger Rav, Rav Avraham David Horowitz[2] was asked whether a hemophiliac could be circumcised with a laser. Being that the laser cuts by means of burning the flesh, it usually does not cause bleeding, and thus would not pose a clotting problem. Rav Horowitz's response centers on the acceptable tool for performing the circumcision. Metal is identified as the optimal material for the circumcising instrument[3]. However, in the absence of metal, any material that cuts would be acceptable. Rav Horowitz distinguishes between the instrument for ritual slaughter that must be knife-like and the instrument for circumcision which must simply effect a cut. For this, the laser may be a cutting instrument. Thus, in the absence of other options, Rav Horowitz accepts the laser for performing a circumcision on a hemophiliac, with some additional conditions.

Rav Yitzchak Yaakov Weiss[4] and Rav Shlomo Zalman Auerbach[5] reject this option. They reference the position of Rav Meir Arik[6] that circumcision requires the hand's direct cutting action, and thereby question whether the laser's cutting action can be considered truly direct since the laser is merely placed in proximity to the flesh and it burns on its own.

Rav Shmuel Wosner[7] posits that even if we accept that the laser circumcision is lacking in the cutting requirement and therefore is not considered Halachic circumcision, yet the result would still be that the individual is no longer deemed uncircumcised **(ערל)** and therefore the procedure should be performed. Tosafos Yeshanim[8] in our passage does not consider individuals whose brothers' died due to circumcision to be prohibited to eat Terumah since the removal of their uncircumcised state is beyond their control **(אונס)**. With the availability of the laser option, writes Rav Wosner, the hemophiliac may not be permitted to eat Terumah, because the opportunity to remove his uncircumcised status exists, even if it may not be Halachik circumcision. ■

1. ע' בס' נשמת אברהם (חיו"ד סי' רסג אות ד) ובס' אוצר הברית ח"ג שער א' פ"א סי' ג)
2. שו"ת קנין תורה ח"ג (ס'י' מו). וכן ראה בשו"ת משנה הלכות מהד"ת ח"ב (סי' קעד)
3. שו"ע יו"ד (סי' רסד ס"ב)
4. שו"ת מנחת יצחק ח"ח (סי' פט)
5. שו"ת מנחת שלמה ח"ב (סי' צז שאלה יז) וכן ס' נשמת אברהם ח"ה (יו"ד סי' רס"ד אות א')ששמע מפיו
6. שו"ת אמרי יושר ח"ב (סי' קמ)
7. שו"ת שבט הלוי ח"ט (סי' יר"ב) וכן ראה לעיל שם (סי' רח)
8. תוס' ישנים בהתחלת פירקין ■

STORIES Off the Daf

The uncircumcised child

הערל וכל הטמאים לא יאכלו בתרומה

We find on today's daf that an uncircumcised Jew may not eat teruma. Although such a person is excluded from certain mitzvos and incurs a terrible punishment as an adult, he is nevertheless a Jew.

Once, Rav Chaim of Brisk, zt"l, was in Petersburg at a meeting with other great Rabbonim when the issue arose of whether uncircumcised Jewish children should be included in communal registries. All of the Rabbonim agreed that exclusion would make assimilationist parents think twice before deciding to forgo the mitzvah and was therefore a sound idea; Rav Chaim was the sole dissenting voice at the meeting.

He exclaimed, "Rabbosai! Show me where we find that an uncircumcised child is not a Jew! We know full well that such a child may not eat terumah or from other korbanos, but he still has the innate kedushah of a Jew! If he fails to fulfill the mitzvah later, when he comes to majority, it's true that he is liable to terrible punishment— but this is no different from the punishment incurred by a person who ate cheilev or blood, or who desecrated the Shabbos. Why, then, should you single out such a child? Quite the contrary—one would think there is more room for leniency here because it is the parent who is at fault, not the child!"

One of the Rabbonim at the meeting then told a related story, "There was a Jew in Warsaw who refused to circumcise his son, and when the unfortunate child died soon after, the community leaders refused to bury the child." All of the other Rabbonim agreed emphatically with the decision made in Warsaw, but Rav Chaim again expressed his disapproval.

He said, "As we find in the Gemara, an uncircumcised child is forbidden to eat teruma, korbanos, the Pesach offering, and to serve in the Beis HaMikdash. Nowhere do we find that he is to be denied kever Yisroel.

Rav Chaim concluded, "If you really want to stop the secularists, tell the parents that they won't be buried in the Jewish cemetery, not the child! ■

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