

Daf Digest for this month is dedicated in memory of רבקה יענטא (Babby Weiss) בת ר' אשר אנטשיל ע"ה

By the Weiss brothers – London, Staten Island, Yerushalayim

OVERVIEW of the Daf

1) Clarifying the opinion of R' Yehudah

The Gemara concludes its question against R' Yehudah regarding a ba'al kerai being permitted to recite brachos, and concludes that R' Yehudah only meant that a ba'al kerai should think about the brachos.

The Gemara questions this answer from R' Yehudah's statement that a ba'al kerai is permitted to recite birkas hamazon and the Gemara answers that R' Yehudah considers birkas hamazon to be the same as hilchos derech eretz, which he permits a ba'al kerai to study, although personally he was strict on this matter as well.

R' Yehudah ben Berairah's statement, that Torah is not susceptible to tum'ah and therefore a ba'al kerai does not have to immerse in the mikveh, is recorded. R' Nachman bar Yitzchok indicates that the halachah follows this lenient opinion.

2) The use of nine kavim by the ba'al kerai to become tahor

A Beraisa mentions that if nine kavim of water are poured over the head of a ba'al kerai, he is tahor. Different Tanaim and Amoraim had different opinions whether using nine kavim is ideal.

Which type of person is permitted to use the leniency is discussed and the Gemara concludes that anyone who causes himself to become a ba'al kerai must immerse in a mikveh. A healthy person who experiences an emission resulting from an אונס requires only nine kavim and an ill person who experiences an emission resulting unwittingly doesn't even need nine kavim.

A disagreement is presented whether the use of nine kavim is acceptable even for one who is going to teach or make brachos for others with the conclusion being that there is no distinction to be made.

3) **MISHNAH:** The halachah of a ba'al kerai reciting shmoneh esrei is elucidated as well as the halachah of being properly covered for sh'ma. There is a restriction against davening in the presence of a foul-smelling substance.

4) A person who remembers that he is a ba'al kerai

The Beraisa tells us that if a person realizes he is a ba'al kerai he should shorten the brachos, and there is a disagreement what to do if one realizes this while reading the Torah.

5) Discovering the presence of excrement while davening

The guidelines for distancing oneself from excrement are clarified and Rava teaches that if a person was not careful and found excrement in the place he davened, the tefillah is considered repugnant.

6) Discovering urine while davening

If one is davening shmoneh esrei and he discovers urine running down his leg, he must pause. R' Chisda and R' Hammuna disagree whether he must start shmoneh esrei from the beginning or from the place he paused. ■

Distinctive INSIGHT

Halachic violations during prayer

הואיל וחטא אע"פ שהתפלל תפלתו תועבה - כב :

Because he sinned, although he davened, his prayer is despised. - 22b

Based upon our Gemara, R' Moshe Feinstein rules in his Igros Moshe (O.C. 4:14) that whenever a person davens (shmoneh esrei), and he realizes that the tefillah was in violation of halachic guidelines, the person has not fulfilled his obligation, and the prayer is invalid. The example which the specific teshuva discusses is where a person davened and then realized that he was not wearing a kippah at the time. Because praying bareheaded is the ritually accepted manner among the gentiles, it became a despicable manner for a Jew to daven without his kippah. R' Moshe suggests that even if the oversight was completely unintentional, the prayer is still invalid, and must be repeated.

This scenario can occur under normal conditions, where a person is davening and his tallis falls to the ground, sweeping his kippah away at the same time. Accordingly, the person must stop his shmoneh esrei and retrieve his kippah, at least. It should be noted that Rabbeinu Yonah (24b) implies that if one's kippah falls off while he is davening shmoneh esrei, he need not stop. Nevertheless, it could be that he is referring to a situation where the gentiles did not

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REVIEW and Remember

1. According to R' Yehudah ben Beseira, why does a ba'al kerai not have to immerse in a mikveh before davening?
2. How do we know that the halacha follows the opinions of the "three elders"?
3. What was the extent of Ezra's enactment according to the conclusion of the Gemara?
4. If a person wishes to daven and he finds excrement in the area, what should he do?

Today's Daf Digest is dedicated

- ♦ in loving memory of
Reb Mordechai Leib ben Reb Chaim, a"h
- ♦ by Dr. and Mrs. Moshe Nitekman
ר' דוד בן ר' זאב ז"ל
in loving memory of their father,
- ♦ by Mr. and Mrs. Benji Cohen
in honor of their 13th anniversary

HALACHA Highlight

Immersing in a mikveh before studying Torah

דתניא, רבי יהודה בן בתירא אומר: אין דברי תורה מקבלין טומאה כי אתא זעירי, אמר: בטלוה לטבילותא...מאן דאנר בטלוה לטבילותא-כרבי יהודה בן בתירא. - כב.

"It was taught in a Beraisai: Rabbi Yehuda ben Biseira said: The words of Torah do not incur impurity. When Ze'iri came, he said: They abolished the obligation of immersion...The opinion that holds that immersion was abolished is in accord with the ruling of Rabbi Yehuda ben Biseira. - 22a

Rif¹ cites a disagreement as to the scope of the abolishment of this decree. Some say that the decree was rescinded for both prayer and study. Others opine that the decree was abolished for Torah, but for prayer there is still the requirement to wash in 9 kabim. He quotes Rav Hai Gaon that one should maintain the custom of Jews everywhere that a ba'al kerai even if he is without water will not pray until he has washed. Authorities differ whether Rav Hai Gaon requires immersion² or washing with 9 kabim for prayer.³

Rambam⁴ writes that this decree did not gain wide acceptance and the populace was unable to maintain it. It was consequently repealed. In fact, Jews have become accustomed to learning Torah and reading the Sh'ma although they are ba'alei kerai. Elsewhere⁵ Rambam writes that the custom in Shinar and Spain was that a ba'al kerai wash himself before prayer.⁶

Amongst the other authorities the views vary. Some⁷ hold that immersion is necessary for prayer. Others⁸ hold that washing is enough for prayer. Yet others⁹ rule that this decree was completely abrogated, and washing is not even obligatory.

Shulchan Aruch¹⁰ rules that a ba'al kerai may pray without immersion or washing, and such is the custom. Yet the Poskim note

the powerful benefit of immersion, and if that is not possible at least washing before prayer. The prayers of one who immerses are more likely to be well received,¹¹ and the life of one who is stringent in this regard will be lengthened.¹² Still, Mishneh Berura¹³ remarks that one should not allow the final time for the sh'ma or prayer to pass in order to fulfill this stringency, nor should one miss praying with a quorum for this.

In a modern application, many Poskim¹⁴ view that showering may be regarded as washing with 9 kabim. ■

1. כאן (דף יג סוע"ב בדפי הרי"ף).
2. סי העיסור (סוף הלי מילה, דף נד ע"א)
3. הבנת הרי"ף לפי תר"י. וכן בהשגות הראב"ד על בעל המאור (דף יב ע"א בדפי הרי"ף אות ב') ובסי המנהיג (סי עט, עמי קיג בנדמ"ח), סי האשכול (כ"א סי א', עמ' 1). ועוד
4. פ"ד מהל' ק"ש ה"ח
5. פ"ד מהל' תפלה ה"ו
6. מאוד כדאי לראות דברי הרמב"ם באגרותו לרבי פנחס הדין. באגרות הרמב"ם דפוס ליפציא (סי קמ, דף כה ע"ב) ובמהד' הרב שילת (ח"ב עמ' תלז). ע"ש
7. סי הרוקה (סי שכא, עמ' ריג), ע"י סי האשכול (סי כב, עמ' 50) בשם ר"ש גאון וכן בשו"ת מן השמים (סי ה')
8. ע"י ר"ח (ברכות כב ע"א) "עד שירח"י. [אמנם יש הבנות אחרות בדעתו. ע"ש בהערות.] אור זרוע ח"א (סי קיז). ועוד
9. ע"י תוס' ברכות (כב ע"ב ד"ה ולית) ובסי העיסור (סוף הלכות מילה, דף נג ע"ד) בשם רב עמרם גאון ורב צמח גאון. ובסי ראבי"ה (ברכות סי סח, עמ' 54). ועוד
10. סימן פח סי"א
11. תלמידי רבינו יונה שם (דף יג סוע"ב בדפי הרי"ף ד"ה כי אתא).
12. סי ראבי"ה (ברכות סי סח, עמ' 54)
13. סי פח סי"ק ב'
14. שו"ת חלקת יעקב ח"ג (סי ס – סא), שו"ת מנחת יצחק ח"ג (סי טו אות יא) וחי"ד (סי כא וסי כח אות ח'), שו"ת שבט הלוי ח"א (סי כד) וילקוט יוסף ח"א (הלי ק"ש אות יח, עמ' קלג). ועוד טובא, אמנם ע"י בשו"ת משנה מלכות ח"ג (סי א – ו) שהחמיר ■

STORIES off the Daf

Torah of our Fathers

אמר רב נחמן בר יצחק: נהוג עלמא כהני תלת סבי כב. R' Nachaman b. Yitzchok said, "the custom is according to the three elders." - 22a

R' Nachman bar Yitzchok teaches an important lesson concerning halachah. He does not say, "After thorough analysis the conclusion is that the halachah is like the three elders." Rather, he states, "the people conduct themselves like the opinions of the elders." We see that there are times when the custom of the people prevails. This is reminiscent of the saying: The custom of our forefathers is as binding as the Torah itself.

R' Alexander Ziskind, author of the Yesod V'Shores HaAvodah, was known even in his lifetime as a great tzaddik who

was extremely careful to do mitzvos with great precision and concentration. In addition to writing the Yesod V'Shores HaAvodah he wrote an ethical will to his family which included, amongst other things, specific instructions how to handle his body after he died and exactly guidelines for his burial.

One instruction contained in the will was that he should be buried with a talis that contains kosher tzitzis made by a talmid chochom. The Chevra Kadisha found this to be a strange request since the custom is that when a man is buried he is buried in his talis with the tzitzis intentionally made posul. The Chevra Kadisha approached the Rov in town, R' Daniel of Horodna, author of the Chamudei Daniel, to seek his guidance. The Chamudei Daniel instructed them to follow the tzaddik's instructions since undoubtedly he had a good reason to not follow the custom.

At the funeral as they began to lower the body into the grave one of the tzitzis got caught on a rock protruding from the wall of the grave. The tzitzis ripped off and the talis became disqualified. A great commotion erupted as to what should be done next, and again they turned to the Chamudei Daniel for guidance.

The Chamudei Daniel told them that this occurrence is a clear sign from Heaven that R' Ziskind should be buried with the disqualified tzitzis in accordance with the custom of the Jewish People. ■

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have any specific custom in this regard, and our davening bareheaded is not a "To'evah – a despicable thing." But R' Moshe rules that in our day, davening without a kippah or other head covering is chukos hagoyim. (O.C. 2:27 and 4:68). ■

