

26.2.4

26a (ואתא משה ואגמרה) → 27a (משנה א)

1. וכן תעשה לחמרו וכן תעשה לשמלתו וכן תעשה לכל אגדת אחיד אשר תאבד ממנו ומצאתה לא תוכל להתעלם: דברים כבג.  
 2. ויאמר אלהים אל אברהם ואתה את בריתי תשמר אתה וזרעך אחריך לדרתם: בראשית ז:ט  
 3. וכי יגור אתך גר ועשה פסח לה' המול לו כל זכר ואז יקרב לעשתו והיה כאזרח הארץ וכל ערל לא יאכל בו: שמות יב:מח  
 4. המול ימול יליד ביתך ומקנת כספך והיתה בריתי בבשרכם לברית עולם: בראשית ז:יג  
 5. ותקח צפרה צר ותקרת את עולת בנה ותגע לרגליו ותאמר כי חתן דמים אתה לי: שמות ד:כה

- I 2א משנה: interactions in midwifery
- a *Jewish midwife*: should not assist in birth of an עכר"ם, as she is bringing another ע"ז into the world
- i *However*: a ישראלית my have a midwife who is עכר"ם
- ii *ברייתא* ר"מ maintains that this is also forbidden, as she is suspected of infanticide
- 1 חכמים: if there are others present, she won't do so
  - 2 ד"מ: nonetheless, she may squeeze the soft part of the skull and kill it – as per midwife's bragged report  
(a) חכמים: that was just an empty boast
- b *Wet nurse*: ישראלית may not nurse עכר"ם; non-ישראלית may nurse a ישראלי baby in the mother's house
- i *ברייתא* (parallel to above) dispute re: allowing a wet nurse who is עכר"ם to nurse a ישראלי ילד
- 1 ד"מ: disallows – as she is suspected of ש"ד
  - 2 חכמים: permit, as long as there are others present  
(a) ד"מ: nonetheless, she is suspected of putting poison on the דד (which they don't see)
- ii *Justification*: if we only had 1<sup>st</sup> dispute – א סד"א – חכמים permit because others will see (flip for 2<sup>nd</sup> dispute – ר"מ)
- iii *Challenge*: ruling that we may act as midwives for עכר"ם for pay
- 1 *Defense* (ר' יוסף): this is permissible to avoid leading to enmity (by not helping even for pay)
  - 2 *parallel* (ר' יוסף): it is permissible to assist in birthing of a non-ישראלית on שבת for pay – to avoid enmity  
(a) *block* (אב"י): she has a ready excuse – “we only violate שבת for שבת שומרי”
  - 3 *Parallel* (ר' יוסף): it is permissible to nurse one of their babies for pay – משום איבה  
(a) *Block* (אב"י): if she's single, wants to marry; if married, doesn't want to disgrace herself before her בעל
  - 4 *Parallel* (ר"י): ruling that we don't “push down” but also don't “help up” עכר"ם (and רועי בהמה דקה) – for pay, permitted - to avoid enmity  
(a) *Block* (אב"י): he can make an excuse of saving someone else or being summoned to court
- II Revisiting ruling of לא מורדין ולא מעלין
- a מינים<sup>2</sup>, מסורות<sup>3</sup> ומשומדים<sup>4</sup> – “but are pushed down” – סיפא – ר' יוחנן in presence of ר' אבהו
- b *Challenge* (ר' יוחנן) applied v. 1 to include משומדים – how can they be on this list? –
- i *Therefore*: he directed him to remove it from this ברייתא
- ii *Challenge*: ר' אבהו could defend by distinguishing between a hedonist (משומד לתאבון) and an ideologue (להכעיס)
- 1 *Answer*: he must hold that a משומד להכעיס is the same as a מין (already included)
  - 2 *Background*: dispute if אחא/רבינא all agree that משומד לתאבון = משומד; dispute if להכעיס is משומד or מין  
(a) *And*: if both are משומד – מין is someone who worships ע"ז outright  
(b) *Challenge*: ruling that if he ate one prohibited bug, משומד; and that must be להכעיס  
(i) *Defense*: in that case, it may just be curiosity (taste), not להכעיס
- c *Question*: if we [push them down, isn't מעלין לא obvious?
- i *Answer1* (ר' ששת): means that we remove the step from inside – ostensibly to keep animals from coming down
- ii *Answer2* (ר' רבה ור"י): means that we cover it with a rock, ostensibly to let animals walk over
- iii *Answer3* (ר' רבינא): means if there is a ladder, we take it out, supposedly for our own immediate use

<sup>2</sup> Sectarrians

<sup>3</sup> Informants to government

<sup>4</sup> Apostates – probably Jews who were “baptized”

- III Circumcision – parallel dispute (ר"מ/חכמים) as cases of midwifery and wet nurse
- a ר"מ: we may circumcise them for גיור, but not for medical purposes; they may not circumcise us (ש"ד)
- b חכמים: they may circumcise us, as long as there is proper supervision
- i ר"מ: nonetheless, he may cut in such a way that makes the baby a ברות שפכה
- ii Challenge: in case of city where there is no ישראלי doctor, just a כותי and עכ"ם
- 1 ר"מ: better the עכ"ם should do מילה
- 2 ד' יהודה: better the כותי should do the מילה
- (a) Answer: switch the positions in this ברייתא (ר"מ prefers the כותי)
- (i) Challenge: יהודה ר' invalidates מילה done by עכ"ם – per v. 2
- (b) Rather: don't switch – ר"מ's preference for עכ"ם is when he is מומחה לרבים and won't hurt his reputation
- (i) Per: יוחנן ר' ruling that we may use a doctor who is מומחה לרבים
- (ii) Challenge: יהודה ר' disallows a כותי from doing מילה on ישראל, as he does it לשם הר גרוזים
1. Dissent: יוסי ר' maintains that there is no requirement of לשמה in מילה (valid)
- (c) Rather: go back to earlier switch (ר"מ prefers כותי ר"י, עכ"ם – ר"י)
- (i) Clarification: there are 3 positions here:
1. יהודה ר' (who is really הנשיא): requires מילה by a בן ברית (per v. 2)
2. יהודה ר' (of preference for עכ"ם over כותי): requires לשמה, per v. 3 (reads v. 4 as "כלשון בני אדם")
3. יוסי ר': requires that the act be completed properly, regardless of intent – per v. 4 (v. 3 – re: פסח)
- c Dispute: source for invalidity of מילה performed by עכ"ם (evidently, approach of ר' יהודה הנשיא adopted)
- i דב v. 2
- ii ד' יוחנן v. 4
- iii Split the difference: if the non-Jew was circumcised; v. 4 now allows; v. 2 still invalidates
- 1 Challenge (to יוחנן ר'): נדרים ג:יא – all non-Jews are called "ערלים" and Jews are called "מולים" regardless of whether they are circumcised
- iv Rather: difference is in case of ישראל who is legitimately uncircumcised (brothers died from מילה)
- 1 המול ימול: still prevents him as he is not נימול
- 2 ... זאתה את בריתי ... בן ברית
- (a) Challenge: such a person is still considered נמול per ג:יא above
- v Rather: difference is re: validity of woman doing מילה
- 1 ... זאתה את בריתי ...: doesn't apply, as she isn't commanded regarding the בריתא → invalid
- 2 המול ימול: applies as she is considered already נימולה (not invalid for those things that an ערל may not do)
- (a) Challenge; all agree that a woman may circumcise, as per v. 5
- (b) Defense: v. 5 may be read as צפורה directing another to perform the מילה
- (i) Or: she began the process and משה completed it