

- i. *Note*: this is a dispute ב"ש/ב"ה; ב"ש taking position that הטפת דם ברית נולד מהול requires מילה had ברית
- ii. *דשב"א*: they didn't disagree about this; rather about a גר who converts but already had מילה
1. *ב"ה*: הטפת דם ברית, per (ב"ה) follows ת"ק (→if born מהול, no requirement of ברית)
 2. *דשב"א* follows הלכה: שמואל (dispute is about מהול →if born מהול, must have ברית הטפת דם)
- d. *Story*: רב"א had baby born מהול and his 8th day was שבת
- i. *He*: took him to 13 מוהלים who refused to circumcise him
 - ii. *So*: he did it himself and ended up making him שפכה כרות
 1. *Reflection*: he felt that he deserved it; as he violated רב's dictum
 - a. *ל"נ*: he also violated שמואל; he only obligated דם הטפת דם חול, not שבת
 - b. *Explanation*: רב"א thought that it was ערלה (כבושה) & ודאי ערלה (כבושה) would require ה"ד
 - i. *Per*: dispute יוסף רבה/רב יוסף if someone born מהול certainly has ערלה כבושה
 1. *דבה*: it may be ערלה כבושה (→we do not circumcise on שבת)
 2. *דב יוסף*: it is certainly ערלה כבושה (→we do perform ברית דם הטפת דם on שבת)
 - a. *Argument* (*דב יוסף*): from ברייתא הקפר – ר"א argues that ב"ש ו"ב didn't disagree that a baby born מהול requires ברית דם הטפת דם
 - b. *Rather*: they disagreed about whether we violate שבת for that ה"ד (ב"ש – violate שבת)
 - i. *Implication*: ת"ק (of ר"א הקפר) holds that we do violate שבת (לכ"ע)
 - ii. *Rejection*: perhaps ת"ק holds that all agree that we do *not* violate שבת for ה"ד
 - iii. *And*: ר"א הקפר argues that ר"ש ו"ב agreed that we *do* violate שבת for ה"ד
- II. *אסי*'s equation: if the mother is לידה טמאה, the baby is נימול לשמונה (on שבת); if not – delayed until after שבת (vv. 2-3)
- a. *Challenge* (*אביי*): before מתן תורה, there was no לידה טמאה, yet there was מילה at 8 days
 - i. *Answer* (*ר' אסי*): once the תורה was given, the Halakhic innovation was given (per his equation)
 - b. *Challenge*: in case of a c-section or someone born with 2 ערלות, dispute בר רב הונא/חייא בר ר' if מילה is done on שבת
 - i. *Observation*: they only disagree about doing it on שבת, but would agree that it is (otherwise) done on שמיני
 - ii. *Defense*: one is dependent on the other (if done on 8th day, it would be done on שבת)
- c. *Note*: this is subject to dispute of תנאים, as per ברייתא
- i. *Background*: in בראשית יז, both יליד בית (born into house) and מקנת כסף (purchased slave) require מילה
 1. *מקנת כסף*: could be נימול on 1st day or on 8th day
 - a. *If*: he bought a שפחה who was pregnant – this is מקנת כסף done on 8th
 - b. *But if*: he bought her with her newborn baby – this is מקנת כסף done on 1st day
 2. *יליד בית*: could be נימול on 1st day or on 8th day
 - a. *If*: he bought a שפחה and she became pregnant in his domain – this is יליד בית done on 8th day
 - b. *ד' חמא*: if she gave birth and then he was מטביל her – done on 1st day; if הטביל first – 8th day
 - i. *ת"ק*: doesn't distinguish – all done on 8th day, even though mother has no לידה טמאה
 1. *דבא*: ר' חמא has both 1st and 8th day for יליד בית; but ת"ק doesn't have 1st day מילה for יליד בית
 2. *Answer* (*ר' ירמיה*): if he bought a שפחה for her עובר (considered יליד בית, but done on 1st day)
 - a. *Challenge*: this is only valid if we hold קנין הגוף דמי
 - b. *But*: if we hold קה"ג::ק"פ – what case can we construct?
 - i. *Explanation*: if קה"ג::ק"פ, she is fully owned by him and is done on 8th day
 - c. *Answer* (*ר' משרשיא*): in a case where he buys שפחה on condition that he will *not* be מטביל