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Brachos Daf 23

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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Mishna

If one was standing reciting the *Tefillah*, and he suddenly remembered that he was a *ba'al keri*, he should not stop praying, but rather, he should shorten (*each of the blessings*).

If one went down to immerse himself (*and it was immediately before the time for the recital of Shema was about to pass*), the *halachah* is as follows: if he is able to come up (*from the mikvah*) and cover himself and recite the *Shema* before sunrise, he should go up, cover himself and recite the *Shema*, but if not (*if he does not have time*), he should cover himself with the water and recite. He should not, however, cover himself - not with foul water and not with water in which flax has been steeped until he pours more water into it.

How far should he remove himself from it (*urine*) and from excrement (*before praying*)? *Four amos* (*cubits*). (22b)

Stopping during Tefillah

The *Gemora* cites a *braisa*: If a man was standing reciting the *Tefillah*, and he suddenly remembered that he was a *ba'al keri*, he should not stop praying, but rather, he should shorten (*each of the blessings*). If a man was reading the Torah and remembered that he was a *ba'al keri*, he should not stop reading and leave it, but rather, he should go on reading (*quickly*) in a mumbling tone. Rabbi Meir said: A *ba'al keri* is not permitted to read more than three verses in the Torah.

Another *braisa* taught: If a man was standing reciting the *Tefillah* and he saw excrement in front of him, he should go forward until he has it four *amos* behind him.

The *Gemora* asks: But it has been taught in a *braisa*: He could move (*four amos*) to the side?

The *Gemora* answers: There is no difficulty, for one statement (*the first one*) refers to a case where it was possible for him to go forward, and the other *braisa* is discussing a case where it was not possible to go forward.

The *Gemora* states: If one was praying and he discovered some excrement in his place (*within four amos of where he was standing*), Rabbah says that even though he has sinned, his prayer is still a valid one.

Rava asked: But it is written: *The sacrifice of the wicked is an abomination?*

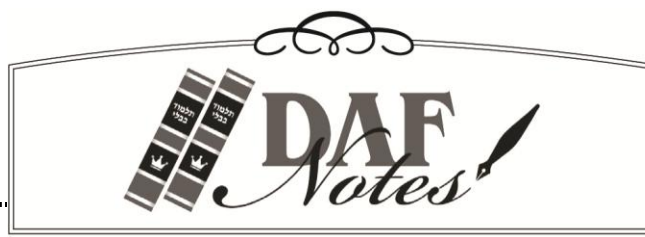
Rather, said Rava: Since he has sinned, although he has prayed, his prayer is an abomination.

The *Gemora* cites a *braisa*: If a man was standing reciting the *Tefillah*, and urine was dripping over his knees, he should stop until the urine stops and then resume his *Tefillah*.

The *Gemora* asks: At what point (*in the Shemoneh Esrei*) should he resume?

Rav Chisda and Rav Hamnuna gave different replies. One said that he should go back to the beginning, and the other said that he should return to the place where he stopped.

The *Gemora* suggests that the reasoning for their difference of opinion is as follows: one of them holds that if one stops – the amount of time it would take to finish the entire (*Shemoneh Esrei*), he must return to the beginning, while the other one holds that he returns (*in any event*) to the place where he stopped.



Rav Ashi asked: If that would be the case, the discussion (of the two *Amoraim*) should have distinguished between whether he stopped long enough (where they disagree) or did not stop (in which case, they would both agree that he may return to the place where he stopped)!?

Rather, [this is the explanation of their argument:] both agree that if he stopped – the amount of time it would take to finish the entire (*Shemoneh Esrei*), he must return to the beginning, and here they differ in regard to the case where he did not stop that long; one maintains that the man was not eligible and unfit (to have even commenced his prayers, for he had already experienced an urge to urinate then) and therefore his prayer is not a prayer, while the other holds that the man was eligible to pray (before he began to urinate), and his prayer is a valid one. (22b – 23a)

Relieving Oneself Before Tefillah

The *Gemora* cites a *braisa*: If a man needs to relieve himself, he should not recite the *Tefillah*, and if he does, his prayer is an abomination.

Rav Zevid, or as some say Rav Yehudah, said: This was only taught if he is not able to restrain himself, but if he is able to restrain himself, his prayer is a valid one.

The *Gemora* seeks clarification: How much (time) must he be able to restrain himself? Rav Sheishes said: Long enough to walk a *parsah* (4 mil; 8,000 amos – which takes 72 minutes).

There were those who taught this statement as part of the *braisa* (just cited), as follows: When are these words true (that his prayer is an abomination)? It is only when he cannot restrain himself, but if he can restrain himself, his prayer is valid. And how much (time) must he be able to do so? Rav Zevid said: Long enough to walk a *parsah*.

Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: One who needs to relieve himself should not recite the *Tefillah*, as it is written: *Prepare to meet your God, O Israel*.

And Rabbi Shmuel bar Nachmeini said in the name of Rabbi Yonasan: What is the meaning of the verse: *Guard your foot when you go to the House of God*? It means: Guard yourself so that you should not sin, and if you do sin, bring an offering before Me.

[The verse continues: *And be ready to hearken, rather than to offer an offering of fools.*] *And be ready to hearken*. Rava said: Be ready to hearken to the words of the Sages, who, if they sin, they bring an offering and repent. *Rather than to offer an offering of fools* - Do not be like the fools who sin and bring an offering but do not repent.

The *Gemora* asks: [The next part of the verse proves otherwise, for it is written:] *For they do not know how to do evil*. If so, they are righteous (and not people who sin and do not repent)?

Rather, [the meaning of the verse is as follows:] do not be like the fools who sin and bring an offering, and they do not know whether they are bringing it for a good thing or a bad thing. The Holy One, Blessed be He, says: They cannot distinguish between good and bad, and they bring an offering before Me?

Rav Ashi, or as some say, Rabbi Chanina bar Pappa, said (to interpret the verse cited above): Guard your orifices at the time when you are standing in prayer before Me. [Do not pass gas while you are praying.] (23a)

Tefillin in a Latrine

The *Gemora* cites a *braisa*: One who is about to enter a latrine (where the excrement stays above ground; in those days, they were located in the fields without being dug into the ground) should take off his *tefillin* at a distance of four amos (for it is disgraceful to come near it while his *tefillin* is exposed upon his head) and then enter. [He may hold the *tefillin* in his hand while defecating.]

Rav Acha son of Rav Huna said in the name of Rav Sheishes: This was taught only to an established latrine (where excrement is already there), but if it was temporarily made (for this occasion), he takes them off and relieves himself at once (for the approach to this place with his *tefillin* on is not disgraceful), and when he comes out, he goes a distance of four amos and puts them on, because he has now made it an established latrine.

They inquired: What is the rule about a man going in to an established latrine with his *tefillin* (on his head) to urinate?

Ravina allowed it, whereas Rav Adda bar Masna forbade it. They went and asked Rava, and he said to them: It is forbidden, since we are concerned that he may defecate while wearing them, or, as some said that lest he may pass gas while wearing them.



The *Gemora* cites another *braisa*: One who enters an established latrine takes off his *tefillin* at a distance of four *amos* and puts them in the window (of a wall) on the side of the public domain (away from the field and the latrine; a place where rodents were less likely to be) and enters, and when he comes out, he goes a distance of four *amos* and puts them on; these are the words of Beis Shammai. Beis Hillel say: He keeps them in his hand and enters. Rabbi Akiva said: He holds them in his garment and enters. The *Gemora* interrupts: Can you think that he actually holds them in his garment? But perhaps he might forget about them and they will fall!

Rather, the *Gemora* explains, he holds them in his hand and in his garment, and enters.

The *braisa* continues: And he puts them in the hole (of a wall) on the side of the latrine, but he should not put them in a hole on the side of the public domain, lest they should be taken by people passing by, and he will render himself suspect (of committing immoral behavior), for a certain student once left his *tefillin* in a hole on the side of the public domain, and a harlot passed by and took them, and she came to the study hall and said: See what So-and-so gave me as my wages, and when the student heard it, he went to the top of a roof and threw himself down and he died. At that time they ordained that a man should hold them in his garment and in his hand and then enter the latrine.

The *Gemora* cites a *braisa*: Initially, they used to leave *tefillin* in holes on the side of the latrine, and mice used to come and take them. They therefore instituted that they should be put in the windows on the side of the public domain. Then people that were passing by came and took them. So they instituted that a man should hold them in his hand and enter.

Rabbi Meyasha, the son of Rabbi Yehoshua ben Levi, said: The *halachah* is that he should roll them up (in their straps) like a scroll and keep them in his right hand, opposite his heart.

Rav Yosef bar Manyumi said in the name of Rav Nachman: He must make sure that a *tefach* (handbreadth) of the straps do not hang loose from his hand. [Rashi explains that this is because the straps itself are sacred as they bind the *tefillin* to the person's body, and also because they contain a Name of Hashem. This refers to the letter dalet which is found on the knot of the head-*tefillin*. The shin is embossed on the box. The small yud is found on the straps where the knot is attached to the arm-*tefillin*. These letters combined form the Name Shakai, one of the Names of Hashem.]

Rabbi Yaakov bar Acha said in the name of Rabbi Zeira: This was taught only if there is still time left in the day to put them on (after leaving the latrine), but if there is no time left in the day, he makes a type of bag for them - the size of a *tefach*, and puts them there.

Rabbah bar bar Chanah said in the name of Rabbi Yochanan: During the day, he rolls them up like a scroll and keeps them in his hand opposite his heart, and at night, he makes a type of bag for them of the size of a *tefach*, and puts them there (for then, when he will place them on the ground, the fact that there is a *tefach* of space will be considered a separation between them and the ground).

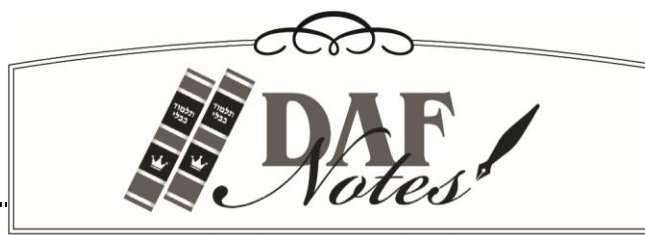
Abaye said: This was only taught regarding a bag which is designated for them (for if it is not a *tefach*, the bag is subordinate to the *tefillin*, and it is not regarded as a separation), but if the bag is not designated for them, even less than a *tefach* is sufficient.

Mar Zutra, or as others say Rav Ashi, said: The proof is that small vessels (tightly sealed) protect (the contents from tumah) in a tent of a corpse (even though there is not a *tefach* of space).

And Rabbah bar bar Chanah said: When we (as students) were following Rabbi Yochanan, (we saw that) when he wanted to enter a latrine, if he had a book of Aggadah (homiletic explanations of Scripture), he used to give it to us to hold, but if he was wearing *tefillin*, he did not give them to us (but rather, he would enter while holding them), saying, since the Rabbis have permitted them (to be taken into the latrine in order to protect them), they will protect me (from evil spirits).

Rava said: When we (as students) were following Rav Nachman, (we saw that) when he wanted to enter a latrine, if he had a book of Aggadah (homiletic explanations of Scripture), he used to give it to us to hold, but if he was wearing *tefillin*, he did not give them to us (but rather, he would enter while holding them), saying, since the Rabbis have permitted them (to be taken into the latrine in order to protect them), they will protect me (from evil spirits).

The *Gemora* cites a *braisa*: A man should not hold *tefillin* in his hand or a Torah scroll in his arm while reciting the *Tefillah* (because he will be concerned about protecting the *tefillin* or *Sefer Torah* and he will not be able to concentrate on his prayers), nor should he urinate while wearing them, nor sleep in them (for he might pass gas), whether a regular sleep or a nap.



Shmuel says: A knife, money, a dish (of food) and a loaf of bread are on the same level as *tefillin* (and one should not hold them while praying).

Rava said in the name of Rav Sheishes: The law is not in accordance with this *braisa* (when it stated that it is forbidden to urinate while holding *tefillin*), since it expresses the view of Beis Shammai (who ruled above that one should not enter a latrine with his *tefillin*), seeing that Beis Hillel declared it permissible in an established latrine (to hold the *tefillin*), is there any question that they would permit it in a temporary latrine?

The *Gemora* asks on this from a *braisa*: The things which I have permitted to you in this place (in an established latrine), I have forbidden to you in the other place (a temporary latrine). Presumably this refers to *tefillin* (with respect of bringing them into a latrine). Now if you say the *braisa* cited follows Beis Hillel, there is no difficulty, for then, this *braisa* can be explained as follows: The things which I have permitted to you in this place is in reference to an established latrine, I have forbidden it to you in the other, which is in reference to a temporary latrine. [The *braisa* will be teaching that it is permitted to defecate while holding one's *tefillin*, but it is forbidden to urinate – the *Gemora* below will explain the reasoning for this.] But if you say that it is Beis Shammai, they do not permit anything at all (so what does the *braisa* mean when it states that something is permitted in this place – if it's referring to an established latrine)?

The *Gemora* disagrees (that the *braisa* is distinguishing between an established latrine and a temporary one), and explains that the *braisa* is referring to the *halachah* of a *tefach* and two *tefachim* (and the *braisa* means as follows: The things which I have permitted to you in this place – to expose two *tefachim* while urinating, I have forbidden to you in the other place – to expose while defecating, for only one *tefach* is permitted), for one *braisa* taught: When a man relieves himself, he may expose a *tefach* behind and two *tefachim* in front, and another *braisa* taught: a *tefach* behind and in front - nothing at all. Seemingly, both *braisos* refer to a man, and there is no difficulty, for the second *braisa* refers to defecating (and it is permitted to expose one *tefach* in the back and nothing in the front), and the first *braisa* refers to urinating (and it is permitted to expose two *tefachim* in the front).

The *Gemora* asks: But is that logical? If the first *braisa* refers to urinating, why does it state that it is permitted to expose one *tefach* behind? [What is the necessity for that?]

The *Gemora* explains the *braisa* differently: Rather, both *braisos* refer to defecating, and there is no difficulty, for the first *braisa* refers to a man (and he needs to expose two *tefachim* in the front, for the exertion involved while defecating causes him to urinate), and the other to a woman (and therefore the ruling is that in the front, nothing should be exposed). [The meaning then of the *braisa* is as follows: The things which I have permitted to you in this place – to expose two *tefachim* by a man, I have forbidden to you in the other place – for a woman to expose.]

The *Gemora* asks: If that is so, what of the succeeding statement (stated at the end of the *braisa*): 'This is a *kal vachomer* which cannot be refuted? What possible question can be asked which cannot be refuted? This is precisely the natural way (that a man and a woman relieve themselves, and the ruling makes perfect sense)!

The *Gemora* reverts to its initial interpretation that it is *tefillin* that is referred to in the *braisa*, and it is a refutation of what Rava said in the name of Rav Sheishes. The *Gemora* concludes that indeed it is a refutation (for Beis Hillel, although he permits the holding of the *tefillin* while one is defecating, he prohibits it while urinating).

The *Gemora* asks: Nevertheless, a difficulty still remains; for if it is permissible in an established latrine (to bring the *tefillin* in, and to hold them while defecating), how much more so in a temporary latrine (that it should be permitted to bring them in, and to hold them while urinating)!

The *Gemora* explains that the *braisa* means as follows: In an established latrine (where one relieves himself while sitting – from *Rabbeinu Yonah*), there is no splashing (from urine), therefore it is permitted (to enter with his *tefillin*); in a temporary latrine, however, where there is splashing (for he is urinating while standing), it is forbidden. [One is required to clean the urine that splashed on his feet; this is in order that people do not suspect him of being a *kerus shafchah* – one whose organ is cut. Such a person cannot father children, and people will therefore say that this person's children are *mamzeirim*. He, therefore, cannot be holding his *tefillin*, for he is required to use his hands to clean off the urine that splashed on his legs.]

The *Gemora* asks: if so, why did the *Tanna* of the *braisa* say that this is *kal vachomer* that cannot be refuted? Why, the logic just stated is a reasonable refutation!?

The *Gemora* explains the *braisa* to mean as follows: This rule (of when to carry the *tefillin* in, and when not to) is based upon a



reason (as we explained above), and not upon a *kal vachomer* argument, for if we were to employ here a *kal vachomer* (that if it's permitted by an established latrine, it certainly should be permitted by a temporary one), it would be one which could not be refuted. (23a – 23b)

Relieving Oneself Prior to a Meal

The *Gemora* cites a *braisa*: One who wishes to partake of a formal meal (and to leave the meal to relieve himself would be impolite), should walk four *amos* ten times or ten *amos* four times (and after each time attempt to relieve himself), and relieve himself and then enter.

Rabbi Yitzchak said: One who wishes to partake of a formal meal should take off his *tefillin* and then enter (for perhaps he will become drunk, and he will act in a manner which is disrespectful to the *tefillin*).

The *Gemora* notes that this (that he takes them off before entering the meal) differs from the opinion of Rabbi Chiya, for Rabbi Chiya said: He places them on his table, and so it is becoming for him (for this way, they will be ready for him to put on immediately after the meal).

The *Gemora* asks: How long does he leave them there?

The *Gemora* answers: Until the time for *Birchas Hamazon* (for then, he puts them back on). (23b)

Respect for Tefillin

It was taught in one *braisa* that one may tie up his *tefillin* in his kerchief along with his money (not literally with the money, but in the same kerchief), while another *braisa* teaches that he should not tie them together!?

The *Gemora* answers: There is no difficulty, as in the second *braisa*, he set it (the kerchief) aside for this purpose (for his *tefillin*, and therefore, he cannot use it for money), whereas in the first *braisa*, he did not specifically set it aside (for his *tefillin*). For Rav Chisda said: If a *tefillin*-turban was designated to be used as a cover for *tefillin* and it indeed was used in this fashion, one cannot wrap money in it. If it was designated but not wrapped, or wrapped but not designated to be used constantly for this purpose, one can wrap money in it.

The *Gemora* notes: According to Abaye who says that designation is significant, designation without wrapping it would be enough. If he wrapped it, it is only forbidden for use with money if he designated it, not if he did not designate it.

Rav Yosef, the son of Rav Nechunyah asked Rav Yehudah: What is the rule about placing one's *tefillin* (when he is going to sleep) under one's headrest? About putting them under one's footrest, I have no need to ask, because that would be treating them disdainfully. What I would like to know is: what is the rule about putting them under one's headrest?

He replied: Shmuel said that it is permitted, even if his wife is with him.

The *Gemora* asks from a *braisa*: A man should not put his *tefillin* under his footrest, because this is treating them disdainfully, but he may place them under his headrest; however, if his wife is with him, this is forbidden. If there is a place three *tefachim* above his head or three *tefachim* below, he may put them there. Is not this a refutation of Shmuel? The *Gemora* concludes that indeed it is.

Rava said: Although it has been taught that this is a refutation of Shmuel, the law follows his opinion. What is the reason? Whatever is being done in order to protect the *tefillin* is of more importance (than the disrespect of being placed under the headrest). (23b – 24a)

INSIGHTS TO THE DAF

Entering a lavatory with holy objects

By: Meoros HaDaf HaYomi

One would probably find a few pages of handwritten *chidushei Torah* in the pockets of every *kolel* student. Many others carry small volumes of *Tehillim* and various holy books in pocket format. In this article we shall focus on the topic treated by our *Gemara*, as to how and if one may enter a lavatory with these objects.

Our *sugya* presents us with two facts, about which the commentators and *poskim* disagreed. Concerning *tefillin*, the *Gemara* explains that one may fold them, hide them in one's clothes and enter a lavatory with them. Concerning sacred books, the *Gemara* cites Rava's testimony about his mentor, Rav

Nachman, that when he when he had to go to the lavatory, he handed his pupils a book of Agadah that he was holding.

Do tefillin differ from holy books? The Meiri, one of the great Rishonim, contends that we learn from this Gemara that one may enter a lavatory with *tefillin* held in a pouch while it's forbidden to do so with holy books. How can this be? After all, *tefillin* are very holy. The Meiri explains that the main sanctity of *tefillin* is when they are in place, on the arm and the head, and therefore when they're folded in a container, there's no prohibition to enter a lavatory with them. Therefore we cannot learn from the permission to bring in *tefillin* that one may also enter a lavatory with holy books in a container, as the sanctity of holy books does not depend on their location. They have a great sanctity at all times and their being held in a container does not sufficiently help. However, most *poskim* (see *Magen Avraham*, 43, S.K. 14) explain our Gemara differently. In their opinion, from the Gemara's statement that one may enter a *beis hakisei* with *tefillin* in a pouch, we learn that that is also the halachah for holy books while Rav Nachman would give his pupils the holy book he held and didn't put it in a pocket for a very simple reason: the book was too big to put in a pocket (Radbaz, Responsa, III, 513).

Radbaz: "I put it in my turban": The Radbaz also ruled so (ibid) and recounts about himself: "Sometimes while in the streets people give me a (written) question or matter of Torah and I put it in my turban or *paldikira* till I come home to read it, and (meanwhile) I enter the lavatory without worry." He adds revealingly: "And moreover, I have a very small book with hints of the 613 mitzvos and I always have it in my *paldikira* and I enter the lavatory - so that it may be ready to be read outside."

The Maharsham also discussed this topic (Responsa, III, 357) when he was asked for his opinion about "someone who invented something new, to print the whole 24 holy books of Tanach in square letters... all in one casing... with a magnifier." He replied that one is permitted to enter a lavatory with it, if it's covered.

Eliyah Rabah says (43, S.K. 6) that it doesn't suffice to put the book in one container but there's a need for two coverings lest the first container be torn, cut, worn or opened. But the *poskim* of our era haven't reached a unanimous conclusion as to if he means any holy book or just a book with Hashem's names (see *Kuntres Hilchos Tefillin* by HaGaon Rav Y. Yisraelson, *se'if* 58, in the name of HaGaon Rav Y.S. Elyashiv, and *Nekiyus Vechavod Batefillah*, Ch. 12, remark 2, in the name of HaGaon Rav C. Kanievski, and *Ginzei HaKodesh, Miluim*, 2).

A shirt pocket as a covering: The *poskim* ruled that a shirt pocket is considered a covering and he who wears a garment over his shirt such as a sweater, jacket or the like is considered as bearing two coverings' provided he's careful that the garment should cover the pocket all the time while he's in the lavatory (*Ginzei HaKodesh*, ibid, remark 2). We emphasize that concerning *tefillin*, the permission to enter a lavatory with them in a pouch concerns instances where it's impossible to put them elsewhere but someone who is at home should remove them before he enters the lavatory (*Shulchan 'Aruch*, ibid, *se'if* 6). Opinions differ about holy books. According to *Shulchan 'Aruch HaRav* (ibid, *se'if* 5), someone who is at home should remove them before he enters the lavatory but according to *Pri Megadim* (ibid, *Eishel Avraham*, S.K. 14), this permission is valid everywhere, and so it seems from the Radbaz (see *Sha'ar Hatziyun*, S.K. 17).