

2.19.6

(המול לכם כל זכר) 137a → (תניא רשב"ג) 135b

1. ופדיו מן חדש תפדה בערך כסף חמשת שקלים בשקל הקדש עשרים גרה הוא: במדבר יח, טז
 2. שור או כשב או עז כי יולד והיה שבעת ימים תחת אמו ומיום השמיני והלאה ירצה לקרבן אשה לה: ויקרא כב, כז
 3. וכי ימות מן הבחמה אשר היא לכם לאכלה הנגע בגבלתה יטמא עד הערב: ויקרא יא, לט
 4. והיה ערך מן עשרים שנה ועד בן ששים שנה והיה ערך חמשים שקל כסף בשקל הקדש: ויקרא כז, ג
 5. ואם נקבה הוא והיה ערך שלשים שקל: ויקרא כז, ד
 6. זאת בריתי אשר תשמרו ביני וביניכם ובין זרעך אחריך המול לכם כל זכר: בראשית יז, י

- I. נפל רשב"ג's dictum regarding minimal living time for people and animals to prove that they aren't
 a. Time frame: for people – 30 days (v.1); for animals – 8 days (v. 2)
 i. Implication: before that time, child is ספק
 ii. Challenge: if so, how do we violate שבת to perform מילה?
 1. Answer (ראב"א): either way it is מותר; if he is a חי, valid מילה; if not – just “cutting meat” – no חילול שבת
 2. Challenge: ruling that a baby who is 7 or 8 month gestation is not נימול on שבת
 a. But: we should employ same reasoning of נפשך and allow it
 b. Answer (מר בריה דרבנא): מילה is allowed on שבת; ruling prohibits מלכא (for אליעזר only)
 iii. תנאים: the issue of whether a נפל is considered מת (ראב"א) is a dispute among
 1. שחיטה even with נבלה) v. 3 extends to include an animal who had only 8 months gestations
 i. מטמא כנבלה it so that it isn't שחיטה is שחיטה ד' יוסי בר יהודה וראב"ש
 1. Assumption: dispute is whether a נפל (8-month in גסה) is חי or מת
 a. Block (רבא): then let them argue whether it may be eaten (which no one suggests)
 2. Rather: they agree that it is a מת; disagreement whether שחיטה can “save” נפל from נבלה
 a. טומאת נבילה שחיטה saves it from טריפה ד"י ור"א
 b. dissimilar – a טריפה had a time at which it was edible (unlike שמונה בן) דבנן
 i. And: even a טריפה from birth – its type is edible; but no שמונה בן is edible
 b. Question: do רבנן disagree with רשב"ג (allowing a בהמה slaughtered before 8th day)? If so, which is הלכה?
 i. Suggested proof: ברייתא – if a calf is born on יר"ט, it may be slaughtered that day
 1. Block: that is a case where the owner knows that it was full-term
 ii. Suggested proof: ר"ש ור"א agree that if בכוור is born on יר"ט with a מום, it is considered מוכן
 1. Block: that is also a case where the owner knows that it was full-term
 iii. Proof: שמואל ruled in accord with רשב"ג (implication – they disagree with him)
 II. אב"י: all agree that if a baby (less than 30 days) fell off a roof or was eaten by a lion – that he is considered (retro-)חי
 a. Disagreement: if he yawned and died (רשב"ג – proves he was never חי; רבנן disagree)
 i. Impact of dispute: to exempt the mother from יבום (if husband had no other children and then died)
 b. Challenge (to אב"י's report of consensus): ר"ה בריה דר"י and ר"פ came to home of ראב"א's son
 i. And: he had prepared a fat calf on its 7th day – they wouldn't eat it (had he only waited until nightfall...)
 ii. Rather: read that all agree that if the baby yawns and dies – consensus that it is a מת
 1. Dispute: is in case it dies in accident (e.g. fall from roof) – whether we consider it to have been חי
 c. Stories: חכמים mourned for children who died during first 30 days, arguing that they knew them to be full-term
 III. Related inquiry: if a baby of a widow died before ל' יום (no other children) and she accepted קידושין
 a. רבא (per רבנא): if she had קידושין from ישראל, she does חליצה (just in case – and then can remarry him)
 i. But if: she had קידושין from כהן, חליצה no, (as she won't be able to marry him afterwards)
 b. רבא (per שרביא): in both cases, she must perform חליצה
 i. רבא דבינא לר' שרביא had originally forbidden, but the next day he permitted (אשת כהן)
 1. חלב if that continues, he'll eventually permit ד' שרביא
 IV. Analysis of יהודה ר' position in משנה (allowing אנדרוניוס on מילת שבת)
 a. ר' יהודה ד' חסדא did not declare אנדרוניוס to be male for all matters
 i. Argument: if he did, he would have to reckon him as male for ערכין
 ii. However: in ספרא (attributed to ר' יהודה) vv. 4-5 teaches that אנדרוניוס and טומטום have neither M nor F ערך
 b. Support (רנב"י): from פרה ה:ד – ר' יהודה explicitly excludes אנדרוניוס from being able to be מי חטאת
 c. Question: why does ר' יהודה make an exception for מילה?
 i. Answer: per v. 6 – the word כל is expansive