



לע"נ ברוך בענדיט ובורה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

By Rabbi Mordechai Papoff

THE EIGHTH PEREK OF YEVAMOS IS DEDICATED:

לזכר נשמת שלמה בן יהושע והחבר דוד בן החבר מרדכי

Yevamos Daf 72

Hatafa Dam Bris

Continuing our sugya about Bris Milah, Rav Huna declares that a moshech orlaso, one whose foreskin extended forward to cover the corona, cannot eat terumah. However, the Gemara disproves this from a Beraisa which states that he may eat terumah. The same is true for someone who was born mohul, without a foreskin.

This second halacha is complicated. The Gemara in Shabbos (135a) teaches that one who was born like that must still remove some blood from the area, called hatafas dam bris. So, why should he be allowed to eat terumah without doing that? isn't he in the category of an arel, who's forbidden to terumah? Let's start with that sugya in Shabbos.

A machlokes is recorded there between Beis Shammai and Beis Hillel if hatafa is necessary. The first version is that they're arguing about a Jewish child born mohul, but the second view is that both schools agreed it is required. Rather, the subject of dispute was about a non-Jew who had a bris and later converted. Why is hatafa necessary? The Gemara says we are concerned that there is an orlah stuck to the organ (orlah kevusha). Based on

these opinions, hatafa may or may not be done on Shabbos (on the child's eighth day).

Hatafa for a nolud mohul is a dispute among the Amoraim there and between the Rishonim. Practically, the Rambam and Shulchan Aruch rule that it is mandatory.

So, what about our Beraisa – why should a nolud mohul be allowed to eat terumah? The Meiri says that it follows the opinion that hatafa is not required, and we don't pasken like it! Indeed, we would hold that he cannot eat terumah.

All this would be fine, except for the Rambam. He writes that hatafa is required for a nolud mohul – and yet also writes that he may eat terumah even before it is done! How could he be permitted terumah if he still needs a bris? The meforshim explain that Rambam holds like Rabba in the Gemara in Shabbos who says that it is considered a safek orlah. Thus, we don't make a bracha on hatafa, and it cannot be done on Shabbos (Hilchos Milah 1:7, 11). When it comes to terumah, Rambam simply states that a nolud mohul may eat terumah, like our Gemara (Hilchos Terumos 7:11). But how could we allow

him terumah when he still needs, essentially, to complete his bris? This contradiction has perplexed generations of Acharonim, including such luminaries as Rabbi Akiva Eiger and the Minchas Chinuch.

One resolution is provided by the Mishkanos Yaakov, a student of Rabbi Chaim Volozhiner (Y.D. 63). He notes that on daf 71a we had a derasha to forbid a nolud mohul from partaking of the Korbon Pesach. Why do we need a specific source for it, if anyway he's a safek arel? Of course he can't eat the korbon! It must be that the Gemara there, discussing Rabbi Akiva's opinion, has a different way of regarding nolud mohul. The child is already mohul, without a doubt. Even so, we require some blood to be drawn to fulfill the concept of forging a covenant with Hashem through blood. Rashi on Shabbos 134a quotes a possuk in Zecharya referring to "dam brisaich" to establish that "dam bris" is necessary. Another verse, recited at brissim, is "b'domayich chayii."

So, although the sugya in Shabbos 135 gives the reason for hatafa as a possible orlah, this other Gemara argues. It is not just a safek, but a clear obligation – every person must have dam bris to enter into the covenant of Avraham. He bolsters this idea from the Zohar which lists three mitzvos of milah – milah, priyah and hatafas dam bris.

Now we can understand Rambam's shittah. A nolud mohul and a convert who had a bris need hatafas dam bris, but not because of an orlah. It is a separate mitzvah, which is not docheh Shabbos and for which a beracha was not instituted, since it's not an actual bris. On the other hand, he is allowed to eat terumah because he is not an arel! This is alluded to in the Ridvaz on the Rambam,

"Even though he must have hatafas dam bris, nevertheless, he is not an arel."

Other Acharonim are not comfortable with this train of thought. After all, it proposes that the Rambam found a new way of looking at it, unlike the explicit reasoning of the Gemara of orlah kevusha. Plus, the Kessef Mishnah explains Rambam as due to orlah kevusha.

So, the Steipler and others prefer to suggest that even the Gemara which mentions orlah kevusha does not consider it an actual orlah; even if there's a foreskin there, it's not visible as such. Thus, he's not considered an arel and may eat terumah. All he needs is hatafas dam, which the Chazon Ish defines as it sounds – just a small scratch to draw some blood. That itself shows it's not an orlah! It does not need to be removed (Kehillos Yaakov Shabbos 51). It is necessary only to fulfill the obligation of milah (Imrei Moshe 22:24).

Interestingly, the Meiri (Magen Avos 14) says that the concern of orlah kevusha is that the orlah is still there, just very thin and attached tightly. It may at a later point become loose and take on the appearance of an arel, and so hatafa is required. He emphasizes that one must remove some actual skin, and it has to be done gently, without a knife. He understands hatafa as actually removing the orlah. This fits with what we quoted from him earlier – that we do not pasken like our Gemara, and a nolud mohul cannot eat terumah. Since Meiri reckons it as an orlah, the Kohen is considered an arel until he does hatafa.