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THE BABYLONIAN TALMUD, TRACTATE SHABBAT CHAPTER 19:  
A NEW TRANSLATION AND A CRITICAL ANALYSIS  
OF ITS FORM AND CONTENT

Bruce Lee Gottlieb

Thesis submitted in partial fulfillment  
of the requirements for Ordination

Hebrew Union College-Jewish Institute of Religion

1983

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## DIGEST

The aim of this work is to present a thorough analysis of the contents and form of a chapter of the Babylonian Talmud. The chapter under consideration is chapter nineteen of tractate Shabbat, which is found on pages 130a-137b of the standard Vilna edition of the Talmud.

The analysis of the form and structure of the chapter is my primary concern here. I seek to investigate what can be learned about the Talmud, and what can be learned from the Talmud, by studying its structure. Close attention, therefore, will be paid to the formal language, means of argumentation, hermeneutical principles, etc.

The method of my investigation is to carefully examine each stich and section of the text, and try to ascertain its function in context, its relationship to the other elements in the text, and its implications for the interpretation and understanding of the text as a whole. This is accomplished by first translating the text and then presenting the translation in an outline form. Following this is my own *explication* of the text. As a further aid, in the conclusion I present an abstract (in outline form) of the formal structure of the chapter. It is hoped that the lessons I seek to derive will readily present themselves as a result of this type of investigation.

The topic of the chapter under consideration is circumcision on Shabbat. Along with the formal analysis, I also examine the thematic contents of the chapter. This is not, however, an halachic analysis of the chapter.

The introduction presents a more complete explanation of my methods and goals. The first section of textual material deals with the Mishnah chapter. It explains the chapter and places it in the context of the tractate. I then present and explain each sugya. Only then, in the conclusion, do I examine what lessons can be derived.

To my family and friends,

without whom I would not be what I am today.

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## INTRODUCTION

Of the entire corpus of Jewish literature, possibly no work has had as profound an influence on our history and culture as the Babylonian Talmud. Since its final redaction (c. 5-600 C.E.), it has served as the basis for the legal codes and responsa, and as the ultimate authority in adjudicating all legal matters. In more recent times of persecution against the Jews, the study of Talmud was carried on clandestinely in attics and cellars. To this day, there are institutes and academies in which the study of Talmud is unending.

The Talmud, however, is a very "dense" document. It is a set of legal discussions, stories, and maxims which have been redacted within a framework of highly formalized and formulaic literary structures. Because of its highly formalized nature (which is unparalleled in western literature), a person's first look into the Talmud often leaves the impression of a random, and endless, collection of debates and stories which have no meaning for modernity. Consequently, a person's first jaunt into the Talmud is often his last.

Until very recently, commentaries and critical studies have not elucidated the pages of the Talmud for the "uninitiated." Traditional commentaries have been written primarily for the purpose of understanding the halacha. Critical studies and introductory works have been primarily concerned with biographical, historical, and philological problems.<sup>1</sup> It was not until 1961 that anyone examined the Talmud's structure and form in some detail. In his book Studies in Talmudic Logic and Methodology, Louis

Jacobs writes, "...the Gemara in the form we have it now is very far from being a verbatim report of discussions which took place in the Babylonian schools but is rather a 'contrived' literary product of great skill, in which the older material used has been reshaped by methods bearing a close resemblance to those of literary artists throughout the ages."<sup>2</sup> Jacobs felt that there was much to be learned about the Talmud from investigating its logic, methodology, and literary traits.

In the early 1970's, Jacob Neusner suggested that by studying these various elements and tendencies of the Talmud, we could learn not what happened (since this may not be possible to learn), but "what is happening within this group, and what . . . (this teaches) us about ourselves and our potentialities."<sup>3</sup> He posits that the answers to such questions as, What is the Talmud? What is its shape and structure? What are its agenda? What is its nature as a Mishnah-commentary?, are essential to a complete and reliable understanding of the Talmud and of rabbinic Judaism in general. To achieve this goal, Neusner employs a method in which he begins with a new translation of the text which preserves the forms and formulae of the original Hebrew and Aramaic as far as is possible within the constraints of intelligible English. He then breaks down the text's discussions into their various components. Finally, he offers an explanation of what is happening internal to the Gemara.

It is my intention in this work to apply a modified form of Neusner's method to Bavli Shabbat 19. This chapter deals with the laws pertaining to circumcision on Shabbat. My analysis consists of three parts. The first is the translation. Any translation is itself a commentary in its choices of words and expressions. I find that the Soncino English translation to the Babylonian Talmud<sup>4</sup> is lacking in its attention to, and renderings of, the

formalized patterns, idioms, and technical terms of the Hebrew and Aramaic. It was necessary, therefore, for me to write a new translation that would preserve, as far as possible, the formal and syntactical character of the Gemara. I recognize, of course, that my translation is also quite subject to reconsideration. I have presented, however, what I feel is the best possible English rendering of the Hebrew and Aramaic. Being so highly stylized, the language of the Talmud is often elliptical. I fill in these ellipses in my translation, and indicate in parentheses and between vertical lines those words which do not appear in the Talmud. Those words which fit into the Talmud's syntactical framework are in parentheses. Included between vertical lines are explanatory notes needed for an immediate understanding of the simple meaning of the text. Also found between vertical lines are citations of scriptural passages and Beraitoth. I use the standard Vilna edition of the Talmud as the basis for my translation, but I also consult manuscript variants.<sup>5</sup> Any significant textual problems receive comment in the endnotes.

The second level of my analysis is the presentation of the translation in an outline form. It is my contention that the Gemara will be far easier to understand if one can graphically see the relationships between the various stichs and sections of the text. Hence, parallel or subordinate relationships in the text are accordingly assigned parallel or subordinate outline numbers. This method is not without its problems. The most notable of these is that an outline is linear in nature --- it progresses from one point to the next. The Talmud's discussions, however, are often not linear, but rather refer back to previous issues and debates. Consequently, I sometimes found myself having to choose from among two or more ways to outline a given

section of materials. I have tried, as best as possible, to account for this shortcoming in my outline and explanation.

The third level of my analysis is the explanation of the text. This will entail an examination of the redactional principles and conventions evident in the text's construction. Further, I will identify the critical issues in the sugya, which are often obscured by more apparent, but secondary, issues. I am concerned with discerning the contextual meaning of the text, and so I will interpret the Gemara in its own historical, literary, and cultural context. Furthermore, I am operating under the belief that the Talmud is its own best commentary.<sup>6</sup> In other words, any ellipses in, or problems or questions left by, the Talmud's text can best be explained and understood in light of contemporaneous and parallel rabbinic materials rather than later commentaries. Because of this, and because I am not interested here in later halacha, I will refer to the classical commentators only when their explanations are necessary to shed light on the simple meaning of the text.

The text that is the subject of my investigation is Bavli Shabbat 19, which deals with circumcision on Shabbat. The overriding, but not the only, theme is the determination of which acts of circumcision may be performed on Shabbat. I chose this chapter because it contains many tightly constructed sugyoth of varying lengths. Further, this chapter nicely exemplifies a wide range of literary traits in the Talmud. Such a chapter very readily lends itself to this type of analysis. I also chose this chapter because its theme is of interest. Circumcision is one of the most important rituals in Judaism. It is one of the earliest Biblical precepts, signifying God's covenant with Abraham. In addition to this religious significance, circumcision has also served as a national Jewish symbol, identifying and uniting Jews through time and space. In times of

persecution in which circumcision was prohibited, many Jews gave their lives to preserve this most strongly observed commandment.

As a result of my literary investigation of the Talmud, I also briefly consider the use of, and principles governing, several hermeneutical techniques. Among those discussed are the a minori argument, the gezerah shavah form of analogy, several different techniques of scriptural prooftexting, and the adjudication of conflicting positive and negative commandments.<sup>7</sup> Finally, in the conclusion, I briefly investigate what meaning can be found for Judaism today in the Talmudic method --- in the critical thought, analytical investigations, and ceaseless argumentation.

The primary contribution of my work is that never before this has the Babylonian Talmud been explored with such great attention to textual process, structure, and construction (although Neusner and his students have applied this method to Mishnah, Tosefta, and the Palestinian Talmud). A further contribution is my refinement of Neusner's method of outlining the text in order to show the relationships between the various stichs and sections. As a first effort in the field, I do not expect my work to be the final word on the subject of Talmudic investigation (in fact, I doubt there will ever be a final word on the subject). Rather, it is meant to be a concrete experience and example of Talmudic study. I hope that it will be used as a teaching aid in Rabbinics classes, and as a model for those who also wish to pursue the study of Talmud. Further, I hope that it will provide a comfortable and enlightening vehicle by which the "uninitiated" will become initiated into the study of Talmud.

A final word is in order concerning the mechanics of my work. I begin with a brief explanation of Mishnah Shabbat 19. For a fuller treatment of this entire tractate and its Tosefta, I refer the reader to Neusner's A

History of the Mishnaic Law of Appointed Times.<sup>8</sup> My treatment of the Gemara is divided into sixteen units, with each unit representing a complete section of Mishnah commentary (called a sugya). I did not find it necessary to present a glossary of words, phrases, or technical terms. Also, I have not included, any more than necessary, biographical information about the personalities mentioned in this chapter. For all of this information, I refer the reader to the bibliography at the end of this work, especially the listing of "textual aids."

Mishnah Shabbat Chapter 19

19:1

- A. R. Eliezer says, "If one had not brought an instrument (with which to perform circumcision) before Shabbat, one may bring it exposed on Shabbat.
  - 1. And in (times of) danger, one covers it on the testimony of witnesses."
- B. Further, R. Eliezer said, "One may cut wood (on Shabbat) to make charcoal (with which) to make an instrument of iron (with which to circumcise on Shabbat)."
- C. R. Akiba stated a general principle: "Any work which it is possible to perform before Shabbat does not supersede Shabbat, and (any work) which it is not possible to perform before Shabbat supersedes Shabbat."

19:2

- A. One may perform on Shabbat all (things that are) required for circumcision:
  - 1. One may circumcise, uncover (the corona), and suck (the wound),
  - 2. and place on (the wound) a bandage and cumin.
    - a. If one had not ground (the cumin) before Shabbat, he chews it with his teeth and applies it.

- b. If one had not mixed wine and oil (for an ointment) before Shabbat, he may apply this one by itself and (then) apply the other one by itself.
- c. One may not, at the outset, make a shirt-shaped bandage for the (circumcision wound), but one may wrap it with a rag.
  - 1) If one had not prepared (and transported the necessary bandage) before Shabbat, he may wrap it around his finger and bring (it), even from another courtyard.

## 19:3

- A. One may wash the infant (on Shabbat) both before the circumcision and after the circumcision,
  - i. and one may sprinkle (water) on him by hand, but not with a vessel.
- B. R. Eleazar b. Azariah says, "One may wash the infant on the third day (after the circumcision) that falls on Shabbat, as (Scripture) states: And it was on the third day when they were in pain [Gen. 34:25]."
- C. If there is doubt (as to whether the obligation of circumcision applies) or (if the child is) an hermaphrodite -- one may not desecrate Shabbat for his sake (by performing the circumcision).
  - 1. R. Judah permits this for an hermaphrodite.

## 19:4

- A. If one had two babies:

1. one to be circumcised after Shabbat and one to be circumcised on Shabbat, and he forgot and circumcised on Shabbat the one to be circumcised after Shabbat ---
  - a. he is liable (for a sin offering);
2. one to be circumcised before Shabbat and one to be circumcised on Shabbat, and he forgot and circumcised on Shabbat the one to be circumcised before Shabbat ---
  - a. R. Eliezer holds him liable for a sin-offering
  - b. and R. Joshua exempts him (from the sin-offering).

## 19:5

- A. A child may be circumcised on the eighth, ninth, tenth, eleventh, or twelfth (day after his birth), not earlier and not later.
  1. How (is this the case)?
    - a. (Under) normal (circumstances) --- on the eighth (day).
    - b. (If) born at dusk (on Shabbat), he is circumcised on the ninth (day).
    - c. (If born) at dusk on Shabbat eve, he is circumcised on the tenth (day).
    - d. (If born at dusk on Shabbat eve and) a festival day falls (immediately) after Shabbat, he is circumcised on the eleventh (day).
    - e. (If born at dusk on Shabbat eve and) the two festival days of the New Year (fall immediately after Shabbat), he is circumcised on the twelfth (day).
- B. An infant who is sick --- one does not circumcise him until he is well.

- A. These are the shreds (of the foreskin) which, (if they remain,) render the circumcision invalid:
  - 1. flesh which covers most of the corona,
    - a. and (if the person is a Priest) he may not eat heave-offering.
  - 2. And if he is fleshy (so that the corona is covered and he appears uncircumcised, even though he was properly circumcised), one must correct it for appearance's sake.
- B. (If) one circumcised and did not uncover the corona, it is as if he did not circumcise.

Tractate Shabbat is primarily concerned with enumerating those kinds of work which are prohibited on Shabbat. Chapter 18 serves as a transition from the issue of moving things on Shabbat (which is the theme of chapter 17) to the topic of circumcision of Shabbat (which is dealt with in chapter 19). Both the thematic and formal connector between chapters 18 and 19 is the statement, "One may perform on Shabbat all (things that are) required for circumcision" in 18:3 and 19:2. The issue of transporting the knife in 19:1 additionally serves as a connector to chapter 17, which deals with moving things. Chapter 19 deals first with labors associated with circumcision which are permitted on Shabbat. It next addresses circumcision on Shabbat in cases where there is some sort of doubt. Finally, it speaks to some general concerns surrounding circumcision.

The first Mishnah deals with the performance of activities on Shabbat which are preparatory to circumcision, and which otherwise would be prohibited on Shabbat. It consists of three rulings --- two by R. Eliezer and one by R. Akiba. R. Eliezer's first statement (A.) indicates the

permissibility of the most necessary and immediate preparatory acts. The knife must be brought exposed so that all can see what is being brought, and the courier should not be accused of violating Shabbat. In times of persecution however, the ruling is modified to allow covering the knife to protect all involved from physical harm (A.1.). The witnesses then protect the courier from charges of transgressing Shabbat. R. Eliezer's second ruling (B.) is extremely lenient, allowing even the most remotely connected preparatory acts to supersede Shabbat. R. Akiba's ruling (C.) is contradictory to R. Eliezer's, and, according to it, even the preparatory acts most closely related to circumcision do not supersede Shabbat.

While Mishnah 1 dealt with preparatory activities, Mishnah 2 addresses necessary elements of the circumcision itself. The Mishnah begins with a statement that these necessary kinds of work are allowed on Shabbat (A.) and then lists those elements of the surgical procedure (A.1.) and the dressing of the wound (A.2.).

This raises the question (though not stated) of what is to be done when a prepared item that is necessary for dressing the wound had not been prepared before Shabbat. Solutions for this problem are offered for the cumin (2.a.), ointment (2.b.), and bandage (2.c.). It is important to note that these items may not be prepared in the manner in which they would have been before Shabbat. The last rule (c.1)) proposes a method for transporting the bandage if none is available at the place of the circumcision.

Having discussed work involved in preparations and necessary elements of the circumcision, Mishnah 3 deals with activities that follow the circumcision. Washing the infant is the only activity discussed, and we are told that this may be done before or after the circumcision (A.), but

it too may not be done in the normal manner (A.1.). R. Eleazar b. Azariah, in a more lenient ruling based on a Biblical proof-text, extends the permission to wash the infant on Shabbat to the third day after circumcision (B.).

The next statement (C.) introduces a completely new topic --- whether we may allow violation of Shabbat in a case of doubt, specifically to circumcise someone if it is doubtful that he must be circumcised. The first ruling (C.) denies permission. R. Judah offers a more lenient ruling which allows circumcision on Shabbat in the case of the hermaphrodite.

Mishnah 4 contains a secondary discussion as to what happens when Shabbat is accidentally violated for a circumcision which is not on the eighth-day. The Mishnah sets up a situation in which it is accidental that the circumcision was done at the wrong time (A.). (It is reasonable to assume that the offender would be liable for a sin-offering if he intentionally violated Shabbat). In the first case (A.1.), he has not only violated Shabbat, but he also has not fulfilled the commandment to circumcise his son (which is fulfilled only from the eighth day on). He is therefore liable for a sin-offering (1.a.). In the second case (A.2.) he has fulfilled the commandment to circumcise, but he has still violated Shabbat, since only eighth-day circumcision supersedes Shabbat. R. Eliezer holds him liable for a sin-offering (2.a.) for having violated Shabbat, but R. Joshua takes a more lenient position and exempts him (2.b.) because he was fulfilling a commandment. It is important to note that R. Eliezer takes the more stringent position here while in Mishnah 19:1 he held the more lenient view. Neusner suggests that "perhaps because Eliezer so completely abrogates the restrictions of the Shabbath, he also will want to be sure it is absolutely necessary to do so."<sup>1</sup>

Mishnah 5 also concerns a case of doubt --- doubt as to the exact day on which the infant was born --- and the ramifications for circumcision on Shabbat. It is very common for the Mishnaic rulings to take the form of numerical lists, and this is the case here (A.). The operative principles here are that only eighth-day circumcision supersedes Shabbat and the festivals, and that if the child is born at dusk we cannot be sure which is the eighth day. This then accounts for the situations in 1.a. through 1.e.. A final statement (B.) continues the idea of delaying the circumcision beyond the eighth day. Here the principle is the danger in performing surgery on a sick child.

Mishnah 6 deals with a totally different topic with no connection to Shabbat --- what happens if the circumcision was done improperly or appears not to have been done at all. First we are told that there is a case in which the circumcision is invalid because not all of the foreskin has been removed (A.), and that case is described (A.1.). There is then a parenthetical statement (1.a.) that such a person may not serve as a priest. The next statement (A.2.) emphasizes the importance of the appearance of the circumcision. The last remark (B.) illustrates the paramount importance of the actual removal of the foreskin from over the corona.

Mishnah 19:1 (A.-A.1.) (page 130a)

1. The question was posed to them [the scholars]:

A. Is R. Eliezer's reasoning (in ruling that the knife should be brought exposed) because of love for the commandment (that one even violates Shabbat for circumcision) or perhaps because of suspicion (that otherwise the courier is violating Shabbat)?

1. What is the (practical) difference (between the two lines of reasoning)?

a. (It bears on the case of) bringing (the knife) covered on the testimony of witnesses (when there is no danger).

1) If you say (the reason) is because of love of the commandment --- (the knife) may be (brought) exposed, (but) it may not be (brought) covered (on the testimony of witnesses).

2) But if you say that (the reason) is because of suspicion --- even if it is covered, it is all right [it may be brought on such testimony when there is no danger].

2. What (then) is R. Eliezer's reasoning)?

a. It was said (by an Amora): "R. Levi said, 'R. Eliezer ruled only out of love for the commandment.'"

b. It has also been taught thuswise (in a Baraita): "'One brings it exposed and one may not bring it covered,' this is the opinion of R. Eliezer."

c. R. Ashi said, "One can also deduce this from (the precise wording of) our Mishnah, as it teaches: and in times of danger he covers it on the testimony of witnesses [M.19:1 A.1.] --- (only) when there is danger, but (he may) not (bring it covered) when there is no danger.

1) We may surely infer (from this) that it is because of love for the commandment.

d. Another (Baraita) taught: "'One brings it exposed and one may not bring it covered,' this is R. Eliezer's opinion,"

1) R. Judah says in the name of R. Eliezer: "It was customary in times of danger that one would bring it covered on the testimony of witnesses."

B. The question was posed to them [the scholars]: the witnesses that it [the Mishnah] mentions --- (does it mean) himself and another, or perhaps (it means) himself and two (others)?

1. Come and hear: In (times of) danger he covers it on the testimony of witnesses. [M. 19:1 A.1.].

a. It is fine [it makes perfect sense], if you say himself and two (others) --- then everything is all right.

b. But if you say himself and one (other), what (kind of) witnesses (are they since there is only one witness and the courier)?

1) They are fit to offer testimony in another place (in a lawsuit).

The Mishnah contains two clear rulings of R. Eliezer concerning bringing the circumcision knife on Shabbat if it had not been prepared before Shabbat. The first is that the knife may be brought openly without violating Shabbat and the second, that in times of danger it may be brought concealed without violating Shabbat. The Gemara will address a third, median case not found in the Mishnah --- whether the knife may be brought covered if there is no danger.

The sugya begins by exploring two alternative reasons for R. Eliezer's ruling. On the surface this seems to be a strictly theoretical problem since the ruling itself is not being questioned (A.1.). The median case is stated (1.a.) and the implications, vis-à-vis this case, of each of the reasons posed at A. are spelled out. Thus we learn that the problem in A. is not theoretical, rather in relation to the median case there is a real practical difference between the two rationales. If R. Eliezer's rationale is love of the commandment, there would be no reason to be secretive, since we would want publicly to proclaim the joy of the occasion, and so we may not bring the knife covered. If R. Eliezer's rationale is suspicion, the witness would in any case declare that the knife's purpose is circumcision and observers who do not know its purpose will not be led to the false conclusion that the courier was violating Shabbat. Now, having established that there is a practical difference between the two rationales, we come back to our original question so that the median case can be resolved (A.2.).

The Gemara then presents four independent and undisputed statements (coming from several strata within the rabbinic tradition) that support the reason of "love for the commandment". The first (2.a.) is an explicit statement of R. Eliezer's rationale by R. Levi, an early Palestinian Amora.

The second, a Baraitha (2.b.), makes explicit R. Eliezer's opinion that the knife may not be brought covered when there is no danger (the median case). This is exactly the behavior associated with the rationale of "love for the commandment" (1.a.1). The editor of the sugya assumes that the Baraitha accepts this rationale, and that it therefore supports the Amoraic ruling (2.a.). The third statement (2.c.), by R. Ashi, a late Babylonian Amora, derives this reasoning directly from the specific language of the Mishnah. The fourth (2.d.), another Baraitha, begins with the same ruling stated in the first Baraitha, but extends it further. R. Judah, in R. Eliezer's name, provides the final information needed to address the median case --- that only in times of danger may one bring the knife covered. It is unanimous, then, that the median case is not allowed, and this ruling definitely answers the question of 1.A. --- that R. Eliezer's rationale must have been "love of the commandment".

Having settled this issue, the Gemara returns to the text of the Mishnah and asks for clarification of the term "witnesses" (1.B.). The formal language employed here directly parallels that of 1.A., indicating that these two sections of the sugya are logically coordinate. The issue of witnesses is also addressed in R. Judah's statement immediately above (A.2.d.) and seems to be an intentional literary transition. The issue raised at 1.B. may be explained as follows: In any legal proceeding, rabbinic law requires the testimony of two witnesses not directly involved in the case. In our Mishnah, R. Eliezer's ruling concerning covering the knife requires witnesses, implying two, but since this is not a legal case, it may be asked who qualifies as an acceptable witness in this instance. The inquiry begins, as did the previous one, by proposing two alternatives for consideration.

The first alternative, requiring two independent witnesses, follows the normal requirements for a legal proceeding and does not, therefore, present a problem in our case. The second alternative, where the courier himself serves as one of the witnesses, must be scrutinized since, were this a legal case, the courier would not so qualify and there would therefore be only one witness. The decision made (b.1)) follows the legal requirement of two witnesses but also recognizes that our case is not a legal case. Since we are not involved in a lawsuit, "witnesses" in our case is interpreted to mean two people who would be fit to offer testimony in a lawsuit (by meeting all rabbinic requirements for witnesses in that suit). Provided that the courier could so qualify, he may serve as one of the witnesses in our case, and therefore, only one other witness is needed.

II. Further, R. Eliezer said, "(One may cut wood to make charcoal to make an instrument of iron)."

- A. 1. Our Rabbis taught (in a Baraitha): "In R. Eliezer's locality they used to cut wood to make charcoal to make iron (for the circumcision knife) on Shabbat. [b. Yeb. 14a, b. Hul. 116a].
2. In R. Jose the Galilean's locality they used to eat the flesh of fowl with milk."
- a. Levi visited the home of Joseph the fowler. They brought before him the head of a peacock in milk, (which) he did not eat. When he came before Rabbi, he [Rabbi] said to him [Levi]: "Why did you not place him under a ban?" He [Levi] said to him: "It was in R. Judah b. Bathyra's locality and I thought that perhaps he expounded (the law) to them according to R. Jose the Galilean."
- 1) As we have learned (in a Baraitha): "R. Jose the Galilean says, 'It is said (in Scripture): You shall not eat of anything that dies of itself [Deut. 14:21], and it is said (immediately thereafter): You shall not boil a kid in its mother's milk [Deut. 14:21]. (Only) that which is forbidden because it died of itself may not be boiled in milk. A fowl which is forbidden

because it died of itself --- you might think it is forbidden to boil it in milk. Scripture teaches us in the milk of its mother. Fowl is excluded because it has no mother's milk.'" [b. Hul. 113a].

3. R. Isaac said: "There was a city in the land of Israel where they acted according to R. Eliezer and they died in their (proper) time [never prematurely]. And furthermore, once the Evil Kingdom [Rome] decreed against Israel concerning circumcision, but they did not decree against this same city."
4. a. It has been taught (in a Baraitha): "R. Simeon b. Gamaliel says, 'Every precept that they [Israel] accepted in joy, such as circumcision, as it is written: I rejoice at Your word as one that finds great spoil [Ps. 119:162], they still observe in joy. And every precept that they accepted with quarrelling [under protest], such as the laws concerning forbidden sexual relations, as it is written: And Moses heard the people weeping throughout their families [Num. 11:10], because of family matters (involving sexuality), they still observe them with quarrelling; for there is no marriage settlement in which they do not raise a quarrel [every such settlement involves some discord between the involved parties].'"
- b. It has been taught (in a Baraitha): "R. Simeon b. Eleazar said, 'Every precept for (the observance of) which Israel

gave themselves over to death during the time of the State [Roman] prohibition, such as idolatry and circumcision, is still strongly adhered to. And every precept for which Israel did not give themselves over to death during the time of the State prohibition, such as tefillin, is still weakly adhered to." [b. Yom. 75a].

1) For R. Jannai said, "Tefillin require a pure body such as Elisha-the-man-of-wings."

a) What does this [pure body] mean?

(1) Abaye said, "That one should not break wind while wearing them." Raba said, "That one should not sleep in them."

b) And why do they call him Elisha-the-man-of-wings? Once the Evil State decreed against Israel that everyone who put tefillin on his head would have his brain pierced, but Elisha put on tefillin and went out into the streets. An inquisitor saw him. He [Elisha] ran from him and he [the Roman] ran after him. When he [the Roman] caught up with him, he [Elisha] took them from his head and held them in his hand. He said to him, what is in your hand? He said to him, the wings of a dove. He opened his hand and in it were found the wings of a dove. Therefore they call him "the-man-of-the-wings." Why is it taught that he told him (that they were) the wings of a dove and not (the wings of) another bird? Because the

congregation of Israel is likened to the dove, as it is said: The wings of the dove are covered with silver, And her pinions with the shimmer of gold." [Ps. 68:14]. Just as in the case of the dove --- its wings protect it, so too with Israel --- their precepts protect them.

- B. R. Abba b. R. Adda said that R. Isaac said: "Once they forgot and did not bring a knife before Shabbat, so they brought it on Shabbat by way of the roofs and courtyards (for which an 'eruv had not been provided), which is against the will of R. Eliezer."
1. R. Joseph raised an objection against him [R. Abba b. R. Adda]: "Which is against the will of R. Eliezer?" On the contrary, it is R. Eliezer who permits it."
    - a. And if you say "which is against the will of R. Eliezer" (and say) he permits it only in the public domain, (our precedent is still) in accordance with our Rabbis who forbid (carrying it) by way of the public domain and permit it by way of the roofs, courtyards, and enclosures (outside of the town proper).
    - b. (But) is it permitted? Hasn't it been taught (in a Baraitha): "Just as one may not bring it by way of the public domain, so one may not bring it by way of the roofs, enclosures, or courtyards." [b. Pes. 32a].
  2. Rather, R. Ashi said, "It is not according to the view of R. Eliezer or his opponents, rather it is according to the view of R. Simeon. For we learned (in a Baraitha): "R. Simeon says, 'Roofs, enclosures, and courtyards (for which there is

no 'eruv) are all one domain with respect to utensils that were in them on Shabbat, but not with respect to utensils that were in the house on Shabbat."

3. R. Zera asked R. Assi: "(In the case of) an alley (whose residents) have not formed a partnership (by means of an 'eruv)<sup>1</sup>, what (is the rule) about carrying in the whole of it [the alley]?"
  - a. Do we say that it is analogous to a courtyard? (Namely,) just as in a courtyard, even though there is no 'eruv, it is permitted to carry in the whole of it, here also, even though they did not form a partnership, it is permitted to carry in the whole of it,
  - b. or perhaps it is not analogous to a courtyard, for a courtyard has four partitions [walls] and this [the alley] does not have four partitions,
  - c. Alternatively (we could say) the courtyard has tenants while this [the alley] has no tenants."
  - d. He [R. Assi] was quiet and did not say anything.
  - e. Once [at a later time] he [R. Zera] found him [R. Assi] sitting and saying: "R. Simeon b. Lakish said in the name of R. Judah the Prince, 'Once they forgot and did not bring a knife before Shabbat, so they brought it on Shabbat.' This matter was difficult for the Sages (to understand): how could they set aside the opinion of the Sages [i.e.: the majority] and act according to (the view of) R. Eliezer? First, since R. Eliezer was under a ban (and could therefore not be quoted as an authority); and

further, (if there is a dispute between) an individual and the majority, the halacha follows the majority."

- 1) R. Oshaia said, "I asked R. Judah the circumciser, and he said to me: 'It was an alley where they had not formed a partnership and they brought it [the knife] from one end to the other.'"
- f. He [R. Zera] said to him [R. Assi], "Does the Master [do you] maintain that (in the case of) an alley where they had not formed a partnership, it is permitted to carry in the whole of it?" He replied, "Yes." He [R. Zera] said to him, "Once I asked this of you and you said nothing to me. Perhaps in the rapidity of reviewing (your learning) the tradition quickly came (back) to you?" He said to him: "Yes, in the rapidity of reviewing the tradition quickly came (back) to me."
- g. It has been said: "R. Zera said, Rab said: 'An alley in which they did not form a partnership, one may only carry in it for (a distance of) four cubits.'"
- 1) Abaye said, "R. Zera stated this law but he did not explain it until Rabbah b. Abbuha came and explained it. For R. Nahman said that Rabbah b. Abbuha said that Rab said: 'An alley in which they did not form a partnership --- (if) they have joined the courtyards to the houses by an 'eruv, they may only carry in it for (a distance of) four cubits, (and if) they have not joined the courtyards to the houses by an 'eruv, it is permitted to carry in the whole of it [the alley].'"

- 2) R. Hanina Hoza'ah said to Rabbah, "Why is it different when the courtyards are joined to the houses by an 'eruv?"
- 3) Because (when so joined) the courtyards are transformed into houses. (This is the opinion of Rab) and Rab is consistent with his opinion, for Rab said: "An alley is not permitted for [one may not carry through it] a stake or a beam unless there are houses and courtyards that open into it. But here (in the case of an 'eruv) there are houses, but there are no courtyards."
- 4) Then even if they are not joined by an 'eruv, let us consider these houses as if they were closed up so that there are courtyards but there are no houses.
  - a) They can all nullify their rights to that domain in favor of one (person's claim to the courtyard).
    - (1) In the end (we deem) there to be a house, but not (many) houses.
  - b) It is possible (for them to nullify their rights) from morning until midday in favor of one, and from midday until evening in favor of another.
    - (1) (But) ultimately, at the moment at which (we deem) there to be the one (house, we do) not (deem) there to be other houses.
- 5) Rather, R. Ashi said, "What causes the courtyards to be forbidden (in respect to the alley)? The houses,

but there are no (houses, because they have not been joined with the courtyards into one domain)."

C. R. Hiyya b. Abba said that R. Johanan said: "R. Eliezer did not rule in all cases (that) the preparations for (fulfilling) a commandment (which supersedes Shabbat also) supersede Shabbat.

1. For surely the two loaves (which are offered on Shavuot) are requirements of the day [they are needed for the observance of the feast], but R. Eliezer derived (this lesson) about them [that their preparation supersedes Shabbat] only by a gezerah shavah (and not by analogy to circumcision). As it is taught: 'R. Eliezer says, from where (in Scripture do we learn) that the preparation of the two loaves supersedes Shabbat?

"Bringing" is stated in conjunction with the 'omer and "bringing" is stated in conjunction with the two loaves. Just as (in the case of) the "bringing" stated in conjunction with the 'omer --- its preparations supersede Shabbat, so the "bringing" stated in conjunction with the two loaves --- its preparations supersede Shabbat."

a. These (verses) must be free [not used for the derivation of any other teaching or interpreted in any other way], for if they are not free then it is possible to refute (the analogy as follows)<sup>2</sup>:

1) In the case of the 'omer --- if he finds (the sheaves already) cut, he (must still) cut (new sheaves). (Will you say (the same) in the case of the loaves, since if he finds (the grain already) cut he does not cut (new grain).

- 2) It is well, they are surely free, since it is written:  
Then you shall bring the sheaf of the first fruits of  
your harvest to the priest. [Lev. 23:10]. Why (then)  
do I need from the day that you brought? [Lev.  
23:15]. Infer (from this) that it is (there) to free up  
(our verse for the analogy).
  - 3) And still it is free (only) in one respect. And we  
learned from R. Eliezer concerning this; he said,  
"(When) it is free in (only) one respect, we learn and  
we refute [the analogy does not hold]." [b. Shab. 64a,  
b. Yeb. 74a, b. Baba Kama 25b, b. Nid. 22b]
  - 4) You shall bring [Levi 23:17] is an extension (of the  
ruling).
2. What is it [R. Johanan's statement about R. Eliezer's ruling  
in II. C.] meant to exclude? If you were to say that it  
excludes the lulav, surely it was taught (explicitly and so  
there is no need for inference): the lulav and all of its  
preparations supersede Shabbat --- this is the view of R.  
Eliezer. (Say) rather it is to exclude the sukkah, but surely  
it is taught: "'the sukkah and all of its preparations supersede  
Shabbat' --- this is the view of R. Eliezer." [b. Suk. 43a]  
Rather it is to exclude unleavened bread, but surely it is  
taught: "'unleavened bread and all of its preparations  
supersede Shabbat' --- this is the view of R. Eliezer." (Say)  
rather it is to exclude the shofar, but surely it is taught:  
"'the shofar and all of its preparations supersede Shabbat' ---  
this is the view of R. Eliezer."

3. R. Adda b. Ahabah said, "It [R. Johanan's statement] excludes (affixing) fringes to one's garment and (affixing) mezuzah to one's doorway." Similarly, this was taught (in a Baraita): "They agree that if he makes fringes on his garments or affixes a mezuzah to his door (on Shabbat) --- he is liable."
  - a. What is the reason? R. Joseph said, "They have no fixed time [they are not time-bound commandments]."
  - b. Abaye said to him: "On the contrary, since they have no fixed time, every moment is their proper time."
  - c. Rather, R. Nahman said that R. Issac said --- some say R. Huna the son of R. Joshua --- "Since it is in his power to renounce their ownership (for the duration of Shabbat the precepts of fringes and mezuzah do not apply then)."
4. The Master said: "'The lulav and all of its preparations supersede Shabbat,' this is the view of R. Eliezer." From where (in Scripture) does R. Eliezer derive this?
  - a. If it is (derived) from the 'omer and the two loaves --- (these supersede Shabbat) because they are requirements of the Most High (and are considered as sacrifices) [and are therefore special cases].
  - b. Rather, Scripture teaches (in relation to the lulav), on the day. [Lev. 23:40]. On the day (implies) even on Shabbat. In respect to which law (is this implication needed)?
    - 1) If you were to say (in respect) to handling, is a scriptural verse needed to allow handling?

- 2) Rather, (it is needed to teach that) its preparations (supersede Shabbat).
  - a) And our Rabbis [as opposed to R. Eliezer], (how do they interpret on the day)? It is needed (to teach that the lulav is observed) during the day and not at night.
  - b) And R. Eliezer, from what (scriptural verse) does he learn "during the day but not at night?" He derives it from You shall rejoice before the Lord your God seven days [Lev. 23:40]; days but not nights.
  - c) And our Rabbis (how do they interpret days in Eliezer's verse)? It is needed. You might think to say, let us learn (the meaning of) "seven days" from (the seven days of) sukkah. Just as there days (means) even nights [a full 24 hours], so too here days (means) even nights. (Therefore) this (verse) comes to teach us (otherwise) [to preclude this erroneous assumption].
- c. Let the Torah state it [that preparations supersede Shabbat] in the case of the lulav (rather than our having to derive it). (Let) this (verse concerning the lulav) serve (as the model from which) the others [omer and loaves] may be derived.
  - 1) (This is not possible) because it is possible to refute (the analogy). With respect to the lulav (its preparations supersede Shabbat) because it requires four

species (and the others do not. The lulav is therefore a special case and cannot be used to derive the others).

5. "'(The) sukkah and all of its preparations supersede Shabbat,' this is the view of R. Eliezer." From where (in Scripture) does R. Eliezer derive this? It is from the 'omer and the two loaves --- (these supersede Shabbat) because these are requirements of the Most High [a special case]. If it is from the lulav --- (it supersedes Shabbat) because it requires four species [a special case]. Rather, seven days (for the sukkah) is deduced from (the seven days of) the lulav. Just as there (in the case of the lulav) its preparations supersede Shabbat, so here (in the case of the sukkah) its preparations supersede Shabbat. Let the Torah state (explicitly that its preparations supersede Shabbat) in the case of the sukkah. (Let) this (verse) serve (as the model from which) the others ['omer, lulav, and loaves], may be derived. (This is not possible) because it is possible to refute (the analogy as follows): in the case of the sukkah (its preparations supersede Shabbat) because it [the precept] is observed at night as well as at day (and the others are not. This is therefore a special case).
6. "'Unleavened bread and all of its preparations supersede Shabbat,' this is the view of R. Eliezer." From where does R. Eliezer derive this? If it is from the 'omer and the two loaves --- (these supersede Shabbat) because they are requirements of the Most High [a special case]. If it is

- from the lulav --- (it supersedes Shabbat) because it requires four species [a special case]. If it is from the sukkah --- (this supersedes Shabbat) because it is observed at night as well as at day [a special case]. Rather, it is deduced (by analogy) to the fifteenth (day of the month as the start of Passover) from the fifteenth (day of the month as the start of Sukkoth. Just as there (in the case of Sukkoth) its preparations supersede Shabbat, so here (in the case of unleavened bread) its preparations supersede Shabbat. Let the Torah state it (explicitly) in the case of unleavened bread (and let) this (verse) serve (as the model from which) the others may be derived. (This is not possible) because it is possible to refute (the analogy as follows): in the case of unleavened bread (its preparations supersede Shabbat) because it is obligatory on women as well as men [a special case].
7. "The shofar and its preparations supersede Shabbat,' this is the view of R. Eliezer." From where does R. Eliezer derive this? If it is from the 'omer and the two loaves --- (these supersede Shabbat) because they are requirements of the Most High. If it is from the lulav --- (it supersedes Shabbat) because it requires four species. If it is from the sukkah -- - (this supersedes Shabbat) because it is observed at night as well as at day. If it is from unleavened bread --- (this supersedes Shabbat) because it is obligatory on women as well as on men. [All special cases.] Rather, Scripture says: It is a day of blowing the horn to you. [Num. 29:1]. By day (implies) even on Shabbat. In respect to which law (is

this implication needed)? If you were to say (in respect) to blowing (the shofar), but surely the School of Samuel taught (in a Baraitha): "You shall do no manner of servile work [Lev. 23:25] --- they exclude the blowing of the shofar and the removal of bread (from the oven) as being an art and not an act of work." [b. Shab. 117b, b. Rosh Hashan. 29b] Rather (it is needed in respect) to its preparations. And our Rabbis [as opposed to R. Eliezer] (how do they interpret on the day)? It is needed (to teach that the shofar is blown) during the day but not at night. And as for R. Eliezer, from what (verse) does he learn (the law) "during the day but not at night?" He derives it from: On the day of atonement you shall make proclamation with the horn throughout all your land. [Lev. 25:9]. These are derived from each other [the blowing of the shofar on the New Year and on the day of atonement]. Let the Torah state (explicitly that its preparations supersede Shabbat) in the case of the shofar. (Let) this (verse) serve (as the model from which) the others may be derived. It cannot be learned from the blowing of the shofar on the New Year, because (this blowing) brings the remembrance of Israel to their Father in Heaven. It cannot be learned from the blowing of the shofar on the day of atonement, for a Master said: "When the Beth Din blew the shofar, slaves departed to their homes and fields reverted to their (original) owners." [b. Rosh Hashan. 8b] [These are special cases.]

8. "'Circumcision and all of its preparations supersede Shabbat,' this is the view of R. Eliezer."<sup>3</sup> From what (scriptural verse) does R. Eliezer derive this?

a. If he derives it from all (the others [lulav, shofar, etc.], our objection is) as we stated (in the other cases). Furthermore, in those cases (they supersede Shabbat) because if the fixed time for their proper observance passes, they are nullified (and we do not observe them at all, but in the case of circumcision we still observe it after its fixed time).

b. Rather, this is R. Eliezer's reasoning: "Since Scripture says: On the eighth day you shall circumcise the flesh of his foreskin [Lev. 12:3] --- (this means) even on Shabbat." Let the Torah state this (explicitly) in the case of circumcision. (Let) this (verse) serve (as a model from which) the others may be derived. (This is not possible) because it is possible to refute (the analogy): in the case of circumcision, thirteen covenants were made in conjunction with it (and it is therefore a special case).

D. Now, our Rabbis disagree with him [R. Eliezer] only in respect to the preparations for circumcision. But (as for) circumcision itself --- all agree that it supersedes Shabbat.

1. From where do we (know this) [what is the formal basis]?

'Ulla said, "It is a halacha." Similarly, R. Issac said, "It is a halacha."

a. An objection was raised (from a Baraita): "From where (do we know) that the saving of a life supersedes Shabbat?"

R. Eleazar b. Azariah says, 'If circumcision --- which is (performed on only) one of the limbs of man --- supersedes Shabbat, how much more so does the saving of a life supersede Shabbat.'" [b. Yom. 85b]

1) And if you maintain that (that circumcision supersedes Shabbat) is a halacha, can one derive a kal vachomer from a halacha?

2) Surely it was taught (in a Baraita): "R. Eleazar (b. Azariah) said to him, 'Akiba, (the ruling that) a bone (of a corpse) the size of a barley grain defiles (a nazirite) is a halacha; and (the ruling that) a quarter (log) of blood (from a corpse also defiles a nazirite) is derived by you by means of a kal vachomer (from the halacha about the bone), but one may not deduce another rule from a halacha by means of a kal vachomer (but only from a scriptural text).'" [b. Pes. 81b, b. Naz. 26a]

2. a. Rather, said R. Eleazar, "It is (learned by analogy from) 'sign' (written in conjunction with circumcision [Gen. 17:11] and) 'sign' (written in conjunction with Shabbat [Ex. 31:13], which indicates that circumcision may be done on Shabbat)."

1) But it would follow from this that tefillin, in conjunction with which it is written "sign" [Deut. 6:8] (should) supersede Shabbat.

b. "Rather, it is (learned by analogy from) 'covenant' (written in conjunction with circumcision [Gen. 17:11] and)

'covenant' (written in conjunction with Shabbat [Ex. 31:16])."

1) (But it would follow from that, that the circumcision of) an adult, in conjunction with which "covenant" is written [Gen. 17:14] (should) supersede Shabbat (when only eighth-day circumcision supersedes Shabbat).

c. "Rather, it is (learned by analogy from) 'generations' (written in conjunction with circumcision [Gen. 17:12] and) 'generations' (written in conjunction with Shabbat [Ex. 31:16])."

1) (But it would follow from that, that) fringes, in conjunction with which "generations" is written [Num. 15:38], (should) supersede Shabbat.

d. Rather, R. Nahman b. Issac said, "We rule (from) 'sign,' 'covenant,' and 'generations' (written in conjunction with circumcision and from) 'sign,' 'covenant,' and 'generations' (written in conjunction with Shabbat) to exclude those in conjunction with which only one is written."

3. R. Johanan said, "Scripture says: On the (eighth) day [Lev. 12:3]. On the day [implies] even on Shabbat."

a. Resh Lakish said [objected] to R. Johanan, "It follows from this (analogy), that those who lack atonement [those who are unclean and must offer a sacrifice as part of their purification rites], in conjunction with whom it is (also) written on the day [Lev. 14:2], would also supersede Shabbat (which is not the case).

b. (Rather) the (word 'day') is needed (to teach that sacrifices are offered only) 'during the day' but not at night."

- 1) The (word "day" in conjunction with circumcision)  
is also needed (to teach in the case of circumcision)  
"during the day" but not at night (and cannot be used  
to prove "supersedes Shabbat").
- c. It [that circumcision is done at day and not at night] can  
be derived (instead) from (When he is) eight days old.  
[Gen. 17:12].
  - 1) This [that the sacrifice is made only during the day]  
can also be derived from On the day that he  
commanded (the children of Israel to offer their  
sacrifices). [Lev. 7:38].
- d. Even though it [that the sacrifice is made only during the  
day] may be derived from On the day that he commanded.  
(the other verse) is (still) needed (to prove it lest) you  
might reason: since the Merciful One had compassion  
upon him [the one seeking atonement] (permitting him) to  
bring (a lesser sacrifice) in poverty --- (He would) also  
(permit him) to bring (the sacrifice) at night [another  
leniency]. (Thus, Lev. 14:2) comes to tell us (that this is  
not the case).
  - 1) Rabina raised an objection against him [R. Johanan]:  
"It would follow from this that a stranger should be  
eligible (to make these sacrifices) and a mourner  
should be eligible for them."  
    - a) (R. Johanan replied) "Surely Scripture brought  
him back." [There are scriptural rulings which

prevent the one seeking atonement from acting  
in this inappropriate manner.]

- e. R. Aha b. Jacob said, "Scripture says the eighth (day  
[Lev. 12:3] implying) the eighth (day) even on Shabbat."
  - 1) This "eighth" is needed to exclude the seventh (day).
    - a) (That we do not circumcise on) the seventh (day)  
follows (rather) from (when he is) eight days old.
  - 2) Still (both verses) are needed --- one to exclude the  
seventh (day) and one to exclude the ninth (day).  
For if (we deduce it from only) one (verse), you  
might (erroneously) reason (only) the seventh (is  
excluded) because its [the circumcision's] time has  
not arrived, but (from) the eighth day on is its time  
[it may be performed].
    - a) Rather, it (must) be explained according to R.  
Johanan [His derivation must be appealed to to  
prove it.]
- 4. (Moreover,) it is taught (in a Baraita) in accordance with R.  
Johanan and not in accordance with R. Aha b. Jacob:
  - 1: "(And on) the eighth (day the flesh of his foreskin) shall  
be circumcised [Lev. 12:3] --- even on Shabbat.
  - 2: Where (then) can I apply: the one that profanes it shall  
surely be put to death? [Ex. 31:14].
  - 3: To all acts of work other than circumcision.
  - 4: Or (perhaps) this is not (the case), rather (it refers) even  
to circumcision.

- 5: To what can I (then) apply: on the eighth...shall be circumcised?
- 6: (To all days) except Shabbat.
- 7: (Therefore) Scripture states on the day, (implying) even on Shabbat."
- a. Raba said, "Why is this Tanna [the one arguing against circumcision on Shabbat] satisfied at first and dissatisfied in the end? [Why does the Baraita state a derivation and then attempt to knock it down?] Thus he says: 'the eighth... shall be circumcised --- even on Shabbat. To what (then) can I apply: the one that profanes it shall surely be put to death? To all acts of work other than circumcision,' but circumcision supersedes it."
- 1) What is the reason? It [this ruling] is (deduced by means of) a kal vachomer. Now if leprosy supersedes sacrificial service, and sacrificial service supersedes Shabbat, and circumcision supersedes (leprosy), (then) Shabbat --- which is superseded by sacrificial service --- surely circumcision supersedes it.
- 2) What is (the meaning of) "or (perhaps) this is not (the case)" that he states [in 4.4: above]?
- a) (Then) he goes back on his reasoning: "From where (do we learn) that leprosy is more stringent? Perhaps Shabbat is more stringent since there are many penalties and injunctions associated with it.

- b) (Also) from where (do we know) that it [that leprosy supersedes sacrificial service] is because leprosy is more stringent? Perhaps it is because the man is not fit (to offer the sacrifice because of his illness).
  - c) Where (then) can I apply (the verse): On the eighth...shall be circumcised? (To all days) except Shabbat.
  - d) (Therefore) Scripture teaches on the day (implying) even on Shabbat."
- 3) Our Rabbis taught (in a Baraita): "Circumcision supersedes leprosy, whether (performed) at its proper time or whether not at its proper time. It [circumcision] does not supersede festivals except at its proper time."
- a) How do we know this? Because our Rabbis taught (in a Baraita):
    - 1: "The flesh of his foreskin shall be circumcised --- even if there is a bahereth [a bright white spot on the skin] it [the foreskin] must be cut off." [y. Nedar. 3:9]
    - 2: Where (then) can I apply: take heed in the plague of leprosy? [Deut. 24:8]
    - 3: To all other cases except circumcision.
    - 4: Or (perhaps) this is not (the case) rather (it refers) even to circumcision.

- 5: Where (then) can I apply: the flesh of his foreskin shall be circumcised?
- 6: Where there is no bahereth.
- 7: (Therefore) Scripture teaches flesh (implying) even when there is a bahereth."
- (1) Raba said, "Why was the Tanna satisfied at first and dissatisfied in the end? [First he assumes that circumcision supersedes Shabbat and then he has difficulty with this assumption.] Thus he says: 'The flesh of his foreskin shall be circumcised --- even if there is a bahereth. Where (then) can I apply: Take heed in the plague of leprosy? In all other cases except circumcision,' but circumcision supersedes leprosy."
- (a) What is the reason? It is inferred by a kal vachomer. In the case of Shabbat, which is (more) stringent (than leprosy and which) is superseded by circumcision, is it not so much the more so (that) leprosy (is also superseded by circumcision)?
- (b) What is (the meaning of) "or (perhaps) this is not (the case)" that he states [in a) 4: above]? (Then) he goes back on his reasoning: "From where (do we learn) that Shabbat is more stringent

(than leprosy)? Perhaps leprosy is more stringent (than Shabbat), since it supersedes sacrificial service and sacrificial service supersedes Shabbat.

- (c) (Therefore) Scripture teaches flesh (implying) even when there is a bahereth."

b) Another version: circumcision supersedes leprosy.

- (1) What is the reason? A positive (commandment) comes and supersedes a negative (commandment).

- (2) What is (the meaning of the) "or (perhaps) this is not (the case)" that he states?

(Then) he goes back on his reasoning:

"Perhaps we said that a positive (commandment) supersedes a negative (commandment) only in the case of) a negative (commandment) by itself, (but) this is (a case of) a positive (commandment) and a negative (commandment conjoined).

- (3) Where (then) can I apply: The flesh of his foreskin shall be circumcised? When it does not have a bahereth. (Therefore) Scripture teaches flesh (implying) even when there is a bahereth."

c) This is well for an adult in conjunction with

whom flesh is written [Gen. 17:14] (but what about infants)?

(1) Flesh is also written in conjunction with an infant [Lev. 12:3].

(2) From where do we know about a youth (about whom flesh is not written)?

(a) Abaye said, "It is inferred from the (other) two (statements). We cannot deduce (this conclusion) from (the case of) an adult (alone since) there is a penalty of kareth (in the case of the adult). We cannot deduce it from (the case of) an infant (alone since in the case of the infant) it is circumcision at its proper time. The feature common to them (both) is that they (both) are (to be) circumcised and they supersede leprosy. So all who are circumcised supersede leprosy."

d) Raba said, "(That) circumcision at its proper time supersedes (leprosy) does not need a (scriptural) verse (for proof); it is deduced by way of a kal vachomer. In the case of Shabbat, which is (more) stringent (than leprosy, circumcision) supersedes (it); is it not clear (that) leprosy (is also superseded by circumcision)?"

- (1) R. Safra said to Raba: "How do you know that Shabbat is (more) stringent (than leprosy). Perhaps leprosy is (more) stringent (than Shabbat), since it supersedes sacrificial and (since) sacrificial service supersedes Shabbat."
- (a) There it is not because leprosy is (more) stringent, rather it is because the man is unfit (for sacrificial service).
- (b) Why so!? Let him cut off the bahereth and perform the service.
- (c) He is still lacking tebillah.
- (d) This reasoning holds for unclean lesions (but) what can be said of clean lesions?
- (e) Rather, R. Ashi said, "Where do we rule that a positive (commandment) comes and supersedes a negative (commandment)? (In a case) such as circumcision and leprosy, or also fringes and mixed kinds, where at the time that a negative (commandment) is violated the positive (commandment) is fulfilled. Here (in the case of leprosy and sacrificial service) at the time that the negative (commandment) is violated the positive (commandment) is not fulfilled. [Cutting away the

bahereth does not fulfill the commandment to offer a Passover sacrifice.]"

[b. Bet. 8b, b. Ket. 40a]

- (2) Now this (dispute) of Raba and R. Safra (also corresponds to) a dispute between Tannaim; for it was taught (in a Baraitha):

1: "'Flesh --- and even if there is a bahereth it shall be circumcised,' (these are) the words of R. Josiah." [b. Yom. 34b]

2: R. Jonathan said, "This is not necessary [to learn about this from the word flesh]. Shabbat (which is more) stringent is superseded (by circumcision). Is it not clear (that) leprosy (is also superseded by circumcision)!"

(a) The Master said (in a Baraitha): "'Flesh --- even if there is a bahereth it shall be circumcised,' (these are) the words of R. Josiah."

(1.) Why do I need a (scriptural) verse for this? It [the cutting away of the bahereth when the person is circumcised] is an unintentional act and an unintentional act is permitted (when done in the course of performing a permitted act).

(2.) Abaye said: "The (verse) is necessary only according to R. Judah who said, 'An unintentional act is forbidden (even when so performed).'"

(3.) Raba said, "You may even say (that the verse is necessary also according to) R. Simeon. R. Simeon agrees in (the case of) 'cut off his head but do not let him die.'<sup>4</sup> [A prohibited act that inevitably follows from a permitted act is still prohibited]."

(4.) Does not Abaye agree with this (understanding of R. Simeon's view)? Surely both Abaye and Raba said: "R. Simeon agrees in (the case of) 'cut off his head but do not let him die.'"

(5.) After he [Abaye] heard it from Raba he accepted it [that R. Simeon rules this way].

(b) Others recite this (interchange between) Abaye and Raba thus [assigning it to the following scriptural exegesis: take heed in the plague of leprosy, that you observe diligently to do.

[Deut. 24:8] To do [to remove the lesion] --- you may not do [you may not intentionally remove the lesion], but you may do it by means of a bast on the foot or a pole on the shoulder and if it [the lesion] goes --- it goes. Why do I need a (scriptural) verse (for this)? It is an unintentional act and unintentional acts are permitted.

Abaye said: "It is only needed according to R. Judah who said, 'An unintentional act is forbidden.'" Raba said, "You may even say (that the verse is not necessary also according to) R. Simeon. R. Simeon agrees in (the case of) 'cut off his head but do not let him die.'" Does not Abaye maintain this (same understanding of R. Simeon's opinion)? Surely both Abaye and Raba said: "R. Simeon agrees in (the case of) 'cut off his head but do not let him die.'" After he [Abaye] heard it from Raba he accepted it.

- (c) Abaye developing the opinion of R. Simeon (in (2) (a) above, before he accepted Raba's view of R. Simeon's

opinion): "How does he utilize this  
(word) flesh?

(1.) R. Amram said, 'As referring to  
the one who says it was his  
intention to cut off his bahereth  
(in order to become ritually  
clean).'

(a.) This is well for an adult.

What can be said of a child  
(who has no intention)?

(2.) R. Mesharsheya said, 'It refers  
to the child's father who says  
that it is his intention to  
remove his son's bahereth [he  
intends on behalf of his child].'

(3.) If there is another (available  
to do the circumcision) let  
another perform it. For Simeon  
b. Lakish said: 'Everywhere you  
find a positive (commandment)  
and a negative (commandment in  
opposition), if you can fulfill  
both it is preferable, but if not  
the positive (commandment)  
comes and supersedes the  
negative (commandment).

(4.) (This applies) when there is no other (to perform the one commandment for you)."

5. The Master said (in a Baraitha): "It [circumcision] supersedes festivals only (when performed) at its (proper) time." From what (verse of Scripture) do we learn this?

a. Hezekiah said, and the school of Hezekiah taught likewise, "Scripture says: And you shall let nothing of it remain until morning (but that which remains of it until the morning you shall burn with fire). [Ex. 12:10]. It was not necessary to repeat until the morning (so) what (then) is intimated by repeating until the morning? Scripture intends to teach a second morning for its burning."

b. Abaye said, "Scripture says: The burnt-offering of Shabbat (shall be burnt) on its Shabbat [Num. 28:10]; but not the burnt-offering of weekdays on Shabbat and not the burnt-offering of weekdays on a festival."

c. Raba said, "Scripture says: (No manner of work shall be done in them save that which every man must eat,) that only may be done by you. [Ex. 12:16]. That --- but not its preparations. Only --- but not circumcision that is not (done) at its proper time, which might (otherwise) be inferred by means of a kal vachomer."

d. R. Ashi said, "(The seventh day is a Shabbat of) holy rest [Lev. 23:3] --- this is a positive (commandment). There is (therefore) in conjunction with festivals a positive

(commandment) and a negative (commandment), and a positive (commandment) [circumcision] does not supersede a negative (commandment) and a positive (commandment that are conjoined) [the phrase 'holy rest' and the prohibition against work found in Lev. 23:3]."

R. Eliezer's ruling in our Mishnah would allow any and all preparations for circumcision to be performed on Shabbat, no matter how far removed that preparatory act may be from the act of circumcision itself. This rather complex sugya will very carefully investigate that ruling and will raise the question of whether even circumcision itself supersedes Shabbat and/or festivals.

The sugya begins (II.A.) by addressing the specific point made in the Mishnah, and also raises the issue of following a local custom which conflicts with a generally accepted ruling. This issue is dealt with immediately by the first Baraitha (A.1.) which, by identifying R. Eliezer's ruling in the Mishnah as only a local custom, indicates that the generally accepted ruling is in fact to the contrary.

The Baraitha continues with another example of a local ruling (A.2.). Although the precedent which follows (2.a.) rejects R. Jose's opinion as a generally accepted ruling, it does uphold its validity as a local custom. An explanation of R. Jose's ruling follows the precedent. That we accept his ruling as a local custom indicates that we must also accept R. Eliezer's ruling as a local custom, since the principle applied to the case of R. Jose should apply in the case of R. Eliezer as well.

Next, R. Eliezer's ruling is explicitly endorsed by an Amoraic statement (A.3.). The reasoning there is that this good fortune comes from God

and that it would not have been bestowed upon the town if its inhabitants had been acting in an inappropriate manner. Therefore, R. Eliezer's ruling must be valid.

What follows (A.4.) is a short, topically unrelated discussion dealing with the correlation between the circumstances under which a precept was accepted or the way in which it was observed by the ancient Israelites and the way in which it was observed by the Jews during the period in which these Beraitoth were composed. The association between this and the preceding materials is simply the shared theme of circumcision (4.a.). The second Baraita (4.b.), in addition to containing the same type of discussion and the same theme of circumcision as the first, has a mild thematic connection with R. Issac's statement (A.3.) in that both mention the Roman ban on circumcision. Attached to (but not part of) this second Baraita is a secondary discussion (b.1)) illustrating the Baraita's concern with tefillin.

When the sugya returns to the topic of circumcision (II.B.) it no longer deals with the permissibility of preparations in general on Shabbat but only with the single act of bringing the knife on Shabbat. The Mishnah has already informed us that, according to R. Eliezer, one may bring the knife, and the preceding section of the Gemara has dealt with the question of the condition of the knife itself (concealed or exposed, and if witnesses are needed). The present discussion wrestles with the question of the route by which the courier may travel. There are two possible routes: the public domain (the streets) and the semi-private domain (roofs, courtyards, and enclosures). The permissibility of the latter route depends on whether or not an 'eruv had been made (which would permit it).

R. Abba b. R. Adda (II.B.) offers at least one instance in which the knife was carried through the semi-private domain. We must assume that

no 'eruv had been established around these courtyards since otherwise carrying the knife through them would have been allowed by rabbinic law and not subject to questioning. R. Abba b. R. Adda further tells us that R. Eliezer would disapprove of this case, but R. Joseph (B.1.) argues this point, reasoning as follows: Since R. Eliezer allows all preparations to supersede Shabbat, then the issue of whether there is an 'eruv in this case should be of no consequence to him and he would surely allow the knife to be brought by way of the courtyards. R. Joseph continues (1.a.) that one might argue that R. Eliezer would allow carrying the knife only in the public domain, because his rationale of "love of the commandment" requires rejecting the more secluded and less visible semi-private domain. The Rabbis, however, rule differently (in favor of the precedent), which would make R. Eliezer's ruling an isolated opinion and therefore not binding.<sup>5</sup> At this point in the argument the precedent in B. is still accepted as describing an accepted practice. But the argument continues (1.b.) by citing a Baraitha which indicates that the Rabbis did not allow any carrying where there is no 'eruv and so R. Joseph is rejected and R. Abba b. R. Adda's statement stands: R. Eliezer does not allow this. After demonstrating that neither R. Eliezer nor the Rabbis hold the lenient position, our sugya cites a Baraitha that assigns this position to R. Simeon (B.2.).

Having solved the problem of who holds what opinion above, the Gemara now turns its attention to a new, but secondary case (B.3.). The question of carrying the knife by way of the roofs and courtyards has been raised and now the issue of general carrying in an alley is addressed. The issue is broached at this juncture because it is answered in terms of the dispute between R. Eliezer and the Rabbis concerning the circumcision knife [cf.

3.e.). The problem here is that the alley is semi-private in its nature (very few courtyards open onto it and only its residents use it), but it resembles the public domain (the streets) in its appearance and by the fact that many people use it. The question remains the same --- if there is no 'eruv, may one carry in it --- and we are presented with several alternative ways to view the alley. These alternatives are presented as part of a conversation between two Amoraim, in which R. Zera is questioning Assi on this matter. The first alternative (3.a.) is that the alley is exactly analogous to the courtyard and one may carry within it an object that was already located there before Shabbat. The second (3.b.) is that the alley lacks an essential characteristic of the courtyard (four walls) and must therefore be regarded as a street. In this case, it would be prohibited to carry in it. The third (3.c.) is that, since an alley, unlike a courtyard, need not have any houses opening onto it, it lacks a second essential characteristic of the courtyard and carrying in it is therefore prohibited.

The problem is left unresolved (3.d.) until some time later (3.e.) when it is answered by way of a precedent, specifically in terms of a circumcision knife which was brought on Shabbat. This action is regarded as problematic, since R. Eliezer's ruling in the Mishnah concerning bringing the knife on Shabbat is in fact not accepted. The problem is answered by claiming that the knife was brought through an alley that had no 'eruv (e.1)).

When this circumstance is not contested, R. Assi (3.f.) draws an analogy to any act of carrying in the alley, and the accepted ruling at this point is that the alley is analogous to the courtyard and one may carry in it those objects which were in it at the beginning of Shabbat, even if there is no 'eruv.

Having established the opinion of R. Assi, a ruling of R. Zera is used to respond (3.g.). Here he quotes another Amoraic ruling which greatly limits R. Assi's ruling. When explained (g.1)), we learn that the ability to carry into the alley is affected by whether or not the houses on any given courtyard which opens into that alley have been joined by an 'eruv. If the residents of the courtyard have not made an 'eruv, they may carry in the whole of the alley. If there is an 'eruv, they may carry in the alley only for a distance of four cubits. The reason for this has to do with the status of the courtyard when there is an 'eruv, and with a previously unstated condition for carrying in the alley (g.3)). Rab, an Amora, considers the courtyard and the alley to be one domain, and one may therefore carry from the one into the other with no restrictions, but one may only carry from the house into the alley for a very short distance on Shabbat. When the houses and courtyards are joined by an 'eruv, one may carry from the house into the courtyard as if they were one domain, and the courtyards are therefore considered to be houses (according to Rab) in order to prevent something from the house from being carried into the courtyard and then through the whole of the alley. Where there is no 'eruv, one may not carry from the house into the courtyard. Since, therefore, no danger exists that an object from the house will find its way into the alley, one may carry in the whole of the alley. For this reason, Rab requires at least two houses and two separate courtyards to open onto the alley before one may carry something through the entire alley.

What follows (g.4)) is an attempt to establish a legal fiction whereby one could carry from the house into the courtyard and alley. What is proposed is that in the case where there is no 'eruv, the residents of the courtyard, except for one, declare their houses to be closed up (g.4)) and

then renounce their rights to the courtyard in favor of the one (4)a)). The courtyard is then considered as belonging to the one, and he may therefore carry from his house into the courtyard. Since there is no 'eruv, he may then carry that object into the whole of the alley. The problem with this is that there is, at that point, only one house (since the others are closed up) but the requirement is for at least two houses (a) (1)). The proposed solution (4)b)) is that the residents renounce their rights in favor of one person for half the day and in favor of another for half the day, and then there will be two houses. This is rejected, however, on the grounds that at any given moment there is only one house and so the requirement of "houses" is still not met (b) (1)). To avoid any further confusion, R. Ashi explains in somewhat more detail the relationships between the houses, courtyards, and alley (g.5)) in the same terms as the above explanation, emphasizing that it is the status of the house that affects the status of the courtyard. In the end, Rab's ruling as explained in g.1) is left as the accepted ruling.

Having completed its discussion of preparing for circumcision on Shabbat, the Gemara raises the issue of whether R. Eliezer's leniency concerning preparations on Shabbat can be generalized beyond circumcision (C.). This entire discussion is highly formalized. First, only R. Eliezer's rulings are dealt with, keeping in mind the fact that the Mishnah, so far, has dealt only with R. Eliezer's opinion. Second, this discussion is parallel to the two previous major sections of the Gemara (II.A. and II.B.) in that they also began by examining R. Eliezer's opinions. Third, internally, the second half of this argument (C.4. through C.8.) examines several precepts individually. Each examination is set into the same formulaic language and each utilizes what has been learned in the previous examinations.

The discussion begins with the simple assertion (C.) that R. Eliezer's granting of permission for preparations for circumcision to take place on Shabbat does not extend to the preparations for all commandments whose observance supersedes Shabbat. The first precept under discussion (C.1.) is the offering of the two loaves on Shavuot (see Lev. 23:17). If R. Eliezer held that its preparations supersede Shabbat, he could have drawn a simple analogy to circumcision and its preparations in order to prove his point. Instead, however, his proof depends on a more complex (and more artificial) gezerah shavah, establishing a ruling based on the similarity of words or phrases occurring in two or more scriptural passages. In this case, the gezerah shavah is based on the word "bringing" which is used scripturally in conjunction with the two loaves and also in conjunction with the 'omer'. It is already an established ruling that preparations for the 'omer' supersede Shabbat, so preparations for the loaves must also supersede Shabbat.

The larger issue at C. is momentarily set aside in order to examine the validity of this gezerah shavah. Two objections are presented (I.a.), both based on the formal requirement that each verse used in a gezerah shavah may not be used for any purpose other than that analogy. The first challenge (a.1)) states that the analogy is only a partial one since, in the case of the 'omer', a second lesson is derived from the word "bringing." The refutation, then, is based on a specific difference between the two cases. The analogy is saved, however (a.2)), on the grounds that this second lesson may be derived from an otherwise superfluous scriptural verse. The second challenge (a.3)) asserts that the analogy is still free only at one end--that while the verse in conjunction with the 'omer' is free, the verse in conjunction with the loaves is not. It is then noted that R. Eliezer himself would deny the formal validity of a gezerah shavah

under these circumstances. This challenge is easily refuted on the same grounds as the first (a.4)), and the analogy holds.

Having ascertained that R. Eliezer indeed maintains that preparations for the loaves supersede Shabbat --- even though he derives this from a specific gezerah shavah --- the search continues for at least one case that fits R. Hiyya b. Abba's statement (C.). The first several suggestions (C.2.) all turn out to be cases in which R. Eliezer rules explicitly that preparations supersede Shabbat. Finally (C.3.) two exclusions are found and they are supported by a Baraita. Fringes and mezuzah are exceptions for the following reason: Only time-bound, positive Biblical commandments supersede Shabbat, and while fringes and mezuzah are positive commandments, they are not time-bound (3.a.). Since the precepts themselves do not supersede Shabbat, certainly their preparations do not supersede Shabbat. Abaye objects (3.b.) that they should supersede Shabbat. The fact that they have no fixed time would imply that all times, including Shabbat, are appropriate for their observance. R. Nahman responds (3.c.) that they can indeed be observed at any time, but the restriction is because Shabbat can be observed only at its designated time. He then proposes a procedure whereby one would not need to violate any precept in favor of another, and fringes and mezuzah remain as the exclusions implied in C..

A secondary discussion follows at this point (C.4.). We return to the list of precepts in C.2. and seek to understand R. Eliezer's reasoning in each case. The concern here is to establish not only how each of these rulings was derived, but also if one case can be used as a master from which to derive the others or if they all indeed needed to be individually formulated. In the end it will be shown that each of these precepts

represents a special case and that separate rulings were in fact needed. The list begins with lulav (C.4.). The possibility of this ruling being derived from the established ruling for the 'omer' and the two loaves is denied on the grounds that we cannot analogize from a special and distinct case (4.a.). The sugya then tries to infer R. Eliezer's ruling from a scriptural verse (4.b.). The need for this is questioned for one purpose (b.1)), but is then established for the purpose of deriving R. Eliezer's ruling (b.2)).

What follows is a spelling out of the use of the scriptural verse by the two sides of the dispute. R. Eliezer's understanding of Lev. 23:40 was established in b.2). The Rabbis, however, derive a different lesson from this verse (2)a)). R. Eliezer also derives the Rabbis' lesson, but from a different scriptural verse (2)b)), while the Rabbis interpret this second verse differently (2)c)).

Having determined that lulav cannot be derived from the 'omer' and loaves, and that a scriptural verse is needed to establish the ruling for lulav, the suggestion is made that Scripture should simply state the ruling concerning lulav and then the 'omer' and loaves could be derived from it (4.c.). This is rejected (c.1)) on the grounds that just as the 'omer' and loaves constitute special cases, so the lulav represents a special case, and therefore the individual derivations are needed and no analogy is possible. (The end result of this is to rescue Scripture from including any superfluous statements. If an analogy, as suggested in 4.c., were possible, then the verses involved with the 'omer' and loaves (in C.1.) would be superfluous.)

The Gemara continues this secondary discussion by applying similar arguments to the cases of the sukkah (C.5.), unleavened bread (C.6.), and the shotar (C.7.). The discussion for each of these is parallel to that

for the lulav. The inability to analogize from the percept under discussion is extended to all previously discussed precepts, and not just 'omer and loaves.

Although not included in C.2., this same argument is applied to circumcision (C.8.), thus bringing the discussion back to the primary topic of the sugya. The task is still that of trying to understand R. Eliezer's reasoning. The rule for circumcision cannot be derived by analogy from the other cases (8.a.) for the same reasons as before, and for the additional reason that the others may be observed only at their proper time while circumcision is observed even if its proper time has past. Rather, R. Eliezer derives that preparations for circumcision supersede Shabbat from a scriptural verse, and we are told that the others also cannot be derived from circumcision since it too constitutes a special case (8.b.).

In II.D., the Gemara seeks to investigate the extent of the dispute between R. Eliezer and the Rabbis. When it turns out that all agree that circumcision itself supersedes Shabbat, the issue of the discussion becomes the formal basis for this ruling. Two Amoraic statements indicate that this is a traditional law (D.1.), but these are quickly rejected on the basis of two Beraitoth. The first (I.a.) uses an a minori argument to derive the ruling that the saving of a life supersedes Shabbat from the already established ruling that circumcision supersedes Shabbat. Since, however, rabbinic hermeneutical conventions forbid this maneuver (as one may argue a minori only from Scripture) (a.1)), the formal basis for the ruling that circumcision supersedes Shabbat cannot be that of a simple halacha. The second Baraita (a.2)) is cited to further prove that we may not reason a minori from a halacha.

If the ruling is not a halacha then it must be derived by means of an analogy from Scripture (D.2.). Three analogies (2.a., 2.b., and 2.c.), each based on the appearance of a different word in Scripture in conjunction with both circumcision and Shabbat, are proposed. All three, however, are rejected on the grounds that any analogy must be applied uniformly. But each of those three words is stated in Scripture in connection with at least one precept which does not supersede Shabbat (a.1), b.1), and c.1)), such that the analogies do not hold. The analogy (and, therefore, the ruling) is finally established (by a Babylonian Amora) using all three pair of verses.

R. Johanan (a Palestinian Amora) next proposes another derivation from Scripture to prove that circumcision supersedes Shabbat (D.3.).<sup>6</sup> While R. Eleazar based his derivation on an analogy, R. Johanan bases his on emphasizing the inclusion of a word ("day") in his proof-text which would otherwise be superfluous. Resh Lakish rejects this derivation for exactly the same reason as in D.2. above --- that the same inference must be drawn in every instance where the key word or phrase appears (3.a.). There is at least one case where the phrase "on the day" is used and which does not supersede Shabbat. That phrase, therefore, cannot be used to prove that circumcision supersedes Shabbat. R. Johanan responds (3.b.) that the verse is applied differently in the case of one seeking atonement. In that case, the word "day" is emphasized to teach that the sacrifice may not be offered at night. Resh Lakish again answers (b.1)) that the verses must be applied uniformly and so in the case of circumcision it also teaches that it may be done only during the day. R. Johanan proposes another verse (3.c.) to prove that circumcision is done only during the day. This then frees up Lev. 12:3 for him to prove

that circumcision supersedes Shabbat. Resh Lakish then proposes another verse (c.1)) to prove that the sacrifice is made only during the day, which frees up Lev. 14:2 to prove that the sacrifice supersedes Shabbat. Since we know that the sacrifice does not supersede Shabbat, we cannot use the same phrase (which is found in Lev. 12:3) to prove that circumcision supersedes Shabbat. R. Johanan defends his position with a formal argument, by saying that the sacrifice is a special case that requires two verses and we cannot, therefore, draw an analogy between this case and circumcision (3.d.). Rabina tries to refute R. Johanan (d.1)) by suggesting that the leniency which allows one who is poverty-stricken to bring a lesser sacrifice may be extended to allow sacrifices to be offered by those that are not otherwise allowed to offer them. R. Johanan refutes this objection, however, by stating that these other sacrifices are also explicitly prohibited by Scripture (1)a)). At this point, all challenges to R. Johanan's understanding of Lev. 12:3 have been refuted.

In 3.e., still another derivation is suggested, which will ultimately be refuted. Here, R. Aha b. Jacob offers the same proof-text and derives the same lesson as R. Johanan, but he does this by emphasizing the word "eighth" rather than the word "day." The response, as before, is that this emphasis is used to derive another lesson --- that circumcision on the seventh day does not supersede Shabbat (e.1)). R. Aha b. Jacob defends his position (1)a)) by suggesting another verse to exclude seventh-day circumcision. He is again challenged by the assertion that both of these verses are needed to prove that only eighth-day circumcision supersedes Shabbat (e.2)). Since there is no counterargument, R. Johanan's derivation is the only one available, and the statement is made (2)a)) that the valid scriptural derivation must be R. Johanan's.

A Baraitha is introduced next which, in the end, supports R. Johanan's derivation from Lev. 12:3 (D.4.). The Baraitha takes the form of the Tanna challenging his own remarks, and it begins by stating the proof-text and the lesson to be derived from it (4.1:). The first challenge is based on a scriptural verse which prohibits transgressing Shabbat (4.2:) (circumcision involving activities that are otherwise prohibited on Shabbat) and the response (4.3:) is that circumcision is a special case and is excluded from that verse. The Tanna challenges himself again (4.4:) and suggests that circumcision is not excluded and that our verse (4.5:) applies to all days except Shabbat (4.6:). Both of these arguments are equally valid, and so, to avoid misinterpreting Lev. 12:3, it is asserted that the emphasis is put on the phrase "on the day" to teach that circumcision does supersede Shabbat (4.7:).

The Amoraim regarded every clause in Tannaitic rulings as significant. Raba, therefore, attempts to fill in the reasoning, between the statements of the Baraitha, that would allow the Tanna both to make a statement and then challenge it (4.a.). Raba begins by recounting the first half of the Baraitha and explains (a.1)) that it is derived from the following a minori argument: If circumcision supersedes leprosy, and if leprosy supersedes sacrificial service, and if sacrificial service supersedes Shabbat, then, according to the syllogism that has been established here, circumcision must supersede Shabbat. Considering this argument, Raba questions on what grounds the Tanna challenges himself (a.2)), and it becomes apparent that the a minori argument is faulty because both major premises of the syllogism can be called into question. One pivot of that argument is that leprosy supersedes Shabbat, but it can be argued just as soundly (2)a)) that it does not supersede Shabbat. Accepting this, the a minori

argument breaks down and the result is that circumcision may or may not supersede Shabbat, and therefore the Tanna is provided with reason to go back on his argument. A second problem of the a minori argument (2)b)) is the other pivot --- that leprosy supersedes sacrificial service because it is more stringent, when in fact this may be because of the special circumstances of the situation. Since the a minori argument is based on the relative stringency of its elements, if we accept 2)b) then the a minori argument, falls apart. Because of the weaknesses in the a minori argument, we would not be able to demonstrate that circumcision supersedes Shabbat (2)c)). Therefore, the emphasis is put on the phrase "on the day" (2)d)) and it is learned from a scriptural verse that circumcision supersedes Shabbat. In the end, what Raba has done here, therefore, is to re-reason each step of the Baraita's argument.

Having mentioned leprosy, the Gemara is next going to engage in a secondary discussion pursuing that theme and exploring its relationship to circumcision, and it will play out that relationship in several different ways. This discussion begins with a Baraita (a,3)) which states that circumcision supersedes leprosy (a pivot in Raba's reasoning above). The Baraita also mentions the relationship between circumcision and festivals, but this will be dealt with later in the sugya (see D,5.). In an argument that is exactly parallel in form to, and contains much of the same material as, the preceding argument, a second Baraita is introduced (3)a)) which offers the proof for the ruling in the first. It has been proven, by emphasizing the phrase "on the day," that circumcision supersedes Shabbat. In this Baraita, the emphasis is placed on the second part of that same verse to prove that circumcision supersedes leprosy (a)1:). As before, the Tanna challenges himself by quoting a verse that seems to be contrary to the first (a)2:). The verse quoted is interpreted

to mean that one may not cut away a leprous spot. The response (a)3:) is that circumcision is an exception. But, we can also argue that circumcision is not an exception (a)4:). In that case, our prooftext (a)5:) applies only when there is no leprous spot (a)6:). Since both arguments are equally valid, the word "flesh" is emphasized to indicate that circumcision supersedes leprosy (a)7:).

In a section parallel to 4.a., Raba again questions the Tanna's reasoning (a)(1)). After reviewing the Tanna's argument, Raba indicates that this also is learned by an a minori argument ((1)(a)). (The support for the ruling ((1)(a)) uses the same argument that was previously used to refute the ruling that circumcision supersedes Shabbat (see 2)a)). The support for the ruling is again a syllogism whereby circumcision supersedes leprosy, but it is also possible to prove, by way of an equally valid a minori argument, that circumcision may not supersede leprosy ((1)(b)). Here the argument is the same as the one used to support the ruling in d.1). Since we cannot conclusively prove the ruling by means of an a minori argument, we must turn to the scriptural verse for our proof ((1)(c)).

The Gemara also presents a second version of the above argument (3)b)). The Tanna's discussion is the same and so it is not repeated, but the reasoning presented for that discussion is quite different. The reason for ruling that circumcision does supersede leprosy is the rabbinic principle that when a positive and a negative commandment are in opposition, we follow the positive commandment (b)(1)). Therefore, the commandment to circumcise supersedes the commandment not to cut away the leprous spot. The support for the argument that circumcision does not supersede leprosy is that a positive commandment does not supersede a positive and a negative commandment that are conjoined (b)(2)). The positive commandment

is again, to circumcise. The positive and negative commandments conjoined are in Deut. 24:8. The first half of that verse --- "Take heed in the plague of leprosy" --- is seen as negative (cf. a)2: above) and the second half --- "that you observe diligently..." --- is positive. With equally valid arguments for both positions, our prooftext is still needed (b)(3)).

Having established that circumcision does supersede leprosy, the Gemara next investigates a little more closely the prooftext that was used in both proofs, to see whether it can be applied in all cases. The prooftext is based on the word "flesh," which appears in conjunction with adults (3)c)) and in conjunction with infants (c)(1)), and so for these two age groups it is established that circumcision supersedes leprosy. In the case of youth, however (c)(2)), the commandment for circumcision (Gen. 17:10) does not contain the word "flesh." We must therefore deduce by way of analogy to the cases of both adults and infants that the circumcision of youth also supersedes leprosy ((2)(a)). It cannot, however, be deduced from only one or the other, since singly each represents a special case.

The issue to this point has been establishing the basis for the ruling that circumcision supersedes the prohibition against cutting away a leprous spot. Specifically the concern has been whether this ruling can be derived by a logical technique or if it needs a scriptural verse as its basis. Raba now applies that same question to the ruling that circumcision specifically on the eighth day supersedes leprosy. Many of the arguments and proofs here are similar or identical to those in the previous discussion. This section begins (3)d)) with Raba stating that a prooftext is not needed since an a minori argument will prove that eighth-day circumcision supersedes leprosy. He uses the same argument here that was presented in a)(1)(a) to demonstrate that a prooftext was needed since the a minori arguments

were not conclusive. Interestingly, the same a minori argument that was refuted in a(1)(b) by Raba, is endorsed here by Raba and refuted by R. Safra (d)(1)). This difference in the position attributed to Raba probably indicates that these two discussions are independent of one another. R. Safra's refutation attempts to overturn Raba's argument by reversing the premise that Shabbat is more stringent than leprosy. Raba defends his argument ((1)(a)) by claiming that R. Safra has misrepresented the issue of that case. (Note that from (1)(a) on, the dispute between R. Safra and Raba surely is being carried out by the editors of the sugya. I have attributed the names in my commentary to the respective positions to facilitate understanding the dispute). R. Safra responds ((1)(b)) that if the issue is not stringency, then the person could remove the leprous spot and offer the sacrifice. Since this is not allowed, leprosy must in fact be more stringent than sacrificial service, and therefore more stringent than Shabbat. Hence, we cannot accept Raba's a minori argument. Raba's response ((1)(c)) is that the removal of the spot is not sufficient to make this person fit for sacrificial service since he is still in need of purification and hence, leprosy does not supersede sacrificial service because it is more stringent. This reasoning renders R. Safra's proposal unacceptable because it changes the issue of the case from stringency to ritual requirements. R. Safra answers ((1)(d)) that ritual immersion is not needed for all types of leprous spots, and so his previous proposal is still valid. The response to R. Safra ((1)(e)) comes from a position ascribed to R. Ashi, a later Amora, who abandons the hermeneutical technique of a minori and rather defends Raba's position based on a different hermeneutical technique which derives from the rabbinic ruling for the adjudication of conflicting positive and negative commandments (cf. 3)(b)). In the end, Raba's a minori

argument will not stand but his ruling will stand, and leprosy will not have been shown to be more stringent than any of the other precepts. First R. Ashi spells out these rules of adjudication. The rule is that a positive commandment supersedes a negative commandment only when a single act both fulfills the one and violates the other. R. Safra's proposal, that leprosy is more stringent than sacrificial service, is incorrect from this perspective because cutting away the leprous spot does not fulfill a positive commandment, even though it does allow a positive commandment to be fulfilled (in the offering of the sacrifice). Raba's conclusion, therefore, remains in place.

The sugya next presents a Tannaitic dispute which roughly corresponds to the Amoraic dispute between R. Safra and Raba (d)(2)). The intent is to render the Amoraic dispute more weighty by shoring it up with a Tannaitic precedent. An Amoraic statement attributes to R. Josiah the same ruling found in the Baraitha in 3)a) ((2)1:). This corresponds to R. Safra's position. In the present Baraitha, R. Jonathan counters ((2)2:) that the ruling can be derived by an a minori argument. His position corresponds to Raba's and he presents exactly the same argument as does Raba in 3)d).

The Baraitha is now explored by Amoraim. Regarding R. Josiah's position ((2)(a)), the need for applying the hermeneutical technique of deriving the ruling from a scriptural verse is questioned ((a)(1.)), since another technique can equally be applied in this case --- that the Rabbis permit the performance of a prohibited action if it is an unintentional consequence of a permitted action. In our case the intent is to circumcise and it is wholly secondary and unintentional that the leprous spot is removed. This gives further support to Raba's opinion in 3)d). Abaye asserts, however ((a)(2.), that a scriptural verse is needed to prove the

matter by at least one Sage (R. Simeon) who does not permit an unintentional violation of a commandment. While this is meant to refute Raba's view in the preceding discussion, Raba himself here presents a second such case ((a)(3.)). This clearly indicates that the analysis of the Baraita proceeds independently of the preceding Amoraic dispute. As a final note ((a)(4.) and (a)(5.)), we are told that Abaye subsequently changed his opinion to Raba's view.

A second version of this interchange between Raba and Abaye about R. Simeon's opinion follows. In this second version, the interchange is referred to the exegesis of a different scriptural verse (which is the only difference between this and the first version) ((2)(b)). The purpose of citing the second version here is purely formal --- to correctly establish the referent of the Amoraic discussion. The point of the second exegesis is that the lesion cannot be intentionally removed, but that no transgression has been committed if it disappears as the unintentional result of some other act.

The conclusion of the Abaye-Raba interchange notes that ultimately Abaye accepted Raba's view of R. Simeon's position. The sugya now probes how Abaye viewed that position before he changed his opinion to Raba's view ((2)(c)). The first explanation ((c)(1.)) is by R. Amram, a later Amora, who says that Abaye understood R. Simeon as using the word "flesh" in Lev. 12.3 to refer to one who intentionally removes a leprous spot in order to become ritually clean. This intentional act is normally forbidden, but R. Simeon allows it in this case (and requires the scriptural verse as proof) because it is a by-product of circumcision, which is a commandment. This understanding is challenged on the grounds that an infant, who is normally the subject of circumcision, is not able to declare

such intentions. In that case, the removal of the spot would be an unintentional act and so no prooftext would be needed ((1.)(a.)). R. Mesharsheya, a late Amora, answers that in the case of a child, the father may declare that he intends to remove his son's leprous spot ((c)(2.)), and Abaye's understanding of the verse stands. The need for a prooftext is questioned again on the grounds that there is no need intentionally to violate a prohibition ((c)(3.)). If someone else performs the circumcision, the prohibition against cutting away the leprous spot would not apply to him, since he has no interest in his patient's state of ritual cleanness and is performing the surgery only for the sake of circumcision. Similarly, since the person to whom the ritual cleanness is a concern did not himself cut away the leprous spot, he has not violated the commandment concerning leprosy. This same person has, however, fulfilled the positive commandment to circumcise. The response to this is that the prooftext is still needed to cover the case in which there is no other person to perform the circumcision. In such a case, there is an intentional violation of the commandment.

Having completed its discussion of the first part of the Baraita in 4.a.3), the Gemara now deals with the second half of that Baraita. That circumcision supersedes festivals is essentially a given since we know that it supersedes Shabbat. The question is only whether all acts of circumcision supersede festivals or only circumcision performed on the eighth day after the infant's birth. The sugya restates the second half of the Baraita --- that only eighth-day circumcision supersedes festivals --- (D.5.) and then examines the basis for the ruling. Four possible bases are attributed to four progressively later Amoraim. The first, Hezekiah (5.a.), grounds the ruling by means of an analogy to the Passover sacrifice. There, the

unconsumed part of the sacrifice should not be burned until after the festival, but the sacrifice must be cooked on the festival. The action of heating with fire is the same, but one case (the cooking) cannot be postponed while the other (the burning) must be. Similarly with circumcision -- eighth-day circumcision cannot be postponed since the commandment calls for the eighth day, but if it is already past the eighth day, it should be postponed.

The second argument (Abaye) (5.b.) also proceeds by way of analogy, but instead bases the analogy on the requirements for Shabbat sacrifices. The reasoning is similar to that in the first argument. The third grounding (Raba) (5.c.) is not analogical, but rather employs scriptural analysis and is based on commandments dealing with the Passover. The proof-text, "No manner of work shall be done in them save that which every man must eat, that only may be done by you," indicates that only necessary work may be performed on the festivals. By emphasizing the word "that," the Amora has disallowed any preparations to be performed (as in the case of Shabbat). By emphasizing the word "only" and by reasoning along the same lines as the first two analogies, he infers that only eighth-day circumcision is allowed on festivals. For Raba, "only" is used to obviate an a minori argument, similar to those posited in relation to Shabbat, which would attempt to prove that any circumcision supersedes festivals.

The fourth grounding (R. Ashi) (5.d.) is based on the hermeneutical technique of adjudicating conflicting positive and negative commandments. Since, he maintains, circumcision is a positive commandment and the festival is governed by a positive and a negative commandment conjoined, then circumcision cannot supersede festivals for formal reasons. On the surface, this reasoning would seem to demonstrate that no circumcision at

all is to be allowed on festivals. This would contradict the first three opinions and the Baraita in D.5.. R. Ashi's view must therefore be seen in one of two ways: either he denies that any circumcision may be performed on a festival (in which case he represents an individual opinion) or he did not intend his statement to apply to eighth-day circumcision (which is clearly how the editors of the sugya understand his view). In either case, the Baraita stands.

III. R. Akiba stated a general principle, etc.

A. Rab Judah said that Rab said: "The halacha is according to R. Akiba."

B. We also learned (in a Baraita) similarly with respect to the Passover sacrifice, "R. Akiba stated a general principle: 'All work that it is possible to perform before Shabbat does not supersede Shabbat.

Slaughtering (the sacrifice), which is impossible to do before Shabbat, supersedes Shabbat.' Rab Judah said that Rab said: 'The halacha is according to R. Akiba.'" [b. Pes. 66a, 69b; b. Yeb. 14b; b. Men. 72a, 96a, 97a]

C. (Both of these rulings) are necessary [there are no superfluities].

1. If (this ruling) were taught (only) in conjunction with circumcision (you might think that) it is only there that preparations, which it is possible to perform before Shabbat, do not supersede Shabbat since there is no (penalty of) kareth (for not circumcising at the proper time). But (with regard to) the Passover sacrifice, for which there is (the penalty of) kareth, you might (erroneously) conclude: let them [the preparations] supersede Shabbat.

2. (Similarly) if (this ruling) were taught (only) in conjunction with the Passover sacrifice (you might think that its preparations do not supersede Shabbat) because thirteen covenants were not made in connection with it; but (with regard to) circumcision, in connection with which thirteen covenants were made, you might (erroneously) conclude: let them [the preparations] supersede Shabbat.

D. (Therefore both rulings) are needed.

The third ruling in our Mishnah, that of R. Akiba (III.) is held by Rab Judah to be normative (III.A.). The same ruling is repeated, however, in a different Baraita in connection with Passover, where it is also accompanied by Rab Judah's statement that this is the norm (III.B.). The fact that the ruling appears in two contexts is questioned since, by definition, a general principle applies in all circumstances. In a stereotypical answer, the Gemara assures us that this ruling needs to have been mentioned in both contexts (III.C.). If it appeared in only one or the other context, then we might view its application as a special case, based on a special characteristic of that commandment (C.1. and C.2.). To avoid this erroneous assumption, R. Akiba's ruling had to be stated explicitly in both cases (III.D.).

- I. Since (the Tanna explicitly) states all (of the requirements for circumcision separately), what is all (things that are) required for circumcision meant to include (which is not explicitly stated in the subsequent list)?
  - A. It is meant to include that which our Rabbis taught (in a Baraita):
    - 1: "As long as the one who circumcises (on Shabbat) is (actively) engaged in the circumcision, he may go back (to remove both) the shreds (of the foreskin) which invalidate the circumcision and the shreds which do not invalidate the circumcision.
    - 2: (Once) he has completed (the circumcision), he may go back (to remove) the shreds which invalidate the circumcision, (but) he may not go back (to remove) the shreds which do not invalidate the circumcision." [y. Shab. 19:2]
  - I. Which (Tanna) teaches (that once) he has completed (the circumcision) he may not go back (to remove those shreds which do not invalidate the circumcision)?
    - a. Rebbah b. Bar Hanah said that R. Johanan said: "It is R. Ishmael the son of R. Johanan b. Berokah. For it was taught (in a Baraita):
      - 1: 'If the fourteenth (on Nissan) falls on Shabbat, one flays the Passover sacrifice (only) as far as the breast. This is the view of R. Ishmael the son of R. Johanan b. Berokah.

2: But the Sages maintain (that) one flays the entire (animal)."<sup>1</sup> [b. Shab. 116b, b. Men. 63b, T. Pes. 4]

1) But how (do we know this? Perhaps) only to this extent did R. Ishmael the son of R. Johanan b. Berokah rule there (in the case of the sacrifice) because (the verse) This is my God and I will adorn Him [Ex. 15:2] does not apply,

a) but here (in the case of circumcision) where (the verse) This is my God and I will adorn Him does apply, (he may rule that) it is indeed so (that one goes back even to attend to those shreds which do not invalidate the circumcision).

b) For it was taught (in a Baraita):

1: "This is my God and I will adorn Him --- adorn yourself before Him in (the fulfillment of) commandments. (Therefore) make a beautiful sukkah before Him (to show Him honor), a beautiful lulav, a beautiful shofar, beautiful fringes, a beautiful Torah scroll and write it in His name with fine ink, with a fine reed pen, by a skilled scribe, and wrap it with fine skill.

2: Abba Saul said: 'and adorn yourself --- be like Him. Just as He is gracious and merciful, so you be gracious and merciful."<sup>2</sup> [b. Suk. 11b, b. Naz. 2b]

2. Rather, said R. Ashi, "Which (Tanna) is this (who teaches that one does not go back)? It is R. Jose, as we have learned (in a Baraitha):

1: 'Whether (the crescent moon to mark the beginning of a new month) was clearly visible or whether it was not clearly visible --- Shabbat is superseded on its account (by the witnesses to testify before the Beth Din).

2: R. Jose says, "If it is clearly visible one does not supersede Shabbat on its account (since surely the Beth Din will also be able to see it.)"" [b. Rosh Hashan. 21b, b. Men. 64a]

a. But how (do we know this)? Perhaps only to this extent did R. Jose rule there (in the case of the moon) because the Shabbat is not intended to be superseded (on account of the new moon sighting),

1) but here (in the case of circumcision) where Shabbat is intended to be superseded (on its account, he may rule that) it is indeed so (that one returns to remove the shreds which do not invalidate the circumcision).

b. Rather, said the scholars of Nehardea, "It is our Rabbis (who say that one does not return for those shreds and) who disagree with R. Jose, for it was taught (in a Baraitha):

1) 'Four priests enter (the Temple on Shabbat), two of them holding two arrangements (of bread) and two of them holding two censers. Four (priests) precede them, two to remove the two arrangements (of bread from the previous week) and two to remove the two censers (from the previous week). Those who bring in (the new loaves

and censers) stand on the north (side of the table) and face the south and those who remove (the old loaves and censers) stand on the south (side of the table) and face north. These withdraw (the old) and these set down (the new, with) the handbreadth of the one (removing) next to the handbreadth of the one (setting down); because it is said, (And you shall set showbread upon the table) before me always. [Ex. 25:30]

- 2) R. Jose said, "Even if these remove (the bread and censers) and these set (them) down (later in the day) --- this still constitutes always."" [b. Men. 7a, 99b]

3. Our Rabbis taught: "One must trim (the shreds) of the membrum (which invalidate the circumcision), and if he does not trim (them) he is punished by kareth." [y. Yom. 1:1]

a. Who (is so punished)?

- 1) R. Kahana said, "The surgeon."

a) R. Papa objected: "The Surgeon!? --- he can say to them, 'i performed half the commandment (in performing the circumcision itself; now) you perform half of the commandment (and trim the shreds yourself).'"

- 2) Rather, said R. Papa, "An adult [the one responsible for circumcising himself]."

a) R. Ashi objected: "An adult!? (There is no need to state that here since kareth) is (already) stated (by Scripture) in conjunction with (an adult): the uncircumcised male who is not circumcised (in the

flesh of his foreskin, that soul shall be cut off from his people). [Gen. 17:14]"

- 3) Rather, said R. Ashi, "Surely it is the surgeon. For example: if he came at dusk on Shabbat and they said to him, 'You do not have sufficient (time to do the circumcision before Shabbat)' and he said to them, 'I do have sufficient (time),' and he performed (the circumcision) but did not have sufficient (time to complete it) and the end result is that he has (not done the circumcision but has only) made a wound, then he is punished by kareth."

The Mishnah states that one may perform on Shabbat all actions which are necessary elements of the circumcision, even though those actions by themselves would normally be prohibited on Shabbat. The Mishnah then lists these actions. The point raised by the Gemara (I.) is that, given this list, the superscribed generalization, "all the requirements of circumcision," is either superfluous or meant to include something not contained in the list. Since the Rabbis assume that no statement in the Mishnah is superfluous, they declare that the superscription is meant to include the removal of shreds of the foreskin remaining after the circumcision (I.A.). While the surgeon is actively engaged in the circumcision on Shabbat, he may remove all shreds, since he is merely completing the task at hand (A.1.). If, however, he has completed the circumcision, he may go back to remove only those shreds which are so large as to invalidate the circumcision (A.2.). The rationale is that if the circumcision is invalid, then the commandment has not been fulfilled, and so the situation must be made right. But to go

back and remove shreds which do not invalidate the circumcision constitutes work prohibited on Shabbat, since the commandment to circumcise has already been fulfilled.<sup>1</sup>

Since the Gemara has introduced a new ruling, it next seeks to know with whose opinion is this consistent (A.1.). Three possible attributions are explored, each arrived at by extension from a stated case. The first two possible attributions will be rejected on the grounds that their rulings are context-specific and not generalizable to our case. The first attribution (1.a.) is based on an analogy drawn from the flaying of the Passover sacrifice. The analogous ruling is that of R. Ishmael, who maintains that if the fourteenth of Nissan falls on Shabbat, one flays the Passover sacrifice halfway and removes the fat for sacrificial purposes. Once the fat is removed, the sacrifice is acceptable and so to finish flaying the animal would constitute forbidden work. The discontinuation of the flaying in order to remove the fat is analogous to withdrawing from the circumcision. Just as one does not finish flaying the animal once the commandment has been fulfilled; so one does not remove more of the foreskin if the commandment has been fulfilled (a.1:). The Sages (a.2:), on the other hand, rule that one does finish flaying the sacrifice, and they would therefore rule that one may go back even for the shreds which do not invalidate the circumcision. The attribution of the circumcision ruling to R. Ishmael is then challenged on the grounds that circumcision and the sacrifice are not analogous, since the rabbinic interpretation of Ex. 15:2 is applicable in one case but not in the other (a.1) and 1)a)). Secondly, a Baraita is presented which spells out the interpretation of Ex. 15:2 alluded to above (1)b)). In that Baraita, we also find a second understanding of the verse which has no bearing on a.1) and 1)a) (b)2:).

Having rejected the first, a second attribution (to R. Jose) is suggested for our ruling concerning shreds (A.2.). The analogy here is to the rules concerning the witnesses who declare a new month. The Beth Din appointed people who would testify before it when they saw the slightest crescent of the moon, and the month was then declared. The Rabbis rule that the witnesses may offer their testimony on Shabbat, whether or not the moon was clearly visible (2.1:). (Testifying is otherwise prohibited on Shabbat). R. Jose maintains that this testimony is not needed by the Beth Din if the moon is clearly visible. In this case the testimony would be superfluous and, therefore, a violation of Shabbat (2.2:). Similarly with Shabbat, if the removal of the shreds is not necessary then it may be done. This attribution is challenged on the grounds that declaring the new moon is not analogous to circumcision, because declaring the new moon does not have to supersede Shabbat but circumcision on the eighth day must supersede Shabbat (2.a.). Therefore, even R. Jose could rule that one may go back for any shreds (a.1)).

Having established that R. Jose could allow all shreds to be removed, we are told that the prohibition instead can be attributed to the Sages who disagree with R. Jose in another Baraitha, dealing with the placement of showbread (2.b.). The analogy here is based on the notion of a continuous action. Ex. 25:30 which states that the showbread (in the Temple) was "always" to be on the table. The Baraitha describes the removal of the old loaves and the placement of the new as being simultaneous (b.1)). R. Jose, however, holds that "always" is fulfilled as long as the removal and the placement are done on the same day. But for the Rabbis, if any time separates the two, then the placement is a new act and not part of the event of switching the loaves. Similarly with circumcision, if there is any

interval of time between the completion and the return, then returning for the shreds is a new act and allowable only if the shreds invalidate the circumcision. The case of the showbread indeed is analogous to our case and the attribution stands.

A topically related Baraitha is now cited which reiterates the requirements for trimming the shreds, adding that failure to do this is punishable by kareth (A.3.). The Baraitha does not, however, tell us who is the object of that ruling (3.a.). R. Kahana suggests that it is the surgeon, since if he does not remove those shreds he will have violated Shabbat without having fulfilled the commandment (a.1)). R. Papa objects that what the surgeon actually did was permitted, but he simply did not complete the action (1)a)). The responsibility for observing the commandment of circumcision is not the surgeon's, but rather is borne by the individual who is to be circumcised. Hence, if the surgeon opts not to trim the shreds, then it is the individual's duty to do it. Therefore (a.2)), the punishment of kareth applies to the adult who is responsible for circumcising himself. R. Ashi objects to this interpretation on the grounds that there is already a scriptural verse which specifies the punishment of kareth in the case of the adult, so that a rabbinic ruling to the same effect is not needed (2)a)). Rather, he agrees that the Baraitha refers to the surgeon and gives an instance where such might occur: namely, where the surgeon started the circumcision at dusk before Shabbat (although he had been warned that he would not have enough time to finish before Shabbat) and had not yet finished when Shabbat started. If he stops before the circumcision is completed and valid then it turns out that he has only inflicted a wound on Shabbat, which is punishable by kareth (a.3)).

II. One sucks (the wound), etc.

A. R. Papa said, "If the surgeon does not suck the wound --- he is (creating) a danger, and he is dismissed."

1. (Why does R. Papa state this when) it is obvious that since Shabbat is superseded on account (of circumcision), it is dangerous (to not suck the wound). [Why do we need an Amoraic statement to tell us this?]

a. You might have (otherwise) thought that the blood was stored up, (therefore R. Papa) comes to tell us (that the blood) is a result of the wound.

b. It is like the bandage and the cumin --- just as there is a danger when one does not apply the bandage and the cumin, so here too (with the sucking) there is a danger when one does not do it.

Included in the Mishnah's list of actions that are part of the circumcision process is sucking the blood from the wound to sterilize the wound (II.). R. Papa adds to this by saying that if the surgeon does not suck the wound, he is immediately relieved of his duties because he is creating a danger of infection (II.A.). What follows is a stereotypical discussion in which it will be asked why such an obvious statement was made by an Amora. The answer will point out that the Mishnaic case is not as self-evident as it appears on

the surface and that the Amoraic statement is needed to prevent some erroneous deduction from the language of the Mishnah. One might erroneously think that the blood had collected in the area rather than being a result of the wound, in which case sucking it would not be a violation of Shabbat.<sup>1</sup> If sucking it is not a violation, we have no way of knowing from the wording of the Mishnaic ruling that it is dangerous not to suck. By explicitly stating that there is a danger in not sucking, R. Papa indicates that the blood is the result of the wound and that the sucking supersedes Shabbat only because of the danger. This idea is then reinforced by an analogy to the bandage and cumin based on the danger involved in not performing those acts (l.b.).

III. One places a bandage on (the wound).

- A. Abaye said: "Mother told me, (the salve for a) bandage for any sore (is made of) seven parts fat and one (part) wax."
- B. Raba said, "Wax and resin."<sup>1</sup>
  - 1. Raba expounded (this publicly) in Mahoza and the family of Manjome the physician tore their clothes (as a sign of despair). He (Raba) said to them, "I have left you one (cure undisclosed). For Samuel said, 'The one who washes his face and does not dry it well, his (face) will become covered with eruptions [rashes]. What is the remedy? Let him wash well with the water from boiled vegetables.'"

The Mishnah states that one puts cumin and a bandage on the circumcision wound to help it heal (III.). In a short Amoraic discussion, which supplies us with supplementary information, the Gemara inquires about the proper salve to use in dressing any wound. Abaye offers one suggestion (III.A.) and Raba another (III.B.). The precedent that follows (B.1.) indicates that Raba's recipe is certainly efficacious, since the physicians would not have been distraught if he had publicized an incorrect recipe. (This precedent also points to a very interesting topic with which the Gemara does not deal --- that of the authority and areas of responsibility of the physicians and of the Rabbis, who were often themselves healers).

IV. If one had not ground (the cumin) before Shabbat.

A. Our Rabbis taught (in a Baraitha): "(These are the) things which not be done on Shabbat, (but) which may be done (for circumcision) on a festival: one may crush cumin for it and one may mix wine and oil for it."

1. Abaye said to R. Joseph, "What difference is there (in the crushing of) cumin on the festival (as opposed to Shabbat)?

a. (Presumably) because it can be used in a dish (as a seasoning for food),

b. (and since) wine and oil (mixed together) may be used on Shabbat for a sick person [i.e.: they may be mixed on Shabbat for this purpose], (we should be able to mix them on Shabbat for use in circumcision)."

1) For it was taught (in a Baraitha): "One may not mix wine and oil for a sick person on Shabbat. R. Simeon b. Eleazar said in the name of R. Meir: 'One may even mix wine and oil (on Shabbat for a sick person).'" [T. Shab. 13, y. Shab. 17:3]

a) R. Simeon b. Eleazar recounted: "Once (on Shabbat) R. Meir was feeling pain in his abdomen, and we wanted to mix wine and oil (to administer) to him, but he would not allow us. We said to him, 'Your ruling (in this matter) will become void in your

lifetime.' He said, 'Even though I rule this way, my colleagues rule otherwise [that this mixing is permitted], (and) I have never (been so proud as) to disobey the rulings of my colleagues.' He was stringent (only) with himself, but for others it was permitted (to mix them)."

2) There (in the case of an illness) it does not need to be beaten well, but here (in the case of circumcision) it needs to be beaten well.

3) (Then) let us do similarly here (in the case of circumcision) and (mix it but) not beat it well (so that it is at least mixed).

4) This is (the intent) when he teaches: he may apply this one by itself and (then) apply the other one by itself.

2. Our Rabbis taught (in a Baraita): "One may not strain mustard seed in its own strainer (on festivals) nor make it sweet (by heating it) with a glowing coal."

a. Abaye said to R. Joseph, "How does (the use of a strainer here) differ from (this other case) in which we learned (in a Baraita): 'One may pass an egg through a mustard strainer.'?" [b. Shab. 139b]

1) He [R. Joseph] said to him, "There (in the case of the egg, where it all passes through the strainer,) it does not look like selecting, (but) here (in the case of the mustard, where it does not all pass through the strainer,) it looks like selecting."

- b. (And concerning the ruling) "nor make it sweet with a glowing coal" --- surely we have learned (to the contrary in a Baraitha): "One may make it sweet with a glowing coal."
  - 1) There is no problem [both rulings are valid]. Here, (in the Baraitha, we are speaking) of a coal of metal (and here, (in the rabbinic ruling, we are speaking) of a coal of wood.
- c. Abaye said to R. Joseph, "How does (the use of a wood coal here) differ from meat which is (roasted) on glowing (wood) coals (on the festival)?"
  - 1) He [R. Joseph] said to him, "There (in the case of the meat) it is not possible (to have cooked it before the festival, and) here (in the case of the mustard) it is possible (to have sweetened it before the festival)."
  - a) Abaye said to R. Joseph, "What about (making) cheese? (Is that allowed on the festival)?"
  - b) He [R. Joseph] said to him, "It is forbidden."
  - c) (Abaye responded), "How does (cheese-making) differ from kneading (bread dough)?"
  - d) He [R. Joseph] said to him, "There (in the case of bread) it is not possible (to make it before the festival, but) here (in the case of the cheese) it is possible (to make it before the festival)."
  - e) "But," (Abaye objected,) "the people of Nehardea say (that) freshly-made cheese is superior (and therefore appropriate to the festival)."

- f) (R. Joseph responded), "What they said was that even though the cheese is freshly made it is excellent (but how much more so when it was previously made)."

Our Mishnah states that the cumin for the dressing may not be crushed on Shabbat (since this is a preparatory activity that could have been performed before Shabbat) (IV.). A Baraita is cited which states that while cumin, and wine and oil may not be prepared on Shabbat for use in circumcision, these may be prepared on the festivals for use in circumcision (IV.A.). The sugya now explores the permissibility of these actions on the festivals. Abaye objects to this dichotomy between Shabbat and festival law (A.1.) using the following reasoning: Presumably preparing the cumin on a festival for use in circumcision is allowed because it is analogous to preparing spices for use in cooking, which is also allowed on festivals (1.a.). Operating on the principle that an action must be allowed in all analogous situations, he argues that we should therefore be allowed to mix wine and oil on Shabbat for use in circumcision, since they may be mixed on Shabbat for administration to a sick person (1.b. through b.1)a)).

R. Joseph refutes Abaye's analogy by saying that the preparation of the wine and oil in the two cases is not similar (b.2)). In the case of the sick person they merely have to be administered simultaneously, which is allowed. For circumcision, however, they must be well beaten together, which constitutes forbidden work. Abaye then proposes lightly mixing them for use in circumcision (b.3)), and the ruling will thereby be applied uniformly. R. Joseph indicates that this is exactly the

intent of the Mishnaic ruling "he may apply this one by itself and (then) apply the other one by itself." Abaye's argument is refuted and the Mishnaic ruling and the Baraitha in IV.A. stand.

The mention of preparing spices on festivals gives rise to a secondary discussion, which is related attributionally to the preceding materials and concerns preparation of other foods on festivals (A.2. ff.). A Baraitha is presented (A.2.) which also deals with a spice, and lists two restrictions on its preparation. Quoting an ostensibly conflicting Baraitha, Abaye questions the first Baraitha's ruling about the strainer on the grounds that the two cases are analogous --- in both cases the strainer is being used as a strainer (2.a.). R. Joseph responds that the two cases are not analogous, rather there is a specific difference --- all of the egg passes through, but not all of the mustard seed. With the mustard, then, it appears to be a case of sifting the seed to separate out the poor quality seeds, which is not allowed on festivals.

Abaye next objects to the first Baraitha's ruling about sweetening the mustard with a glowing coal. He bases his objection on a conflicting Baraitha (2.b.). R. Joseph responds that the particulars of the two rulings are different (b.1)). The prohibition is only against using a wood coal (and not a metal coal) because it will necessarily be extinguished, and extinguishing a coal is forbidden on festivals. Abaye objects that the ruling then is not being applied uniformly since meat may be roasted on wood coals on the festival, and in this case they will also become extinguished (2.c.). R. Joseph responds that there is a specific difference involving the question of when the food can be prepared (c.1)). Since the meat could not have been prepared before the festival, the ruling concerning wood coals does not apply in that instance.

Abaye then tries to challenge R. Joseph by arguing analogically from other types of food that require similar processes for their preparation. First Abaye inquires if cheese-making is allowed on festivals (1)a)), and the answer is that it is not allowed (1)b)). Abaye responds that bread-making is allowed (1)c)), and since the essential process in both bread-making and cheese-making is the kneading, cheese-making should also be allowed (parallel to his reasoning in the case of wood coals). R. Joseph replies that, here again, the issue is when the food can be prepared, and so the cases are not analogous (1)d)). Abaye offers a precedent to show that cheese and bread are indeed analogous because freshly-made cheese is preferable, as is freshly-made bread (1)e)). R. Joseph rejects this on the grounds that Abaye has misunderstood the precedent (1)f)). In the end, R. Joseph's view stands.

V. One may not at the outset make a haluk [shirt-shaped bandage] for it, etc.

- A. Abaye said: "Mother told me, the (hemmed) side of the haluk for an infant (that has been circumcised) should face up [away from the wound], lest a thread from it adheres (to the wound) and causes the urinary canal to be mutilated."
1. Abaye's mother used to make a covering [a lining] for half (of the haluk to prevent a thread from adhering to the wound).
  2. Abaye said, "(If) there is no haluk for the infant, one uses a rag that has a hem. They wrap the hem (around) the bottom (of the membrum) and fold it upwards (to cover the wound)."
- B. Abaye also said: "Mother told me, an infant whose anus is not visible --- one rubs it with oil and stands him in the sun light. Where there is a transparent (spot on the infant's back side) one tears (the skin) crosswise with a barley corn, but not with a metal utensil because (that causes) inflammation."
- C. Abaye also said: "Mother told me, (if) the infant does not suck, (this is because) his mouth has become cold. What is the remedy? One brings a vessel of burning coals and holds it near his mouth so that it will warm his mouth and he will suck."
- D. Abaye also said, "Mother told me, (if) an infant does not breathe, one fans him with a fan and he will breathe."

- E. Abaye also said: "Mother told me, (if) an infant does not cry [breathe easily], one brings his mother's after-birth and rubs it over him and he will cry."
- F. Abaye also said: "Mother told me, (if) an infant is (too) thin, one brings his mother's after-birth and rubs it over him from [starting at] his thin (end moving) toward his wide [heavier] (end). And if he is (too) fat (they rub the after-birth) from his wide (end) to his thin (end)."
- G. Abaye also said: "Mother told me, (if) an infant is (too) red (indicating) that the blood is still not absorbed in him (but is still under the skin), they (must) wait until the blood is absorbed in him and (only then do) they circumcise him. (And if the infant is) yellow (indicating) that blood has not yet occurred in him [he is deficient of blood], they (must) wait until the blood has occurred in him [until he has become full-blooded and red] and (only then do) they circumcise him."
1. For it was taught (in a Baraita): "R. Nathan said,
- a. 'Once I travelled to the coastal cities and a woman came before me who had circumcised her first son and he died, (and circumcised her) second (son) and he died. She brought her third (uncircumcised son) before me and I saw that he was (too) red. I said to her, "Wait to (circumcise) him until his blood is absorbed in him." She waited until his blood was absorbed in him and (then) she circumcised him and he lived. And they named him Nathan the Babylonian, after my name.
  - b. On another occasion I travelled to the province of Cappadocia and a woman came before me who had circumcised her first

son and he died, (and circumcised her) second (son) and he died. She brought her third (uncircumcised son) before me and I saw that he was yellow [jaundiced]. I examined him and I did not see any blood of the covenant [he was deficient of blood in his genital region]. I said to her, "Wait to (circumcise) him until he has become full-blooded." She waited (until he had become full-blooded) and (then) she circumcised him and he lived. And they named him Nathan the Babylonian, after my name." [b. Hul. 47b]

The Mishnah prohibits the making, on Shabbat, of the special bandage used in circumcision, since a regular bandage can serve temporarily (V.). Abaye further explores the issue of the bandage in a dictum relating his mother's teaching (V.A.). The dictum takes the same form as his dictum in III.A. above. Here (V.A.), he describes how to apply the bandage in order to prevent causing any injury to the infant. Following this is the comment that his mother would prepare her bandages in such a way as to prevent their accidental misapplication (A.1.). Continuing with the topic of the bandage, Abaye explains the proper method of bandaging the circumcision wound if the special bandage is not available (A.2.).

What follows is a list of treatments for various infantile ailments, related by Abaye as told to him by his mother. These statements all take the same form as in V.A.. The ordering of the dicta is not accidental, rather there is a logical connection between each one and the one precedes it. The common feature between the first (A.) and the second (B.) is that they both involve surgical situations. The second and third (C.) deal with the infant's orifices

(the anus and mouth respectively). The third and fourth (D.) are concerned with functions associated with the mouth (although the nose is also involved in D.). The fourth and the fifth (E.) both deal with breathing, and the difference between the two is only a matter of degree. The fifth and the sixth (F.) prescribe a remedy involving the use of the after-birth. The sixth and seventh (G.) are concerned with extreme physical conditions of the infant.

The remedy for dealing with a too ruddy or a too jaundiced child (V.G.) prescribes delaying the circumcision until some time after the eighth day. A Baraita, which relates two parallel precedents, is introduced to support this practice (G.1.). The first specifically endorses the delay in the case of a too ruddy child (1.a.), while the second endorses the delay in the case of the jaundiced child (1.b.).

- I. But surely you [the Tanna] said at the beginning (of the Mishnah): one may wash (the infant on Shabbat, implying that it may be done in the normal manner).
- A. Rab Judah and Rabbah b. Abbuha both said, "(The Tanna) teaches how (the washing is to be done): one may wash the infant (on Shabbat) both before the circumcision and after the circumcision."
  1. How? One may sprinkle (water) on him by hand but not with a vessel."
  2. Raba said, "But surely he said one may wash (but sprinkling is not washing)."
    - a. Rather, said Raba, "His intention was: one may wash the infant (on Shabbat) both before the circumcision and after the circumcision in the normal manner on the first day (after the circumcision);
    - b. but (if) the third day (after the circumcision) falls on Shabbat --- one may sprinkle (water) on him by hand but not with a vessel. R. Eleazar b. Azariah says, 'One may wash the infant on the third day (after the circumcision) that falls on Shabbat, as (Scripture) states: And it was on the third day when they were in pain. [Gen. 34:25].'"
- B. It was taught in accordance with Raba (in a Baraita):

- 1: "One may wash the infant (on Shabbat) before and after the circumcision in the normal manner on the first day (of the circumcision if it falls on Shabbat), but (if) the third day (after the circumcision) falls on Shabbat --- one may (only) sprinkle (water) on him by hand.
  - 2: R. Eleazar b. Azariah says, 'One may wash the infant (in the normal manner) on the third day (after the circumcision) that falls on Shabbat;
  - 3: and even though there is no (explicit) proof for this (in Scripture), there is an allusion to it, (because Scripture) states: And it was on the third day when they were in pain.'
  - 4: And when one sprinkles (the water), one does not sprinkle from a cup nor from a dish nor from (any type of) vessel, rather (one sprinkles) with (his) hand."
1. This is in accordance with the first Tanna (in the Mishnah).
  2. What (does R. Eleazar b. Azariah mean when he says), "Even though there is no proof for this, there is an allusion to it" (when surely the Scripture verse is proof)?
    - a. Because (the verse talks about adults and) an adult's flesh does not heal quickly (but) a child's flesh does heal quickly.
  3. A certain (person) came before Raba, and (Raba) taught him (the rulings concerning washing the infant) in accordance with his (own) opinion (that one may wash the infant in the normal manner on Shabbat only if it is the first day. Later) Raba became ill. (Thinking that his illness was a punishment) he said, "What (right) do I have (not to rule in accordance) with the

interpretations of the elder scholars (Rab Judah and Rabbah b. Abbuha)?" The Rabbis said to Raba, "But it was taught (in a Baraita that the correct interpretation is) according to the Master [Raba]." He [Raba] said to them, "(But) our Mishnah (is worded) exactly according to them." (They replied), "How so, since (our Mishnah also) says: R. Eleazar b. Azariah says, 'One may wash the infant on the third day (after the circumcision) that falls on Shabbat.'"

- a. There is no problem if you (were to) say (that) the first Tanna means (that) we may (only) sprinkle (on Shabbat. To oppose this position) is why R. Eleazar b. Azariah says to him (that) we may (go so far as to even) wash (the infant).
  - b. But if you (were to) say (that) the first Tanna means (that) we may wash (the infant only) on the first day and (only) sprinkle on the third day (if it is Shabbat, then) this (statement): R. Eleazar b. Azariah says, one may wash (should be read) "one even washes (on the third day even if it falls on Shabbat," to prevent one from acting according to the first Tanna's incorrect ruling).
  - c. When R. Dimi came (to Babylonia from Palestine), he said (in the name of) R. Eleazar: "The halacha is according to R. Eleazar b. Azariah."
4. They [the scholars] discussed this (matter) in the West [Palestine]: is the washing of the entire body (permitted) or (only) the washing of the membrum?
- a. One of the Rabbis, by the name of R. Jacob, said to them:

"It is (most) reasonable (that it means) the washing of the entire body.

1) For if you maintain (that it means) the washing of (only) the membrum, is (this) worse [is this any different] then (putting) hot water on a wound (which is already allowed)? For Rab said, 'One does not refrain (from putting) hot water and oil on a wound on Shabbat.'"

a) R. Joseph raised an objection against him: "Do you not (agree that) there is a difference between hot water that was heated on Shabbat (which is what the Mishnah refers to) and hot water that was heated before Shabbat (which is what Rab refers to)."

b) R. Dimi raised an objection against him [R. Joseph]: "How (do you know) that here (in the case of circumcision) they [Rab and the Mishnah] differ concerning hot water that was heated on Shabbat? Perhaps they differ (only) concerning hot water that was heated before Shabbat."

c) Abaye said, "I wanted to reply to him [R. Dimi] but R. Joseph anticipated (me) and replied to him: 'Because it is a danger for him [the child] (to use water heated as far in advance as before Shabbat).'"

b. It has also been said: "When Rabin came (to Babylonia from Palestine, he said) that R. Abbahu said that R. Eleazar said, and there are those that say (that) R. Abbahu said that R. Johanan said: 'The halacha is according to R. Eleazar b. Azariah (both in respect to the issue of) hot water heated on

Shabbat versus hot water heated before Shabbat (and with respect to the issue of) the washing of the entire body versus the washing of (only) the membrum, because there is a danger for him [the child] (in those practices not endorsed by R. Fleazar b. Azariah)."

- 1) (Returning to) that which was stated above (by an Amora): "Rab said, one does not refrain (from putting) hot water and oil on a wound on Shabbat."
  - a) But Samuel said, "One applies it outside [not directly on] the wound and it flows down into the wound."
  - b) An objection was raised (against Samuel from a Baraitha): "One may not put oil and hot water on a rag to apply to a wound on Shabbat."
  - c) (Samuel replied), "There (in the Baraitha) it is (not permitted) because (there is a chance of) wringing out (the rag, which is forbidden on Shabbat) [it applies to a different category of prohibition]."
  - d) (They raised another objection from a Baraitha): "Come and hear, 'One may not put hot water and oil on a rag that is (already) on a wound on Shabbat.'"
  - e) (Samuel responded), "There it is also because (there is a chance of) wringing out (the rag)."
  - f) There is a Tanraitic ruling which accords with Samuel's (opinion): "One may not apply hot water and oil (directly) to a wound on Shabbat, rather one applies it outside of the wound and it flows down into the wound."

- 2) Our Rabbis taught (in a Baraita): "One may apply a dry rag or a dry sponge to a wound (on Shabbat), but (one may) not (apply) a dry reed or a dry rag compress (to a wound on Shabbat)."
- a) (One of these rulings concerning) rag compresses contradicts (the other ruling concerning) rag compresses (because the first ruling says that rags may be used and the second ruling says that they may not be used).
- b) There is no contradiction: one [the ruling forbidding their use] concerns new (rags, and) one [the ruling allowing their use] concerns old (rags).
- c) Abaye said, "We can infer from this that rag compresses heal (since actively healing is forbidden on Shabbat and since their use is forbidden)."

Washing is an activity this is normally prohibited on Shabbat, so Mishnah must explicitly allow washing the infant on the day of his circumcision. Immediately afterwards, however, Mishnah states "one may sprinkle (water) on him." Washing and sprinkling are not the same activity (as the Gemara will point out), and since the Mishnah does not indicate the proper logical relationship between the two clauses, it might appear that its mandate is self-contradictory. This section of the Gemara is a Mishnah-commentary based on a close reading of the text, and its first task is to sort out this problem.

The point is made at the outset that the word "wash" implies washing in the normal manner (i.e.), and that the Mishnah would have chosen a different

word if this were not the intent. This is answered by two Amoraim who say that it does not refer to normal washing (I.A.). Rather, the word "sprinkle" describes how the washing is to be done (A.1.), and Mishnah has merely neglected to make explicit the relationship between the two clauses. The response to this is from Raba, another Amora, who reiterates the first point --- that "sprinkling" is not "washing," and thus we cannot say that we wash by sprinkling (A.2.). Raba then offers a solution based on R. Eleazar b. Azariah's ruling in the Mishnah. Utilizing R. Eleazar b. Azariah's mention of washing on the third day after the circumcision, Raba suggests that "washing" refers to the first day (2.a.) and "sprinkle" refers to the third day (2.b.). His rationale would be that we wash on the first day because of the danger of infection, but only sprinkle on the third day since that danger is still present but not as great.

Having established this reading of the Mishnah, the Gemara now examines it. A Baraita is introduced to support Raba's understanding (I.B.), and its first half is in fact identical to Raba's reading (B.1: and B.2:). While the Mishnah offers Gen. 34:25 as explicit proof of R. Eleazar b. Azariah's position, the Baraita redefines it as an allusion (B.3:). Finally the Baraita reiterates, in slightly different wording than Mishnah, how the sprinkling is to be done (B.4.). The editor of the sugya, commenting on the relationship between the Mishnah and this Baraita, notes that the Baraita's ruling on sprinkling is in accordance with the first Tanna in the Mishnah (B.1.).

Next, the Gemara seeks to clarify R. Eleazar b. Azariah's use of the proof-text in the Baraita vis-à-vis that in the Mishnah. The problem is that Gen. 34:25 is not put forth in the Baraita as explicit proof of R. Eleazar b. Azariah's position, rather only as an allusion (B.2.). The response (2.a.) is that the situation in the Mishnaic ruling and the scriptural verse

are not identical since the first speaks about circumcision of infants and the second about circumcision of adults. Since an adult does not heal as quickly, that case requires greater care than the case of the infant and we cannot, therefore, reason directly from the one to the other.

A precedent is introduced next (B.3.) in which Raba defers in favor of his elders, in a display of rabbinic etiquette, even though a Baraita supports his position. After presenting the precedent, the Gemara rejects the other rabbinic opinions concerning washing the infant in favor of R. Eleazar b. Azariah's view (3.a. and 3.b.). This support of R. Eleazar b. Azariah is further endorsed by the Palestinian Amoraic tradition, which assigns his view as halacha (3.c.).

Having settled the issue of whether one may wash the infant on Shabbat, the Gemara, in a section attributionally related to the previous discussion, now turns to another ambiguity in the text --- whether "wash" refers to the entire body or only the membrum. This question is raised by the Palestinian Amoraim (B.4.) and the suggestion is made that surely it refers to the entire body (4.a.), since washing only the membrum is analogous to washing a wound, which is already allowed on Shabbat (a.1.)). In an objection registered by R. Joseph, a Babylonian Amora (1)a)), the issue of the case is changed from the act of washing to the time at which the water was heated. He argues that the cases of circumcision and the wound are not analogous since Rab's permissive ruling at a.1) refers to water heated before Shabbat and our Mishnah presumably refers to water heated on Shabbat. Our Mishnah would then allow the washing of only the membrum, but the ruling needs to be stated in order to allow the use of water heated on Shabbat, which is otherwise prohibited. R. Dimi, a Palestinian Amora, then refutes R. Joseph's reasoning by calling into question some of the

latter's assumptions about the situations in the disputed rulings (1)b)). R. Joseph assumes that Rab and our Mishnah allow the use of water heated before Shabbat and that their dispute concerns water heated on Shabbat, which the Mishnah allows and Rab prohibits. We could reason equally well that they both allow water heated on Shabbat, since it is for medicinal purposes; whereas Rab prohibits and Mishnah allows the use of water heated before Shabbat. (While R. Dimi's point does not speak to the issue of washing the child, if it is accepted it will refute R. Joseph's position, and R. Jacob's view, which allows washing the entire body, will stand). The response again comes from a Babylonian Amora (1)c)). R. Dimi's suggestion is unacceptable because water heated before Shabbat is not safe to use at a circumcision, and the Mishnah would certainly not argue to allow an unsafe practice. At this point then, the view that stands is that we may wash only the membrum using water heated on Shabbat.

The issue is no longer disputed in a dialogue, but we are told that the Palestinian Amoraic tradition assigns R. Eleazar b. Azariah's opinion as the halacha, in respect to both heating the water and washing the infant (4.b.) (cf. 3.c.). The problem here is that we have not been informed of R. Eleazar b. Azariah's opinion in this case. We can take a clue, though, from a previous discussion in this sugya. Just as R. Dimi endorsed R. Eleazar b. Azariah's view in 3.c., it is reasonable to assume that he represents R. Eleazar b. Azariah's opinion in this dispute as well. If this is so, then the accepted ruling is that we may wash the entire body with water heated either on Shabbat or before Shabbat.

With the resolution of all of the primary issues raised concerning the Mishnah, the Gemara returns to a discussion of Rab's ruling in a.1) (b.1)). The issue to be dealt with is how one applies the hot water and oil to the

wound. The point of Samuel's opinion (1)a)) is that these may be applied to the wound only indirectly. An objection is raised from a Baraitha (1)b)) which prohibits the use of a rag to apply medicine --- an instance of indirect application, which is taken to imply generally that no indirect application of any sort is permitted. Samuel's response (1)c)) is that the concern of the Baraitha is not indirect application, but wringing the rag, which constitutes prohibited work. Another Baraitha is cited against Samuel's view --- here the issue would indeed seem to be indirect application, since in this case the rag is already on the wound so that there is no chance of wringing it (1)d)). Samuel answers that even in this case there is a danger of wringing (1)e)). Finally a Baraitha is cited which is identical to Samuel's ruling (1)f)). This ends the matter since we no longer have the problem of an Amoraic statement contradicted by a Tannaitic statement.

The mention in this dispute of the use of rags to apply the ointment gives rise to a tertiary discussion in the Gemara as to the kinds of rags that may be used to dress a wound on Shabbat. We are presented with a Baraitha, which provides supplementary rulings to the Mishnah, allowing the use of some types of rags but prohibiting the use of others (b.2)). The Gemara observes that the Baraitha appears to be self-contradictory since it both permits and prohibits the use of a rag compress (2)a)). The response then specifies the types of rags being discussed (2)b)). The Baraitha is dealing with old compresses in one case and new compresses in the other, and so the ruling is not self-contradictory. Abaye closes the discussion by drawing a conclusion from this ruling about the medicinal value of rag compresses (2)c)).

II. If there is doubt or (if the child is) an hermaphrodite, etc.

A. Our Rabbis taught (in a Baraita):

- 1: "(And on the eighth day the flesh of his foreskin (shall be circumcised). [Lev. 12:3]. (Implying even on Shabbat).
- 2: The (circumcision of the) foreskin of one who certainly (is subject to the obligation to be circumcised) supersedes Shabbat, but (the circumcision of) one about whom there is doubt (whether he is subject to the obligation to be circumcised) does not supersede Shabbat.
- 3: The (circumcision of the) foreskin of one who certainly (is a boy) supersedes Shabbat, but (the circumcision of) an hermaphrodite does not supersede Shabbat.
- 4: R. Judah says, '(The circumcision of) an hermaphrodite supersedes Shabbat (and) the penalty (for noncompliance) is kareth.'
- 5: The (circumcision of the) foreskin of one who certainly (was born during the day on Shabbat) supersedes Shabbat, but (the circumcision of) one born at dusk (on either Friday or Saturday) does not supersede Shabbat.
- 6: The (circumcision of the) foreskin of one who certainly (was born with a foreskin) supersedes Shabbat, but (the circumcision of) one born (appearing) as if he were circumcised [without a foreskin] does not supersede Shabbat.

- 7: For Beth Shammai says, 'One must draw a drop of the blood of the covenant from the (one born without a foreskin);' but Beth Hillel says, 'He is not (so) required.'
- 8: R. Simeon b. Eleazar said, 'Beth Shammai and Beth Hillel did not differ concerning one who was born as if he were circumcised, (rather they both maintain in that case) that one must draw a drop of the blood of the covenant from him, because his foreskin (only appears to be missing but) is (actually) pressed (to the membrum).
- 9: Concerning what do they differ? Concerning a proselyte who had (already) been circumcised at the time that he converted. (In that case) Beth Shammai says, "One must draw a drop of the blood of the covenant from him;" and Beth Hillel says, "One does not draw a drop of the blood of the covenant from him.""
1. The Master said: "(The circumcision of) one about whom there is doubt (whether he is subject to the obligation to the circumcised) does not supersede Shabbat." What is this meant to include (which is not explicitly stated in the Baraita)?
- a. It is meant to include that which our Rabbis taught (in the following Baraita):
- 1: "(If the infant was born in the) seventh (month, then) one may desecrate Shabbat for his sake (and perform the circumcision on the eighth day if it falls on Shabbat. If born in the) eighth (month, then) one may not desecrate Shabbat for his sake (and perform the circumcision on the eighth day if it falls on Shabbat, since we assume the fetus is not viable. If there is) doubt (as to whether

the infant was born in the) seventh (month or in the) eighth (month, then) one may not desecrate Shabbat for his sake (and perform the circumcision on the eighth day if it falls on Shabbat).

2: (A child born in the) eighth (month) is likened to a stone (according to the laws concerning things which may not be handled) and it is (therefore) forbidden to handle him (on Shabbat).

3: Rather, (on Shabbat) the mother bends (over the child) and nurses him because of the danger (to the mother in not discharging the milk from her breasts)." [T. Shab. 16]

2. It was said (by an Amora): "Rab said, 'The halacha is according to the first Tanna (that one born without a foreskin does not supersede Shabbat).'

a. But Samuel said, 'The halacha is according to R. Simeon b. Eleazar.'"

b. A child (appearing) as if he were circumcised was born to R. Adda b. Ahabah. He took him around to thirteen circumcisers (on the eighth day, which was Shabbat, to have them draw a drop of the blood of the covenant, and they all refused). Eventually he (did it himself and) mutilated his (child's) urinary canal. He said, "This has happened to me because I violated Rab's (ruling)."

1) R. Nahman said to him [R. Adda b. Ahabah], "Have you not (also) violated Samuel's (ruling)? Samuel's ruling

(applies only) to a weekday, (but) did he say anything about Shabbat? (Certainly not!)"

- 2) He [R. Adda b. Ahabah] maintained (that) the foreskin was definitely pressed (to the membrum).

a) For it was said (by an Amora): "Rabbah said,

'(Where the child is born appearing as if he were circumcised) we take into consideration that the foreskin may be pressed (to the membrum).'

(1) R. Joseph said, '(In such a case) the foreskin is definitely pressed (to the membrum).'

(2) R. Joseph said, 'How do I know this? Because it was taught (in a Baraita): "R. Eliezer ha-Kappar says, 'Beth Shammi and Beth Hillel did not disagree concerning (the child who) is born as if he were circumcised, that one must draw a drop of the blood fo the covenant from him. Concerning what do they differ? (Whether) to desecrate Shabbat for his sake (by drawing the blood on the eighth day if it falls on Shabbat). Beth Shammi says, "One may desecrate Shabbat for his sake;" and Beth Hillel says, "One may not desecrate Shabbat for his sake."'"

- c. Does it not then follow (from R. Joseph's first statement) that the first Tanna, (who agrees with R. Judah that Beth Hillel does not require "blood of the covenant," and with whom R. Eliezer ha-Kappar disagrees, would have to) maintain (that) one may desecrate Shabbat for his sake (even

according to Beth Hillel, since there is definitely a foreskin)?

- 1) (How do we know this?) Perhaps the first Tanna holds (that the foreskin is not definitely present and therefore) all [Beth Hillel and Beth Shammai] agree that one may not desecrate (Shabbat for his sake, and that the dispute, therefore, concerns weekdays).
  - 2) If so, (then) R. Eliezer ha-Kappar comes to teach us the opinion of Beth Shammai (that he does disagree in the case of Shabbat. But this would be superfluous since the halacha is according to Beth Hillel).
  - 3) Perhaps here (what R. Eliezer ha-Kappar intended to say (in response to the first Tanna, who maintains that the dispute concerned weekdays,) is that Beth Shammai and Beth Hillel do not disagree in the matter (of weekdays, but rather in the matter of Shabbat, and R. Eliezer ha-Kappar thereby establishes Beth Hillel's ruling).
3. R. Assi said, "Any (child) whose mother is ritually unclean (because of having given) birth [i.e.: a child delivered in the normal manner] is circumcised on the eighth (day); and any (child) whose mother is not ritually unclean (because of having given) birth [i.e.: a child delivered by Caesarean section] is not (necessarily) circumcised on the eighth (day).
- a. As it is said: If a woman is delivered and bears a male child, then she shall be unclean (for seven days)...and on the eighth day, the flesh of his foreskin shall be circumcised. [Lev. 12:2-3]."

- b. Abaye said to him, "The earlier generations (that lived before the giving of the Torah) will prove (the opposite), that when the (child's) mother is not ritually unclean (because of having given) birth (the child is still) circumcised on the eighth (day, as God had commanded Abraham)."
- c. He [R. Assi] said to him, "(When) the Torah was given a new law was established (in this matter)."
- d. (Abaye responded,) "Is that so? Surely it was stated (by an Amora): '(Concerning one who is born by) a Caesarean section or one who has two foreskins, R. Huna and R. Hiyya b. Rab (differ). One says, one may desecrate Shabbat for his sake; and the other says, one may not desecrate (Shabbat for his sake).'  
 1) So far, the extent of the dispute is only about (whether one may) desecrate Shabbat for his [the child's] sake; but concerning the eighth (day, they agree that) we certainly circumcise him (thereon)."
- e. (R. Assi replied,) "The one is dependent on the other. [If the child must be circumcised on the eighth day, then his circumcision necessarily supersedes Shabbat if that is the eighth day.]"
- f. This [the dispute between Abaye and R. Assi at 4.a.-b.] is similar to (the following dispute between) Tannaim: "There is (a circumstance where a slave) born (into his master's) house is circumcised on the first (day after birth), and there is (a circumstance where a slave) born (into his master's) house is circumcised on the eighth (day). There is (a

circumstance where a slave) bought with money is circumcised on the first (day), and there is (a circumstance where a slave) bought with money is circumcised on the eighth (day)." [y. Shab. 19:2]

1) "There is (a circumstance where a slave) bought with money is circumcised on the first (day), and there is (a circumstance where a slave) bought with money is circumcised on the eighth (day)." In what respect (are the two cases different)?

a) (If one purchases a pregnant female slave and afterwards she gives birth --- this (child is the one) bought with money who is circumcised on the eighth (day, since he is a Jewish slave).

b) (If one purchases a female slave together with her infant --- this (child is the one) bought with money who is circumcised on the first (day of the purchase regardless of his age, because he was not a Jewish slave when he was born).

2) "There is (a circumstance where a slave) born (into his master's) house is circumcised on the eighth (day)." In what (circumstance is this case)?

a) (If one purchases a female slave and she becomes pregnant (after entering) his household, and gives birth --- this (child is the one) born (into his master's) house who is circumcised on the eighth (day, which is the normal case).

- b) R. Hama says, "(If she conceived after being purchased, and then) she gave birth and afterwards had a ritual bath (by which she enters the Jewish household as a slave) --- this (child is the one) born (into his master's) house who is circumcised on the first (day of his birth, since he was not born as a Jewish slave).
- (1) (If she conceived after being purchased and if) she had a ritual bath (by which she enters the household as a slave) and afterwards gave birth - -- this (child is the one) born (into his master's) house who is circumcised on the eighth (day)."
- c) But the first Tanna makes no distinction between (the slave) who had a ritual bath (first) and afterwards gave birth, and (the slave) who gave birth (first) and afterwards had a ritual bath; so that even though (in the second case) his mother was not ritually unclean (because of having given) birth (because, having not had a ritual bath to enter the Jewish household as a slave, she was not yet subject to ritual uncleanness), he is (nonetheless) circumcised on the eighth (day).
- d) Raba said, "It is all right for R. Hama [his reasoning is clear]: we can account for, (according to his reasoning, a slave) who is born (into his master's) house who is circumcised on the first (day and a slave) who is born (into his master's) house who is circumcised on the eighth (day. Similarly, we find a

slave) bought with money who is circumcised on the first (day and a slave) bought with money who is circumcised on the eighth (day. To reiterate: if she was purchased, and then conceived and) gave birth and after that had a ritual bath --- this (child is the one) born (into his master's) house who is circumcised on the first (day. If she conceived after being purchased and if) she had a ritual bath and then gave birth --- this (child is the one) born (into his master's) house who is circumcised on the eighth (day)."

- 3) "(There is a circumstance where a slave) bought with money is circumcised on the eighth day."
  - a) If one bought a pregnant female slave and she had a ritual bath and afterwards gave birth (--- this child is the one bought with money who is circumcised on the eighth day).
- 4) "(There is a circumstance where a slave) bought with money is circumcised on the first (day.)"
  - a) If one bought a (pregnant) female slave and someone (else buys) her fetus (--- this child is the one bought with money who is circumcised on the first day).
- 5) But according to the first Tanna, it is all right (in all but one case because) they are all practical cases [we can find instances for them all] except for (the case of the one) born (into his master's) house who is circumcised on the first (day). What practical case is there for this?

a) R. Jeremiah said, "(The case of) one who buys a female slave (only) for (the purpose of acquiring) her fetus."

(1) That is acceptable according to the one who holds the opinion (that) acquisition of the usufruct is not the same as acquisition of the principal [i.e.: the right to benefit from her giving birth is not the same as owning her].

(2) But according to the one who holds (that) possession of the usufruct is the same as possession of the principal, what is there to say (that will serve as an example for this case)?

b) R. Mesharsheya said, "(An example is the situation) where one buys a (pregnant) female slave on the condition that he will not give her a ritual bath."

4. It was taught (in a Baraitha): "R. Simeon b. Gamaliel says, a human (child) which survives thirty days (after its birth) is not (considered) a non-viable birth, as it is said: And those that are to be redeemed shall be redeemable from a month old. [Num. 18:16]. An animal (that survives) eight days (after its birth) is not (considered) a non-viable birth, as it is said: But from the eighth day and henceforth it may be accepted for an offering. [Lev. 22:27]." [b. Yeb. 72a, 80b, 96a; b. Baba Bat. 50a]

a. This (implies that if the child) does not survive (for thirty days) it is doubtful (whether he was a viable human being). How (then) can we (possibly) circumcise him (on Shabbat)?

- b. R. Adda b. Ahabah said, "We circumcise him in either case. If he lives (then) he has been properly circumcised, and if (he does) not (live, then the circumciser) has (merely) cut flesh (since the non-viable child is considered as a corpse, and this is not considered a violation of Shabbat)."
- c. But it was taught (in a Baraita); "(If there is) a doubt whether (the child was born in) the seventh (month of its gestation or in) the eighth (month), one may not desecrate Shabbat for his sake." [cf. 1.a.]
- 1) In what (respect are these two cases different? Rather,) let us circumcise him in either case (and) if he lives (then) he has been properly circumcised and if (he does) not (live, then the circumciser) has (merely) cut flesh.
  - 2) Mar the son of Rabina said, "R. Nehumi b. Zechariah and I explained it (as follows): '(Just as he is) circumcised (in the first case) here also (in the case of seven months versus eight months) do we circumcise him, (and this Baraita) was needed only in respect to preparations for circumcision; and (it conforms to) the opinion of R. Eliezer.'"
- d. Abaye said, "This [R. Adda b. Ahabah's statement at 4.b.] is similar to (the following dispute between) Tannaim: And if any beast, of which you may eat, dies (he that touches its carcass shall be unclean until the evening). [Lev. 11:39].
- 1) (This is so stated) to include (a calf born in the) eighth (month of its gestation rather than the normal nine

month period, teaching that) its ritual slaughter does not render it ritually clean.

- 2) R. Jose the son of R. Judah and R. Eleazar the son of R. Simeon say: 'Its ritual slaughter does render it ritually clean.'
- 3) Do they not differ in this? For one Master [R. Jose and R. Eleazar] maintains (that) it [an eighth-month fetus] is a living (and viable creature), and one Master maintains (that) it is dead [not a viable creature].
- 4) Raba said, "If (it is) so (that they dispute its viability, then) instead of disputing over the issue of ritual uncleanness and cleanness, let them dispute over the issue of (using the questionable animal for) food."
  - a) Rather, all agree that it is not viable, but R. Jose the son of R. Judah and R. Eleazar the son of R. Simeon maintain (that) it is like a terefah [an animal having a fatal disease];
    - (1) (Now, in the case of a) terefah, even though it is non-viable, does not ritual slaughter render it ritually clean!?
    - (2) Here too (in the case of an early birth) it is no different.
  - b) And our Rabbis, (how do they reason)?
    - (1) It is not like a terefah, (for) a terefah had a period (when it was) fit for use.
    - (2) That (early birth) never had a period (where it was) fit for use.

- (3) And if you (object by) saying, "What can be said of (an animal that was) a terefah from birth?"

There (the principles of) ritual slaughter apply to this category (of animals, but) here, (in the case of an early birth, the principles of) ritual slaughter do not apply (at all) to this category (of animals).

- e. The question was posed to them [the scholars]: "Do our Rabbis disagree with R. Simeon b. Gamaliel or not (as to whether an animal, that is not yet eight days old, may be eaten)?"

- 1) If you say that they disagree, (then) is the halacha according to him [R. Simeon b. Gamaliel] or is the halacha not according to him?"

- 2) Come and hear: (it was taught in a Baraita,) "A calf that is born on the festival, one may ritually slaughter it (for use) on the festival (even though it is only a day old)." [b. Bet. 6b, b. Ned. 51b]

- a) With what (circumstance) are we involved here?

When it is established that its months (of gestation) are complete [nine months].

- 3) Come and hear: (it was taught in a Baraita,) "They (all) agree that if it was born blemished (on a festival), it is (considered as) from (among) the things designated (for use on the festival, and may be eaten even though it is only a day old, and we do not know if it is viable.)" [b. Bet. 26b, b. Hul. 51b]

- a) Here also (only) when its months (of gestation) are complete.
- 4) Come and hear: for Rab Judah said that Samuel said, "The halacha is according to R. Simeon b. Gamaliel."
  - a) (That) the halacha (had to be stated at all) indicates that (the Rabbis) disagree.
  - b) (You may indeed) conclude from this (last statement that the Rabbis disagree).
- f. Abaye said, "(If an infant less than thirty days old) falls from the roof of (if) a lion eats him, all maintain that he is (considered to have been) viable.
  - 1) When do they differ? When he yawns and dies [dies naturally] --- (one) Master maintains that he was viable and the (other) Master [R. Simeon b. Gamaliel] maintains that he was not viable."
  - 2) In what case will it be of any (practical) difference?
    - a) To release (the mother, if she is a widow) from (her obligation of) Levirate marriage.
  - 3) "(If an infant less than thirty days old) falls from the roof or (if) a lion eats him, all maintain that he is (considered to have been) viable."
    - a) But surely (when) R. Papa and R. Huna the son of R. Joshua came (as guests) to the house of the son of R. Iddi b. Abin and he prepared a calf for them (which was) the third (born to its mother and which was) seven days old, and they said to him: "If you had waited to (slaughter) it until evening (when the

calf would have been eight days old, then) we would have eaten from it, (but) now we will not eat from it."

- 4) Rather, (the correct understanding of the ruling is): "If it yawned and died all maintain that he was not viable.
  - a) When do they differ? When he falls from the roof or (if) a lion eats him --- (one) Master maintains that he was non-viable and the (other) Master maintains that he was viable."
  - b) A child was born to the son of R. Dimi b. Joseph (and) it died (of unnatural causes) within thirty days (from its birth, and) he sat and mourned for him. His father said to him, "Do you want (any) delicacies to eat?" He said to him [his father], "I am certain that his months (of gestation) were complete [nine months]."
  - c) R. Ashi came (as a guest) to the house of R. Kahana (upon whom) a mishap had befallen (in the unnatural death of his child) within (the first) thirty days (after his birth). He [R. Ashi] saw that he was sitting and mourning for him. He [R. Ashi] said to him, "Does not the Master hold in accordance with what Rab Judah said that Samuel said: 'The halacha is according to R. Simeon b. Gamaliel.'" He [R. Kahana] said to him, "I am certain that his months (of gestation) were complete [nine months]."

- 5) It was stated (by an Amora): "(If a child) dies within thirty days (of its birth and the child's widowed mother) arose (from her mourning) and became betrothed ---
- a) Rabina said in the name of Raba, 'If she is (to become) the wife of an Israelite, she must perform halizah. If she is (to become) the wife of a priest, she does not perform halizah;'
  - b) but R. Sherabia said in the name of Raba, 'In both cases, she performs halizah.'
  - c) Rabina said to R. Sherabia, 'In the evening [at first] Raba ruled this (same way as you, but) in the morning [later on] he changed his opinion.'
  - d) He [R. Sherabial] said to him, 'You would allow her (to marry without halizah!?'  
(1) May it be the will (of God) that you allow (the consummation of forbidden) fat!'"

The Mishnah rules that in a case of doubt as to whether the infant is subject to the obligation of circumcision, we may not violate Shabbat to circumcise him (II.). Mishnah does not, however, specify the object of the doubt. (It is clear from T. Shabbat 15:5-6 that Mishnah refers to a child born after eight months of gestation, and the doubt is whether the child is viable). The Gemara further explores this issue of circumcision in doubtful cases.

A Baritha is quoted (II.A.) in which Lev. 12:3 is taken to mean that Shabbat is superseded for the eighth-day circumcision of an infant who is definitely subject to the obligation to be circumcised, but not for the

following kinds of doubt (A.1.): an hermaphrodite, since it is not clear that such a person is a male (A.3.); one about whom it is not sure whether he was born on Shabbat, or before or after Shabbat, because of the possibility that Shabbat would not be the eighth day after birth (A.5.); and one born with no foreskin, since it is the removal of the foreskin which supersedes Shabbat (A.6.). With regards to an hermaphrodite, R. Judah rules that circumcision does supersede Shabbat. He further asserts that the person who does not violate Shabbat for the eighth-day circumcision of an hermaphrodite, is punishable by kareth (A.4.). This is consistent with his opinion in M. Shabbat 19:3 (C.1.).

With regard to the infant born without a foreskin, the Baraitha introduces a Houses' dispute (which is independent of the context of the Baraitha) describing how we treat such a child (A.7.). Beth Shammai maintains that we must draw a drop of covenantal blood, but Beth Hillel does not require it. The issue internal to the Houses' dispute would seem to be what constitutes the sign of the patriarchal covenant. Beth Shammai holds that it is the blood of the circumcision, while Beth Hillel maintains that it is the absence of a foreskin (and so, no blood is required). Internal to the Houses' dispute, R. Simeon b. Eleazar, a late Tanna, then redefines the issue of that dispute (A.8.). According to this Tanna, both Houses require a drop of blood to be drawn in the case of a child born without a foreskin, because the foreskin only appears to be missing but is actually pressed to the membrum. (Thus, even according to Beth Hillel's rationale, some circumcision-type action must be performed). The Houses' dispute should instead be assigned to the case of the proselyte who had been circumcised before he converted (A.9.).

The Gemara now examines, in detail, the Baraitha which has been cited. The Baraitha places the statement at A.2: as the first item in its list of doubtful cases. The Gemara, however, understands that statement as a superscribed generalization. The point is then made that, in light of the subsequent list, this putative superscription is either superfluous or meant to include something not contained in that list (A.1.). Since the Rabbis assume that there are no superfluities in the Tannaitic tradition, they understand the subscription to include a case which is elaborated in another Baraitha -- that of an infant born after an uncertain period of gestation (1.a.). The Baraitha then asserts that, not only may an eighth-month child not be circumcised on Shabbat (since he is assumed not to be viable), but he may not be handled at all on Shabbat (a.2:). This last ruling raises the problem of feeding the child, and a method is proposed whereby the child need not be handled (a.3:). Interestingly, according to Rashi, the primary concern here is not that the child be fed, but rather the potential danger to the mother if the milk is not discharged from her breasts.

The Gemara now discusses the Houses' dispute. We note that there are two versions of that dispute and try to establish the correct version. The upshot of this investigation will be to accurately define the Hillelites' position and how that position relates to circumcision on Shabbat. Rab states that the halacha is in accord with the Hillelite ruling in the first Tanna's version (A.2.), but Samuel rules in accordance with Hillelite ruling in R. Simeon b. Eleazar's version (2.a.). A precedent is cited which demonstrates that the correct ruling is Rab's and the first Tanna's (2.b.). R. Adda b. Ahabah views the injury to his son as punishment for drawing the blood, and not as the result of his own incompetence as a circumciser. R. Nahman, commenting on the precedent, indicates that R. Adda b. Ahabah

did not act in accordance even with Samuel's opinion. R. Adda b. Ahabah acted on Shabbat, but nobody has ruled that drawing the blood is allowed at that time (b.1)). R. Adda b. Ahabah's actions are then defended on the grounds that he, like R. Simeon b. Eleazar, maintained that there was definitely a foreskin (b.2)). He did not, therefore, consider it as a case of doubt. R. Simeon b. Eleazar's opinion is supported by a later Amoraic dispute. Rabbah maintains (2a)) that in the case of a child born with no apparent foreskin, we consider that there may in fact be one. Since he views this as a doubtful case, his opinion conforms to that of the first Tanna. R. Joseph, however, maintains that there definitely is a foreskin (a)(1)). It is, therefore, not a case of doubt, and this circumcision does supersede Shabbat. R. Joseph's opinion is supported by R. Eliezer ha-Kappar's rendering of the previous Houses' dispute (a) (2)). This version of the Houses' dispute brings us back into the topic of the sugya by introducing the issue of violating Shabbat. R. Eliezer ha-Kappar agrees with R. Simeon b. Eleazar that both Houses hold that blood must be drawn. The area of disagreement is whether it may be drawn on Shabbat. The fact that the issue is even debated is an indication to R. Joseph that the foreskin is definitely present.

R. Joseph's opinion is now applied to the Houses' dispute. We must conclude, from R. Joseph's line of reasoning, that if there is definitely a foreskin, then even Beth Hillel in the first Tanna's version of the dispute would have to allow the blood to be drawn on Shabbat, since this would not be a case of doubt (3.c.). Since the first version of the Houses' dispute is obviously contrary to this inference, that version is rejected. R. Eliezer ha-Kappar's version of the Houses' dispute rather informs us that, even though the foreskin is definitely present, Beth Hillel views it as a special,

prohibited case. This line of reasoning is refuted by the rejection of one of its premises (c.1)). R. Joseph accepts a priori that there is a foreskin. If, however, the first Tanna assumes at the outset that there is no foreskin, then there is nothing to dispute in the case of Shabbat and the Houses' dispute would deal with weekdays. This is rejected on the grounds that the new element in R. Eliezer ha-Kappar's view would then be only in Beth Shammai's ruling (c.2)). Since Beth Shammai's opinion is unimportant in terms of adjudicating halacha, it would be superfluous for R. Eliezer ha-Kappar to teach it. R. Eliezer ha-Kappar must, therefore, be understood as teaching Beth Hillel's opinion (c.3)). This implies that we must consider the foreskin as definitely present and reject the first Tanna's ruling, since this would not be a case of doubt. Even though it is not a case of doubt, Beth Hillel still views it as a special prohibited case. R. Simeon b. Eleazar's understanding of the Houses' dispute is rejected, but we do accept his opinion that the foreskin is present. In line with this, we accept R. Adda b. Ahabah's premise, but reject his actions. R. Nahman's rendering of the Houses' dispute is also rejected as incorrect.

The sugya now turns its attention to another case (not mentioned in Mishnah or the Beraithoth) in which circumcision need not occur on the eighth day. The issue is whether circumcision in such a case supersedes Shabbat (A.3.). The case discussed is whether the circumcision of one born by a Caesarean section supersedes Shabbat. The specific question to be debated concerns the ritual cleanness of the mother.

R. Assi rules that the ritual uncleanness of the mother for seven days after birth is a condition for eighth-day circumcision. He bases this on the fact that the Biblical command to circumcise, in Lev. 12:3, immediately follows the notice that the mother is deemed ritually unclean for seven

days after delivery (3.a.). The first day of the mother's new ritual cleanness then determines the day of the circumcision. Since a woman who delivers by Caesarean section is not subject to ritual uncleanness, her child is not necessarily circumcised on the eighth day. R. Assi's ruling does not in fact deal with circumcision on Shabbat, but its implications for that issue are clear. Abaye (who is arguing about circumcision on the eighth day rather than Shabbat) refutes R. Assi's reasoning, claiming that this condition (of ritual cleanness) was not in force before the giving of the Torah, when Abraham first received the commandment of circumcision. Therefore, eighth-day circumcision is not conditional on ritual cleanness (3.b.). R. Assi responds that the giving of the Torah changed things irrevocably, and the pre-Toraitic situation proves nothing (3.c.). An Amoraic dispute is now introduced to refute R. Assi's position (3.d.). Since R. Huna and R. Hiyya b. Rab dispute only whether or not the circumcision of a child delivered by Caesarean section supersedes Shabbat, we may infer that eighth-day circumcision of such an infant is taken for granted (d.1)). R. Assi's retort is that this inference is faulty. Rather, the real issue of the dispute is indeed whether or not we circumcise such an infant on the eighth day, and that this issue is presupposed by the dispute about Shabbat. The issue of Shabbat desecration is secondary to this, since only a circumcision which must be performed on the eighth day supersedes Shabbat (3.e.). Hence, if the circumcision may not supersede Shabbat, it does not have to be performed on the eighth day. Thus, R. Assi's opinion stands.

We are next told that the shared issue of the ritual cleanness of the mother as a requisite for eighth-day circumcision makes the R. Assi-Abaye dispute similar to a Tannaitic dispute involving the circumcision of slaves (3.f.). The issue of ritual cleanness is secondary to the Tannaitic dispute,

and it is introduced into that dispute in steps. The operative principle there is that a slave who is a member of a Jewish household is subject to many of the norms which apply to full Jews, including the requirements of ritual cleanness and circumcision. This Tannaitic tradition begins as a list of the circumstances that affect the time of an infant slave's circumcision. There is a situation in which a purchased slave is circumcised on the first day after his purchase, and a situation in which he is circumcised on the eighth day after his birth (f.1)). So, too, there is a situation in which a home-born slave is circumcised on the day of his birth and one in which he is circumcised on the eighth day after his birth (f.2)). There is then a dispute over what constitutes the circumstances under which a home-born slave is circumcised on the eighth day after his birth. R. Hama then introduces the issue of ritual bathing (2)b)). His claim is that the ritual bath itself makes the mother a Jewish slave, and therefore a member of the household, not the mere fact that she is owned by a Jew. Hence, if she had not yet had a ritual bath when her child was born, he is not considered as born into the Jewish household and the normal rules of circumcision do not apply to him.

At this juncture, the Gemara reads into the Tannaitic dispute the issue of ritual cleanness. The point is made (2)c)) that the first Tanna does not entertain ritual cleanness as a factor in determining what constitutes the requirements for eighth-day circumcision (which would dispute with R. Assi's position and support Abaye). If this is so, however, the first Tanna does not describe a case to fulfill every situation listed in 3.f.. His position is, therefore, not fully articulated. In a secondary Amoraic discussion (2)c)(f.), all of the cases already mentioned to fulfill the situations at 3.f. are reiterated, and we find, after some debate, the missing case for the first

Tanna. The first suggestion is by R. Jeremiah, a Palestinian Amora (5a)). If the woman is purchased solely for her fetus, then she is not considered part of the household, and her child is therefore circumcised immediately. This is rejected, however, on the legal grounds that owning her for her child is the same as owning her outright (a)(1) and (2)). A second case is suggested by R. Mesharsheya, a Babylonian Amora (5b)). This case hinges on the fact that the woman will not be given a ritual bath. His suggestion is in fact incongruous with the first Tanna's position since it hinges on the issue of the ritual bath, which is not a determinant for the first Tanna. Nonetheless, this suggestion stands.

The final issue to be dealt with in this sugya is yet another case of doubt --- whether we may supersede Shabbat to circumcise a child who may or may not be viable. This issue was first raised at 1.a. and will be introduced in this section at 4.c.. Raised in the course of the sugya are the questions of what constitutes a non-viable child, and how we distinguish between a viable and a non-viable child.

A Baraitha introduces a ruling of R. Simeon b. Gamaliel, establishing a criterion for the viability of human and animal offspring (that they must live at least thirty days and eight days respectively), and supports each case with a proof-text (A.4.). This Baraitha presents a dilemma. It suggests that the viability of every child is doubtful for the first thirty days after birth. Since doubtful cases do not supersede Shabbat, it would follow from this Baraitha that we may never supersede Shabbat for eighth-day circumcision (4.a.), since we would not yet be certain that the infant is viable. R. Adda b. Ahabah proposes a solution whereby we will retroactively redefine the case so that if the child turned out to be non-viable, there was no violation of Shabbat. The Baraitha at 1.a. is cited again here to refute R. Adda b.

Ahabah (4.c.). As a Tannaitic ruling, the Baraitha must, of course, take precedence, and it expressly prohibits cases of doubtful viability from superseding Shabbat. On the eighth day, however, the issue of viability is still unresolved. The response is to apply R. Adda b. Ahabah's solution to the Baraitha's case as well (c.1)). This proposal, however, implies an Amoraic rejection of a Tannaitic ruling, which is not an accepted practice. Mar the son of Rabina, a late Amora, resolves this conflict by assigning the Baraitha to another issue --- that of preparations for circumcision, which are prohibited in this case even by R. Eliezer, who normally allows preparations to supersede Shabbat (c.2)).

Support for R. Adda b. Ahabah's position is found in a Tannaitic argument concerning animals. The point of similarity is whether we treat a non-viable animal as if it were dead (terefah). If it is shown that we do treat a non-viable animal as terefah, this will support R. Adda b. Ahabah and Mar the son of Rabina. The discussion opens with a proof-text indicating that an animal which dies of natural causes becomes ritually unclean and is not fit for any purpose (4.d.). The Tanna goes on to assert that this includes a calf born after eight months of gestation, which he considers as non-viable (d.1)). This corresponds to R. Adda b. Ahabah's position. R. Jose the son of Judah objects, saying that an eighth-month calf can be made ritually clean through slaughter (d.2)). Hence, he views it as viable. Abaye interprets the issue of this Tannaitic dispute to be viability (d.3)).

Raba objects to Abaye's reasoning (d.4)) by asserting that if the concern of the Tannaitic dispute is viability, the rulings should be phrased around the issue of food (or use) rather than purity, since (as will be seen shortly)

it is possible to have a ritually clean but non-viable animal (4)a(1)). No non-viable animal, however, can be used for food.

Ritual cleanness, therefore, must not be the issue of the dispute, and all agree that an eighth-month animal is not viable (4)a)), even though it can be made ritually clean (a)(2)). This corresponds to R. Adda b. Ahabah's opinion. The analogy is refuted on the basis of a specific difference between the two cases; namely, that a terefah had a period of fitness before it became ill, but the eighth-month animal was born unfit (4)b)(1) and (2)). The Rabbis further assert that even individual cases cannot be analogized, since terefah and premature birth are different categories of animals (b)(3)).

The sugya now returns to the Baraita which began this unit. The issue is whether or not R. Simeon b. Gamaliel's opinion, in respect to an animal which has lived less than eight days, is deemed normative by the Rabbis. It would appear that R. Simeon b. Gamaliel considers an animal that has lived less than eight days to be non-viable, and therefore not usable as food. The question is raised as to whether this is a generally accepted opinion (4.e.)), and if not, then whether the halacha is according to R. Simeon b. Gamaliel or the Rabbis (e.1)). To answer this question, two Beraitoth are cited. (Since these Beraitoth are anonymous, they are assigned, by rabbinic convention, to the Rabbis). Both Beraitoth (e.2) and e.3)) indicate that a calf less than eight days old may be used as food and is therefore viable. This would dispute R. Simeon b. Gamaliel's view. The refutation of both Beraitoth is the same (2)a) and 3)a)), claiming that both represent special cases. They do not address our issue, which is still grounded in the concept of premature birth. Nonetheless, these Beraitoth serve to modify R. Simeon b. Gamaliel's ruling, and it must now be read as

follows: "If a calf was born before nine months, it is not viable until it is eight days old, but if it is born after nine months (at full term), it is born viable." The attempted proofs from *Beraitoth* are inconclusive and so the issue is resolved by citing an Amoraic statement which explicitly says that the halacha is according to R. Simeon b. Gamaliel's opinion (e.4)). This is also held definitely to prove that the Rabbis disagree with him, (since otherwise there would be no need to state that R. Simeon b. Gamaliel's opinion is normative) (e.5)).

Having dealt with the viability of animals, the sugya now addresses the issue of the viability of human infants. This discussion opens with a statement by Abaye (5.f.) that a child less than thirty days old, who dies of unnatural causes is considered to have been viable. The dispute is over the child who dies of natural causes. In this case, the Rabbis maintain that he was viable and R. Simeon b. Gamaliel holds that he was non-viable (f.1)). We then ask what practical difference this debate makes, since in either case the child has died (f.2)). Since it has already been resolved that the child is circumcised at eight days even if there is doubt as to his viability, the practical ramifications of the debate cannot have to do with the child. They have rather to do with the mother, if she is a widow, and the issue is whether or not Levirate marriage is necessary in this case (2)a)). If the child was not viable, the obligation for Levirate marriage still falls on the father's brother. If, however, the child was viable, there is no obligation for Levirate marriage.

The sugya now turns again to Abaye's position, calling it into question (f.3)) by citing a precedent (3)a)) from which it is clear that "all" do not agree that a child who lives less than thirty days is viable if he dies of unnatural causes. Abaye's position is now revised (f.4)) to conform to the

precedent, as follows: "We now maintain that all agree that if the child died naturally, he was not viable, and the dispute concerns an unnatural death" (4)a)). This entire discussion refers back to R. Simeon b. Gamaliel's ruling in the Baraita at A.4.. The last version of that ruling stands (f.4)), but there is no discussion in the sugya as to whose opinion is deemed normative in this dispute. It may then be assumed that the accepted ruling is that of R. Simeon b. Gamaliel, as it was in the case of the animal. This understanding of the ruling is then modified somewhat by two precedents (4)b) and 4)c)), as the ruling concerning animals was modified at e.2)a) and e.3)a). These precedents indicate that a child whose period of gestation was a full nine months is considered to have been viable, even if he dies of unnatural causes before reaching his thirtieth day.

Finally, we return to the issue of Levirate marriage. We recall that the need for the ruling concerning the viability of the child was based on the requirements of Levirate marriage. The final section of this sugya deals with the question of what must be done if a widow's son dies before he is thirty days old and she meanwhile marries someone else, not realizing that she is subject to Levirate marriage (f.5)). Rabina, quoting Raba, maintains that she must perform halizah (the ceremony whereby she is released from her obligation of Levirate marriage), unless she is now married to a priest, who is forbidden from marrying a haluzah (5)a)). In this latter case, they can assume in retrospect that the child was viable, and thereby eliminate the obligation for Levirate marriage. R. Sherabia also quotes Raba, but maintains that in either case she must perform halizah (5)b)). He holds that the child was definitely not viable, so her obligation for Levirate marriage is still in force. Since if she is married to a priest, her marriage

is not valid whether or not she performs halizah, the requirement for it stands. Rabina defends his position by asserting that Raba altered his opinion, and his final word on the subject was as Rabina reported (5)c)). R. Sherabia then rejects Rabina's position as totally untenable (5)d)). With no further discussion, R. Sherabia's opinion stands.

III. R. Judah permits this, etc.

A. R. Shizbi said that R. Hisda said, "R. Judah did not rule in all (cases that) an hermaphrodite is a male,

1. for if you say this [that it is a male], (then) in (the case of) vows where one gives to the Temple one's own valuation (based on one's sex), let him be (subject to) valuation."

a. From where do we (know) that he is not (subject to) valuation? Because it was taught (in a Baraita): "(And your valuation shall be for) the male [Lev. 27:3], but not for one with undeveloped genitalia nor an hermaphrodite.

1) It is possible (that one could argue that) he does not have the valuation of a man but he does have the valuation of a woman. (Therefore) Scripture says the male...and if it is female [Lev. 27:3-4] (to teach) one who is certainly a male (and) one who is certainly a female (are subject to vows of valuation), but not one with undeveloped genitalia nor an hermaphrodite." [b. Bech. 42a, b. Nid. 28b]

2) And an anonymous (statement in) Sifra is (held to represent the opinion of) R. Judah.

2. R. Nahman b. Issac said, "We also learned similarly (in Mishnah Parah 5:4): All are qualified to sanctify (the water) [to mix in

the ashes of the red heifer] except a deaf-mute, an idiot, and a minor. R. Judah declares a minor to be qualified, but disqualifies a woman and an hermaphrodite."

- a. This proves (that R. Judah does not in all respects consider an hermaphrodite to be a man).
- 3. What is different about circumcision (that there R. Judah does liken an hermaphrodite to a man)?
  - a. Because it is written: Every male among you shall be circumcised. [Gen. 17:10].

In our Mishnah, R. Judah permits the circumcision of an hermaphrodite on Shabbat (III.). This implies that R. Judah views an hermaphrodite as definitely being a male since, as was noted at the beginning of the last sugya, doubtful cases may not supersede Shabbat. The Gemara cites an Amoraic statement which maintains that R. Judah did not accept an hermaphrodite as definitely being male with regard to all legal matters (III.A.).

The first of these cases is where one vows one's own valuation (i.e.: the monetary amount of one's own value) to the Temple (A.1.). Scripture (Lev. 27:1-33) prescribes that this valuation be determined with reference to the age and sex of the person who makes the vow. According to an anonymous Baraitha which occurs in Sifra (1.a.), the words "male" and "female," in respect to these valuations, are both to be understood as excluding persons of doubtful sexual traits. Since rabbinic convention holds that all anonymous rulings in Sifra represent the opinion of R. Judah, this proves the Amoraic contention in III.A..

The second case is an explicit attribution to R. Judah in Mishnah, involving participation in the rite of sanctifying the water of purification by mixing in the ashes of the red heifer (A.2.). Here also, R. Judah permits the participation of only those who are definitely males. The fact that his only exclusions are women and hermaphrodites proves, according to the Gemara (2.a.), that he does not consider an hermaphrodite to be a male in all cases.

Having now established that R. Judah does not consider an hermaphrodite to be a man in all cases, the Gemara asks why he does view the hermaphrodite as a male specifically in the case of circumcision (A.3.). The answer is that there is a specific difference between the cases. In the other situations, the emphasis was placed on the word "male" in the prooftexts. In the case of circumcision, the emphasis is placed on the word "every," and this is understood to include even the doubtful cases of an hermaphrodite (3.a.).

I. (And he forgot and circumcised on Shabbat the one (to be circumcised) after Shabbat.)

A. R. Huna teaches (that) he is liable (for a sin-offering). Rab Judah teaches (that) he is exempt (from a sin-offering).

1. "R. Huna teaches (that) he is liable (for a sin-offering)."

a. For it was taught (in a Baraita):

- 1) "R. Simeon b. Eleazar said, 'R. Eliezer and R. Joshua did not disagree concerning one who had two infants, one (of which was) to be circumcised on Shabbat and (the other) to be circumcised after Shabbat, and he forgot and circumcised, on Shabbat, the one (to be circumcised) after Shabbat. (Rather, they both agree) that he is liable (for a sin-offering).
- 2) Concerning what do they disagree? Concerning one who had two infants, one (of which was) to be circumcised before Shabbat and (the other) one to be circumcised on Shabbat, and he forgot and circumcised, on Shabbat, the one (to be circumcised) before Shabbat. R. Eliezer holds (him) liable for a sin-offering and R. Joshua exempts (him from a sin-offering).'
- 3) They both learned (their respective rulings) only from (an analogy to) idolatry.

- a) R. Eliezer maintains (that this late circumcision performed on Shabbat) is like idolatry. Just as (with) idolatry the All-Merciful says 'you shall not practice (it)' and if one does practice (it) he is liable (for a sin-offering); here also, (this case of circumcision) is no different.
- b) R. Joshua (maintains that this case is different than idolatry because) there (in the case of idolatry) there is no commandment (that is fulfilled when one practices idolatry, but) here (in the case of circumcision, there) is a commandment (being fulfilled by the circumcision)."

2. "Rab Judah teaches (that) he is exempt."

a. For it was taught (in a Baraitha):

- 1) "R. Meir said, 'R. Eliezer and R. Joshua did not disagree concerning one who had two infants, one (of which was) to be circumcised before Shabbat and (the other) one to be circumcised on Shabbat, and he forgot and circumcised, on Shabbat, the one (to be circumcised) before Shabbat. (Rather, they both agree) that he is exempt (from a sin-offering).
- 2) Concerning what do they disagree? Concerning one who had two infants, one (of which was) to be circumcised after Shabbat and (the other) one to be circumcised on Shabbat, and he forgot and circumcised, on Shabbat, the one (to be circumcised) after Shabbat. R. Eliezer holds

(him) liable for a sin-offering and R. Joshua exempts (him from a sin-offering).'

3) They both learned (their respective rulings) only from (an analogy to) idolatry.

a) R. Eliezer maintains (that this early circumcision performed on Shabbat) is like idolatry. Just as (with) idolatry the All-Merciful says 'you shall not practice (it)' and if one does practice (it) he is liable (for a sin-offering); here also, (this case of circumcision) is no different.

b) R. Joshua (maintains that this case is different than idolatry because) there (in the case of idolatry) he is not preoccupied by a commandment, (but) here (in this case of circumcision) he is preoccupied by a commandment."

b. R. Hiyya taught (in a Baraita):

1) "R. Meir used to say: 'R. Eliezer and R. Joshua did not disagree concerning one who had two infants, one (of which was) to be circumcised before Shabbat and (the other) one to be circumcised on Shabbat, and he forgot and circumcised, on Shabbat, the one (to be circumcised) before Shabbat. (Rather, they both agree) that he is liable (for a sin-offering).

2) Concerning what do they disagree? Concerning one who had two infants, one (of which was) to be circumcised after Shabbat and (the other) one to be circumcised on Shabbat, and he forgot and circumcised, on Shabbat, the

one (to be circumcised) after Shabbat. R. Eliezer holds (him) liable for a sin-offering and R. Joshua exempts (him from a sin-offering)."

- 3) Now R. Joshua exempts (him) in the second (case) where (according to his rationale) he is not performing a commandment (yet, why then, does) he hold (him) liable in the first (case) where (his rationale is that) he is performing a commandment?

a) The school of R. Jannai said,

- (1) "The first (case represents a situation where), for example, he (performed the circumcision) prematurely and he circumcised, before Shabbat, the one to be circumcised on Shabbat, so that Shabbat would not be given over to being superseded,

- (2) (but in) the second (case) Shabbat is given over to being superseded."

b) R. Ashi said to R. Kahana, "(In) the first (case) Shabbat is also given over to being superseded in respect to infants in general."

c) (In regards) to this man, however, (Shabbat) is not given over (to being superseded).

The Mishnah presents us with a situation where a person has twin sons, one of which was to be circumcised on Shabbat and the other on the day after. If he circumcised the second son on Shabbat, he is liable for a sin-offering, because he has violated Shabbat by inflicting a wound but he has

not fulfilled the commandment to circumcise, which is in force only on the eighth day and afterwards (I.). Whether or not he really is so liable is disputed by Amoraim, with R. Huna saying that he is and Rab Judah maintaining that he is not (I.A.). At issue in this dispute is the correct reading of the Mishnah-text at this point. Each of the two Amoraim maintains a different version of the Mishnaic ruling.

R. Huna's position is dealt with first (A.1.). A Baraitha, in the name of R. Simeon b. Eleazar, is quoted to support him (I.a.). This Baraitha upholds the Mishnah exactly as we have it. It then goes on to spell out the rationales behind the R. Eliezer-R. Joshua dispute in the Mishnah. Both R. Eliezer and R. Joshua derive their rulings from an analogy to idolatry, the practice of which makes one liable for a sin-offering (a.3)). The starting point, then, for the analogy is the similar penalties. R. Eliezer claims that the violation of a commandment makes the two cases analogous, and this person is therefore liable for having circumcised on Shabbat which was not the eighth day (3)a)). In a more lenient ruling, R. Joshua holds that the cases are not analogous because a commandment was fulfilled by the act of circumcision. Therefore, the father is not liable (3)b)).

Rab Judah's position is presented next (A.2.) and a Baraitha, in the name of R. Meir, is quoted to support him (2.a.). This Baraitha is identical in form to the first Baraitha, but it redefines the Mishnaic dispute so that in the case of a late circumcision performed on Shabbat, there is agreement that he is not liable for a sin-offering (a.1)). The disagreement, rather, is over the case of an early circumcision performed on Shabbat. In this case, R. Eliezer holds him liable and R. Joshua exempts him (a.2)). R. Eliezer maintains, as in the first Baraitha, that this is a violation and he is

therefore liable (3)a)). R. Joshua holds that circumcision and idolatry are not analogous because idolatry never involves fulfilling a commandment. He exempts the infant's father because surely it was his preoccupation with fulfilling the commandment of circumcision that caused him not to pay close enough attention to which son he was circumcising (3)b)).

A variant of the second Baraitha is presented in the name of R. Hiyya (2.b.). The two versions differ only at the first clause (b.1)). Here, there is agreement that the father is liable rather than exempt. There is, however, a problem with this Baraitha in light of the rationales presented for the two previous Baraitoth (b.3)). It seems unlikely that R. Joshua would hold him liable in the first clause where, according to his rationale, he is fulfilling a commandment, but would exempt him in the second clause where he is not fulfilling a commandment at the time he violates Shabbat. R. Jannai defends this Baraitha (3)a)) on the grounds that in the first clause it follows that he circumcised before Shabbat the son to be circumcised on Shabbat. This is excusable for the reason of "preoccupation with the commandment." Once this child has been circumcised, however, there was no longer a child which had to be circumcised on Shabbat. "Preoccupation with the commandment" is then no longer a valid excuse (a)(1)). In the second clause, even if he does circumcise his son early, on Shabbat, there is still another son whose circumcision supersedes Shabbat. In this case, then, "preoccupation with the commandment" is still an acceptable excuse (a)(2)). R. Ashi objects to this position by noting that "preoccupation" is still a valid excuse in the case at a)(1) since the principles of the requirement to circumcise on Shabbat are still in force (3)b)). The response is that while this is true, we are dealing here with a specific case and not with the

general rule (3)c)). In the end, we can make sense out of all three Baraitoth, and so none stands over the others.

- I. (One does not circumcise an infant who is ill until he recovers.)
  - A. Samuel said, "(When) his fever subsides, we give him seven full days for his recovery (before we circumcise him)."
    1. The question was posed to them [the scholars]: "Do we (really) require full days?"
      - a. Come and hear, for Luda taught (in a Baraita): "The day of his recovery is like the day of his birth." [b. Yeb. 71a]
        - 1) Is it not the case, (then, that) just as with the day of his birth we do not require (eight) full days (before we circumcise him), so too with the day of his recovery, we do not require full days.
      - b. No. The day of his recovery is more (important) than the day of his birth, for whereas (with) the day of his birth we do not require full days and whereas (with) the day of recovery we do require full days.

The Mishnah lists cases where the circumcision is necessarily delayed beyond the eighth day. The last of these is the case in which the infant is ill. Mishnah rules that we may not circumcise him until he becomes well (I.). Samuel, an early Babylonian Amora, extends the ruling by saying that we must wait until the child has been well for seven days (I.A.).

The word "days" is somewhat ambiguous, and the question is raised as to whether this means full twenty-four hour periods or partial days (A.1.). The first answer comes from a Baraitha in which the day of a child's recovery is likened to his day of birth (1.a.). This analogy is understood to include all related circumstances, and therefore full days are not needed after the child's recovery any more than full days are needed after his birth before the circumcision may be performed. An objection is raised by way of a simple assertion that the day of his recovery is more important than the day of his birth, and full days are therefore required after he recovers (1.b.). As there is no further discussion, this second opinion stands.

I. (Flesh which covers most of the corona.)

A. R. Abina said that R. Jeremiah b. Abba said that Rab said: "(This refers to) flesh that covers most of the height of the corona."

The Mishnah instructs that if shreds of skin cover the greater part of the corona, the circumcision is invalid and must be performed again (I.). R. Abina's comment (I.A.) fills out a perceived ellipsis in the Mishnah's ruling and makes it more precise by indicating that this refers to the greater part of the corona's height.

II. And if he is fleshy, etc.

- A. Samuel said, "(If) an infant's (membrum) is overgrown with flesh, we examine him;
  - 1. (if) when he has an erection, he appears circumcised, (then) we do not need to circumcise (him again),
  - 2. but if (he does) not (appear to be circumcised, then) we must circumcise (him again)."
- B. It was taught in a Baraitha: "R. Simeon b. Gamaliel says, '(If) an infant's (membrum) is overgrown with flesh, we examine him;
  - 1. (if) when he has an erection, he does not appear to be circumcised, (then) we must circumcise him (again),
  - 2. but if not [if he does appear circumcised], (then) we do not need to circumcise him (again).'" [T. Shab. 16]
- C. There is (this difference) between these (two rulings): (when) he appears (circumcised) and does not appear (circumcised) [i.e.: when the corona is only partly visible].

The Mishnah states that if the child is fleshy, so that he appears to be uncircumcised, this situation must be corrected for the sake of appearances (so that no one will think he is uncircumcised). This is the case even if he were in fact properly circumcised (II.). The Mishnah does not tell us how to determine the need for this procedure and it is to this problem that the Gemara addresses itself.

The first suggestion comes from Samuel, a Babylonian Amora: First we look to see if he appears uncircumcised (II.A.), and if so, we examine him again when he has an erection. If he then appears to be circumcised, there is no need to circumcise him again (A.1.). If, however, he still appears uncircumcised, he must be circumcised again (A.2.). The second suggestion is Tannaitic. A Baraitha cites the opinion of R. Simeon b. Gamaliel (II.B.). His ruling is identical to Samuel's except for the order of the wording. While Samuel first addresses the case where the infant appears to be circumcised, the Baraitha reverses the order.

It would appear, on the surface, that the Amoraic opinion is redundant, since we already have a Baraitha which says the same thing. The Gemara tells us that the difference in the wording nonetheless indicates a difference of opinion in the median case --- where, when the child has an erection, he sometimes appears circumcised and sometimes does not (II.C.). According to Rashi, each opinion stresses the first clause. Samuel, then, maintains that he must appear circumcised and, if presented with the median case, we must circumcise him again. R. Simeon b. Gamaliel, however, maintains that we must recircumcise only when he appears uncircumcised. Since, in the median case, he sometimes appears circumcised, there is no need to recircumcise.

III. (If) one circumcised and did not uncover (the corona).

A. Our Rabbis taught (in a Baraita): "The one who circumcises (an infant) says,

1. '...Who hast sanctified us by His commandments and commanded us concerning circumcision.'
2. The father of the infant says, '...Who hast sanctified us by His commandments and commanded us to enter him into the covenant of Abraham our father.'
3. The spectators say (to the father), 'Just as he [the infant] has been brought into the covenant, so may he be brought to the study of Torah, to marriage, and to the performance of good deeds.'
4. One who (is able to) recite a blessing says, '...Who did sanctify the well-beloved [Isaac] from the womb, and did set Thy statute in his flesh, and did seal his offspring with the sign of the Holy Covenant. On this account, O living God, our Portion, give command to deliver the dearly beloved of our flesh from destruction for the sake of the covenant which Thou hast set in our flesh. Blessed art Thou, O Lord, Who makest the covenant.'

B. The one who circumcises a proselyte says,

1. 'Blessed art Thou, O Lord, our God, King of the universe, Who hast sanctified us by His commandments and commanded us concerning circumcision.'

2. One who (is able to) recite a blessing says, '...Who hast sanctified us by His commandments and commanded us to circumcise proselytes and to draw from them the blood of the covenant. For were it not for the blood of the covenant, Heaven and Earth would not have endured, even as it is said, Were it not for My covenant by day and by night, I would not have appointed the ordinances of Heaven and Earth. [Jer. 33:25]. Blessed art Thou, O Lord, Who makest the covenant.'

C. The one who circumcises a slave says,

1. '...Who hast sanctified us by His commandments and commanded us concerning circumcision.'
2. One who (is able to) recite a blessing says, '...Who hast sanctified us by His commandments and commanded us to circumcise slaves and to draw from them the blood of the covenant. For were it not for the blood of the covenant, Heaven and Earth would not have endured, even as it is said, Were it not for My covenant by day and by night, I would not have appointed the ordinances of Heaven and Earth. Blessed art Thou, O Lord, Who makest the covenant.'" [T. Ber. 16]

While the Mishnah is describing the importance of a particular surgical element of the circumcision (III.), the Gemara uses the mention of the circumciser to append a Beraitha which teaches the appropriate blessings to be recited at a circumcision. Alternatively, the Beraitha is simply appended at the end of the Mishnah chapter. Regardless of the logical and formal connectors, this is strictly supplemental material added to the end of the

Mishnah chapter. The logic behind its ordering is in the fact that the blessing recited by the circumciser is listed first.

At the circumcision of an infant (III.A.), a proselyte (III.B.), and a slave (III.C.) the circumciser recites the first blessing. The blessing is the same in all three cases (A.1., B.1., and C.1.). In the case of the infant, the second blessing (A.2.) is recited by the father in recognition of his act of fulfilling his obligation to enter his son into the covenant God made with Abraham, the sign of which is circumcision. The next blessing (A.3.) is recited (to the father) by the spectators. It is a petition that the child will be raised properly and will know only the good life (as understood by the rabbinic tradition). The fourth blessing (A.4.) may be recited by anyone present. "The well-beloved" is a Midrashic allusion to Isaac. The prayer is a petition asking God to protect our offspring just as he protected Isaac, the first Jewish child to be circumcised.

For the slave and the proselyte only two blessings are recited. The first is the one recited by the circumciser (B.1. and C.1.). The second (B.2. and C.2.) emphasizes the extreme importance of circumcision. This second blessing corresponds to the fourth blessing recited for a Jewish-born child. Since the second and third blessings recited for a Jewish-born child deal directly with the father, there are no corresponding blessings for the proselyte or slave.

## CONCLUSION

In only sixteen pages of Gemara we have examined laws, principles, and opinions, various hermeneutical techniques, arguments, and precedents, and many other elements which together make up the Talmud and comprise the Talmudic process. Sixteen pages of Gemara, however, is only a very small part of the Talmud. One must be very careful, therefore, not to make sweeping generalizations about the Talmud from the section which we have studied. In spite of this, we can still derive some significant insights into the Talmudic mind, and learn some very important lessons for our own lives from those insights.

Since our primary concern is examining the formal structure of the chapter, and since we will derive those lessons and insights from an examination of that structure, we must make clear the chapter's structure before we can proceed. This is accomplished by the following outline abstract, which epitomizes that structure. The outline numbers here correspond to those in the translation.

Mishnah 19:1

- I. Mishnah commentary.
  - A. Need to establish rationale for Mishnaic ruling, because
    1. rationale bears on case not listed in Mishnah.
    2. Establish rationale based on Amoraic statements, Beraithoth, and precise wording of Mishnah-text.
  - B. Further Mishnah commentary.

- II. Commentary on R. Eliezer's ruling in Mishnah concerning preparations for circumcision.
  - A. Ruling is supported by Beraitoth and precedents.
    4. Citation of Beraitoth. This unrelated discussion is included because of shared theme of circumcision.
  - B. Concern narrowed to the single preparatory action of bringing the knife. Precedent seems to contradict R. Eliezer.
    1. Attribution is debated, based on a Baraitha.
    2. Attribution is reassigned, based on a Baraitha.
    3. Secondary discussion (Amoraic) concerning carrying in an alley on Shabbat. Included here because the debate is resolved in terms of the circumcision knife, and refers to R. Eliezer's opinion. The debate is carried out through a series of analogies and legal fictions.
  - C. Discussion about R. Eliezer's rulings concerning preparations on Shabbat for other precepts. The issue is possibility of generalization from Mishnaic ruling. The question is whether the other cases may be inferred by analogy from circumcision.
    1. An analogy from circumcision is not needed in one case. This case is established by a gezerah shavah analogy from a third case.
      - a. Validity of analogy is disputed.
    - 2.-8. Separate rulings are needed for all of these precepts because they all represent special cases.
  - D. R. Eliezer and Sages differ only with regard to preparations. Issue now turns to circumcision itself. Concern is for establishing the

basis for the normative ruling that circumcision supersedes Shabbat.

1. Suggestion that it is halacha.

a. This suggestion is rejected based on a Baraita

- 1) and the requirements of the hermeneutical technique of a minori (kal vachomer) argumentation.

2. Suggestion that it is based on an analogy to scriptural texts.

3. Another suggestion based on Scripture. Here the hermeneutical technique of emphasizing the inclusion of a word is used.

a.-e. Refutation is attempted (but rejected) based on analogies and requirements of the hermeneutical technique.

4. 3. above is supported by a Baraita.

a. Amoraic investigation into the preceding Tanna's rationale.

- 1) Rationale is based on the relative stringency of several precepts, and uses the hermeneutical technique of a minori.

- 2) But this rationale is rejected.

c) Scriptural verse is therefore needed.

- 3) Gemara further explores relationship between leprosy and circumcision, based on a Baraita.

a) A second Baraita to support 3) above. This Baraita is parallel in form to 4. above.

- (1) Rationale behind a) is investigated. This is parallel to 3.a. above.

b) A second rationale is presented for a). A different hermeneutical technique is employed here --- the adjudication of conflicting positive and negative commandments.

(2) It is demonstrated that a scriptural prooftext is needed to show that circumcision supersedes leprosy.

c) Prooftext in b)(2) is called into question and then vindicated.

d) The need for the hermeneutical technique of prooftexting is rejected because the technique of a minori may be used.

(1) A minori argumentation is rejected in favor of the hermeneutical technique of adjudicating conflicting positive and negative commandments.

(2) Amoraic dispute at d) above is shored up with a Tannaitic dispute (Baraita) based on the issue of the unintentional performance of a prohibited action.

(d) A second version of this dispute, based on a different prooftext.

5. Gemara returns to Baraita at 4.a.3) above to examine relationship between festivals and circumcision.

a.-d. Baraita is supported by four Amoraic rulings, employing three different hermeneutical techniques. a. and b. employ analogy. c. is based on the emphasis of a word in the prooftext. d. is grounded in the adjudication of conflicting positive and negative commandments.

III. Mishnah commentary (Amoraic) establishes R. Akiba's ruling as the norm.

B. The identical ruling appears in another context.

C. This seeming superfluity is resolved.

## Mishnah 19:2

- I. Mishnah commentary which attempts to resolve a seeming superfluity.
  - A. Mishnah is rescued from the superfluity by a Baraitha.
    2. Attempt to establish attribution of the Baraitha.
      - a. First suggestion is supported by a Baraitha and then rejected by a Baraitha.
      - b. A second suggestion is supported by a Baraitha.
        - 3) A refutation based on another Baraitha is attempted
        - 4) but is not accepted. The second suggestion stands.
    3. A secondary discussion is introduced by a topically related Baraitha.
      - a. Clarification of language and substance of Baraitha:
 

Amoraic debate establishes who is the object of the punishment.
- II. Mishnah commentary.
  - A. Amoraic ruling emphasizes the importance of the Mishnaic ruling.
    1. The need for an additional Amoraic statement in this regard is questioned.
      - a. The need is demonstrated.
- III. Material supplementary to the Mishnah.
  - A.-B. Two different ointments are suggested.
    1. Precedent gives credence to the second suggestion.
- IV. Mishnah commentary.
  - A. Baraitha differentiates between prohibitions for Shabbat and festivals.
    1. The difference in the case of the cumin is questioned
      - a. and explained.

- b. The difference in the case of wine and oil is questioned.
          - 1) The question is backed by a Baraitha
            - a) and a precedent.
          - 2) The difference is explained.
          - 3) An alternative is suggested.
          - 4) The alternative is accepted as having been the original intent of the Mishnah.
  - 2. Secondary discussion deals with the preparation of other spices on festivals. A Baraitha is cited
    - a.-b. and then called into question by an Amora who is supported by other Beraitoth. The original Baraitha is defended in each instance as speaking to a different case.
    - c. Baraitha again is challenged by the same Amora, by analogizing to other actions. In each case the original Baraitha is defended by the refutation of the analogy.
- V. Material supplementary to the Mishnah.
- A. Amoraic dictum which is topically related to the Mishnah.
    - 1.-2. Secondary remarks which are topically and attributionally related to A. above.
  - B.-G. Amoraic dicta which are exactly parallel in form and attribution to A. above.
    - 1. Baraitha, containing two parallel precedents, which supports G. above.

Mishnah 19:3

- I. Mishnah commentary to establish the correct reading of the Mishnah.

- A. Several readings are suggested.
  - B. The last proposal (Raba's) is supported by a Baraitha.
    - 2. An element of the Baraitha is questioned and explained.
    - 3. In a precedent, Raba cedes his position in favor of his elders'.
      - a.-c. Statements to support R. Eleazar b. Azariah's opinion in the Mishnah.
    - 4. Specification of Mishnaic ruling. This secondary discussion determines the exact object of the washing.
      - a. One suggestion is made. The ensuing debate introduces a new issue and redefines the Mishnah, but resolves nothing.
      - b. An Amoraic statement establishes the correct object of the washing.
        - 1) Tertiary discussion (relating back to 4.a.1)) dealing with the application of ointments to wounds on Shabbat.
        - 2) Another minor discussion, based on a Baraitha, sparked by b.1) above.
- II. Mishnah commentary focusing on the issue of doubt.
- A. A Baraitha which spells out the cases of doubt.
    - 1. An Amoraic questioning of a seeming superfluity in the Baraitha.
      - a. Superfluity is here resolved.
    - 2. An Amoraic discussion of the two versions of the Houses' dispute in the first Baraitha. The correct version is finally decided after several precedents, Beraitoth, Amoraic statements, and redefinitions of the issue are introduced.
    - 3. A secondary discussion concerning a case of doubt not mentioned in the first Baraitha.

- a.-e. The Amoraic ruling in 3. above is challenged several times, but upheld.
- f. The Amoraic dispute is likened to a Tannaitic dispute (Baraita), which is then discussed by Amoraim.
- 4. Further discussion about the case of doubtful viability, which was first raised in 1.a. above. A Baraita establishes a criterion for viability, separate from that in 1.a. above.
  - a. This Baraita leads to an unacceptable inference.
  - b. A solution is proposed,
  - c. but rejected on the grounds of the Baraita at 1.a. above.
    - 2) Conflict is resolved by reassigning the issue of 1.a. above.
  - d. This Amoraic dispute is likened to a Tannaitic dispute (Baraita) involving the viability of animals.
    - 4) The issue of this dispute is reassigned.
  - e. Return to Baraita at 4. above to establish the normative position.
  - f. Issue of the viability of human infants raised in 4. above is redefined in terms of natural vs. unnatural death.
    - 1)-4) An effort to establish the correct understanding of this redefined dispute.
    - 5) The consequences of this issue are explored.

### III. Commentary on R. Judah's position in Mishnah.

- A. An Amoraic statement concerning R. Judah's position limits extent of possible generalization from Mishnaic ruling.
  - 1. An example to uphold A. above.

- a. A Baraitha proves the example.
- 2. Another example from Mishnah.
- 3. Circumcision is an exception,
  - a. based on a different hermeneutical technique.

#### Mishnah 19:4

- I. Mishnah commentary.
  - A. Amoraic opinions concerning Mishnah's case are presented.
    - 1. First Amora's position is explained
      - a. based on a Baraitha.
        - 3) Positions in Baraitha are supported by analogy to another precept.
    - 2. Second Amora's position is explained
      - a. based on a different version of the same Baraitha.
      - b. A third version of the Baraitha is presented.
        - 3) An examination of the various positions expressed in the Beraitoth.

#### Mishnah 19:5

- I. Supplementary information to the Mishnah.
  - A. Amoraic extension of the Mishnah's ruling.
    - 1. Clarification of the Amoraic statement, based on an analogy.

#### Mishnah 19:6

- I. Mishnah commentary.
  - A. Amoraic clarification of a perceived ellipsis in the text of Mishnah.
- II. Mishnah commentary.

- A. Amoraic statement explaining the procedure involved in the Mishnah's case.
  - B. The seeming same procedure is already mandated in a Baraita.
  - C. Explanation that the two rulings (Tannaitic and Amoraic) represent different views concerning a previously unmentioned median case.
- III. Supplementary material to the Mishnah (Baraita):
- A. Blessings recited at the circumcision of an infant.
  - B. Blessings recited at the circumcision of a proselyte.
  - C. Blessings recited at the circumcision of a slave.

In this chapter we find several types of relationships between the Mishnaic and Talmudic materials. There is material that defines the basis for a Mishnaic ruling. Examples of this are the investigation of the rationale behind R. Eliezer's ruling (M. 19:1, I.A.), and the rationale behind R. Judah's ruling concerning an hermaphrodite (M. 19:3, III.A.3.). There is material that supplements Mishnah's rulings. Included here are the discussions concerning medicinal ointments and infantile cures (M. 19:2, III. and V.), delaying the circumcision on account of a fever (M. 19:5, I.), and the blessings recited at a circumcision (M. 19:6, III.). We also saw material that comments directly on or refines Mishnah's rulings. The establishment of R. Akiba's ruling as the norm (M. 19:1, III.), the debate over the correct reading of M. 19:3 (I.), and R. Abina's clarification of a perceived ellipsis (M. 19:6, I.) are examples of this.

There were sugyoth concerned with resolving apparent superfluities between our Mishnah and another Mishnah (M. 19:2, I.), or between our Mishnah and a Baraita or among several Beraitoth (M. 19:3, II.). Throughout the chapter we saw the juxtaposition of many sorts of materials.

Beraitoth were juxtaposed with each other in M. 19:1, III.; M. 19:2, IV.; M. 19:3, II.; and M. 19:4, I.. One example of a Baraita being juxtaposed with the Mishnah is M. 19:2, IV.. Materials within the same Mishnah were juxtaposed in the Amoraic discussion concerning washing the infant on Shabbat (M. 19:3, I.). Different rulings of the same Tanna, cited in different contexts, were juxtaposed in M. 19:2, I. and M. 19:3, III.. In M. 19:6, II. we found an Amoraic ruling and a Tannaitic ruling in juxtaposition. Whenever possible, the text sought to rationalize and harmonize the differences between these juxtaposed positions. In accomplishing this, every effort was made to uphold Tannaitic rulings against Amoraic challenges. Sometimes this was done by rejecting the challenge, and at other times by reassigning the issue of one of the rulings. When Tannaitic rulings were juxtaposed with one another, this harmonization generally resulted in the redefinition of the specific issue in one or both cases.

Finally, we saw many units of material which were only remotely connected with the topic of the Mishnah. Some of these materials were included because they were part of a Baraita of which another part was relevant to the sugya (M. 19:1, II.A.2.; M. 19:3, II.A.7:-9;; and M. 19:3, II.A.1.a.2; and 3:). Other materials were included because of the mere mention of a related issue or attribution (M. 19:1, II.A.3. and 4.; M. 19:2, III. and V.; M. 19:6, III.). M. 19:6, III. may, however, represent supplementary Baraita materials that were simply added on to the end of the chapter. There is additionally material that appears to be unrelated to the topic of the Mishnah, but which in fact has a definite bearing on the issue under discussion (M. 19:1, II.D.5.a. and b.; M. 19:2, I.A.2.b. and IV.A.2.; M. 19:3, II.A.4.d. and e.).

We also saw logically different types of material, culled from both Tannaitic and Amoraic sources, presented in this chapter. Among these were various hermeneutical techniques, precedents, dicta, and various forms of argumentation. Among the hermeneutical techniques we saw were a minori argumentation (M. 19:1, II.D.4.a.1) and 3)d)), scriptural prooftexting (M. 19:1, II.D.2. and 3.; M. 19:2, I.A.1.a.1), 2.b.1), 3.a.2)a); M. 19:3, II.A.1.; A.3.a., A.4.; M. 19:3, III.), gezerah shavah analogy (M. 19:1, II.C.1.), and the adjudication of conflicting positive and negative commandments (M. 19:1, II.D.4.a.3)b) and d)(1), and D.5.d.). In the debates, we saw the editors of the sugyoth play out the opinions of the Tannaim and Amoraim (M. 19:1, II.D.4.a.3)d)(1)). Examples of precedents can be found at M. 19:1, II.A.2.a. and B.; M. 19:2, III.B.1., IV.A.1.b.1)a), V.G.1.a.-b.; M. 19:3, I.B.3., II.A.2.b. and A.f.4)b)-c). Dicta and assertions can be found throughout the chapter.

We saw all of these materials edited in a relatively systematic order. For the most part, the materials in the sugyoth consisted of Beraithoth which were juxtaposed with Mishnah materials and with each other, and Amoraic discussions which concerned the resolution of the problems caused by these juxtapositions. We generally saw that the discussion surrounding a primary issue would introduce a secondary issue. This secondary issue would then become the topic of discussion, and result in the introduction of a tertiary issue, etc. We also saw Beraithoth and attributed materials, sometimes unrelated to the sugya's issue, which were introduced because they were parallel to preceding materials (M. 19:1, I.A. and B., II.D.4. and 4.a.3)a); M. 19:2, V.A.-G.; M. 19:3, I.B.4.c. and 5.b.). Consequently, the material in any given sugya becomes less directly related to the Mishnah as the sugya progresses, but every unit of material presented has implications

for, and some relationship to, the preceding unit. Hence, no matter how far a unit of material is removed from the Mishnah, within the total framework of the sugya, no unit is totally extraneous.

Concerning the content of the chapter, we saw an examination of the issue of circumcision on Shabbat. The chapter moves from a specific concern, very closely related to the rest of the tractate, to some very general concerns that do not relate at all to the overriding issue of the tractate. Thus we begin, in the Mishnah, with a discussion concerning the permissibility of preparations, on Shabbat, for circumcision. We then move through the entire circumcision process (still on Shabbat). We then examine those cases of circumcision which do not supersede Shabbat. The chapter then discusses the case in which one inadvertently violates Shabbat for a circumcision which is not on the eighth day. We then examine those cases where the circumcision is not performed on the eighth day. The chapter closes by exploring some general concerns surrounding circumcision. In the course of the Gemara we also examined other issues. These were generally introduced secondarily, and include the relative stringency of the precept to circumcise on Shabbat vis-a-vis the prohibition against cutting away a leprous spot on Shabbat, the effect of an 'eruv on various domains, the relationship between festivals and circumcision, other medical concerns, the relationship between circumcision and the infant's viability, the relationship between circumcision and ritual cleanness, the blessings recited at a circumcision, and others.

Our study of this chapter also teaches us that the Talmud is not primarily a book of halacha. Rather, it is concerned with rationalizing the entirety of the inherited tradition. Therefore, it seeks to play out and to

harmonize all of the rulings and opinions that apply to a given issue. It does this with persistent inquiry, skepticism, and argumentation. Since the Talmud is not primarily a book of halacha, its overriding concern is not with authority (although Amoraim do defer to Tannaim) but rather with the authorities' rationales. The question most often posed, therefore, is "Why?" Even when the question is "Who?," the authority's rationale is sought out and explained.<sup>1</sup>

The Talmud, then, is a prime model for rational, critical thought. As such, "what the Talmud accomplished in the formation of a specific civilization --- that of the Jewish people --- was to lay the foundations for a society capable of rational, supple response to an irrational situation. The Jews lived as aliens, so they created a homeland wherever they found themselves. . . . It was the rationality and intellectuality of the Jews' culture which led them to a way of living with one another not in perfect harmony --- they were flesh and blood --- but in mighty restraint and mutual respect."<sup>2</sup>

What significance, however, can the Talmud have for the modern Jew whose entire life is not controlled by the Jewish tradition as it would have been in the past? We can learn from the Talmud's persistence, skepticism, attention to detail, and practical reason, and apply them to commonplace matters, as does the Talmud. By taking this rational, critical approach towards human affairs<sup>3</sup> and towards ourselves, we can come to clearer and sounder solutions to the problems we face today. Along with this, however, we must be mindful of the Talmud's lesson that there are only temporary, provisional solutions, and no final ones. Final solutions should neither be expected nor hoped for. Truth, rather, is relative to the

time, place, and situation under which it is articulated. Thus, we can also learn from the Talmud how to be ready for and face uncertainty and change, and thereby increase our own flexibility and adaptability. In short, by studying and utilizing the Talmudic method, we can learn to be more aggressive and less uneasy in having "to face, and to choose among, . . . uncertain alternatives in an insecure world,"<sup>4</sup> and then to be secure and comfortable in our choices. This lesson becomes increasingly important today as our world and our lives becomes increasingly complex, and as we face new and more complicated problems.

In completing this work, it is my hope that I have at least indicated a new path to the understanding of the Talmud. Also it is my hope that this new path will open the doors of Talmud study for those who have seen them as closed.

## NOTES

### Introduction

1. Z. H. Chajes, A Student's Guide Through the Talmud, trans. and ed. Jacob Shachter (New York: Feldheim, 1960), pp. xv ff. For examples of these works, see: Hermann L. Strack, Introduction to the Talmud and Midrash (New York: Atheneum, 1976), Moses Mielziner, Introduction to the Talmud (New York: Bloch, 1968), and Chajes.
2. Louis Jacobs, Studies in Talmudic Logic and Methodology (London: Valentine, Mitchell, 1961), p. viii.
3. Jacob Neusner, Invitation to the Talmud (New York: Harper and Row, 1973), p. 4.
4. The Soncino Talmud, Tractate Shabbat, trans. H. Freedman, ed. I. Epstein (London: The Soncino Press, 1938).
5. Raphael Nathan Rabinowitz, דקדוקי סופרים (New York: M. P. Press Inc., 1976).
6. Richard S. Sarason, A History of the Mishnaic Law of Agriculture, Section 3: A Study of Tractate Demai (Leiden: Brill, 1979), p. 21.
7. For a fuller treatment of these and other hermeneutical techniques, see: Jacobs and Mielziner.
8. Jacob Neusner, A History of the Mishnaic Law of Appointed Times, Part 1: Shabbat (Leiden: Brill, 1981).

### Mishnah Shabbat Chapter 19

1. Neusner, A History of the Mishnaic Law of Appointed Times, Part 1: Shabbat, p. 173.

### Mishnah 19:1 (B.)

1. An 'eruv set up to join an alley is technically called a shittuf.

2. There are actually three accepted opinions about this: 1) Both parts of the gezerah shavah must be free. If not, then it can be refuted based on any dissimilarity in any other respect; 2) Only one part needs to be free; 3) Even if both parts are not free, it is still not refuted. The Soncino Talmud, Tractate Shabbat, p. 656, n.2.
3. The Vilna edition of the Talmud reads: "The Master said, circumcision and all of its preparations..." This attribution is missing from the other available manuscripts and is clearly a textual error in light of the attribution to R. Eliezer and the parallelism between this and the preceding sections.
4. The reference here is to b. Shabbat 75a. R. Simeon rules there that a prohibited act is permitted if it follows accidentally from a permitted act, but not if it follows necessarily from a permitted act. The discussion there revolves around crushing the head of a fish to exude the blood. The crushing is permitted but killing the animal is not permitted. Therefore, since its death will necessarily follow from crushing it, it is forbidden to crush it.
5. It is possible that 1.a. is the product of the editor of the sugya. It is more probable, however, that it is a continuation of R. Joseph's statement. Steinsaltz supports this latter view in his commentary. Adin Steinsaltz, מסכת שבת, תלמוד בבלי (Jerusalem: Israel Institute for Talmudic Publications, 1976), p. 576.
6. Interestingly, R. Johanan uses the same verse here as R. Eliezer uses in C.8.b. to prove his ruling concerning preparations for circumcision. He could not, therefore, accept R. Johanan's understanding of this verse. Yoma 85b indicates that R. Eliezer accepts as halacha the ruling that circumcision itself supersedes Shabbat. This view was rejected in D.1.a. above and R. Eliezer once more represents an individual opinion.

#### Mishnah 19:2 (A.)

1. This issue of shreds will be discussed further in Mishnah Shabbat 19:6 and its Gemara.

#### Mishnah 19:2 (A.1.)

1. Soncino Talmud, Tractate Shabbat, p. 672, n. 7.

Mishnah 19:2 (A.2.)

1. The word "רִישֵׁנָה" in the Vilna edition is absent from the manuscripts and is, according to Jastrow, a gloss. Marcus Jastrow, A Dictionary of the Targum, the Talmud Babli and Yerushalmi, and the Midrashic Literature (New York: Padres Publishing House, Inc., 1950), p. 1478.

## Conclusion

1. Neusner, Invitation to the Talmud, p. 230.
2. Ibid., pp. 238-239.
3. Ibid., p. 240.
4. Ibid., p. 243.

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