

Our Shiur began with the Gemara referring to the previous Mishnah which stated;

ספק ואנדרוגינוס אין מחללין עליו את השבת ורבי יהודה מתיר באנדרוגינוס -

We may not do a שבת חם שרת in a case of ספק - doubt, or in the case of אנדרוגינוס - one who has both male and female organs - whose Halachic status is doubtful whether he's considered a נקבה ז ס זכר - male or female.

רבי יהודה holds we MAY do the שבת on שבת for an אנדרוגינוס. The בריתא elaborates that the מחלוקת revolves around which cases are excluded from the word ערלתו in the פסוק. The אמא excludes the following 2 cases of doubt from

- 'ספק בן ז' ספק בן ח

שבת on מילה.

a baby whose birth may have been in the seventh month of pregnancy - in which it is viable - or the eighth month of pregnancy - where the baby is not viable.

Therefore, as the **G**emara later quotes a Braisa; השבת ברית of a seventh month baby is דוחה שבת. דוחה שבת.

השבת האין מחללין עליו בן - The ברית of an eight month baby is NOT דוחה שבת דוחה.

-2- אנדרוגינוס - Since his status is ספק זכר ספק נקבה, the obligation to make a ברית is in doubt, and may therefore not be done on שבת.

רבי יהודה holds that the חיוב to make a ברית for an אנדרוגינוס is certain - the Gemara on Daf קל"ז ע"א derives it from the Posuk אנדרוגינוס. - the word המול לכם כל זכר.

רבי יהודה excludes 2 other cases of ספק, from שבת on שבת. -1- וולד בין השמשות -1- נולד בין השמשות -

a baby born during twilight, when it's doubtful whether it's day or night.

If he was born at twilight Friday evening, it's a ספק whether he was born Friday or שבת.

If he was born at twilight שבת evening, it's a ספק whether he was born שבת or Sunday.

Now, only a ברית on the eighth day is דוחה שבת. In these cases we may not make his ברית on שבת, because it might be the ninth or seventh day respectively, which is not דוחה שבת.

- נולד כשהוא מהול -2-

A baby born circumcised, in which there is a מחלוקת. מחלוקת בית שמאי אומרים צריך להטיף ממנו דם ברית - he still requires, drawing of blood, but this may not be done on שבת. - he does NOT equire drawing of blood.











The ברייתא quotes בן אלעזר who has a different version of the מחלוקת between בית שמאי and בית הלל He says; בית הלל בית שמאי הול שצריך להטיף ממנו דם ברית – לא נחלקו על נולד כשהוא מהול שצריך להטיף ממנו דם ברית They both agree that a baby born circumcised requires drawing of blood.

Their מחלוקת is -

ברית.

- על גר שנתגייר כשהוא מהול

regarding a convert who already has been circumcised. בית שמאי requires drawing blood as part of the conversion process, and בית הלל does not require it.

רב אמר הלכה כתנא קמא – Rav holds like the first version of the מחלוקת ב"ש וב"ה and a baby born circumcised does NOT require הטפת דם ברית, as the opinion of ה"ב. מחלוקת holds like the second version of the שמואל therefore a baby born circumcised DOES require הטפת דם הטפת דם הטפת דם הטפת דם אומר הטפת דם המחלוקת היא מחלוקת המחלוקת המחלוקת אומר הטפת דם המחלוקת המחלוק

The אכורא tells the story of רב אדא בר אהבה, who had a son born circumcised, and against the objections of thirteen מוהלים, he did the ברית himself on שבת and ended up mutilating the baby. He later confessed – תיתי לי דעברי אדרב – I deserved this result since I violated ירב opinion that we do not do a הטפת on a ברית on a. שבת on a, גולד מהול en or דם ברית

The אמרא explains that רב אדא בר אהבה held that אמרא who requires הטפת דם ברית in this case, would even allow it to be done on שבת, but there is no clear proof that שמואל holds this way.





The Gemara links this to a מחלוקת in the reason we require נולד מהול for a נולד מהול.

- רבה אמר חיישינן שמא ערלה כבושה היא

Rabbah holds we do הטפת דם ברית because we suspect that he MIGHT have a suppressed ערלה. Therefore, it's NOT שבת.

- רב יוסף אמר ודאי ערלה כבושה היא

He definitely has a suppressed ערלה. Therefore, it IS שבת שבת.











The גמרא proceeds to give rules about when a ברית should be done on the eighth day, and when it should be done immediately.

- אמר רבי אסי כל שאמו טמאה לידה נימול לשמונה

Whenever the mother has the טומאה of a woman who gave birth, the ברית should be done on the 8th day. If the mother does not have טומאת לידה, such as a case of a baby born by Caesarian section, the ברית should be done immediately because the Posuk of מצות מילה follows immediately after the Posuk of טומאת לידה.

דבר אל בני ישראל לאמר אשה כי תזריע וילדה זכר וטמאה שבעת ימים כימי נדת דותה תטמא:

וביום השמיני ימול בשר ערלתו:

Even though we did ברית on the 8th day before the Torah was given, when there was not yet a concept of יטומאת לידה?

- ניתנה תורה ונתחדשה הלכה

Once the חורה was given the הלכה changed, and now we do a כרית on the \$th day only in cases where the mother has טומאת.

There is a מחלוקת whether a ברית of a יוצא דופן - a baby born by Caesarian section - may be done on שבת. The גמרא explains that

שבת חם ברית - the issue of doing a שבת ברית depends on whether the מצוה is on the 8th day. Only a ברית that must be done on the 8th day, is דוחה שבת.

Therefore, one opinion of this מחלוקת agrees with רבי, and since a birth by Caesarian section does NOT cause טומאת is not required to be done on the 8th day, and therefore is not חברותה שבת דוחה.

The other opinion disagrees with יבי, and doing a ברית on the 8th day is NOT connected to טומאת לידה. Therefore, a child born by Caesarian section - although there is no טומאת - must have the ברית on the 8th day, and it is therefore שבת.













7 כתנאים - the גמרא suggests that there is actually a מחלוקת תנאים whether the requirement of doing a ברית on the 8th day is connected to טומאת לידה.

The ברייתא derives from פסוקים in שטוח that both יליד בית - a slave born in a Jewish home, and - מקנת כסף - a slave who is purchased, may sometimes require מילה on the 8th day, and sometimes immediately.

The אם תנא קמא and רב חמא lay out the various circumstances. However רב חמא introduces the factor of טבילה - whether the maidservant mother immersed in a מקוה before this baby עבד was born.

The Halacha is that a עבד כנענית or שפחה כנענית must be immersed in a Mikvah לשם עבדור - for the purpose of becoming a servant of the ישראל in order to become obligated in the מצוות that apply to them. Before the טבילה they are considered complete non-Jews. Therefore, a שפחה כנענית will only have ישראל מומאת לידה מנאיר.

Now, let's review the various circumstances. According to the תנא קמא;

a purchased slave – requires מילה on the 8th day, if the mother was pregnant when she was bought, and the baby was born in the Yisroel's possession. a purchased slave - will have מילה on the 1st day, if he and his mother were bought after the birth.

According to רב חמא;

a purchased slave – requires מילה on the 8th day, if the mother was pregnant when she was bought - הטבילה - the mother was immersed in a מקוח - and then the baby was born. Since the mother has טומאת לידה, the baby is נימול לשמנה.

מקנת כסף נימול לאחד - a purchased slave - will have מילה on the 1st day,

- -1- if he was bought with his mother after birth -
- -2- or he bought the baby only, without the mother -
- -3- or he bought the mother when she was pregnant, but did not have her immersed before she gave birth. Since she does NOT have לאחד , the baby is נימול לאחד.
- 9 Regarding יליד בית a slave born in a Jewish home: According to יב חמא - ; הב חמא - a home born slave - requires מילה מילה on the 8th day, if the mother became pregnant in the Jewish home, and immersed before giving birth.

on the first day, if the mother became pregnant in the Jewish home, but did NOT immerse until after giving birth.















10 According to the תנא קמא;

יליד בית נימול לשמנה - a home born slave – requires מילה on the 8th day, if the mother became pregnant in the Jewish home, and of course gave birth there, regardless of whether she went to the מקוה before or after the birth, since the תנא קמא holds that מילה on the 8th day is not contingent on טומאת לידה. Finding a case of

a home born slave – requiring מילה מילה on the first day, becomes a bit problematic according to the תנא קמא, necause יליד בית - a slave born in a Jewish home - means that the mother became pregnant in the Jewish home. Since the mother became pregnant in the Jewish home on the on the sth day, every יליד בית should have their ברית on the 8th day.

The Gemara offers two cases where the תנא קמא would hold that a יליד בית would have their ברית on the first day:

- בלוקח שפחה לעוברה

where he only bought the mother for the rights to her offspring. In other words, he owns the child, but not the mother. The mother is not part of his בית.

We learn from the Posuk

ובן שמונת ימים ימול לכם כל זכר לדורותיכם יליד בית ומקנת כסף מכל בן נכר אשר לא מזרעך הוא:

The word לכם teaches that only those similar to you require מילה on the 8th day, and if the birth is completely different from that of a regular Jew, there is no מילה on the 8th day. However, this would only work if we hold

י פירות לאו כקנין הגוף דכוי owning the produce of a property is not like owning the property. However, if we hold is not like owning the property. However, if we hold to recipi or it would be considered like he owns the mother as well, both are part of his household, and the birth is therefore just like a regular Jewish birth, where the ברית must be on the 8th day.

Therefore, the Gemara offers a second possibility' -2- בלוקח שפחה על מנת שלא להטבילה -

He bought the mother with the condition that he will not have her immerse in a מקוה to become a שפחה כנענית. She will never become obligated in the מצוות. Since her situation is not at all similar to a regular Jewish birth, the baby does not require a נימול לאחד.







