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## Shulchan Aruch – Yoreh De'ah 194 (Text & Ruling)

In **Yoreh De'ah 194**, Karo rules the general framework of *tum'at yoledet*:

- A woman who gives birth becomes **tamei like a niddah**, even if no blood is seen
- The count of impurity depends on whether the child is **male or female**

### The Key טעיט (paraphrased from the Mechaber):

If there is a **doubt whether the child is male or female**, she **sits for both** (i.e., follows the stricter combination of both sets of laws).

This includes cases such as:

- Unclear sex
  - Tumtum
  - Androgynos
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## How Yosef Karo Defines the Outcome

Based on that ruling:

- She must observe:
  - **14 days of tum'ah** (like a female – the stricter impurity period)
  - Then **66 days of taharah**

This is because:

- A male would only require 7 days
  - A female requires 14
  - ➔ In ספק (doubt), we adopt the **stringent (female) standard**
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## **Sephardic Poskim (Authoritative Explanations)**

### **1. Yosef Karo (Beit Yosef)**

In the **Beit Yosef (YD 194)**, he explains explains that:

- Any uncertainty in the child's gender → **“חוששין לשניהם” (we are concerned for both)**
  - Therefore, all זמן (timeframes) follow the stricter calculation
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### **2. Ovadia Yosef (Yabia Omer / Taharat HaBayit)**

He rules clearly:

- An **androgynous** is a ספק זכר ספק נקבה
- Therefore:
  - **14 days tum'ah**
  - **66 days taharah**
- He emphasizes this is **the psak of Maran and universally accepted among Sephardim**

He also notes:

- This applies even if doctors lean one way medically
  - Halacha remains based on **defined סימנים (halachic criteria)**, not modern assumptions
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### **3. Yosef Hayyim**

In line with Karo, he rules:

- Any doubtful birth status → **דין נקבה לחומרא**

- The woman observes the **longer impurity period**
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## 4. Yisrael Meir Kagan (YD 194)

Expands:

- Even multiple layers of doubt (e.g., tumtum + unclear birth timing)  
→ always **stringent like a female**
  - Because:
    - Tum'ah laws are **de'oraita (Biblical)**
    - לחומרא → ספק דאורייתא (stringency)
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## Final Sephardic Psak (Clear Summary)

For an **androgynous birth**:

- **Status:** ספק זכר ספק נקבה
- **Halachic ruling (Shulchan Aruch + Sephardic poskim):**
  - **14 days of tum'ah**
  - **66 days of taharah**

- ✓ This is the **uniform Sephardic ruling**
  - ✓ Rooted directly in **Karo's psak** in Yoreh De'ah 194
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## Important Note (Halachic Sensitivity)

While the laws are clear in classical halacha, modern cases can involve:

- Medical classification complexities
- Questions of surgery or later identification

➔ In practice, a **competent posek must be consulted** for real cases.