39.5.4 43b (משנה ג) → 44b (דקים ליה שכלו לו חדשיו)

- I משנה ג: Halakhic status of newborns
  - a Girls: at one day, can be טמאות נדה, per v. 1; at 10 days (7 for זבה+3 for זבה) can be זבות, per v. 2
  - b Boys: at one day, can have valid status for זיבה, per v. 3 (דר' יהודה); or v. 4 (per ישמעאל בנו של ריב"ב (ר' ישמעאל בנו של ריב"ב
    - i יבי ישמעאל בנו של דיב"ב infers these from v. 4 (נקבה implies any male, בקבה implies any female)
      - And: איש איש ,ואשה is just normal rhetoric
    - ii And: generate ייבום for ייבום (boys only v. 7)
  - c Both: are מיטמא בנגעים (v. 5), אהל המת in אהל (v. 6), and exempt from ייבום (once born v. 7),
  - d *תרומה* allow ישראלית mother (widowed from כהן) to eat תרומה (v. 8)
    - i And: prevent בת כהן -mother (widowed from ישראל husband) from eating תרומה (v. 9)
    - ii Challenge: even a מעוברת (from ישראל who then dies) cannot eat יבמות ז:ג) תרומה
      - 1 Per: כנעוריה (v. 9) must return in "pristine state" as per her youth
      - 2 *Justification*: if we only had אין לה, we would think that she may not eat תרומה because she was originally one person and now she is two (born, separate child), but מעוברת is still one body (as before) eats
        - (a) And if: we only had כנעוריה, we would reason that she may not eat because she was originally svelte and now swelled, but if she already had a child, she is "כנעוריה" → we need וורע אין לה
      - 3 However: we haven't resolved the משנה (although we've justified the two דרשות)
        - (a) Answer (א ששת'): our case is a כהן with 2 wives, one of whom is a גרושה and he only has sons from מרומה and then he has a 1-day old son with this invalidates the servants of his household (who are partially owned by this בון גרושה) from eating תרומה
          - (i) Contra: ר' יוסי's opinion that this would apply even to an קמ"ל עובר, only if already born
  - e ירושה: inherits and bequeaths
    - i Challenge: he is inheriting from his father to bequeath to his brothers but they could short-circuit him in any case
      - 1 Answer (ד' ששת): he inherits from his mother to bequeath to his paternal brothers
        - (a) But: only if he is already born, but not an עובר
          - (i) Reason: he dies first (before mother) and אין הבן יורש את אמו בקבר to bequeath to his paternal brothers
            - 1. Challenge: there was a case where a child continued spastic movements after mother died
            - 2. Answer: that is similar to a lizard's tail it's already dead, but continues spastic movements
      - 2 Answer (מר בריה דר' יוסף quoted by מר בריה): he cuts into
        - (a) And: if a child is born after father dies, he does not cut into חלק בכורה per v. 10 (וילדו לו)
        - (b) *version*: if a בכור is born after father's death, doesn't get פו*מבדיחא* per v. 11 (יכיר)
        - (c) Note: all of these versions of מר בריה דר' יוסף quoting מר בריה מחלכה are להלכה
  - f Death: anyone who murders him is liable per v. 12
    - i And: he is considered a full "חתן" for his parents
      - 1 Meaning: for אבלות (they fully mourn if he dies)
      - 2 Contra: רשב"ג who rules that until 30 days, he is ספק נפל
      - 3 Block: משב"ג could subscribe to our ruling; if we know that he had full gestation of 9 months (ספק נפל סו)