

6 Adar 5773
Feb. 16, 2013



Shabbos Daf 136

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

At what age is a baby viable?

The *Gemora* cites a *braisa* in which Rabban Shimon ben Gamliel says that a newborn is considered viable after it lives 30 days, as is evident from the fact that one redeems a first born after 30 days. A newborn baby is considered viable after it lives 8 days, as is evident from the fact that one may only offer an animal as a sacrifice once it's 8 days old.

The *Gemora* infers that before 30 days, a newborn may not be viable, and therefore asks how we can ever perform a circumcision on a baby on *Shabbos*, as we are not sure if it is viable at the age of 8 days?

Rav Adda bar Ahavah says that one may do it in any case – if it is viable, one is permitted to do the circumcision, and if it isn't, the act of the circumcision is not considered work, but simply cutting dead flesh.

The *Gemora* challenges this from the *braisa* which says that one may not perform a circumcision on a boy who may be a non-viable 8 month term baby, implying that the circumcision is considered work if the baby isn't viable.

Mar the son of Ravina says that he and Rav Nechumi the son of Zecharyah explained that the *braisa* is referring to work done to enable the circumcision,

following Rabbi Eliezer, who allows one to violate *Shabbos* for this work as well.

Abaye says that Rav Adda bar Ahavah's answer depends on a dispute of *Tannaim* regarding the verse about impurity of a carcass. The verse says that if "*an animal, which you can eat, dies,*" one is impure if he touches its carcass. The first opinion in the *braisa* says that this refers to an animal born after 8 months, which isn't viable, and which is therefore impure, even if slaughtered properly, while Rabbi Yosi the son of Rabbi Yehudah and Rabbi Elozar the son of Rabbi Shimon say that such an animal is pure if slaughtered properly.

Abaye explains that their dispute seems to be whether a non-viable baby is considered alive or dead.

Rava challenges this, as they should have then disputed whether one can eat it, and not simply if it is impure or not.

Rather, Rava says that they all agree that such an animal is considered dead, but dispute whether it is impure when slaughtered. Rabbi Yosi the son of Rabbi Yehudah and Rabbi Elozar the son of Rabbi Shimon say that it is pure, like a *tereifah* which is slaughtered, while the first opinion says that this is



worse than a *tereifah*, since it was never fit for eating. Even though slaughtering purifies even an animal born a *tereifah*, which was never fit for eating, such an animal is at least of a species which is fit for eating.

The *Gemora* asks whether the Sages dispute Rabban Shimon ben Gamliel's statement about the age of an animal's viability, and, if they do, whether we rule like him.

The *Gemora* tries to resolve this from a *braisa* which says that one may eat a calf born on Yom Tov, implying that it is viable before 8 days.

The *Gemora* deflects this by saying that the *braisa* is a case where we know that the animal was full term, making it permitted according to all.

The *Gemora* attempts to resolve this from a *braisa* which says that a first born animal born on Yom Tov with a blemish is permitted, implying that one may eat it immediately.

The *Gemora* also deflects this by saying that it's a case where we know the animal is full term.

The *Gemora* resolves both questions with a statement from Rav Yehudah in the name of Rav, ruling like Rabban Shimon ben Gamliel, implying that the Sages disagree, and ruling like him. (135b – 136a)

Method of death

Abaye says that if the baby died of unnatural causes before 30 days, all agree that we assume it was viable, as their dispute is only if it died naturally.

The *Gemora* explains that this is relevant for purposes of *yibum*, as a woman is exempt from *yibum* only if she had a viable child from her late husband.

The *Gemora* challenges this statement from a case of Rav Pappa and Rav Huna the son of Rav Yehoshua who visited Rav Idi bar Avin's house. When he served them a tasty 7 day old calf, they told him that if he would have waited until the evening, they would have eaten it, indicating that even a baby which died of unnatural causes, like slaughtering, is considered unviable.

The *Gemora* therefore says that, on the contrary, all agree that one which died of natural causes isn't considered viable, and their dispute is only about one which died unnaturally. (136a)

Mourning

Rav Dimi bar Yosef's son had a child which died before 30 days, and he followed the rules of mourning for it. When his father chided him for this, asking if he wanted to taste the food served to mourners, he explained that he knew that this child was full term, making it viable, and necessitating mourning.

Rav Ashi went to Rav Kahana's house, and Rav Kahana had a child who died before 30 days. When he saw him mourning the baby, he asked him whether he didn't accept Shmuel's ruling like Rabban Shimon ben Gamliel, but Rav Kahana explained that he knew the baby was full term. (136a)



Chalitzah

The *Gemora* cites a dispute about Rava's position about a man who died, leaving a baby, which died before 30 days, whose wife then remarried without *chalitzah*¹.

Ravina quotes Rava saying that if her new husband isn't a kohen, she does *chalitzah*, to account for Rabban Shimon ben Gamliel, but otherwise she does not, to avoid making her prohibited to her husband.

Rav Shrvavia quotes Rava saying that in any case she must do *chalitzah*.

Ravina told Rav Shrvavia that although Rava ruled at night strictly, as he said, the next morning he changed his mind, and ruled leniently in the case of a *Kohen*.

Rav Shrvavia responded that if they permitted this case, they may as well permit one to eat the forbidden fats. (136a – 136b)

Status of androgynous

The *Mishna* cited Rabbi Yehudah allowing one to do a circumcision on *Shabbos* on an *androgynous* baby.

Rav Shizvi quotes Rav Chisda saying that Rabbi Yehudah does not consider an *androgynous* a boy for all purposes, as it still is not considered a male

¹ when a man dies childless, his brother has a mitzvah to perform *yibum*; if he declines, she submits to *chalitzah*, i.e. she removes his shoe, spits before him and declares that he does not want to marry her

for the purposes of one who pledges its value to the Bais Hamikdash.

The *Gemora* proves this with a *braisa*, which says that one isn't obligated at all when pledging the value of a *tumtum* – one whose genitals are enclosed or *androgynous* person. The *braisa* learns this from the extra phrases in the verses which refer to the one whose value is pledged as ***hazachar*** – ***the male***, and ***im nekeva hi*** – ***if it is female***, explicitly limiting the pledge to the value of one who is definitely male or female. Since an anonymous *sifra* is Rabbi Yehudah, this proves that Rabbi Yehudah doesn't consider an *androgynous* to be male for all purposes.

Rav Nachman bar Yitzchak supports this from a *Mishna* which states that the Sages say all people are fit to put the red heifer ashes into the water, except for a deaf mute, mentally unstable person and child, while Rabbi Yehudah says a child is, but not a woman or someone *androgynous*, indicating that he doesn't consider it a male in this context.

The *Gemora* explains that Rabbi Yehudah says that one may do a circumcision on him on *Shabbos*, as the verse about circumcision uses the inclusive phrase ***kol zachar*** – ***all males***. (136b – 137a)