



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Shabbos Daf Kuf Lamed Vuv

- **Q:** A Braisa says, **R' Shimon ben Gamliel** says that a child must live 30 days (and an animal must live 8 days) to be considered with certainty to be a viable child (not a "neifel"). If so, how can an 8th day milah override Shabbos? The child is a "safek neifel" at that point (and the milah of a "neifel" does not override Shabbos)!? **A: R' Adda bar Ahava** said, the milah can be done because in either case there is no problem making the wound. If the baby is a viable child, then a proper milah has taken place. If the baby is not, the baby is not considered alive even now and the cutting of the milah is considered like someone cutting a piece of meat.
 - A Braisa says that the milah procedure of a baby who we are unsure if it was born in the 7th month of pregnancy (would be a viable child) or the 8th month (would be a neifel) does not override Shabbos!? **A: Mar the son of Ravina** said, that Braisa is discussing the preparatory acts of the milah for such a child, which even according to **R' Eliezer** will not be allowed to be done (**R' Eliezer** would only allow the preparatory acts for the milah of a child who is definitely a full term pregnancy).
 - **Abaye** said, **R' Adda bar Ahava's** halacha (whether a neifel is considered not alive even when it is still alive) is a machlokes Tanna'im in a Braisa. The Braisa says, an animal that is born in the 8th month of pregnancy and is then slaughtered, still has a din of a "neveilah" and gives off tumah. **R' Yose the son of R' Yehuda and R' Elazar the son of R' Shimon** say the slaughter of the animal removes it from being classified as a neveilah and classifies it as a "treifah" (which doesn't give off tumah). **Abaye** says, the machlokes must be that the **T"K** considers the neifel already dead (which is why a slaughter cannot change its classification) and **R' Yose and R' Elazar** consider the animal alive!
 - **Rava** said, if that is the machlokes, they should argue whether the slaughtering permits the animal to be eaten! Why only argue about tumah? **Rava** therefore says that all agree that the animal is considered dead. The machlokes is, that **R' Yose and R' Elazar** say that slaughtering this animal is like slaughtering a "treifah" (which saves the treifah from becoming tamei) and it therefore does not become tamei. The **T"K** says that this animal is not like a treifah, because a treifah was kosher at one point in its life (before it became a treifah) whereas this animal was born into this state.
 - Although some animals are born as a treifah (and were therefore never kosher), since the class of "treifos" have animals that were once kosher, it is different than these animals that were never kosher at any point in time.
 - **Q:** Do the **Rabanan** argue with **R' Shimon ben Gamliel** and say that an animal that has not yet reached 8 days old is assumed viable? If they do argue, who do we pasken like?
 - A Braisa says that we may slaughter an animal that was born on Yom Tov (even though it has not reached 8 days)!
 - It could be that is where we know that it was a full-term pregnancy.
 - A Braisa says that a firstborn animal (which normally is brought as a korban) that is born on Yom Tov with a "mum" may be eaten that day!
 - Here too, it could be talking about that we know that it was a full-term pregnancy.
 - We find that **R' Yehuda in the name of Shmuel** paskens like **R' Shimon ben Gamliel**. It must be that the **Rabanan** argue.
 - **Abaye** said, the **Rabanan** and **R' Shimon ben Gamliel** agree that if a baby less than 30 days old is killed by a lion or by falling off a roof, that the child is not considered to be a neifel. They argue in a case where the child showed only limited signs of life and then

died. The practical effect of the machlokes would be whether a woman would be subject to “yibum” (which she is only subject to if her husband dies without children) if her husband dies when this sickly baby less than 30 days old is still alive. If we say the baby is halachically alive, the mother is not subject to yibum. If the child is not, she is.

- **Q:** How can we say that all agree that a child who is killed by a lion or a fall is considered alive? We find that **R’ Pappa** and **R’ Huna the son of R’ Yehoshua** were served high quality meat from an animal only 7 days old. They said, had it been slaughtered that night (the beginning of the 8th day) they could have eaten it, but now they cannot. Slaughtering is like being killed from a lion or fall and we see they were still afraid that maybe it was a neifel!? **A:** We must say that if the child showed only limited signs of life, all agree it is considered a neifel. They argue when it gets killed. **R’ Shimon ben Gamliel** says we consider it a possible neifel and the **Rabanan** consider it a viable child.
- **The son of R’ Dimi bar Yosef** had a child that died within 30 days of birth, and the child’s father sat shiva. **R’ Dimi bar Yosef** felt that the child was a neifel and there was no reason to sit shiva. His son told him, I know for certain that this was a full-term pregnancy, and therefore not a neifel.
- **R’ Kahana** had a child that died within 30 days of birth, and **R’ Kahana** sat shiva. **R’ Ashi** felt that the child was a neifel and there was no reason to sit shiva. **R’ Kahana** told him, I know for certain that this was a full-term pregnancy, and therefore not a neifel.
- If a man died leaving over a wife and a single child within 30 days of birth, and on the basis of that child the mother went ahead and married another man (if the child is viable she may do so because she would not be subject to “yibum”), and the child ultimately died within the 30 days, the halacha is as follows: **Ravina in the name of Rava** says, if she remarried to a non-Kohen (who may marry a divorced woman), she must get “chalitza” from her first husband’s brother. If she remarried to a Kohen (who may not marry a divorced woman or, because of a gezeirah of the **Rabanan**, a woman who has gotten chalitza) she need not get chalitza. **R’ Shraviva in the name of Rava** says, in either case she needs to get chalitza.
 - **Ravina** said to **R’ Shraviva**, at night **Rava** said like you say, but in the morning he retracted and said as I reported him to have said. **R’ Shraviva** did not accept this from **Ravina** and felt that **Ravina** was permitting a woman who needs chalitza to marry without getting the chalitzah.

R’ YEHUDA MATIR...

- **R’ Shizbi in the name of R’ Chisda** said, **R’ Yehuda** gives the “androganis” the din of a definite male for purposes of a milah, but not for other halachos. We find an anonymous Sifra that says that an “androganis” is not treated like a male for purposes of “eirachin” and we know that anonymous Sifras are **R’ Yehuda**.
 - **R’ Nachman bar Yitzchak** said, we find this same concept elsewhere because **R’ Yehuda** does not allow an “androganis” to draw water for the “parah adumah”, which only a male may do.
 - The reason why **R’ Yehuda** treats the “androganis” like a male for purposes of milah is because the pasuk says “Himol lachem kol zachar” – which comes to include even an “androganis”.