

1 Our Shiur began with the following Braisa. - תניא רבן שמעון בן גמליאל אומר כל ששהה שלשים יום באדם אינו נפל - If a baby survives thirty days it is not a נפל, but a viable child. We learn this from the Mizvah of הבן where it is written; ופדויו מבן חודש תפדה - Your first-born son shall be redeemed at the age of 1 month - after 30 days. The Gemara points out הוה ספיקא - the implication is that if the baby did not survive for thirty days its status remains in doubt of possibly being a נפל. If so, how can we ever make a ברית on שבת, since there is a possibility that the baby will turn out to be non-viable, and we would have been unnecessarily מחלל שבת?

רב אדא בר אבהו answers that we may do the ברית, because, if he is a viable baby there is a מצוה to do the ברית, and if he is not a viable baby, he is like a dead body which may be cut on שבת.

The same reasoning would permit doing the ברית of a ח - a baby of whom we are not sure if he was born in the 7th or 8th month of pregnancy. However, מכשירי מילה, the preparations for the ברית מילה would not be permitted, even according to ר' אליעזר who generally permits מכשירי מילה on שבת, because this baby may not be viable, which would make the מלאכות done in preparation of the מילה unnecessary שבת חילול שבת.

Rashi adds that indeed ר' אליעזר permits מכשירי מילה on שבת only in the case of חודשיו - where we are certain that he's a full-term baby of 9 months.

2 Once we mention the idea that a נפל is considered to be dead, the Gemara quotes a ברייתא which can be understood in two ways, each of which relate to whether a נפל is considered dead while it is still alive. The תנא קמא holds that a בן שמונה - an animal born in the eighth month of pregnancy, and therefore a נפל - the slaughtering will not make it טהור from the טומאה of נבלה, but רבי יוסי ברבי יהודה and רבי אלעזר ברבי רבי - שחיתתו מטהרתו - the shechita accomplishes to prevent טומאת נבלה from the animal. רבי תנא קמא understands the מחלוקת as follows: The תנא קמא holds a נפל is considered already dead - therefore, the שחיתה is inconsequential. רבי אלעזר ברבי שמעון and רבי יוסי ברבי יהודה hold the נפל is considered alive so the שחיתה is effective to remove the טומאה status. רבי אלעזר and רבי יוסי ברבי יהודה agree that a נפל is considered dead. The reason רבי יוסי ברבי יהודה and רבי אלעזר hold that the שחיתה takes away the טומאה is that it's similar to a טרפה, which is also considered dead, yet שחיתה takes away the potential נבלה. The רבנן do not think it is similar to a טרפה since a טרפה is שחיתה - other animals of the same kind can be shechted, whereas a נפל, no animal born in the 8th month can be shechted.

1 תניא רבן שמעון בן גמליאל אומר כל ששהה שלשים יום באדם אינו נפל

ופדויו מבן חודש תפדה

הא לא שהה ספיקא הוי ?

If so, how can we ever make a ברית on שבת

רב אדא בר אבהו

אמאי נפלג

If he is a VIABLE BABY	If he's not a VIABLE BABY
There is a מצוה ברית to do the	He is like a dead body

ספק בן ז' ספק בן ח'

מכשירי מילה רש"י

מכשירי מילה ר' אליעזר permits only when we are certain on שבת כלו לו חדשיו

2 ברייתא: בן שמונה

רבי יוסי ברבי יהודה רבי אלעזר ברבי שמעון	תנא קמא
שחיתתו מטהרתו	אין שחיתתו מטהרתו
אבי	אבי
Alive	Dead
רבא	רבא
Dead	Dead
It's similar to a טרפה	טרפה נפל יש במינה שחיתה

A נפל is considered

A נפל is considered

3 שמונת ימים בבהמה אינו נפל... also taught in the Braisa, נפל. It may not be shechted earlier because it's a נפל. It may not be shechted earlier because it's a נפל. The Gemara proves from a בריתא that the רבנן disagree with רשב"ג and think that even a one day old animal may be shechted and eaten. רשב"ג clarifies the Machlokes of רשב"ג and the רבנן regarding a child- if the child yawned and died suddenly - and Rashi adds that the child was weak from birth - even the רבנן would agree that we assume it to have been a נפל. If it fell from a roof or was eaten by a lion - or for that matter any other unnatural form of death, is where we have the מחלוקת. רשב"ג holds we must still be concerned perhaps the child was a נפל - underdeveloped. The רבנן hold if there were no signs of weakness, we have no reason to be concerned, and we assume it was a viable child. where we are certain that he's a full-term baby of 9 months, all agree that we assume the child to have been viable. The Gemara then relates two stories of אמוראים whose children died within thirty days of their birth, and they observed אבלות for them. They each said; קים לי בגוי שכלו לו חדשיו - I am certain that this baby was carried to full-term.

4 The Gemara proceeds with a related Halacha. A woman - whose husband died leaving her with an only child, a newborn baby - accepted קידושין from another man, based on the assumption that she does not have to do חליצה because her husband left a child. Then, this child died within thirty days of its birth.

5 Now, generally speaking, according to רשב"ג she has to do חליצה because we consider the child a נפל, which means the deceased husband left no children. According to the רבנן she does NOT need to do חליצה because we DO consider the child viable at the time of the husband's death. In our case, where she already accepted קידושין from another man, רבא רבינא says in the name of רבא - if her new husband is a ישראל, we are like רשב"ג and require her to do חליצה, and then marry the second husband. The חליצה causes no problem, because a ישראל is מותר בחלוצה - he may marry a woman who did חליצה. if her new husband is a כהן, we rely on the רבנן and she does not have to do חליצה. If we would require her to do חליצה she would not be able to go on and marry the second husband, because אסור בחלוצה is כהן - he may not marry a woman who did חליצה. It's similar to a גרושה - a divorced woman. רב שרביא rejected this approach, because he holds that the Halacha clearly follows רשב"ג, and she must do חליצה in all cases, regardless of the consequences. He said to רביתו יהא רעוא דתשרו תרבא - it should be Hashem's will that you will permit forbidden fat to be eaten as well! - suggesting that this פסק is the equivalent of allowing forbidden fat.

3 שמונת ימים בבהמה אינו נפל

רבנן Even after one day שחיטה
רשב"ג Only after eight days שחיטה

אביי Regarding a child...

כלו לו חדשיו הרשיו רבנן רשב"ג אינו נפל אינו נפל
נפל מן הגג ואכלו ארי רבנן רשב"ג נפל נפל
כשפיקה ומת רבנן רשב"ג נפל נפל

whose children died within 30 days of their birth & they observed אבלות for them
קים לי בגוי שכלו לו חדשיו

4 אתמר מת בתוך שלשים יום ועמדה ונתקדשה

A woman whose husband died leaving her with only a newborn baby → accepted קידושין from another man ... she does not have to do חליצה because her husband left a child

But then, this child died within thirty days of its birth

5 רבנן NO חליצה the child was viable at the time of the husband's death
רשב"ג NEEDS חליצה because we consider the child a possible נפל

רבא רבינא אשת כהן אינה חולצת אשת ישראל חולצת

רב שרביא רביתו יהא רעוא דתשרו תרבא

6 The Gemara now explains that which we learned in the previous Mishnah -
 שבת on אנדרוגינוס - R' Yehuda permits doing a ברית on an אנדרוגינוס.
 Rav Chisda points out that this does not mean that רבי יהודה considers an אנדרוגינוס to be a male regarding other Halochos. On the contrary, with regard to ערכין - evaluation based on age and gender, and פרה אדומה - preparing the waters for the ashes, רבי יהודה does not consider an אנדרוגינוס to be a male. Only with regard to ברית מילה where the תורה says - המול לכם כל זכר - he learns from the word כל that even an אנדרוגינוס is included.

6 רבי יהודה מתיר באנדרוגינוס
 ...permits doing a ברית
 on an אנדרוגינוס on שבת
 ..but he is not necessarily considered a male

רב חסדא

ערכין קידוש מי חטאת
 does not consider an אנדרוגינוס to be a male

ברית מילה
 המול לכם כל זכר
 באנדרוגינוס