

DAF YOMI DIGEST

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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 erez, which he permits a ba'al kerai to study, although personally he was strict on this matter as well.

R' Yehudah ben Besaira's statement, that Torah is not susceptible to tumah and therefore a ba'al kerai does not have to immerse in the mikvah, is recorded. R' Nachman bar Yitzchok indicates that the halacha follows this lenient opinion.

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

A Baraisa 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 mikvah. 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 brochos for others with the conclusion being that there is no distinction to be made.

3) MISHNAH: The Halacha of a ba'al kerai reciting shmoneh esrei is elucidated as well as the halacha 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 Baraisa 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 tefila 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' Hamnuna disagree whether he must start shmoneh esrei from the beginning or from the place he paused. ■

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By Mr. and Mrs. Volvie Hollander
In loving memory of their father
ר' ברוך בן אברהם עב"ר, ע"ה

Gemara GEM

Halachic Violations During Prayer

“הואיל וחטא אע"פ שהתפלל תפלתו תועבה”

Based upon our Gemara, R' Moshe Feinstein rules in his Igros Moshe (O.C. 4:14) that whenever a person davens (shemoneh esrei), and he realizes that the tefilla 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 head covered. 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 shemoneh 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 shemoneh esrei, he need not stop. Nevertheless, it could be that he is referring to a situation where the gentiles did not have any specific custom in this regard, and 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). ■

REVIEW and Remember

1. According to R' Yehudah ben Beseira, why does a ba'al kerai not have to immerse in a mikvah 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?

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HALACHAH Highlight

Immersing in a mikveh before studying Torah

"ידתניא, רבי יהודה בן בתירא אומר: אין דברי תורה מקבלין טומאה כי אתא זעירי, אמר: בטלוח לטבילוחא... מאן דאמר בטלוח לטבילוחא-כריבי יהודה בן בתירא."

"It was taught in a Baraisa: Rabbi Yehuda ben Beseira said: The words of Torah do not incur impurity. When Ze'iri came, he said: They abolished the obligation of immersion for a ba'al kerai... The opinion that holds that immersion was abolished is in accord with the ruling of Rabbi Yehuda ben Besara."

The Rif¹ cites a disagreement as to the scope of the abolishment of the decree for a ba'al kerai to immerse before praying or learning Torah. 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 will not pray until he has washed even if he is without water. Authorities differ whether Rav Hai Gaon requires immersion² or washing with 9 Kabim for prayer³.

The 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 the Rambam writes that the custom in Shinar and Spain was that a ba'al kerai would wash himself before prayer⁶.

Amongst other authorities, 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 even washing is not obligatory.

The Shulchan Aruch¹⁰ rules that a ba'al kerai may pray without immersion or washing, and such is the custom. However the Poskim note the powerful benefit of immersion, and if that is not possible, at least one should wash himself before prayer. The prayers of one who immerses are more likely to be well received¹¹, and the life of one who is stringent in this regard will be lengthened¹². Still the Mishneh Berura¹³ remarks that one should not allow the final time for Shema or prayer to pass in order to fulfill this stringency, nor should one miss praying with a minyan 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 העיטור (סוף הלי מילה, דף נד ע"א)
3. הבנת הרי"ף לפי תרי"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, עמי 1) ועוד
4. פ"ד מהלי ק"ש ה"ח
5. פ"ד מהלי תפלה ה"ו
6. מאוד כדאי לראות דברי הרמב"ם באגרתו לרבי פנחס הדיין. באגרות הרמב"ם דפוס ליפצא (סי קמ, דף כה ע"ב) ובמהדי הרב שילת (ח"ב עמי תלו). ע"ש
7. סי הרוקח (סי שכא, עמי ריג), עי סי האשכול (סי כב, עמי 50) בשם ר"ש גאון וכן בשו"ת מן השמים (סי ה')
8. עי ר"ח (ברכות כב ע"א) "עד שירחץ". [אמנם יש הבנות אחרות בדעתו. ע"ש בהערות.] אור זרוע ח"א (סי קיז). ועוד
9. עי תוסי ברכות (כב ע"ב ד"ה ולית) ובסי העיטור (סוף הלכות מילה, דף נג ע"ד) בשם רב עמרם גאון ורב צמח גאון. ובסי ראבי"ה (ברכות סי סח, עמי 54) ועוד
10. סימן פח ס"א
11. תלמידי רבינו יונה שם (דף יג סוע"ב בדפי הרי"ף ד"ה כי אתא).
12. סי ראבי"ה (ברכות סי סח, עמי 54)
13. סי פח ס"ק ב'
14. שו"ת חלקת יעקב ח"ג (סי ס - סא), שו"ת מנחת יצחק ח"ג (סי טו אות יא) וח"ד (סי כא וסי כה אות ח'), שו"ת שבט הלוי ח"א (סי כד) וילקוט יוסף ח"א (הלי ק"ש אות יח, עמי קלג). ועוד טובא, אמנם עי 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

R' Nachman bar Yitzchok teaches an important lesson concerning halacha. He doesn't say that after thorough analysis the only conclusion to draw is that the halacha is like the three elders, rather he states that the people conduct themselves like their opinions. We see from here that there are times when the minhag of the people will prevail. This is reminiscent of the saying: **מנהג אבותינו תורה היא**—The custom of our forefathers is as binding as the Torah itself.

R' Alexander Ziskind, author of the

Yesod V'Shoresh HaAvodah, was known even in his lifetime as a great tzadik who was extremely careful to do mitzvos with great precision and kavanah. In addition to writing the Yesod V'Shoresh 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 what should be done 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 minhag 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 tzadik's instructions since undoubtedly he had a good reason to not follow the minhag.

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, and 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. ■

