

נמנעו. יסמנו אכניסם עמי ויסמנו מן המזיקין: לא יאחז בידו ויחפץ. שאין דעתו מיושבת עליו כהפלה שהרי לבו חמיר עליהן
שלא יפלו מידו: ולא יפון בזה. *שמה [ה] יפוח: הכי אלו כיוצא בזה. לענין הפלה שדורג עליהן שלא תפול הסכין ותזיקה והקפדה תשק
והמנוחה יאבדו והכבד יתקף: לית הלכתא מי הא מתנייה. דקמי לא ישתין כספילין: דבית שמאי היא. דלמרי לעיל מיתין כהנין
הסמוך לריח ולא יכניסם בידו ויכנס: דלי ביה. הא אמרי לעיל אוחזן בידו וכנס: בית הכסא ערלי. כגון להשיבין שאין אדם האך
בצבילם לבית הכסא והפנים הולת
נעשה המקום הזה בית הכסא תחלה:
שהחמיר לו כן. צבית הכסא
קבוע: אחרת לו כן. צבית הכסא
ערלי: מאי לאו תפילין. שאמרו בית
הלל אוחזן בידו וכנס לבית הכסא
קבוע ולהשיבין בזה אסור דמפרש
טעמא לקמן: הא לא שרי. צבית
הכסא קבוע: מי תניא היא. לאו
לענין תפילין תניא אלא לענין גילוי
טפח וטפחיים ולגדולים אינו מגלה
אלא טפח ולקטנים מגלה טפחיים
ועלה קל גילוי טפחיים שהחמיר לו
כאן אחרת לו כן: לאחרי טפח.
ולא יוחר משום ניעוש. ולפניו
טפחיים. משום קילוח מי רגלים
הגחון למרחוק: מאי לאו כי.
והיינו דקאמר לעיל דברים שהחמיר
לו צבית הכסא ערלי אחרת לו
בצבוע: אלא אידי ואידי בגדולים.
ומתוך שהוא דוחק עליו לגדולים
הוא בל ליד קטנים הלכך בלש
מלחמיו טפח ומלפניו טפחיים
ובאשה מלפניה ואל כלום וסכי
קאמר הא דלעיל דברים שהחמיר
לו צבית הכסא ערלי לו כן: אי
הכי. ולענין טפח וטפחיים קמי
דברים שהחמיר לו כן אחרת לו
כאן: הא דקמי עולה. כשיפול דירה
והוא קל שאין עליו תשובה בדבר
הזה יש לו להשיב קל ואין לו עליו
תשובה להחזיר לו אי אחרת כשלמה
בתיפילין קאמר וכחלמין וביה היא
היינו דקמי דיש כאן להקשות קל
וחומר הכסא בית הכסא קבוע שרי
בית הכסא ערלי מביעה ואין לו
תשובה להשיב עליו אלא אי אחרת
לענין טפח וטפחיים מאי קמי
להקשות כאן: אורחא דמילתא הכי
הוא. שהאיש לריך לגלות לפניו ולא
האשה: תיובתא דרבא אמר רב
שם. דלמר בית שמאי היא ולא
בית הלל דאם כן לא משכחת מידי
לאוקמה דן צביתא דקמי מאי
שהחמיר לו כן אחרת לו כן:
דליכא ניעוש. שיהא לריך לשפסן

דברים שהחמיר לו כן כן כו'.

ולא כפי לשוני דברים
שהחמיר לו צבית הכסא ערלי
אחרת לו כן בצבוע ולאסור לפנים
בגדולים והתפילין בראשון אבל להשיבין
מותר משום דלא חשקין צביתא
אלב קד דטפח וטפחיים חשקין
ליה צביתא כדריה הר"י יוסף:
והא

לית הלכתא כי הא מתניא דב"ש
שרי בית הכסא ערלי מביעה מתיבי דברים שהחמיר לו כן כאן אחרת לו כן
כאן לא תפילין אי אחרת בשלמא בית הלל תירחי לו כן קבוע אחרת
לו כן כאן בית הכסא ערלי אלא אי אחרת ב"ש הא לא שרו ולא מיד. כי תניא
הריא לענין טפח וטפחיים דתני חרא כשהוא נפנה מגלה לאחריו טפח ולפניו
טפחיים ותניא אידך לאחריו טפח ולפניו ולא כלום מאי אידי ואידי באיש
ולא קשיא כאן לגדולים כאן לקטנים וחברא אי בקטנים לאחריו טפח למה לי
אלא אידי ואידי בגדולים ולא קשיא יהא באיש הא באשה אי הכי הא דקמי
עלה *תרי קמי שאין עליו תשובה מאי אין עליו תשובה דרבא דמילתא הכי
איתא אלא לאו תפילין ותיובתא דרבא אמר רב ששת תיובתא מכל מקום
קשיא השואל בית הכסא קבוע שרי בית הכסא ערלי לא כל שכן הכי קאמר
בית הכסא קבוע דליכא ניעוש שרי בית הכסא ערלי דאיכא ניעוש אסרי
אי הכי אמאי אין עליו תשובה חשבה מעליהא היא הכי קאמר הא מילתא
תיתי לה בתורת מעמא ולא תיתי לה בקי ראי אתיא לה בתורת קל ודו קמי
שאין עליו תשובה: *תרי יהוצה ליכנס לסעודה קבוע מולך עשרה פעמים
ד' אמות או ד' פעמים י' אמות ויפנה ואח"כ נכנס אמר ר' יצחק הנכנס
לסעודה קבוע חולץ תפיליו ואח"כ נכנס ופליג דר' חייא דא"ר היא מניחין
על שלחן וכן תדור לו ועד אימת אמר רב נחמן בר יצחק "עד זמן ברכה תני
חרא צורר אדם תפיליו עם מעותיו באפרקסותו ותיניא אידך לא יצור לא
קשיא הא דאומניה הא רלא אומניה *דאמר רב חסדא *היא סודרא דתפילין
דאומניה למיצר ביה תפילין צר ביה תפילין אסור למיצר ביה פשיטי אומניה
ולא צר ביה צר ביה ולא אומניה שרי למיצר ביה וזו ולאבי דאמר *הומניה
מילתא היא אומניה אע"ג דלא צר ביה צר ביה אי אומניה אסור אי לא
אומניה לא בעא מניה רב יוסף בריה דרב נחמיה מרב יהודה מה שנייה
אדם תפיליו תחת מראשותיו *תחת מרגלותיו לא קא מביעה לי שטנה בהן
מגנה בויון כי קא מביעה לי תחת מראשותיו כאי א"ל הכי אמר שמואל
יטור אפילו אשתו עמו מתיבי לא יניח אדם תפיליו תחת מרגלותיו מפני
שטנה בהם דרך בויון אבל מניחן תחת מראשותיו ואם היתה אשתו עמו
אסור היה מקום שגובה ג' מפרים או גמך ג' מפרים מותר תיובתא דשמואל
תיובתא אמר רבא אע"ג דתניא תיובתא דשמואל הלכתא כוותיה מ"מ
כל

רב נסים גאון

ולאבי דאמר חומנה
מילתא דא.
עיקר דבריו של אבי
בפס' סנהדרין ב"ב גמרי
דקין (דף מ) אימת
והאמר בבב' למת אבי
אמר אבד ורבא אבד
סדר אבי אמר אבד
חומנה מילתא דא

תננות הב"ח

(ה) רש"י ד"ס דלי
תחת ורי צבית
הכסא קבוע חמור:

גיליון הש"ס

רש"י ד"ס דלי יתן כן
שם יתן. פ"ן
פס"ד ד' פ"א ו"ט:

ס"ה ט"ז

[טז ט"ז]

[כ"ט ט"ז]

שם פ"ד

מסדרין מת

[טז ט"ז: מת.
מגלה ט"ז:
ממנה ד"ה]

תננות
הגריא

[ה] רש"י
ד"ס דלי יתן
כך שם יתן:

ל"ה

נְטָרָן – let them protect me while I am inside.^[1]

A similar incident:

אָמַר רַבָּא – Rava said: כִּי הוּא אָזְלִין בְּתַרְיָה דְּרַב נַחְמָן – When we students would follow Rav Nachman and he needed to enter a latrine, כִּי הוּא נָקִיט סֵפֶרָא דְאַגְדָּא – if he was holding a book of Aggadah, וְהִיב לָן – he would give it to us, כִּי הוּא נָקִיט – he would not give them to us, but would take them in with him, אָמַר – for he said: הוּאִיל וְשְׂרוּגוֹהוּ רַבְנָן נְטָרָן – Since the Rabbis permitted taking them into a latrine when necessary, let them protect me while I am inside.

The Gemara turns to other laws concerning the handling of tefillin:

לֹא יֵאָחֵז אֲדָם – The Rabbis taught in a Baraisa: תְּנִי רַבְנָן – A PERSON SHOULD NOT HOLD TEFILLIN IN HIS HAND כִּדְּוִי – תְּפִלִּין בְּיָדוֹ – OR A TORAH SCROLL IN HIS ARM וְיִתְפַּלֵּל – AND PRAY.^[2] וְלֹא יִשְׁתֵּין בָּהֶן מִיָּם – NOR MAY HE URINATE WITH [TEFILLIN] in his hand, וְלֹא יִישָׁן בָּהֶן – NOR MAY HE SLEEP WITH THEM, לֹא שֵׁנִית קָבַע וְלֹא שֵׁנִית עָרָא – NEITHER A FIXED SLEEP NOR A NAP.^[3]

The Gemara adds to the list of items that one should not hold while praying:

אָמַר שְׁמוּאֵל – Shmuel said: סָבִין וּמַעוֹת וְקַעֲרָה וְכַבֵּר – A knife, money, a plate of food and a loaf of bread – הָרִי אֵלַי כְּפִיּוּצָא בָּהֶן – these items are similar to [tefillin and a Torah scroll] in the regard that one should not hold them while praying.^[4]

The Gemara discusses the Baraisa's ruling that one may not urinate while holding tefillin:

אָמַר רַבָּא בְּשֵׁם רַב שֵׁישִׁס – Rava said in the name of Rav Sheishess: לִית הַלְכָתָא בִּי הָא מְחִינִיתָ – The halachah does not follow this Baraisa, דְּבֵית שְׁמַאי הִיא – as it is reflective of the opinion of Beis Shammai.^[5] דְּאִי בֵּית הֵלֵל – For if you will contend that it reflects the opinion of Beis Hillel, I will counter: הַשְׁתָּא בֵּית הַכֶּסֶּא קְבוּעַ שְׂרִי – Now, even with respect to an established latrine, [Beis Hillel] permit taking tefillin inside, as stated above; בֵּית הַכֶּסֶּא עָרָא מִיבְעִיָא – with respect to a temp-

orary latrine, can there be any question whether they permit this? Since the Baraisa forbids urinating while holding tefillin, even in a temporary latrine,^[6] it must reflect the opinion of Beis Shammai. Therefore, the halachah does not follow it.

The assertion that Beis Hillel disagree with the Baraisa is challenged:

מִיחִיבִי – They challenged Rava from the following Baraisa, which contrasts the laws that apply in different latrine situations: דְּבָרִים שֶׁהִתְרַתִּי לָךְ בָּאֵן הֵרֵא – THE THINGS THAT I PERMITTED FOR YOU HERE, אֶסְרֵתִּי לָךְ בָּאֵן – I FORBODE FOR YOU THERE.^[7] מֵאִי לֹא – Is it not presumable that this Baraisa refers to taking tefillin into the latrine? אִי אִמְרַת בְּשִׁלְמָא בֵּית הֵלֵל – Now, it is understandable if you say that this Baraisa follows Beis Hillel, for it can then be explained as follows: הִתְרַתִּי לָךְ בָּאֵן קְבוּעַ – That which I permitted for you here, in the case of an established latrine, where you commonly defecate – namely, to take in your tefillin – אֶסְרֵתִּי לָךְ בָּאֵן בֵּית הַכֶּסֶּא עָרָא – I forbade for you there, in the case of a temporary latrine, where you commonly urinate.^[8] אֲלֵא אִי אִמְרַת בֵּית שְׁמַאי – But if you will say that this Baraisa follows Beis Shammai, I will counter: הָא לֹא שְׂרִי וְלֹא מִיָּד – Why, they do not permit taking tefillin into an established latrine at all! What, then, would be the meaning of the statement, "The things that I permitted for you here I forbade for you there"?^[9] Perforce, the Baraisa reflects the view of Beis Hillel and it teaches that they forbid urinating while holding tefillin. Accordingly, the Baraisa cited previously reflects the opinion of Beis Hillel, and it is halachically valid. – ? –

The Gemara rejects the proposed interpretation of the latter Baraisa:

בִּי תִּנְיָא הֵיא – Regarding what was that latter [Baraisa] taught? It is not regarding the issue of taking tefillin into a latrine; rather, לְעִנְיַן טַפַּח וּטַפָּחִים – it is regarding the *tefach* and two *tefachim* of the body that one is permitted to expose in a latrine.^[10] דְּתַנִּי חֲרָא – For it was taught in one Baraisa: מְגִלָּה לֹא לְחֲרִיז טַפַּח – WHEN ONE RELIEVES HIMSELF, HE MAY EXPOSE ONLY ONE *TEFACH* BEHIND HIMSELF, וְלִפְנֵי טַפָּחִים –

NOTES

1. Since the Rabbis allowed taking tefillin into a latrine for their protection, I am allowed to take them in and hold them even though my students are available to guard them. I will do this so that *they* protect me from evil spirits [which frequent latrines; see *Gittin* 70a] (*Rashi*; cf. *Rif*, *Rabbeinu Yonah*; see *Beis Yosef*, *Orach Chaim* §43).

2. He will be unable to concentrate on his prayers, as he will be preoccupied with ensuring that the sacred item does not fall from his hand (*Rashi*; see *Melo HaRo'im*).

3. *Rashi* explains that the reason one may not sleep with them is because he may come to pass gas. Apparently, *Rashi* understands the Baraisa as meaning that one should not sleep or nap while wearing tefillin. However, the Gemara in *Succah* (26a) interprets this Baraisa as meaning that one should not sleep or nap while holding tefillin. Furthermore, *Rashi* himself explains it elsewhere (*Succah* 41b דִּיהָ לֹא בָּהֶם) as meaning that one may not sleep or nap while holding tefillin because he may drop them. *Hagahos HaGra* emends the text of *Rashi* here to conform with that explanation (cf. *Koveitz to Rambam*, *Hil. Tefillin* 4:15; *Kappos Temarim to Succah*; see *Orach Chaim* 44 for a complete presentation of the rules concerning sleeping while wearing or holding tefillin).

The Baraisa's ruling concerning urination certainly refers to urinating while holding the tefillin in the hand (see below).

4. For he will be distracted by the concern that the knife may fall and harm him, that the items on the plate will spill, that the money will fall and be lost, and that the loaf of bread will fall and get dirty (*Rashi*).

Rashi implies that only these and similar items, which would cause damage or be lost if they fell, may not be held during prayer, but other items may be held. Others explain that the Gemara is merely providing examples of items that are commonly held in the hand, and it means

that one may not hold anything in his hand during prayer [other than a prayer book, and a *lulav* on the festival of Succos] (see *Rabbeinu Yonah* and *Mishnah Berurah* 96:5; see also *Orach Chaim* 96:1-2).

5. Beis Shammai stated above (23a) that a person may not enter a latrine while holding his tefillin, but should leave them in a window near the public domain. Beis Hillel, however, disputed their opinion.

6. People would normally not bother going to established latrines for urination, but would relieve themselves in any convenient location (and this is defined as a temporary latrine, as explained above, 23a note 20). When the Baraisa forbids urinating with tefillin, it refers to the common case of a temporary latrine (*Rashi*).

7. As the Gemara will explain, the meaning is that there is something which is permitted in an established latrine yet forbidden in a temporary latrine (see *Rashi*).

8. [Accordingly, the Baraisa does not mean literally to contrast an established latrine with a temporary one, but to contrast that which is commonly done in an established latrine with that which is commonly done in a temporary one.] The Gemara will explain below why Beis Hillel permit holding tefillin in a latrine when one defecates but forbid this when one merely urinates (see *Rashi*).

9. See *Tosafos*, who discuss why we cannot explain the Baraisa as meaning that that which is permitted regarding tefillin in a temporary latrine is forbidden in an established latrine.

10. When a person defecates he is permitted to expose only one *tefach* of his body, but when he urinates he may expose as much as two *tefachim*. Thus, the Baraisa means: That which I permitted for you here, when urinating – to expose two *tefachim* – I forbade for you there, when defecating (*Rashi*).

— AND IN HIS FRONT he may expose TWO *TEFACHIM*.^[11] וְתִנְיָא אִיךְ —
 — And it was taught in a different Baraisa: לְאַחֲרָיו טַפָּח —
 BEHIND HIMSELF, one may expose A *TEFACH*, וְלִפְנֵי וְלֹא כָלָם —
 AND IN HIS FRONT, one may expose NOTHING AT ALL. וְאִיךְ אִיךְ —
 — Is it not presumable that both of these Baraisas refer to a man, וְלֹא קָשְׁיָא — and they are not contradictory,
 because this latter Baraisa, which permits exposing only a *tefach* in back and nothing in front, refers to exposing oneself for defecation, כָּאֵן לְקָטְנִים — whereas this former Baraisa, which permits even exposing two *tefachim* in front, refers to exposing oneself for urination? Thus, that which is permitted when one urinates is forbidden when one defecates. This is the true meaning of the other Baraisa cited above: That which I permitted here, in a temporary latrine where you urinate — to expose two *tefachim* — I forbade for you there, in an established latrine where you defecate.^[12]

The Gemara rejects this resolution of the contradiction between the last two Baraisas:

וְתִסְבְּרָא — But do you really consider this explanation of the Baraisas reasonable? אִי בְקָטְנִים — If the first Baraisa deals with urination, לְאַחֲרָיו טַפָּח לְמָה לִי — why is it necessary for one to expose a *tefach* behind himself? —

The Gemara therefore offers a different resolution of the contradiction between the Baraisas:

אֲלֵא אִיךְ וְאִיךְ בְּגִדּוּלִים — Rather, both of these Baraisas deal with defecation, וְלֹא קָשְׁיָא — and nevertheless, they are not contradictory. הָא אִיךְ — This Baraisa which permits exposing a *tefach* in back and two *tefachim* in front is dealing with a man, הָא אִיךְ — whereas this Baraisa which permits exposing only a *tefach* in back is dealing with a woman. A man must expose himself in front even when defecating, since the exertion of moving his bowels causes him to urinate as well. A woman, however, never needs to expose herself in front. Accordingly, the meaning of the Baraisa cited above is as follows: That which I permitted for you here, in the case of a man, I forbade for you there, in the case of a woman.^[13]

The Gemara refutes this interpretation of the first Baraisa: אִי הָא — If it is so, that the Baraisa means to contrast the law pertaining to men with that pertaining to women, הָא דְקָטְנִי עֲלֵה — consider that which was taught at the end of the Baraisa in regard to [the previous teaching]: וְהוּא קָל וְחוּמָר שְׂאִין עֲלֵי — THIS IS subject to A *KAL VACHOMER* argument THAT HAS

NO REFUTATION AGAINST IT.^[14] מָא אִין עֲלֵי תְשׁוּבָה — What possible *kal vachomer* argument that “HAS NO REFUTATION AGAINST IT” could be advanced against the Baraisa’s ruling? הָרִבָּא דְמִילְתָּא הָא אִיךְ — The natural way of the matter of relieving oneself is thus, that a man needs to reveal himself in front and a woman does not need to. Thus, your interpretation is inconsistent with the Baraisa’s closing remark. — ? —

The Gemara therefore reverts to the original interpretation of the Baraisa and resurrects its challenge to Rava’s statement in the name of Rav Sheishess:

אֲלֵא לֹא תִפְלִין — Rather, is it not clear that the Baraisa is referring to the rule of taking tefillin into a latrine, and it means, as we said above: “That which I permitted for you here, in the case of an established latrine where you defecate — namely, to take in your tefillin — I forbade for you there, in the case of a temporary latrine where you urinate.”^[15] Thus, we learn from the Baraisa that even Beis Hillel, who permit holding tefillin when defecating, forbid holding them when urinating, וְתִיבְתָּא דְרַבָּא אָמַר רַב — and this is a refutation of the statement of Rava in the name of Rav Sheishess that only Beis Shammai forbid it. Indeed, it is a refutation.^[16]

Although the meaning of the Baraisa has been clarified and Rava’s ruling has been refuted, a problem remains to be resolved: מִקָּל מְקוֹם קָשְׁיָא — Nevertheless, it is difficult to understand the Baraisa’s ruling, for as the Tanna himself concedes, it is subject to the following *kal vachomer* argument: הֲשִׁתָּא בֵּית הַבֶּסֶט קְבוּעַ שָׂרִי — Now, [Beis Hillel] even permit bringing tefillin into an established latrine and holding them while defecating, בֵּית הַבֶּסֶט עֲרָאִי לֹא כָל שָׂרִי — should they not certainly permit bringing them into a temporary latrine and holding them while urinating?

The Gemara explains the logic behind the Baraisa’s ruling: בֵּית הַבֶּסֶט — This is what [the Baraisa] means to say: קְבוּעַ דְּלִיבָא נִיּוּצוֹת — In an established latrine, where one relieves himself while sitting and there are no droplets of urine that must be wiped off the feet afterwards, שָׂרִי — [Beis Hillel] permit taking the tefillin in and holding them. בֵּית הַבֶּסֶט עֲרָאִי — However, in a temporary latrine, where one relieves himself while standing and there are sometimes droplets of urine that must be wiped off the feet, אָסְרִי — [Beis Hillel] forbid taking the tefillin in and holding them.^[17]

The Gemara asks:

אִי הָא — If so, אָמַאי אִין עֲלֵי תְשׁוּבָה — why does the Tanna state

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11. Since an opening of one *tefach* in back is sufficient for evacuation, modesty requires that a person expose no more. In front, an opening of two *tefachim* is necessary to make room for the stream of urine (*Rashi*).

12. [Since the Baraisa does not deal with the issue of taking tefillin into a latrine, you have no basis for arguing that Beis Hillel forbid urinating while holding tefillin.]

13. Even according to the revised interpretation, the Baraisa has no bearing on the issue of taking tefillin into a latrine when urinating. Thus, Rava’s rejection of the challenge is intact, for there is no indication that Beis Hillel forbid it. However, the Gemara goes on to refute even the revised interpretation and resurrect the challenge. See *Tzlach*.

14. With this closing statement, the Tanna apparently means to concede that one could argue: If the thing that you alluded to is permitted even “here,” it should certainly be permitted “there.” Although acknowledging his inability to refute this *kal vachomer* argument, the Tanna stands by his opinion that the matter is permitted only “here,” and not “there” (*Rashi*). The Gemara goes on to clarify this.

15. Accordingly, the Tanna’s opinion is subject to the following *kal vachomer* argument: If it is even permitted for one who enters an established latrine to defecate to take his tefillin in with him, should it

not certainly be permitted for one who merely enters a temporary latrine to urinate to take his tefillin in with him? (*Rashi*). The Gemara will shortly explain why the Tanna maintains his opinion in the face of this argument.

16. Since there is no alternative explanation of the Baraisa, it is clear that Beis Hillel do forbid urinating while holding tefillin (*Rashi*).

17. Thus, the Baraisa means to contrast urinating in an established latrine, which is normally done while sitting for defecation, with urinating in a temporary latrine, which is normally done while standing. The contrast, therefore, is between urinating while sitting and urinating while standing (see *Rosh* and *Ritva*).

When urine splashes on a man’s feet, he is required to wipe it off (see *Yoma* 30a), because otherwise people might suspect that he is a *רוֹחַ* שְׂקִיבָה, one whose organ is cut. The urinary flow of a man with a cut organ does not arch away from his body, and urine tends to drip onto his feet. Such a person is also incapable of fathering children (and is, in fact, forbidden to marry a Jewish woman under many circumstances — see *Even HaEzer* 5). Thus, if a man does not wipe urine off his feet, people might conclude that his children were fathered by another person and are *mamzerim*. Since one who urinates in a temporary latrine — i.e. while standing — must often use his hands to wipe droplets of urine off his feet afterwards, he is forbidden to hold his tefillin in his hand while urinating (*Rashi*, *Rosh*; see *Tos. HaRosh*).

that the *kal vachomer* argument has no refutation against it? תשובה מעלייתא היא – This explanation you just provided is a valid refutation of the *kal vachomer*. – ? –

The Gemara answers:

הא מילתא – This is what [the Tanna] means to say: תיתי לה – This matter of carrying tefillin into a latrine – בותרת טעמא – you must approach it on the basis of the reasoning behind the rules, ולא תיתי לה בקל וחומר – and should not approach it on the basis of leniency and stringency. For if you would approach it on the basis of leniency and stringency, you would argue that an established latrine should be treated more stringently than a temporary one, והוה קל וחומר שאין עלי תשובה – and this is a *kal vachomer* (leniency and stringency argument) that has no refutation.^[18] However, by analyzing the reasoning behind the rules you will see the validity of my ruling that although one may carry tefillin into an established latrine, one may not carry them into a temporary latrine.

Having discussed previously the matter of relieving oneself before praying, the Gemara mentions a related rule:

הרוצה ליכנס – The Rabbis taught in a Baraisa: תנו רבנן – One who wishes to go in to a formal meal and desires to relieve himself in advance,^[19] מהלך עשרה פעמים ארבע – SHOULD WALK TEN TIMES short walks of FOUR AMOS each – או ארבע פעמים עשר – OR FOUR TIMES short walks of TEN AMOS each, – RELIEVE HIMSELF, – ואחר כך נכנס – AND AFTERWARDS GO IN to eat the meal.^[20]

Another rule regarding a formal meal:

הנכנס לסעודה קבע – R' Yitzchak said: One who is going in to a formal meal – חולץ תפילין ואחר כך נכנס – should first remove his tefillin and afterwards go in to eat the meal.^[21]

The Gemara cites a differing view:

ופליגא דרבי חייא – And this is in disagreement with the opinion of R' Chiya, דאמר רבי חייא – for R' Chiya said: מניח על – One should place [the tefillin] on his table while he

eats, וכן הדור לו – and this befits him, so that he will have them at hand when the time comes to put them on again.^[22]

The Gemara inquires:

Until when are the tefillin to be kept off?

The Gemara answers:

אמר רב נחמן בר יצחק – Rav Nachman bar Yitzchak said: עד – Until the time of the *Bircas HaMazon* blessing, at which point they are put back on.

The Gemara discusses the storage of tefillin:

צורר אדם תפיליו עם – It was taught in one Baraisa: A PERSON MAY WRAP HIS TEFILLIN TOGETHER WITH HIS MONEY IN HIS KERCHIEF.^[23] ותנא אידך – And it was taught in another Baraisa: לא יצור – ONE MAY NOT WRAP them together. – ? –

The Gemara resolves the contradiction:

This is not a difficulty. – This latter Baraisa, which forbids wrapping money together with the tefillin, refers to a case where one designated the kerchief for the purpose of holding tefillin, – הא דלא אומניה – whereas this first Baraisa, which allows wrapping money with the tefillin, refers to a case where one did not designate the kerchief for the purpose of holding tefillin. דאמר רב חסדא – For Rav Chisda said: – הא סודרא דתפילין דאומניה למיצר ביה תפילין – Concerning a tefillin-scarf that was designated for the purpose of wrapping tefillin in it, – צר ביה תפילין – if one in fact wrapped tefillin in it, – אסור למיצר ביה פשיטי – he is forbidden to subsequently wrap coins in it, for the scarf is legally classified as an accessory to tefillin. – אומניה ולא צר ביה – However, if he designated it for wrapping tefillin but did not yet wrap any tefillin in it, – צר ביה – or he wrapped tefillin in it but did not first designate it for this purpose, – שרי למיצר ביה וזי – he is permitted to wrap *zuzim* in it.^[24]

The Gemara cites an alternative opinion:

– But according to Abaye, who says that designation is a matter of significance,^[25] the rule is as follows: – אומניה – If one designated [the scarf] for the purpose

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18. [The foundation of a *kal vachomer* ("leniency and stringency") argument is that novel stringencies should more likely be applied to stringent contexts than to lenient contexts. The conventional method of refuting this type of argument is to demonstrate that although the "lenient" context is lenient in most respects, it is in some respects more stringent than the "stringent" context. This makes it conceivable for the stringency under discussion to apply specifically to the "lenient" context, but not to the "stringent" context.] If you take the *kal vachomer* approach to the issue of carrying tefillin into a latrine, you will argue that if anything we should prohibit taking them into an established latrine (which is the "stringent" type) and permit taking them into a temporary one (which is the "lenient" type). I, however, stated the opposite, seemingly defying logic! I am unable to defend my ruling in the conventional manner, because I can find no respect in which a temporary latrine is treated more stringently than an established one. Therefore, I say to you: Set aside the approach based on the relative leniencies and stringencies of the two types of latrines, and analyze the reasoning behind the rules. My reasoning is that in a temporary latrine there is the need to wipe away droplets of urine, whereas in an established latrine there is no such need. Since my ruling is based on the different conditions prevailing in the two types of latrines, and differing conditions can be considered neither "lenient" nor "stringent," the *kal vachomer* approach is unjustified here (*Rashi*; see *Pnei Yehoshua*).

19. In order to avoid the embarrassment of having to excuse himself for this purpose during the lengthy meal (*Rashi*; see *Ritva*).

20. After each walk, he should attempt to relieve himself. The walks serve to bring the waste down towards the rectal orifice [which increases the pressure within the intestine and stimulates the excretory process] (*Rashi*).

21. The reason is that he might become intoxicated during the meal and act in an unseemly manner while wearing tefillin (*Rashi*).

22. [All agree that the tefillin should be taken off for the meal. However, whereas R' Yitzchak said that one removes them before entering, and presumably, leaves them outside, R' Chiya holds that one places them on the table.] See *Orach Chaim* 40:8.

23. This does not mean literally that the tefillin may be wrapped together with the money. Rather, one wraps the money in one corner of the kerchief and ties a knot over it, and then wraps the tefillin in an adjacent portion of the kerchief and ties another knot over them (*Rashi*).

24. [The law is that *tashmishei kedushah* – objects that are accessories to sacred items – may not be used for mundane purposes. Examples of such items are covers for Torah scrolls and pouches used to hold tefillin (see *Megillah* 26b).] Rav Chisda holds that an item does not become classified as a *tashmish kedushah* unless it has been designated for such use and actually used in this capacity. If it has only been designated it does not become forbidden, for according to Rav Chisda, designation alone is insignificant. If, on the other hand, it has been used for a sacred item but was not designated for this purpose, it also does not become forbidden, for we assume that it just happened to be used in a sacred capacity temporarily; thus, its status as a mundane item remains unchanged (*Rashi* here and to *Sanhedrin* 48a אומניה; see *Magen Avraham* to *Orach Chaim* 42:7).

25. In Tractate *Sanhedrin* (47b), Abaye says that if one weaves shrouds for a corpse, the shrouds may not be used for any purpose other than burial, even if he has not yet actually dressed the corpse with them (*Rashi*). [Items that are used – or, according to Abaye, designated – for burial are "sanctified" for this purpose and may not be put to any other use (see *Sanhedrin* 47b-48b).]

of wrapping tefillin in it, אף על גב דלא צר ביה – even if he did not yet actually wrap tefillin in it, he may not use it for wrapping coins. צר ביה – And if he wrapped tefillin in it, אי אומניה – then if he had designated it for use with tefillin, it is forbidden to wrap coins in it, לא אי אומניה לא – but if he did not designate it for use with tefillin, it is not forbidden to wrap coins in it.

The Gemara cites an inquiry concerning the storage of tefillin: מהו שנייה אדם – Rav Yosef the son of Rav Nechunya inquired of Rav Yehudah: What is the law with regard to a person placing his tefillin under his headrest when he goes to sleep? תחת מרגלותיו לא קא מיבעיא לי – I do not inquire about placing the tefillin under his footrest; that is certainly forbidden שוהג – since one would be treating them in a disgraceful manner.^[26] What do I inquire about? – Whether one may place the tefillin under his headrest. מאי – What is the law?

Rav Yehudah responds: אמר ליה – He said to [Rav Yosef the son of Rav Nechunya]: מותר אפילו אשתו – This is what Shmuel said: even if one's wife is with him.

עמו – It is permitted, even if one's wife is with him.^[27]

Shmuel's opinion is challenged:

מיתבי – They challenged Shmuel from the following Baraisa: לא יניח אדם תפיליו תחת מרגלותיו – A PERSON MAY NOT PLACE HIS TEFILLIN UNDER HIS FOOTREST, מפני שנוהג בהם כרך בזיון – BECAUSE HE WOULD BE TREATING THEM IN A DISGRACEFUL MANNER. אבל מניח תחת מראשו – HOWEVER, HE MAY PLACE THEM UNDER HIS HEADREST, ואם היתה אשתו עמו אסור – BUT IF HIS WIFE IS WITH HIM IT IS FORBIDDEN. הנה מקום שגבוה שלשה – IF THERE WAS AN AREA protruding from the bed near the headrest THAT IS THREE TEFACHIM HIGHER than it או נמוך – IT IS PERMITTED to place the tefillin there, even if one's wife is with him.^[28] תיבתא דשמואל – This is a refutation of Shmuel, who permits placing the tefillin under one's headrest even when one's wife is with him! תיבתא – Indeed, it is a refutation.

The Gemara cites a halachic ruling concerning this matter: אמר רבא – Rava said: דשמואל – Although we were taught a ruling in a Baraisa that is a refutation of Shmuel, הלכתא כותיה – the halachah follows him, that one may place the tefillin under his headrest even when his wife is with him. מאי טעמא – What is the reason?

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26. Placing them alongside the body when going to sleep is also forbidden, since when turning during the night one may roll on top of them (*Rabbeinu Yonah; Orach Chaim* 40:5).

27. I.e. even though there is a possibility that he will engage in conjugal relations, he may leave the tefillin under his pillow, on the mattress that he shares with his wife (see *Mishnah Berurah* 40:12 and *Beur Halachah* ad loc. (ד"ה אשתו וכו'). [However, the Gemara states below (25b) that it is forbidden to engage in conjugal relations in a room in which there are tefillin unless they are enclosed in a receptacle within another receptacle (or a wrapping within another wrapping). Thus, Shmuel means to permit leaving the tefillin under one's pillow when his wife is with him only if they are enclosed in a double receptacle or

wrapping. Since the pillow itself qualifies as a wrapping, only one additional receptacle or wrapping is required. Even when they are in a double receptacle, however, it is considered disgraceful to leave them under the area where one rests his feet (see *Orach Chaim* 40:2-3; *Maharsha* to 24a; cf. *Pnei Yehoshua* to 24a).]

28. A ledge that is three tefachim higher or lower than the bed is not considered part of the bed's surface (see below, end of 25b; however, see *Meiri*). Nevertheless, the Baraisa permits only placing the tefillin on a ledge that is beneath his head, but not on a ledge that is beneath his feet (see *Rashi* and *Chidushei HaGra*). See *Mishnah Berurah* 40:13 for a discussion concerning sitting on a seat beneath which there is a receptacle in which tefillin are stored. See also *Maseches Soferim* 3:13.

כל לנטוריהו טפי עדיף – Whatever is done to protect them from loss is more worthwhile than preserving them from disrespect.^[1]

Having stated that one may leave tefillin “under his headrest,” the Gemara proceeds to clarify the exact definition of this location:

והיכא מנח להו – And specifically where may one place [the tefillin]? אמר רבי ירמיה – R' Yirmiyah said: בין בר לקסת – Between the mattress and the pillow, שלא כנגד ראשו – not directly opposite his head.^[2]

R' Yirmiyah's statement is challenged:

But R' Chiya has taught a Baraisa which states: מניח בכוּבַע תחת מראשו – ONE MAY PLACE [THE TEFILLIN] IN A POUCH^[3] UNDER HIS HEADREST. This implies that one may place them directly underneath his head.^[4] – ? –

The Gemara answers:

The Baraisa means that one draws the bulge of the pouch, i.e. the section which actually contains the tefillin, beyond the part of the pillow on which he rests his head. He does not rest directly upon the tefillin.^[5]

The Gemara presents other options for the nighttime storage of tefillin:

Bar Kappara would wrap [the tefillin] in the curtain surrounding his bed, ומפיק למורשהו – and would draw their bulge outward, away from the bed.^[6] Rav Shisha the son of Rav Idi would place [the tefillin] on a stool וקריס

– and spread a scarf over them.^[7]

A related incident is cited:

Rav Hamnuna the son of Rav Yosef said: וימנא חזא הוה קאימנא קמיה דרבא – I was once standing before Rava, ואמר לי – and he said to me: ויל ואשכחתינהו – “Go and bring me my tefillin,” בין בר לקסת שלא כנגד ראשו – and I found them between the mattress and the pillow of Rava's bed, not directly opposite the place where he rested his head, והוה ידענא דיום טבילה הוה – and I knew that it had been the day of immersion, so that his wife had been with him the previous night.^[8] ולאגמירין הלכה – And it was to teach me the halachah in actual practice, that one may in fact leave his tefillin beneath the pillow even when his wife is with him, that [Rava] did this and sent me to get his tefillin that day.^[9]

Having discussed the storage of tefillin in a bed occupied by a married couple, the Gemara now discusses a parallel situation regarding the recital of *Shema*:

Rav Yosef the son of Rav Nechunya asked Rav Yehudah: שנים שישנים במטה אחת – If two people are sleeping naked in one bed, מהו שיהו יחזיר – what is [the law] as to whether this one may turn his face away from the other and recite the *Shema*, וזה יחזיר פניו ויקרא קריאת שמע – and this one may turn his face away from the other and recite the *Shema*?^[10]

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1. It is more important to guard the tefillin from theft and from ferreting mice than to be concerned for the degree of disrespect involved in placing them under one's pillow when his wife is with him (see *Rashi*).

The question arises: The Baraisa which ruled to the contrary obviously holds that the consideration of disrespect outweighs the concern for possible loss. How, then, can Rava, an Amora, decide otherwise? *Pnei Yehoshua* answers that Rava means to point out that Shmuel's ruling is also based on a Baraisa. For it was taught in a Baraisa above (23a) that originally, one who needed to enter a latrine would leave his tefillin outside, in a crevice in a nearby wall, but when they saw that this led to the tefillin's being stolen or taken by mice, they instituted the rule that the tefillin should be carried into the latrine. Thus, we see that subjecting the tefillin to the degradation of being taken into a latrine is preferable to exposing them to possible loss. Here, too, the Tanna of that Baraisa will hold that placing the tefillin under the pillow when one's wife is with him – which is less degrading than taking them into a latrine – is preferable to leaving them in an unguarded area (cf. *Rabbeinu Yonah*, *Maharatz Chayes*).

However, if one has another safe place to keep his tefillin, he may not store them overnight on the bed that he shares with his wife (*Magen Avraham* 40:4).

2. Placing the tefillin under the pillow ensures that they will not fall off the bed (*Mishnah Berurah* 40:10). However, one may not place them directly beneath his head, as it is disrespectful to rest upon them (*ibid.* §9).

3. The translation follows *Rashi*. However, the word כוּבַע means literally: a hat. Apparently, tefillin bags in earlier times were shaped similarly to hats.

4. *Tosafos* ask: The previous Baraisa (on 23b) also stated that one may place his tefillin “under his headrest,” yet we interpreted it as meaning that one should place them under the pillow but not directly beneath his head. Why can the current Baraisa not be explained in the same fashion? *Tosafos* answer that since this Baraisa adds the condition that they be placed in a pouch, it implies that the pouch may then be left directly beneath the head. Otherwise, there would be no need for a pouch (see also *Rabbeinu Yonah*). However, *Tosafos* point out that this explanation is insufficient, for the Baraisa may be referring to a case where one's wife is with him, and the pouch is then needed to serve as a receptacle within a receptacle (see 23b note 27!).

Gra and *Rashash* explain that the Baraisa cited here in the name of R' Chiya is not a second Baraisa, but is R' Chiya's version of the original Baraisa. According to R' Chiya's version, the Baraisa reads: ...

However, one may place [the tefillin] in a pouch under his headrest, but if his wife is with him it is forbidden. It is thus clear that the pouch is required even when one's wife is *not* with him. The purpose of the pouch must be to allow placing the tefillin directly beneath the head.

5. When the Baraisa stated that one may place the pouch under his headrest, it taught that one is permitted to rest his head on the empty portion of a pouch containing tefillin. It came to preclude the idea that even this is forbidden (*Ritva*).

6. He would form a receptacle for the tefillin by tying a knot in the drapery, and would position it overnight with the bulge facing outwards (*Rashi*). *Ritva* suggests that the tefillin were within a pouch, and thus, the curtain was used to fulfill the need for a double receptacle.

7. The tefillin were in a pouch, and since they were additionally covered with the scarf they were deemed to be in a wrapping within a wrapping (*Ritva*; see *Meiri*).

8. That is, Rava's wife had immersed the previous night (cf. *Rabbeinu Yonah*, *Ritva*), and they had thus certainly been together conjugally then. Rava's placing of the tefillin underneath his pillow [in an additional receptacle (*Ritva*)] followed the ruling of Shmuel that this is permitted even when one's wife is with him (*Rashi*).

9. Although Rava previously ruled that the halachah follows Shmuel, he wanted to demonstrate that he followed this ruling in actual practice. The Gemara states elsewhere (*Bava Basra* 130b) that when a sage issues a ruling in the course of his studies, one should not act upon it until the sage indicates that it is sound enough to be followed in practice (*Maharatz Chayes*; see *Rashbam* to *Bava Basra* 130b לו שיאמרו לו הלכה למעשה ועד דאמינא לכו הלכה למעשה).

10. The question is whether they may recite the *Shema* while lying back to back, although their buttocks are touching (*Re'ah*; *Ritva*; see *Rashi* והא איכא עובדו).

If they are facing each other [and the *ervah* (genitalia) of one is touching the *ervah* of the other], there is no question that they may not recite the *Shema*. Even a person whose body is touching the *ervah* of another is forbidden to recite the *Shema*, because such contact could provoke improper thoughts (*Re'ah*; *Ritva*; see *Rashi*; cf. *Mishnah Berurah* 73:1 citing *Pri Megadim*; see *Chazon Ish*, *Orach Chaim* 16:6; see, however, *Beur HaGra* to *Orach Chaim* 73:2). Furthermore, one is forbidden to recite the *Shema* if someone else's body is in contact with his *ervah* (*Chazon Ish* *ibid.* §1,2). [Regarding the case of a person whose *ervah* is being touched by a part of his own body (e.g. his foot), see below, 25b.]

Rav Yehudah answers:

אמר ליה – He said to him: הכי אמר שמואל – This is what Shmuel said: ואפילו אשתו עמו – One is permitted to do this even if it is his wife who is with him.^[11]

A dissenting view:

מתקיף לה רב יוסף – Rav Yosef objected to it [Shmuel's statement], as follows: אשתו ולא מביטתא אחר – You hold that this is permitted with his wife and that there is not even a need to say that it is permitted with another man? אדרבה – On the contrary! אשתו כגופו – [A man's] wife is like his own self,^[12] whereas another man is not like his own self. Thus, one is permitted to recite the *Shema* with his back against another person only if that person is his wife, and not if it is another man.

The Gemara challenges Shmuel's ruling:

They challenged it as follows: שנים שישינים במטה אחת – They challenged it as follows: One Baraisa states: If TWO people ARE SLEEPING naked IN ONE BED, זה מחזיר פניו וקורא – THIS one MAY TURN HIS FACE away from the other AND RECITE the *Shema*, וזה מחזיר פניו וקורא – AND THIS one MAY TURN HIS FACE away from the other AND RECITE the *Shema*. ותנא אחריתי – And it was taught in another Baraisa to the contrary: הנישן במטה – If ONE IS SLEEPING IN A BED, וקניו ובניו בידו בצדו – AND HIS SONS AND other MEMBERS OF HIS HOUSEHOLD ARE AT HIS SIDE, הרי זה לא יקרא קריאת שמע – HE MAY NOT RECITE THE *SHEMA*, אלא אם כן היתה טלית מפסקת ביניהן – UNLESS THERE IS A CLOAK THAT INTERPOSES BETWEEN THEM. ואם היו קניו ובניו בידו קטנים – However, IF HIS SONS AND other MEMBERS OF HIS HOUSEHOLD ARE MINORS, מותר – IT IS PERMITTED to recite the *Shema* even without a cloak between them. בשלמא לרב יוסף לא קשיא – Now, this is understandable according to Rav Yosef, who differentiates between one's wife and another person, for then there is no contradiction between these two Baraisos. הא באשתו – This first Baraisa (which permits one to recite the *Shema* with his back against another person) refers to one who is with his wife, הא באחר – whereas this second Baraisa (which requires a garment between the parties) refers to one who is with another man.^[13] אלא לשמואל

But according to Shmuel, who does not differentiate between one's wife and another person, there is indeed a contradiction between these Baraisos. – ? –

The Gemara answers:

לרב יוסף מי ניקח – Shmuel will say to you: אמר לך שמואל – But it is all right according to Rav Yosef? וזה תנא – But it was taught in the second Baraisa quoted above:^[14] הנישן – If ONE IS SLEEPING IN A BED, וקניו ובניו בידו במטה – AND HIS SONS AND other MEMBERS OF HIS HOUSEHOLD ARE ALSO IN THE BED, לא יקרא קריאת שמע – HE MAY NOT RECITE THE *SHEMA*, אלא אם כן היתה טלית מפסקת ביניהן – UNLESS HIS CLOAK INTERPOSES BETWEEN THEM. Now, the term "members of his household" surely includes his wife.^[15] The Baraisa thus forbids one to recite the *Shema* with his back against his wife, which is contrary to Rav Yosef's view. אלא מאי אית לך למימר – So what can you say to defend Rav Yosef? אשתו לרב יוסף תנאי היא – You must say that according to Rav Yosef the case of one's wife is a matter of dispute between Tannaim.^[16] לדידי נמי תנאי היא – So then according to me as well, it is not unreasonable to say that the entire issue – regarding one's wife or anyone else – is a matter of dispute between Tannaim.^[17]

The Gemara quotes from a Baraisa cited above:

זה מחזיר פניו וקורא – The master said in the Baraisa: אמר מר – THIS ONE MAY TURN HIS FACE away AND RECITE THE *SHEMA*.

The Gemara asks:

והא איבא עגבות – But there is the problem of their buttocks touching each other!^[18]

The Gemara answers:

מסייע ליה לרב הונא – [This Baraisa] supports the ruling of Rav Huna. ואמר רב הונא – For Rav Huna said: עגבות אין בהם – But there is the problem of their buttocks touching each other!^[18] עגבות אינן ערוה – Buttocks are not subject to the prohibition of nakedness.^[19]

The Gemara adduces further support for Rav Huna's position: לימא מסייע ליה לרב הונא – Let us say that [the following Mishnah]^[20] supports [Rav Huna]: האשה יושבת וקוצה לה חלתה

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11. As the Gemara shall state below, buttocks do not have the status of *ervah*. It is consequently permitted for two people to recite the *Shema* while lying back to back even if their buttocks are touching.

Tosafos question how this can be permitted in light of the law that forbids one to pray while he can see his [or anyone else's] *ervah* (see below, 25b, for the Scriptural source of this law). They answer that the Gemara refers to one whose head protrudes from the sheet or blanket that covers his body, and thus his *ervah* is blocked from his view. *Tosafos*, however, point out that the situation is still problematic, because there is no barrier between his *ervah* and his chest [כברואה את, *his heart sees the ervah* (see below, 24b and 25b)]. To this, they answer that our Gemara follows the Tannaic view which does not require such a barrier. Alternatively, the person referred to here is holding a garment between his chest and his *ervah* (*Tosafos*; cf. *Meiri*).

Some Rishonim question how it is permitted to recite the *Shema* lying on one's side. The Gemara above (13b) states that this is forbidden! One solution is that the Gemara above refers to one who is lying on his back and is only slightly inclined to the side (see *Rashi* there *לדבר כי מצלי*), whereas our Gemara speaks of one who is lying completely on his side. Alternatively, this prohibition is not that severe as to require a person who is already lying down in bed to rise and sit up (*Tos. HaRosh*; *Tos. R' Yehudah HeChasid*; see also *Rabbeinu Yonah*).

[If a man is facing away from his wife but she is facing him, the Poskim debate whether he may recite the *Shema*. See *Magen Avraham* 73:1 (based on *Kesef Mishneh* to *Hil. Krias Shema* 3:18), *Beur HaGra* to §2 *ibid.* and *Mishnah Berurah* *ibid.* §5.]

12. That is, since a person is accustomed to being with his wife, it is not so likely that contact with her will lead to improper thoughts (*Rashi*).

13. According to this explanation, the second Baraisa's reference to קניו

ביתו, *members of his household*, does not include his wife (*Rashi*).

14. The following Baraisa is the same as the second of the two Baraisos cited above. [It is quoted here with minor variations] (*Rashi*, according to *Tosafos*; cf. *Pnei Yehoshua's* explanation of *Rashi*; cf. *Tosafos*).

15. See *Rashi*. [It was explained above that according to Rav Yosef the Baraisa's term קניו ביתו, *members of his household*, does not include one's wife. Shmuel argues that such an interpretation is untenable.]

16. Although Rav Yosef must concede that this Baraisa forbids a man to recite the *Shema* with his back against his wife, his view is not refuted. Rav Yosef still has some Tannaic support insofar as the first Baraisa quoted above permits two people (i.e. a married couple, according to Rav Yosef) to recite the *Shema* lying back to back.

17. Shmuel has demonstrated that even according to Rav Yosef there is a dispute between the Baraisos – at least with regard to the case of one's wife. Hence, Shmuel is justified in taking this one step further and extending the dispute to the case of two men. That is, the first Baraisa permits two people (a husband and wife or two men) to say the *Shema* with their backs against each other, and the second Baraisa rules that this is forbidden.

18. The Gemara assumes that the buttocks have the same status as the *ervah*. Thus, it should be forbidden to recite the *Shema* while touching someone's buttocks just as it is forbidden while touching someone's *ervah* (*Ritva*; cf. *Rashba* and *Tos. HaRosh*; see *Pnei Yehoshua*).

19. That is, they are not treated with the same stringency as the *ervah*. Rather, they are treated like any other part of the body (*Ritva*).

20. *Challah* 2:3, which literally means *nakedness* (as in *Genesis* 42:9), is used in Scripture and the Talmud as a euphemism for the genitalia.]

ערומה – A WOMAN MAY SIT on the ground AND SEPARATE HER CHALLAH,^[21] and recite the blessing for this mitzvah, even while she is NAKED, מפני שיכולה לכסות פניה בקרקע – BECAUSE SHE IS ABLE TO COVER HER lower FACE when she sits ON THE GROUND.^[22] אבל לא האיש – BUT this is NOT permitted in the case of A MAN.^[23] This Mishnah permits a woman to make a blessing although her buttocks are exposed. Thus it proves that the buttocks are not treated as “nakedness.”

The Gemara refutes this proof:

תרגמה רב נחמן בר יצחק – Rav Nachman bar Yitzchak interpreted [the Mishnah] כגון שהיו פניה טוחות בקרקע – as referring to a case where her lower face is completely flush against the ground,^[24] and hence her buttocks are covered as well. Accordingly, no proof can be drawn from the Mishnah to Rav Huna's ruling, since it does not refer to a case in which the buttocks are exposed.^[25]

The Gemara analyzes a Baraisa quoted above:

אם היו בנני ובני ביתו – The master said in the Baraisa: IF HIS SONS AND other MEMBERS OF HIS HOUSEHOLD ARE MINORS, מותר – IT IS PERMITTED to recite the *Shema* while lying next to them.

The Gemara inquires:

ועד כמה – And until what age are they considered to be minors in this context?

The Gemara answers:

תינוקת בת שלש שנים ויום אחד – Rav Chisda said: A girl until the age of three years and one day, ותינוק בן תשע – and a boy until the age of nine years and one day.^[26]

A dissenting view:

תינוקת בת אחת עשרה שנה ויום אחד – Others say: A girl until the age of eleven years and one day, ותינוק בן שתים – and a boy until the age of twelve years and one day.^[27] אידי ואידי עד כדי – However, with regard to both (i.e. a girl who is eleven, and a boy who is twelve), the prohibition

does not apply until they reach the stage described in Scripture as: “שדים נכנו ושערך צמח” – breasts developed and your hair grown.^[28]

The Gemara quotes a related dialogue:

אמר ליה רב כהנא אשי – Rav Kahana said to Rav Ashi: There, in the case of one who stores tefillin under his pillow, Rava said:^[29] אף על גב דתיובתא דשמואל הלכתא – Even though the Baraisa represents a refutation of Shmuel's ruling (viz. that this is permitted even when one is with his wife) the halachah is in accordance with Shmuel. Here, in the case of two people who recite the *Shema* while lying back to back, what is the law? Do we accept Shmuel's ruling that this too is permitted even when one is with his wife?

Rav Ashi answers:

אטו כוליהו בחדא מחתא – He said to [Rav Kahana]: Have you woven them all in the same weave?^[30] אלא היכא דאיתמר איתמר – Rather, where it was stated that we follow Shmuel, it was stated, ויחיא דלא איתמר לא איתמר – and where it was not stated, it was not stated.^[31]

The Gemara raises an inquiry:

אמר ליה רב מרי פפא – Rav Mari asked Rav Pappa: שער – If pubic hair is protruding out of one's garment,^[32] what is [the law]? May someone recite the *Shema* with the hair in his view?^[33]

Rav Mari answers Rav Pappa:

הוא עיליה – He stated in reference to him:^[34] שער שער – “Hair, hair!” I.e. it is of no consequence.

The Gemara discusses another situation in which the *Shema* may not be recited:

טפח באשה ערוה – R' Yitzchak said: A tefach of exposed skin in a woman is considered nakedness.^[35]

The Gemara clarifies this statement:

אילימא לאיסתבולי בה – Regarding what was this stated? – If you say that it was stated with regard to the prohibition

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21. *Challah* is the portion that must be removed from dough and given to a Kohen (see *Numbers* 15:20).

22. It is forbidden to recite a blessing with one's *ervah* exposed, even if no one else is present (see the introduction of *Beur Halachah* to 74:1 [3]). A naked woman, however, may make a blessing while sitting on the ground [with her legs together (*Meiri*)], since her *ervah* (“lower face”) is thus concealed (*Rashi*).

23. Even when a man is seated, his testicles and membrum are protruding and exposed (*Rashi*).

24. I.e. she is sitting on soft earth and presses herself into it (*Meiri*).

25. Regarding the halachah in this matter, see *Magen Avraham* 206:5 and *Chazon Ish*, *Orach Chaim* 16:10.

26. The Torah recognizes an act of intercourse as having the specific legal consequences of “cohabitation” only if the female involved is at least three years old and the male is at least nine years old. Acts involving girls and boys younger than this are not legally considered to be acts of cohabitation (see *Rashi*).

[The child is considered to have reached this stage once the relevant birthday has begun (see *Mishnah Berurah* 73:10). The words “and one day” mean only that a part of that day must have passed, in accordance with the rule מקצת היום כקלו, part of a day is like all of it.]

27. This is the age when they [typically] reach puberty. From then on, their bodies are sufficiently developed to inspire lust (*Rashi*; see following note).

28. *Ezekiel* 16:7 (see *Ritva*).

The growth of hairs and other signs of puberty do not signify adulthood (in this context) unless they occur in a girl eleven years of age or a boy twelve years of age. Children who are younger are considered minors even if they display such signs. On the other hand, once a

girl turns twelve and a boy turns thirteen they are automatically deemed adults even if they do not manifest any pubic development (*Rabbeinu Yonah*; *Rosh*; *Orach Chaim* 73:4).

[The preceding applies to the laws of reciting the *Shema*. In some other contexts, one is not considered an adult unless he is thirteen years old (twelve in the case of a girl) and shows signs of puberty (see *Mishnah Berurah* *ibid.* §10).]

29. Above, 23b.

30. I.e. do you think that all of Shmuel's rulings should be treated identically?

31. *Rif* rules in accord with Rav Yosef. Some Rishonim adopt a view that is even more stringent (see *Ri* cited by *Rosh*; see also *Orach Chaim* 73:2).

32. There is a hole in his garment and some pubic hairs are protruding through it (*Rashi*).

33. It is forbidden to recite the *Shema* when one can see *ervah* (see Gemara below, 25b). Does pubic hair have the status of *ervah* in this regard? (*Rashi*).

34. [This expression (קרא עליה) does not seem appropriate. See *Birkas Rosh*, who suggests an explanation.]

35. This statement refers to those parts of the body that are normally covered (*Rashba*, *Ritva*, *Rosh* et al.; *Tur* and *Shulchan Aruch*, *Orach Chaim* 75:1).

To some degree, the definition of “normally covered” depends on the local practice. An exposed *tefach* of a woman's face or hands (for example) is classified as “nakedness” only in a community where the women typically conceal these parts. However, there are other parts of the body (e.g. the thigh, upper arm) whose exposure is deemed “nakedness” regardless of the local custom (see *Mishnah Berurah* *ibid.* §2; see also note 46 below).

against gazing at [a woman], this cannot be.^[36] והאמר רב - For Rav Sheishess has said: למה מנה הכתוב תכשיטין שבתין - Why did Scripture list the outer jewelry together with the inner jewelry?^[37] לומר לך - To teach you that כל המסתכל באצבע קטנה של אשה - whoever gazes at even the little finger of a woman באילו מסתכל במקום - is like one who gazes at the place of her nakedness. Since the prohibition of gazing at a woman applies even to her little finger, this cannot be the prohibition to which R' Yitzchak refers when he speaks of a *tefach*.^[38] אלא באשתו ולקריאת שמע - Rather, we must say that R' Yitzchak's statement was made in reference to one's wife and the recital of the *Shema*.^[39]

The Gemara continues to define "nakedness": שוק באשה ערוה - Rav Chisda said: The thigh^[40] of a woman is considered "nakedness,"^[41] שגאמר - as it is stated: גלי-שוק עברי נהרות - expose a thigh [and] cross rivers,^[42] ובתיב - and it is written in the next verse: תגל ערותך וגם תראה תרפתך - Your nakedness will be exposed and also your embarrassment will be seen.^[43] The voice of a woman is considered "nakedness,"^[44] שגאמר - as it is stated: בייקולך ערב ומראיך נאה - for your voice is sweet and your countenance comely.^[45] Rav Sheishess said: שער באשה ערוה - The

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36. A man is forbidden to gaze at a woman with intent to enjoy [her beauty] (*Rambam, Hil. Issurei Biah* 21:2; *Tur and Shulchan Aruch, Even HaEzer* 21:1; see *Igros Moshe, Orach Chaim* I §26 (ראה ובעצם)). Some authorities maintain this is a Biblical prohibition whose source is the verse (*Numbers* 15:39): ואל תחורר... אחר עיניכם... after your eyes (*Rabbeinu Yonah in Shaarei Teshuvah* 3:64; *Mishnah Berurah* *ibid.* §7; see *Beis Shmuel* 21:2).

The prohibition applies to a married woman (*Rashi*), or to any woman with whom one is forbidden to cohabit by force of a negative commandment [תחיית לארץ] (*Rambam* *ibid.* §3; *Even HaEzer* *ibid.*). As a practical matter, it applies to an unmarried woman as well, since she is presumably a *niddah* (*Mishnah Berurah* 75:7).

With regard to the parts of a woman that are normally covered (see note 35), a man may not look at them at all, even if he does not intend to derive pleasure from doing so (*Mishnah Berurah* *ibid.*; *Chazon Ish, Orach Chaim* 16:7).

37. Upon their return from defeating the army of Midian, the Israelite soldiers declared to Moses: ונאמר אי-ערינו ה' איש אשר מצא כל-יזהב אצבעתו, ונאמר טבעת עגיל וכו'... So we have brought an offering for Hashem: what any man found of gold vessels, anklet and bracelet, ring, "agil" and "kumaz" to atone for our souls before Hashem (*Numbers* 31:50). The soldiers had taken these items of jewelry from the Midianite women and they donated the jewelry to the Mishkan to atone for having gazed at the women and entertained immoral thoughts.

The *kumaz* was an ornament that covered a woman's private parts. It was inserted through holes pierced in the woman's flesh, similar to earrings. The Midianites put such ornaments on their daughters in order to protect their chastity (*Rashi*, based on *Shabbos* 64a; see there for the definition of *agil*).

Rav Sheishess is raising the following difficulty: Since the offering was intended to atone for having indulged in lewd thoughts, it should have included only the intimate items of jewelry that gave rise to this sin, such as the *agil* and *kumaz*. Why did it also include the articles of "outer jewelry," such as the anklets, bracelets and rings? (*Maharsha* *ibid.*).

38. R' Yitzchak was referring to the parts that are normally covered, whereas the little finger is usually exposed (*Tos. HaRosh*).

39. I.e. R' Yitzchak teaches that a man may not recite the *Shema* if he can see a *tefach* of a part of his wife's body that is normally covered. This prohibition applies even if he does not gaze at the exposed area; rather, it is merely within his field of vision (*Mishnah Berurah* 75:7; *Aruch HaShulchan* *ibid.* §1; cf. *Rabbeinu Yonah* folio 17a ערוה; see *Chazon Ish, Orach Chaim* 16:7). The reason for this prohibition is that the exposed area could provoke lustful thoughts and disturb his concentration (*Rashba, Re'ah, Meiri*).

The Poskim discuss whether he must turn away from the forbidden sight or it is sufficient to merely close his eyes (see *Mishnah Berurah* 75:1 and *Chazon Ish* 16:7).

Some authorities maintain that the measurement of a *tefach* applies only in the case of one's wife. With regard to other women, even an exposed area that is less than a *tefach* prohibits recital of the *Shema*. Others, however, rule that the measurement of a *tefach* applies to other women as well (see *Rama, Orach Chaim* 75:1, who cites both views). [See also *Beur Halachah* *ibid.* ד"ה טפח מגולה and *Chazon Ish* 16:18 regarding the case of a girl above the age of three.]

40. The translation of שוק as thigh is based on *Mishnah Berurah* 75:2. However, *Chazon Ish* (16:8) suggests that in this context שוק denotes

the part of the leg between the knee and ankle (see next note).

41. This means that a man may not gaze at the thigh of a married woman. Also, a man may not recite the *Shema* if he can see the exposed thigh of his wife (*Rashi*).

It is difficult to understand what Rav Chisda is teaching. After all, we have already learned that a man may not recite the *Shema* if he can see an exposed *tefach* of any part of a woman's body that is normally covered. Some Rishonim answer that the part of the leg referred to by Rav Chisda is not always covered. One might have thought therefore that its exposure does not prohibit recital of the *Shema*. Rav Huna's statement is consequently needed to correct this assumption (*Tos. HaRosh; Ritva; Ra'ah*; see also *Rashba*). [This approach is best understood according to the definition of שוק as the area below the knee (see previous note).]

Alternatively, Rav Chisda's point is that the thigh is such a private area that even if less than a *tefach* of it is exposed, recital of the *Shema* is forbidden (*Beurei HaGra; Bach, Orach Chaim* 75:2; *Chayei Adam* 4:2; *Mishnah Berurah* *ibid.* §7).

However, neither of these approaches suffices to explain Rav Chisda's statement according to *Rashi*, who maintains that Rav Chisda also refers to the prohibition of gazing. The Gemara has already taught that gazing at even a little finger is forbidden (although the little finger is always revealed and it is shorter than a *tefach*). What, then, does Rav Chisda add by teaching that a man may not gaze at a woman's thigh? One solution is that gazing at a little finger is forbidden only if one's intent is to derive pleasure from the experience (see note 36). Rav Chisda's statement is consequently needed to teach that since the thigh is a very private area, one may not gaze at it even if he does not have such intent (*Tzlach*; see end of note 36). [For other explanations of *Rashi*, see *Bach* *ibid.*; *Beurei HaGra* and *Birkas Rosh*.]

42. *Isaiah* 47:2.

43. The passage thus equates exposure of the thigh with ערוה, nakedness.

44. This refers to a woman's singing, not to her speech (*Ritva* et al.; see *Rashba*).

It is forbidden for a man to listen to the singing of any woman with whom he is forbidden to cohabit (*Tur and Shulchan Aruch, Even HaEzer* 21:1). This includes unmarried women, since they are presumably in a state of *niddah* (*Mishnah Berurah* 75:17; cf. *Beis Shmuel, Even HaEzer* 21:4), as well as gentile women (*Mishnah Berurah* *ibid.*). Furthermore, a man may not recite the *Shema* while he can hear a woman singing [even if he is not deliberately listening to her] (*Mordechai* §80 citing *Rav Hai Gaon; Rashba; Ritva; Re'ah; Meiri; Orach Chaim* 75:3). The latter prohibition applies even to one's wife (*Rashba; Re'ah; Rama* *ibid.*).

Some Rishonim, though, maintain that the Gemara's statement was not made in reference to the *Shema*. In their view, the Gemara is teaching only that a man is forbidden to listen to the singing of a woman. However, a man who can merely hear a woman singing [and is not deliberately listening] is allowed to recite the *Shema* (*Rosh; Tos. Ri HeChasid; Rambam*, according to *Kesef Mishneh, Hil. Krias Shema* 3:16; see *Maadanei Yom Tov* §80 for a possible explanation of this opinion; see also *Mishnah Berurah* *ibid.*).

45. *Song of Songs* 2:14. This verse shows that a female voice is an object of desire to men (*Rashi*).

hair of a woman is considered "nakedness,"^[46] שְׂנָאֵמָר – as it is stated: "שְׂעָרְךָ כְּצֶדֶר הַהָרִים," – *your hair is like a flock of goats.*^[47]

The Gemara now returns to the topic of tefillin. R' Chanina testifies as to Rabbi's practice with his tefillin:

אָנִי רָאִיתִי אֶת רַבִּי שֶׁתָּלָה – R' Chanina said: אָמַר רַבִּי חֲנִינָא – I once saw Rabbi suspend his tefillin from a peg.

This testimony is challenged:

מִיָּתִיב – They challenged it from a Baraisa, which states: הַתּוֹלֵה תְּפִלִּין וְתָלוּ לוֹ חַיֵּיו – ONE WHO SUSPENDS HIS TEFILLIN^[48] – HIS LIFE WILL BE SUSPENDED.^[49] דּוֹרְשֵׁי חֲמוּרוֹת אָמְרוּ – THE INTERPRETERS OF the HIDDEN meanings in the VERSES^[50] STATED: "וְהָיָה חַיֶּיךָ תְּלָאִים לְךָ מִנְּךָ," – This warning is alluded to in the following verse: AND YOUR LIFE WILL BE SUSPENDED BEFORE YOU.^[51] וְהַתּוֹלֵה תְּפִלִּין – THIS refers to ONE WHO SUSPENDS HIS TEFILLIN.^[52] We see that one is prohibited to suspend tefillin! How can you say that Rabbi did so?

The Gemara answers:

לֹא קָשִׁיָּא – There is no difficulty. הָא בְּרִצּוּצָה – This Baraisa refers to a case in which the tefillin are suspended by the strap, which is prohibited;^[53] הָא בְּקִצּוּצָה – this testimony, however, concerns a case in which Rabbi hung the tefillin by the box,^[54] which is permitted. וְאִיבְעִית אִימָא – Or if you prefer, you may say: לֹא שָׂנָא רְצוּצָה וְלֹא שָׂנָא קִצּוּצָה אֶסּוּר – There is no

difference between suspending the tefillin by the strap or suspending them by the box; in either case it is forbidden to suspend them! וְכִי תָלָה רַבִּי בְּכִיסְתָּא תָּלָה – But when Rabbi suspended his tefillin, he suspended them by their pouch.^[55] He did not, however, suspend the tefillin themselves! His action was therefore permissible.

The Gemara questions this latter explanation:

אִי הָיָה – If it is so (i.e. that Rabbi only suspended his tefillin by their covering), מָאי לְמִימָרָא – then why must R' Chanina testify to his doing so? It is obvious that one may suspend tefillin in this manner!

The Gemara answers:

מַדּוּ דְתִימָא תִּיבְעִי הִנָּחָה בְּסִפֵּר תוֹרָה – You might have said that [tefillin] should require placement upon an object, as does a Torah scroll;^[56] קָמְשַׁמַּע לָן – [R' Chanina] therefore must inform us that so long as the tefillin are not themselves suspended, but are only suspended by their covering, one may hang them from a peg. It is not necessary to place them upon an object.^[57]

The Gemara cites further testimony from R' Chanina concerning Rabbi's practice during the *Shemoneh Esrei*:^[58]

אָנִי רָאִיתִי אֶת רַבִּי שֶׁגִּיחַק – And R' Chanina said: וְאָמַר רַבִּי חֲנִינָא – I saw that during his Prayer Rabbi belched,^[59] וְיָתִיק – yawned, וְנִתְעַשֵּׁשׁ – sneezed, וְנָקַח – spit upon the ground,^[60]

NOTES

46. Here, too, the import of the Gemara's statement is twofold: A man may not gaze at the hair of a woman with whom he is forbidden to cohabit (*Tur* and *Shulchan Aruch*, *Even HaEzer* 21:1). Also, a man may not recite the *Shema* while he can see the hair of any woman, including his wife, even if he is not gazing at it (*Rama*, *Orach Chaim* 75:2). [Cf. *Tos. R' Yehudah HeChasid* and *Rambam* (according to *Kesef Mishneh* *ibid.*), who maintain that this statement as well does not apply to recital of the *Shema*; see previous note.]

The prohibition of reciting the *Shema* while in view of a woman's exposed hair applies only in the case of married women, who usually cover their hair [as required by halachah (see *Kesubos* 72a and *Even HaEzer* 21:2)]. A man is allowed, however, to recite the *Shema* in the presence of unmarried women, who typically leave their hair uncovered (*Rosh*; *Tur* and *Shulchan Aruch*, *Orach Chaim* 75:2). [Regarding the hair of married gentile women, see *Igros Moshe*, *Orach Chaim* IV §15.]

Aruch HaShulchan (*ibid.* §7) argues that in a generation where most married women do not observe the obligation to cover their hair, exposed hair does not have the status of "nakedness" (see above, note 35). Consequently, a man may recite the *Shema* and other prayers even if he can see the hair of a married woman. *Mishnah Berurah* (75:10), though, maintains that since a married woman is obligated to cover her hair, it is one of the parts of the body whose exposure is always classified as "nakedness" regardless of the local practice. See also *Chazon Ish*, *Orach Chaim* 16:8 and *Igros Moshe*, *Orach Chaim* I §42.

47. *Song of Songs* 4:1. The verse reads: שְׂעָרְךָ כְּצֶדֶר הַהָרִים . . . שְׂנָאֵמָר, You are beautiful, my love . . . your hair is like a flock of goats streaming down from Mount Gilead.

48. I.e. from a peg (*Rashi*). Although *Rashi* states that this dictum refers to one who hangs the tefillin from a peg, one is actually forbidden to dangle them from his hand as well (see *Magen Avraham* 40:1; see also *Mishnah Berurah* 40:2). *Rashi* singles out the case of a peg only because it is a commonly occurring case (*Pri Megadim*, *Eishel Avraham* *ad loc.*).

49. I.e. there will be doubt as to whether he will live (see *Rashi* to *Deuteronomy* 28:66). For he has dishonored the tefillin by treating them in this disrespectful manner (*Rashi* ברצוּעָה; *Mishnah Berurah* 40:1).

50. חֲמוּרוֹת are knots; the word refers here to verses with deeply concealed and knotty meanings; these individuals would divine the hidden substance of these verses (*Rashi*; *Rabbeinu Yonah* and *Ritva*, second explanation; see also *Rashi*, *Pesachim* 54a חֲמוּרוֹת וְדִּיה דְּרִישׁ חֲמוּרוֹת 134b חֲמוּרוֹת וְדִּיה דְּרִישׁ חֲמוּרוֹת). Others translate חֲמוּרוֹת as "pearls"; the "Interpreters" would expound ideas as precious as pearls (*Rabbeinu*

Yonah and *Ritva*, first explanation).

51. *Deuteronomy* 28:66.

52. For one's very life depends upon tefillin! As the Gemara in *Menachos* (44a-b) states: *Anyone who dons tefillin will live long, as it is stated (Isaiah 38:16): Those with the [Name of] Hashem (a reference to tefillin) upon them will live* (see *Rashi*, *Menachos* *ad loc.*; see Schottenstein ed. of *Shabbos* 28b note 10 for why tefillin are called a Name of Hashem). With the word "life," then, the verse alludes to both tefillin and to one's actual life. It thus teaches that one who suspends his tefillin suspends his life as well (*Rashi*, as emended and interpreted by *Hagahos HaBach* §5).

Rabbeinu Yonah interprets this exposition [in accordance with the way this verse is expounded in *Menachos* 103b. The Gemara there states that the verse refers to one who does not possess the means to grow his own grain, but must purchase it from others. The livelihood of such a person is insecure (i.e. *suspended*)]. The verse teaches that since this person does not concern himself with the honor of the tefillin, his livelihood is not supplied to him with honor.

53. Since it is a dishonor for the box of the tefillin to be left dangling in this manner (*Rashi*).

54. I.e. the box was placed upon the peg, and the strap was left dangling (*Rashi*).

55. I.e. they were placed into a bag, and the bag was hung from a peg (*Rashi*).

56. [Which may not be hung even by its covering, but must be placed upon a shelf or the like (see *Mishnah Berurah* 40:3).]

57. [With respect to the halachah, we rule in accordance with the Gemara's second explanation; therefore, one is prohibited to suspend tefillin, whether by their boxes or by their straps. One is permitted, however, to suspend the bag in which they are placed (*Orach Chaim* 40:1; see *Mishnah Berurah* *ad loc.* §2).]

58. [I.e. during *Shemoneh Esrei*.]

59. Our translation follows *Rashi*'s first explanation; according to his second explanation, however, גִּיחַק means stretched, and refers to one who straightens out his arms and body [as people do when they are tired or have just awoken] (*Rashi*, as explained by *Pri Megadim*, *Mishbetzos Zahav* 97:1; see *Beis Yosef* *ad loc.* וְדִּיה דְּרִישׁ חֲמוּרוֹת; see *Kesef Mishnah* to *Hil. Tefillah* 4:11).

60. *Rashi*. [At this point the Gemara assumes that Rabbi spat upon the ground. However, because of a question that it will raise, the Gemara below will explain Rabbi's action differently.]

וממשמש בצנזר. להעביר הכינה העוקלתו : אבל לא היה מתעטף .

אם נפלה מליתו כשהוא
להפסיק: על שנתנו
הרי זה מקטני אמנה

יוממשמש בבגדו יאכל לא היה מתעמף
* יכשתוהו מפקה היה מניה יד על צמור
מתיבי המשמע קולו בתפלו הרי זה
מקטני אמנה המנביה קולו בתפלו הרי
זה מנביא השקר מנהק ומפקה הרי זה
מגסי הרוח המתעמש בתפלו סימן רע
לו ויש אומרים ⁽⁶⁾ ניכר שהוא מבוער הרק
בתפלו כאילו רק בפני המלך בשלמא
מנהק ומפקה קשיא יכאן לאונסי כאן
לרצונו אלא מתעמש אמתעמש קשיא
מתעמש אמתעמש נמי קשיא יכאן
מלמעלה כאן מלמטה דאמר רב וירא

הא מילתא *אבלעא לי בי רב המעונא
*ותקילא לי כי סלי תלמודאי המתעטש
בתפלתו סימן יפה לו בשם ששונים לו

נתת רוח מלמטה כך עושים לו נתת רוח
מלמעלה אלא רק ארץ קשיא רק ארץ
נמי לא קשיא אפשר כדרך יהודה דאמר
רב יהודה יהיה עומד בתפלה ועומן לו
רוק מבליעו בשליתו ואם שלית נאה הוא
מבליעו באפרקסותו רבינא הזה קאי אחורי
דבב אשי נזמין לו חק פתקא לאחוריה
א"ל לא סבר לה מר להא דרב יוחנן

רב נסים גאון

דגהות הב"ח

גליון השים

התקבל

הַשָּׂדֶה : דְּחִיב וְיִקְרָא בָּקוּל דְּגוּל
(מְלִיכָא א' ח'): הַתְּהֻמָּה וְהַמְחֻמָּה
הִרְוֵה וְנִסְבִּי בְּרוּחַ וְיֵאָדָר יִכְרֹךְ
שְׂהֻלָּה מְחֻבֵּר בְּרוּחָן : אֲלֵה עִשׂוֹת
עִשׂוֹת קִשְׁיָה : רִלְיָן עִשׂוֹת אֲלֵה
לְאֻחֲסוֹ : לְחֻשָּׁה : מִפְּתִי בָּקוּל :
וְתֻחֲלָה לִי בִּי טִיִּלִּי הַלְּעֻמָּה :
שְׂקוּלָה עַל וְחִבְדִּיהָ לְפִי שְׂהִיָּה רִגִּיל
לְהַעֲמִישׁ : כֶּשֶׁם שְׂעִישִׁים לִי נִחָה
דָּוָה : הַעֲמֻסֹת נִחָה רַחֵם לְחֻשָּׁה :
דָּוָה שְׂעִישִׁים לִי נִחָה רַחֵם מְחֻמָּה :
מִן הַשָּׂמִים לְמֻלָּאָה שְׂחֻלָּה : אֲפֻשָּׁר
כְּדִי הִדָּהָה : לְהַבְלִיעַ שְׂחֻלָּה בְּחֻרְקֻסָּיו
מִדֶּרֶס שְׂרָאָה וְיִבְרָא רִאָּשׁוֹ חֲלֻשָּׁיו

ידי הרוח לפיך יכול להפסיק נמי
ולומר דבר זה באמנם: מוזר
בטלותו על טהרו. מה שיש מן
הטלית ולמעלה מן כחפו מדבק
בטליתו ובשן ערום קאמר: לדידי

ותנא קמא הרי לבו רואה
מהלך במבואות המטונפות
תנן בפומיה לא צייתנא ליה
המטונפות מניה ידו על פיו

שהיה כדי לגמור את כולה
דרב הונא המהלך במבואות
לך במבואות המסונפות לא
יאשה בר בריה דריביל עליו

[ח] ר' אמי אמר (ג) דהוי מושכי
 סק מה שכוזר אמר ר' אבהו
 תגורה לו על מחציו מותר
 על מחציו מותר לקרות ק"ש
 אבל

ואיננו דעתא: 'המשמיע קולו בחפלו
רב הווא כלא שנו אלא שיכול לכון את
לכון את לבו בלחש מותר וה"מ ביוחד
נורא: רבי אמר הוה קא משתמיס מיניה
מוסק לארעא דישראל *דאמר רב יהודה
בעשה שנאמר כבלה יובא ושמה יהוי'

אמר איזיל ואשמע מיניה מילוא *מבית
היה לתנא דקתני קמיה דרב יהודה 'היה
עד שיכלה *היה ודחור ומתפלל איכא
ובקש להתעמש מרחיק לאחריי ד' אמת
היה וחור ומתפלל ואמר רבשע יצרת
גלי ידוע לפניך דרפתו וכלימתו בחיינו
ממקום שפסק [5] אמר ליה (3) איזיל לא
: ת' היה ישן במליתו ואינו יכול להתעמ

במליתו על צוארו וקורא ק"ש וי"א יעל ל
ת הערה מותר אמר רב הונא א"ר יוחנן ה
א"ל רב חסדא האלהים אם אמרה לי ר'
בר הנה אמר ריב"ל היה מהלך במבואות

ואלהים אם אמרה לי ריב"ל בפומיה לא
אסור לו לעמוד במקום המנופת לפי שאי
כאן במהלך ומי אמר רבי יוחנן הכי והת
הר בדברי תורה ח"ץ מבית המדרש ומבית
והא ר"ב אבהו היה קא אויל בתריה ה
אשתקא א"ל לר' יוחנן ללחינן אהרר *א"ל אב

והוא תניא כותיה דרב חסדא תניא כותיה
קרא ק"ש תניא כותיה דרב חסדא *היה מ
היה קורא ובא פוסק לא פסק מאי אמר ר'
לחם חוקים לא טובים ומשפטים לא ידיו [ב]
בר אהבה אמר מהכא *כי דבר ה' בזה ואם
הוא תאריכו ימים: אמר רב הונא היתה מלי
תת מליתו של בגד ושל עור ושל שק תגור

מבליעו באפרקסותו א"ל א
הרי זה מקטני אמנה : אמר
לבו בלחש אבל אין יכול
אבל בצבור אתי למישר
דבר יהודה דהוה קא בעי
בל העולה מבבל ר"א ע

עַד יוֹם פְּקִדֵי אוֹתָם נָאִם ה' וְעוֹדָא וְהָרָא אִפִּיק אוֹל אִישׁ עֲקוּמַד בְּחַפְלָה וְנִתְעַשְׁשׁ מִמָּוֶה דְּאִמְרֵי 'הִיָּה עוֹמַד בְּחַפְלָה וּמִתְעַשְׁשׁ וּמִמַּחֵן עַד שִׁיכְלָה נִקְבִּים נִקְבִּים חַלּוּלִים חַלּוּלֵי וּבִאֲחֵרֵיתוֹ רַמָּה וְחֻלְעָה וּמִדֵּי בִאֲחֵי אֵלָא לְשִׁמּוֹץ דְּבִרְהוּ ה' אֲתָא רָאשׁוּ מִפְּנֵי הַגִּנָּה חֲרִיף אֲתָא הָעֵרֹוה קִסְבֵּר לְבִי דְּוָאָה

מִנִּיחַ יָדוֹ עַל פִּי וְקוֹרֵא קִלְ
אִיכָא דְאִמְרִי אִמְר רַבָּה בְרַ

וקורא ק"ש א"ל ר' חסדא
הכי והאמר רב הונא ס"ח
תורה לא קשיא כאן בעומד
וידען בכל מקום מותר לה
כאן בעומד כאן במהלך אי
כי משא במבואות המסונפות

חזור לראש הכי קאמר ליה
חזור לראש תניא כותיה דרב
המטותפות מניח ידו על פיו
יקרא ק"ש ולא עוד אלא שא

הַכְּתוּב אֹמֵר וְגוֹם אֲנִי נֹתֵן
הָעוֹן בַּחֲבִלִי הַשּׁוֹא רֵב אֲדָא
עָלָיו הַכְּתוּב אֹמֵר וְבִדְבַר
לְקָרוֹת ק"ש תֵּיגַד נִמְי הֵכִי מִי

החזיר סכנת שוא
תכשים שבוהץ עם טמון
שוא תכשים שנכמים
וכתר הכי הזכרה
שמעתא דרב ששת
התם היא עיקרה ולא
הזכרה כבאן אלא כרי
להקשות ממנה :

דעות ה"ב
(ה) נבי' המגסקובאמסק
והי"ש האמריס (יזכר
סבוא מרוב) הא"מ רב
הא"מ סבוא עקרי: (זש)
הא"מ חלו כ"ל וינסכו (ז)
נמחק: (ג) שש ר' אפי
מכסא מכלל כיו מנשי:
(ד) רש"י חס"ד רבי זס
(ה) המגנים הרבס רבי
מנשי: (כ) חס"ד
רבי ממשס וכי תק
גנז סל יסל:

גליון השנים
תוס' ד"כ ספק ר"ח
וכי דלע"ג דר"ח
וכי. ע"י כ"ח (דף
: (ג' ע"ח) :

יחזקאל ב

and handled his garment to remove a louse that was biting him.^[1] אָבֵל לֹא הָיָה מְעַשֵּׂה – But he would not wrap himself in his *tallis* when it would fall from his shoulders during the *Shemoneh Esrei* Prayer.^[2] וְכִשְׁהוּא מְפַקֵּה – And when he would yawn during the *Shemoneh Esrei* Prayer, הָיָה מְנִיחַ יָדוֹ עַל – he would place his hand upon his chin, so as to conceal his gaping mouth.^[3]

This testimony is challenged:

מִיִּתְבַּי – They challenged it from the following Baraisa: הַמְשַׁמֵּיעַ קוֹלוֹ בְּתַפְלָתוֹ – ONE WHO ALLOWS HIS VOICE TO BE HEARD while reciting HIS PRAYER^[4] – הָרִי זֶה מְקַטְנֵי אִמָּה – HE IS OF THOSE OF LITTLE FAITH.^[5] הַמְגַבִּיהַ קוֹלוֹ בְּתַפְלָתוֹ – ONE WHO RAISES HIS VOICE while reciting HIS PRAYER – הָרִי זֶה מְגַבִּי אִי – HE IS OF THE FALSE PROPHETS.^[6] מְגַהֵק וּמְפַקֵּה – ONE WHO BELCHES OR YAWNS during Prayer – הָרִי זֶה מְגַבִּי הָרוֹחַ – HE IS OF THE HAUGHTY ONES.^[7] הַמְזַעֵשׁ בְּתַפְלָתוֹ – ONE WHO SNEEZES during HIS PRAYER – סִימָן רָע לוֹ – IT IS AN EVIL OMEN FOR HIM.^[8] וַיֵּשׁ אֲמָרִים – AND SOME SAY: נִכְרָ שְׂהוּא מְכוּעֵר – IT IS EVIDENT THAT HE IS A FOUL individual.^[9] הָרֵק בְּתַפְלָתוֹ – ONE WHO SPITS while reciting HIS PRAYER – כָּאִילוֹ רֵק בְּפִנֵּי הַמֶּלֶךְ – IT IS AS IF HE HAS SPIT BEFORE THE KING.^[10]

The Gemara concludes its challenge:

בְּשִׁלְמָא מְגַהֵק וּמְפַקֵּה לֹא קָשְׁיָא – Now it is understandable with regard to the Baraisa's statement concerning belching and yawn-

ing that there is no contradiction to R' Chanina's testimony, for we can differentiate between them as follows: כָּאֵן לֹאֻנְסוֹ – Here (i.e. when Rabbi did these things), he did them against his will.^[11] He therefore cannot be described as haughty. כָּאֵן לְרִצּוֹנוֹ – But here (i.e. in the Baraisa), we are discussing one who does these things deliberately! One who deliberately behaves in this manner is indeed of the haughty ones. אָלֹא מְזַעֵשׁ אִמָּהֻעֵשׁ קָשְׁיָא – But there is a contradiction between the Baraisa's statement concerning one who sneezes and R' Chanina's testimony regarding one (i.e. Rabbi) who sneezed! For the Baraisa speaks disparagingly of one who sneezes during Prayer, while R' Chanina testifies that Rabbi himself sneezed while praying!^[12] – ? –

The Gemara answers:

מְזַעֵשׁ אִמָּהֻעֵשׁ נִמְי לֹא קָשְׁיָא – The Baraisa's statement regarding one who sneezes is also not a contradiction to R' Chanina's testimony regarding one (i.e. Rabbi) who sneezed! For here (i.e. in R' Chanina's testimony) it refers to a sneeze from above, i.e. from the nose;^[13] כָּאֵן מִלְמַעְלָה – here (i.e. in the Baraisa), however, it refers to a "sneeze" from below, i.e. to gas passed noisily from the rectum.^[14]

The Gemara supports this differentiation:

הָא מִלְתָּא אֲבָלְעָא לִי בִּי רַב – For Rav Zeira said: דְּאָמַר רַב זִירָא – This following thing was made known to me in the academy of Rav Hamnuna, וְהָקִילָא לִי בִּי בּוֹלִי תְלָמוּדָאִי – and

NOTES

1. I.e. he used his garment but not his hand [since it is disrespectful to touch a louse during Prayer (*Or Zarua* 98, cited by *Darchei Moshe* 97:3; moreover, one who touches a louse directly must wash his hands (*Orach Chaim* 4:18)]. Although it was necessary to momentarily interrupt his *Shemoneh Esrei* prayer to remove the louse, it was permissible, since he could not concentrate upon his prayer while the louse was biting him (*Rashi*, as explained by *Beis Yosef*, *Orach Chaim* §97; cf. *Rabbeinu Chananel*, quoted in *Tosafos*; see *Shulchan Aruch* *ibid.* 97:3; see also *Ritva*. See *Meiri* for another explanation of why one removing a louse must do so with his garment). [R' Chanina was proving from Rabbi's action that one may interrupt his Prayer to remove a louse, and that it must be removed using a garment.]

2. Since he held this act to be an [unnecessary] interruption of his *Shemoneh Esrei* (*Rashi*). [*Rashi* does not discuss whether the *tallis* fell off entirely, or whether its edges merely slipped from Rabbi's shoulders. However, some authorities hold that only if a *tallis* falls off completely is one forbidden to replace it on his shoulders; if it merely slips, it may be repositioned (see *Rabbeinu Yonah*; *Rosh*). Others hold that even in the latter case, one is forbidden to reposition the *tallis* during *Shemoneh Esrei* (*Meiri*, second explanation; this might possibly be *Rashi*'s opinion as well – see *Beis Yosef* §97 וְיָדָא וְאֵם כִּינָה; see, however, *Chidushei Hagahos* §3 to *Beis Yosef*, who suggests otherwise). The halachah is in accordance with those who permit the repositioning of a *tallis* that has slipped somewhat (see *Shulchan Aruch*, *Orach Chaim* 97:4).]

3. *Rashi*. *Rosh* states (in *Rashi*'s name) that one who sneezes while praying must also cover his mouth (see *Mishnah Berurah* 97:1 with *Shaar HaTziyun* §2 with regard to one who belches during prayer; see also *Kaf HaChayim* ad loc. §2). One does this because a wide-open mouth during prayer demonstrates a lack of honor for Heaven; therefore, one must cover his mouth even if no observers are present (*Tiferes Shmuel* §39).

[*Rif* has a variant reading in this Gemara; according to his reading, the Gemara states: and when he would yawn during Prayer, he would not place his hand upon his chin. This was because this mannerism is characteristic of those who are haughty [and there is no place for haughtiness before God – see 10b, note 59] (see *Rosh*; *Rabbeinu Yonah*; *Ritva*; *Meiri*). The halachah follows *Rif* (see *Orach Chaim* 97:1); therefore, one may not place his hand upon his chin during *Shemoneh Esrei* (nor engage in any other sort of haughty mannerism – see *Ritva*). However, one who yawns during *Shemoneh Esrei* should cover his mouth, without, however, placing his hand upon his chin (*Orach Chaim* *ibid.*).]

4. [I.e. during *Shemoneh Esrei*.] It is proper to refrain from doing so even during *Pri Megadim*, cited by *Mishnah Berurah* 101:7).

5. For by praying audibly, he makes it seem as though God cannot hear a prayer recited quietly (*Rashi*). [The prohibition against praying aloud is derived below (31a) from the manner in which the Hannah the mother

of Samuel recited her famous prayer (quoted in *I Samuel* ch. 1).]

6. For it is the manner of those who are prophets to idols to call out loudly to their gods (*Mishnah Berurah* 101:6). As the verse states regarding the false prophets of the Baal who contended with the prophet Elijah on Mount Carmel (*I Kings* 18:28): וַיִּקְרְאוּ בְקוֹל זָרוּל: And they called out in a great voice (*Rashi*).

7. [The Gemara will shortly explain that this refers to those who deliberately yawn or belch. Such behavior during Prayer is indicative of arrogance.]

8. The Gemara will shortly explain that "one who sneezes" actually refers to one who unintentionally passes wind (see *Rabbeinu Yonah*; see below, note 14 for why this is an evil omen for him).

9. *Rabbeinu Yonah* and *Ritva* ask: Why is it evident from this incident of inadvertent flatulence that he is a foul individual? The incident occurred against his will! They accordingly emend the text to read נִכְרָ שְׂהוּא, it is evident that he is one afflicted with foulness [of the stomach], for a normal person is generally able to resist the urge to pass wind. *Rashi*, however, emends the text by appending this statement to the Baraisa's earlier statement regarding one who deliberately belches or yawns. One who deliberately belches or yawns during Prayer is clearly a foul person! (*Rashi*, as explained by *Gra*, *Imrei Noam*).

10. [I.e. it is an insolent act.]

11. [I.e. he felt an urge to yawn or belch and did not attempt to control it. R' Chanina is teaching that one is not obligated to restrain himself in such an instance (but cf. *Aruch HaShulchan* 97:1,2).] The Baraisa, however, discusses one who deliberately brings on a yawn or a belch (*Meiri*).

12. In this case, we cannot differentiate between one who sneezes against his will and one who sneezes deliberately, since a sneeze is always the result of an urge that comes upon a person! [For a person cannot produce a sneeze at will!] (*Rashi*).

13. [R' Chanina recounts this incident to teach that one who sneezes during *Shemoneh Esrei* has done nothing amiss. Therefore, one who feels an urge to sneeze while praying need not stifle it!]

14. *Rashi*; see above, notes 8 and 9. [The reason passing wind during *Shemoneh Esrei* is an evil omen is because the sound that accompanies the wind alerts others to his act, and he is thereby humiliated. This humiliation before others is an evil omen, for it indicates that this individual is not well regarded in Heaven (*Maadanei Yom Tov* §1 to *Rosh* §39; cf. *Magen Avraham* 103:6). [This is in line with the dictum cited in *Pirkei Avos* (3:10): וְכָל שֶׂאִין רִיחַ הַבְּרִיּוֹת נִיחָה הֵמָּנָה אֵין רִיחַ הַמְּקוֹם נִיחָה הֵמָּנָה: If the spirit of one's fellows is not pleased with him, the spirit of the Omnipresent is not pleased with him, which links one's status in Heaven to his status among men; see *Sanhedrin* 103b for a similar teaching; see our commentary there, note 4, for further explanation.]

to me, it is equal in importance to all the rest of my learning:^[15] **הַמַּעֲשֵׂשׁ בְּתַפְלָתוֹ סִימָן נָפֶה לוֹ** – One who sneezes (i.e. from his nose) during his Prayer – it is a good omen for him, **בְּשֵׁם שְׁעוֹשִׁים לוֹ נֶחֱת רִיחוֹ מִלְמַטָּה** – for just as they give him satisfaction below, i.e. in this world,^[16] **כִּךְ עוֹשִׂין לוֹ נֶחֱת רִיחוֹ מִלְמַעְלָה** – so do they give him satisfaction above, i.e. in Heaven.^[17] We see that there is nothing wrong with sneezing during *Shemoneh Esrei*. Evidently, then, the Baraisa must be discussing one who passes wind.

The Gemara challenges R' Chanina's testimony from another segment of the Baraisa:

אֲלָא רַק אֶרֶךְ קָשְׁיָא – But there is a contradiction between the Baraisa's statement regarding one who spits and R' Chanina's testimony regarding one (i.e. Rabbi) who spat! For the Baraisa speaks derogatorily about one who spits while praying; but R' Chanina maintains that Rabbi himself actually spat during his Prayer! – ? –

The Gemara answers:

רַק אֶרֶךְ נָמִי לֹא קָשְׁיָא – The Baraisa's statement regarding one who spits is also not a contradiction to R' Chanina's testimony regarding one (i.e. Rabbi) who spat! **אֲפָשֶׁר בְּדֶרֶב יְהוּדָה** – For Rabbi may have done as suggested by Rav Yehudah. **רַב דָּאָמַר** – For Rav Yehudah said: **הָיָה עוֹמֵד בְּתַפְלָה וְנִדְמָן לוֹ רוּחַ** – If one was standing in Prayer and saliva materializes in his mouth, **מִכְלִיעוֹ בְּטָלִיתוֹ** – he must discreetly absorb it into his cloak. **וְאִם טָלִית נָאָה הָיָה** – And if it is a fine cloak, which he does not wish to soil with spittle, **מִכְלִיעוֹ בְּאַפְרָקְסוֹתוֹ** – he should absorb it into his turban.^[18] We may therefore assume that Rabbi did not spit upon the ground, but only absorbed the spittle into his garment.^[19]

The Gemara cites an incident in which one disposed of his spittle in another manner:^[20]

רַבִּינָא הָיָה קָאִי אַחֲרֵי דְרַב אֲשִׁי – Ravina was standing behind Rav Ashi while the latter prayed. **וְנִדְמָן לוֹ רוּחַ** – Saliva materialized in [Rav Ashi's] mouth, **פָּתְקִיָּה לְאַחֲרֵיהּ** – and he threw it behind him.^[21] **אָמַר לֵיהּ** – [Ravina] said to him: **לֹא סָבֵר לָהּ**

– Does the master not agree to Rav Yehudah's [ruling], **מִכְלִיעוֹ בְּאַפְרָקְסוֹתוֹ** – that one should absorb [the spittle] into his turban? Why did the master do differently? **אָמַר לֵיהּ** – [Rav Ashi] said to him: **אֲנִי אֶנְיָא** – I am a person of delicate sensibilities, and I would be sickened by saliva in my turban.^[22] I am therefore permitted to throw it behind me.^[23]

The Baraisa stated:

הַמְשַׁמֵּיעַ קוֹלוֹ בְּתַפְלָתוֹ הָרִי זֶה מִקְטְגֵי אִמְנָה – ONE WHO ALLOWS HIS VOICE TO BE HEARD while reciting HIS PRAYER – HE IS OF THOSE OF LITTLE FAITH.

The Gemara qualifies this:

לֹא שָׁנוּ אֶלָּא שִׁיבּוֹל לְכוּן אֶת לְבוֹ – Rav Huna said: **אָמַר רַב הוּנָא** – [The Rabbis] did not teach this except in the case of one who is able to concentrate while praying quietly. Such a person may not pray audibly. **אָבֵל אֵין יָכוֹל לְכוּן אֶת לְבוֹ בְּלִחָשׁ** – But if one is unable to concentrate while praying quietly, **וְהָיָה מִילִי** – it is permissible for him to pray audibly.^[24] **בְּיָחִיד** – However, these words are stated only in the case of one who prays alone. **אָבֵל בְּצִבּוּר אֲתִי לְמִיטְרָה צְבוּרָא** – But in the case of one who prays with a congregation, even if he cannot concentrate when praying quietly, he may not pray audibly, since he will come thereby to confuse the congregation.

The Gemara cites an incident in the course of which a law is taught regarding one who passes wind while praying:

רַבִּי אָבָא הָוָה קָא מְשַׁתְּמִיט מִיּוֹנִיָּה דְרַב יְהוּדָה – R' Abba would not enter the study hall because he was avoiding Rav Yehudah. **דָּאָמַר** – For he wished to go up to Eretz Yisrael, and Rav Yehudah forbade him to do so.^[25] **רַב יְהוּדָה** – For Rav Yehudah said: **כָּל הָעוֹלָה מִבְּבֶל לְאֶרֶץ יִשְׂרָאֵל** – One who goes up from Babylonia to the Land of Israel violates a positive commandment, **שְׁנָאָמַר** – for it is stated:^[26] **וְיָבֹאוּ וְשָׁמָּה יִהְיוּ עַד יוֹם פְּקֻדֵי אֲתָם וְאֲמַרְיָהּ** – They shall be brought to Babylonia, and there they shall remain, until the day that I take heed of them, says Hashem.^[27]

NOTES

15. For it praises one who sneezes, and I am one who sneezes often! (Rashi).

16. Sneezing is a source of satisfaction [since it offers relief to a person] (Rashi). Others explain this on the basis that sneezing strengthens one's limbs (Rabbeinu Yonah, Ritva).

17. By answering his prayer (Rabbeinu Yonah).

18. This turban was worn with its two ends hanging in front of the wearer; one absorbs the spit into the dangling ends, but does not remove the turban to spit into it, since one is forbidden to remove his head-covering during Prayer] (Rashi, as explained by Rabbeinu Yonah; see Maadanei Yom Tov §3 to Rosh §39; cf. Rav Hai Gaon, quoted by Rabbeinu Yonah).

19. However, even spitting into one's garment is permitted only if one is forced to do so, i.e. if saliva or mucus that appears in one's mouth prevents him from concentrating properly upon his Prayer. In that case, it is better for him to spit than to forfeit his Prayer entirely! One is prohibited, however, to spit without reason, in an idle or insolent manner, even if he absorbs the saliva into his garment (Rosh; Rabbeinu Yonah; Ritva; Meiri from Yerushalmi 3:5; see Orach Chaim 97:2 with Mishnah Berurah §4). [This is indicated in our Gemara with the words **וְנִדְמָן לוֹ רוּחַ**, and **saliva materializes in his mouth**; this wording implies that one is compelled to spit because of saliva that suddenly appeared in his mouth, rather than one who spits idly, without reason (see Meiri). R' Chanina was informing us that under some circumstances (e.g. when unable to concentrate because of saliva) one is permitted to spit while praying.]

[It should be noted that even one who is permitted to spit during Prayer, and who absorbs the saliva into his garment, must not resume praying after having spit until waiting the time it takes a person to walk four amos (Mishnah Berurah 97:4 from Orach Chaim 92:9; cf. Aruch HaShulchan, Orach Chaim 92:13; Chayei Adam, Tefillah 22:16). This is so that his act of spitting should not appear to be directed towards the words that he recites immediately afterwards (Aruch HaShulchan ibid.).]

20. See Bach, Orach Chaim §97 ל"ה ואסור לו לרוק ד"ה.

21. See Beis Yosef (Orach Chaim §97 ל"ה ואסור לו לרוק) for a dispute regarding whether he took the saliva into his hand and threw it behind him, or whether he turned his head and spit onto the ground behind him (see also Aruch HaShulchan 97:3). We rule that one may do either (Mishnah Berurah ad loc. §7).

22. Beis Yosef ibid. Alternatively, I would be sickened by having to hold the saliva in my mouth long enough to absorb it into my turban (Rabbeinu Yonah; see Mishnah Berurah ibid. §6).

23. If, for some reason, one of delicate sensibilities is unable to throw the saliva behind him, he may throw it to his left side, but not to his right, and certainly not to his front (see Rama, Orach Chaim 97:2; see Beur Heitev §5). However, if he cannot throw it behind or to the left, and he is unable to pray because of his discomfort, he may throw the saliva to the right and, if necessary, even toward the front (Mishnah Berurah ibid. §8).

24. And even to raise his voice, if he must do so for concentration (Rosh; Rabbeinu Yonah; Ritva; Orach Chaim 101:2, from Yerushalmi 4:1; cf. Rasha below, 31a, and Tur, Orach Chaim ibid., as explained by Beis Yosef ad loc. וְיָבֹאוּ וְשָׁמָּה יִהְיוּ עַד יוֹם פְּקֻדֵי אֲתָם וְאֲמַרְיָהּ and Beur HaGra ad loc.). However, if praying audibly suffices for his concentration, one is not permitted to raise his voice (Mishnah Berurah 101:9).

25. Rashi here and to Kesubos 110b ד"ה רבנן ד"ה; cf. Rashi, Shabbos 41a ד"ה משתמיט.

26. Jeremiah 27:22.

27. The verse concludes: *then will I bring them up and restore them to this place*. Although on the surface this verse discusses the Babylonian exile, which ended long before the time of Rav Yehudah and R' Abba, Rav Yehudah understood it as referring to the Jewish people throughout all their various exiles, and as containing a commandment for them to remain in the Diaspora until God gathers them together. R' Abba,

However, [R' Abba] said: Let me go and learn something from outside the study hall,^[28] וְהָיָה אֵלַי אֲשֶׁרְחִיבָהּ לְתַנָּא – and then I will go.^[29] אָזל אֲשֶׁרְחִיבָהּ לְתַנָּא – He went to the study hall and found there a teacher of Baraisas, who was teaching the following Baraisa before Rav Yehudah: הָיָה עוֹמֵד בְּתַפְלָה וְנִתְעַשְׂשׁ – If one was standing in prayer and he passed wind, מִמֶּתִין עַד שֶׁיִּכְלָה – HE WAITS UNTIL the odor from THE WIND PASSES from his vicinity,^[30] וְחֹזֵר וּמִתְפַּלֵּל – AND HE then RETURNS to the place he left off, AND PRAYS. אֵיבָא דְאֲמַרִי – There are others who say that the Baraisa stated as follows: הָיָה עוֹמֵד בְּתַפְלָה וּבִקְשׁ – If one was standing in prayer and he felt an urge TO PASS WIND,^[31] מִרְחִיק לְאַחֲרָיו אַרְבַּע אַמּוֹת וּמִתְעַשְׂשׁ – HE STEPS BACK FOUR AMOS AND PASSES WIND,^[32] וּמִמֶּתִין עַד שֶׁיִּכְלָה הָרוּחַ – AND WAITS UNTIL the odor from THE GAS PASSES. וְחֹזֵר וּמִתְפַּלֵּל – HE then RETURNS to the place he was standing,^[33] AND PRAYS.^[34] AND HE SAYS: רְבוּנוּ שֶׁל עוֹלָם – “MASTER OF THE UNIVERSE: יִצְרָתֵנוּ נִקְבִּים נִקְבִּים חֲלָלִים חֲלָלִים – YOU FORMED US WITH OPENINGS UPON OPENINGS AND CAVITIES UPON CAVITIES. זָלוּי וְיָדוּעַ לְפָנֶיךָ – IT IS REVEALED AND KNOWN BEFORE YOU, חֲרָפְתֵנוּ וּכְלִימָתֵנוּ בְּחַיֵּינוּ – OUR SHAME AND OUR HUMILIATION that we suffer DURING OUR LIVES, וְיִצְרָתֵנוּ רְמָה וְתוֹלָעָה – AND that AT OUR END, WORMS AND MAGGOTS await us.”^[35] וּמִתְחִיל מִמְּקוֹם – HE THEN BEGINS FROM THE PLACE WHERE HE STOPPED.^[36] אֵיבָא דְאֲמַרִי – Upon hearing this Baraisa, [R' Abba] said to [the teacher]: אִילוּ לֹא בָאתִי אֵלָּא לְשִׁמּוֹעַ דְּבָרְךָ – If I had come to hear only this thing, הָיָה – it would still have been sufficient for me.

The Gemara discusses a case of reciting the *Shema* while unclothed:

The Rabbis taught in a Baraisa: הָיָה יוֹשֵׁן בְּטָלִיתוֹ – If a person was sleeping naked but was covered entirely in his

AND HE IS UNABLE TO STICK OUT HIS HEAD BECAUSE OF THE COLD, חוֹצֵץ בְּטָלִיתוֹ עַל – HE SHOULD PARTITION his head from the rest of his body WITH HIS CLOAK, by wrapping it ON HIS NECK,^[37] וְקוֹרֵא קְרִיאַת – AND HE MAY then RECITE THE *SHEMA*. וְשׁוֹא אומרים על לבו – AND SOME SAY that he should wrap the cloak ON HIS HEART.

The Gemara asks:

And why does the Tanna Kamma require that he wrap the cloak around his neck but not his heart? הָרִי לְבוֹ רֹאֵה – But according to this arrangement, his heart still sees his nakedness!^[38] – ? –

The Gemara answers:

[The Tanna Kamma] holds that even if one's heart sees his nakedness he is permitted to recite the *Shema*.^[39]

The Gemara discusses how to recite the *Shema* in an unclean place:

Rav Huna said in the name of R' Yochanan: הָיָה מְהֻלֵּךְ בְּמִטְוֵאוֹת הַמְּטוֹנָפוֹת – If one was walking in filthy alleyways^[40] and the time for the *Shema* was passing, מְנִיחַ יָדוֹ עַל פִּיו – he should place his hand over his mouth and he may then recite the *Shema*.^[41] אֵיבָא דְאֲמַרִי – Rav Chisda said to [Rav Huna]: הָאֵלֵהִים – By God! If R' Yochanan had told me [this law] with his own mouth – I would not have listened to him!

Another version of this episode:

אֵיבָא דְאֲמַרִי – There are those who say that רַבָּה בַּר כְּנָנִי – Rabbah bar Chanah said in the name of R' Yehoshua ben Levi: הָיָה מְהֻלֵּךְ בְּמִטְוֵאוֹת הַמְּטוֹנָפוֹת – If one was walking in filthy alleyways, מְנִיחַ יָדוֹ עַל פִּיו וְקוֹרֵא – he should place his hand over his mouth and he

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however, understood this prophecy as referring not to the Jewish people, but to the Temple vessels, which are mentioned in the previous verses. The verse predicts that the vessels will remain in Babylonia throughout all the various exiles of the Jews. They will not be returned until the final ingathering of the exiles (*Gra*, *Imrei Noam*; see *Kesubos* 110b-111a).

28. [Literally: the house of gathering.] R' Abba did not enter the study hall, but stood outside (*Rashi*).

29. [The phrase וְהָיָה אֵלַי אֲשֶׁרְחִיבָהּ לְתַנָּא translates as: and then I will go out. *Rashi*, however, states that R' Abba listened from outside the study hall, but did not enter! *Maharsha* accordingly emends the Gemara to read: וְהָיָה אֵלַי אֲשֶׁרְחִיבָהּ לְתַנָּא, and then I will go. We have translated in accordance with *Maharsha*.]

30. *Rashi*; see *Shaar HaTziyun* 103:1.

31. And he knows that he cannot possibly suppress the urge (*Meiri*; *Shulchan Aruch*, *Orach Chaim* 103:2; see *Mishnah Berurah* ad loc. §3).

32. See *Rabbeinu Yonah* for why he must step backward and not forward.

33. *Chayei Adam* (Tefillah 25:3) from *Bach* and *Eliyahu Rabbah*; cf. *Shulchan Aruch*, *Orach Chaim* ibid., who rules that he does not return to his place until after reciting the short prayer that follows; but see *Mishnah Berurah* ad loc. §6.

34. I.e. he recites the short prayer that follows (*Chayei Adam* ibid.). Although he is in the middle of *Shemoneh Esrei*, and normally would not interrupt, he may interrupt to recite this prayer, since he has in any case already interrupted his Prayer to wait for the smell to pass. A further interruption is of no import (*Rashi*; see *Tzalach*; see *Rif's* and *Rosh's* reading in this Gemara).

35. [The purpose of this prayer is to beg forgiveness for having inadvertently committed this act during Prayer. One therefore acknowledges the human frailty (our shame and our humiliation) that did not allow him to contain himself (see *Rabbeinu Yonah*; *Ritva*).]

36. See *Hagahos HaGra*; *Imrei Noam* for an alternative reading; cf. *Tzalach*; see *Chayei Adam* ibid.

37. That is, he should firmly wrap around his neck the part of the cloak that is above his shoulders (*Rashi*). He does this to separate his eyes from the place of his nakedness. See following note; see *Mishnah Berurah* 75:29. [Had he been able to stick his head out of his cloak, that would have sufficed.]

38. The Gemara here assumes that the reason one must separate his eyes from his nakedness is not because the eyes will actually see the nakedness, for even a naked blind person or a naked person who closes his eyes is prohibited to recite the *Shema*. Rather, separation here is required because it is not becoming that the nakedness be exposed to the important organs of the body. The Gemara thus asks why the Tanna Kamma does not require a separation between the nakedness and the heart, which is certainly an important organ of the body (*Ritva*).

39. The Tanna Kamma holds that only eyes require separation from the nakedness (*Ritva*) [since the Torah nevertheless expressed the prohibition from the perspective of the eyes – so that He shall not see in you a matter of nakedness (Deuteronomy 23:15)]. According to the other opinion, however, we find the language of “seeing” used with regard to the heart (see *Ecclesiastes* 1:16). See *Mishnah Berurah* 74:4, and *Beur Halachah's* introduction to §74, which states that the requirement to separate the heart from the nakedness [לִפְנֵי לִבּוֹ לְקַרְנֵהוּ] is only Rabbinic.

See also *Orach Chaim* 74:1 with *Mishnah Berurah* and *Beur Halachah* with regard to what type of separation is required.

40. I.e. places where excrement or urine is found (*Rambam*, *Hil. Krias Shema* 3:4).

41. The Gemara will proceed to explain that Rav Huna condones reciting the *Shema* and other holy utterances when one is walking through an unclean place. Nevertheless, he requires some form of separation between the mouth that utters the holy words and the unclean place (see below, 25a note 7). See also *Hagahos R' Elazar Moshe Horowitz*; cf. *Perishah* 85:1.

may then recite the *Shema*. אמר ליה רב חסדא – Rav Chisda said to [Rabbah bar bar Chanah]: האלהים – By God! אם – If R' Yehoshua ben Levi had told me [this law] with his own mouth לא צייתנא ליה – I would not have listened to him!

The Gemara asks:

והאמר רב הונא – And did Rav Huna actually state thus, that the *Shema* may be recited even in a filthy alley? והאמר רב הונא – But Rav Huna has said: תלמיד חכם אסור לו לעמוד במקום – It is forbidden for a Torah scholar to stand in a filthy place, לפי שאי אפשר לו לעמוד בלי הרהור תורה, because it is impossible for him to stand idle without pondering Torah thoughts.^[42] If Rav Huna prohibits pondering holy matters in a filthy place, then certainly he prohibits reciting the *Shema* there (notwithstanding one's covering the mouth).^[43] – ? –

The Gemara answers:

There is no difficulty. כאן בעומד – Here, where he is stringent, Rav Huna speaks of one who is standing still in a filthy place, כאן במהלך – whereas there, where he is lenient, he speaks of one who is walking through such a place, without pausing to stop.^[44]

Having reconciled Rav Huna's two rulings, the Gemara now turns its attention to R' Yochanan, in whose name Rav Huna sanctioned the recital of the *Shema* in a filthy place:

And did R' Yochanan actually state thus? והאמר רבה בר בר רב הונא – But Rabbah bar Chanah has said in the name of R' Yochanan: בכל מקום מותר – It is permitted to ponder Torah matters in every place חוץ מבית המרחץ ומבית הכסא – except a bathroom and a latrine. This ruling indicates that R' Yochanan would permit reciting the *Shema* in a filthy place. – ? –

The Gemara suggests an answer and rejects it:

And if you will say that here, too, the aforementioned differentiation can be made, as follows: כאן בעומד – Here, where he prohibits Torah thoughts, R' Yochanan speaks of one who is standing still in a filthy place, כאן במהלך – whereas there, where he allows the recitation of the *Shema*, he speaks of one who is walking through such a place without stopping – is it so? והא רבי אבהו הוה קא איל בתריה – But it once happened that R' Abahu was walking behind R' Yochanan and he [R' Abahu] was reciting the *Shema* at the time. בי מְטָא במבואות – When they reached a filthy alleyway [R' Abahu] paused and was quiet. אמר ליה לרבי יוחנן – Upon exiting from there he said to R' Yochanan: להיכן אהדר – To which point of the text should I return and resume my recital?^[45] אמר ליה [R' Yochanan] said to him: אם שהית כדי לגמור את – If you paused the amount of time it takes you to

complete the entire *Shema*, חזור לראש – you must return to the very beginning.^[46] From the fact that R' Yochanan told R' Abahu where to return to, we see that he approved of R' Abahu's pausing. Thus, we see that R' Yochanan prohibits reciting the *Shema* even while one is passing through a filthy place.

The Gemara rejects the rebuttal, thereby reconciling R' Yochanan's two rulings along the lines suggested above:

In truth, [R' Yochanan] meant to say to [R' Abahu] thus: לדידי לא סבירא לי – As for me, I do not hold that you were required to interrupt your *Shema* recital when we entered the alley, since we did not stop there and it would have sufficed had you covered your mouth with your hand. לדריך – But according to you, who holds that the recital was prohibited there in any event, I rule as follows: If you paused the amount of time it takes to complete the entire *Shema*, חזור לראש – you must return to the very beginning.

The Gemara above recorded a dispute between Rav Chisda and Rav Huna with regard to reciting the *Shema* while passing through a filthy place. Rav Huna permitted it so long as the person covers his mouth, whereas Rav Chisda forbade it in all cases. The Gemara now adduces Tannaic support for each opinion:

It was taught in a Baraisa in accordance with the ruling of Rav Huna, תניא בנתייה דרב חסדא – and it was taught in another Baraisa in accordance with the ruling of Rav Chisda. תניא בנתייה דרב הונא – It was taught in a Baraisa in accordance with the ruling of Rav Huna, as follows: המהלך במבואות המטונפות – ONE WHO IS WALKING IN A FILTHY ALLEYWAY MAY PLACE HIS HAND OVER HIS MOUTH AND RECITE THE *SHEMA*. תניא בנתייה דרב חסדא – And it was taught in a Baraisa in accordance with the ruling of Rav Chisda, as follows: הוה מהלך במבואות המטונפות – If one was walking in a filthy alleyway, לא יקרא קריאת שמע – HE MAY NOT RECITE THE *SHEMA*. ולא עוד – AND NOT ONLY THAT, אלא – BUT IF HE WAS in the middle of RECITING the *Shema* AND HE CAME to an unclean place, HE MUST STOP. Since this Baraisa does not suggest the simple expedient of placing the hand over the mouth, it lends support to Rav Chisda's opinion.^[47]

The Gemara asks:

If he did not interrupt his recital, what is thought of him?^[48]

The Gemara answers:

R' Meyashah, the grandson of R' Yehoshua ben Levi, said: עליו הכתוב אומר – Scripture says of him: וגם אני נתתי להם חקים לא טובים – So I too gave them decrees that were not good, ומשפטים לא יחיו – and laws by which they could not live.^[49] אמר –

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42. See *Megadim Chadashim*, who explains exactly what "it is impossible to stand without Torah thoughts" means.

43. See *Mishmar HaLeviim*, who discusses how it is possible to challenge Rav Huna from a ruling he stated in R' Yochanan's name.

44. The prohibition against praying, reciting the *Shema* or learning Torah in unclean places is derived from *Deuteronomy* 23:13-15, where after commanding the covering of excrement the Torah states the reason: ותהי מחניך קדוש, so your camp shall be holy. Now, only if a person is standing still can the place he occupies be considered *your camp*. However, if a person simply passes through a filthy place and does not stop, the place is not considered *your camp*, and he is permitted to recite the *Shema* there (*Rashba*, *Ritva*).

45. See *Magen Avraham* 104:6, who explains why R' Abahu was permitted to ask this in the middle of his *Shema* recital; see also *Hagahos R' Akiva Eiger* there.

46. For the laws governing whether one returns to the beginning of the *Shema* or to the place he interrupted his recital, see above, 23a with notes 1,2 and 4.

47. In the texts of *Rif* and *Rosh*, the Baraisa states explicitly: A person should not walk in filthy alleyways and place his hand over his mouth and recite the *Shema*.

48. The Gemara focuses on the person who does not interrupt his recital – i.e. on one who feels that it is worthwhile not to halt his recital of the *Shema* even at the expense of reciting it in an unclean place (see *Rabbeinu Yonah* ארא (ראה רב ארא).

49. *Ezekiel* 20:25. Since this person performed the mitzvah of reciting the *Shema* while simultaneously committing the sin of reciting it in a filthy place, it turns out that he negated the goodness and the life-giving quality of the *Shema* decree (*Rabbeinu Yonah*).

– R' Assi said that this verse applies to him: **הוּי מִשְׁכִּי הָעוֹן**, **הוּי מִשְׁכִּי הָעוֹן** – **Woe to those who pull iniquity upon themselves with cords of falsehood.**^[50] **רב אבא בר אבהו אמר מיהבא** – Rav Adda bar Ahavah said that the description of this person is from here: **כִּי דְבַר־ה' בָּנָה**, **כִּי דְבַר־ה' בָּנָה** – **For he scorned the word of Hashem and broke His commandment; that person will surely be cut off, his sin is upon him.**^[51]

The Gemara asks:

ואם פסק מה שקרו – **And if one does stop his Shema recital when he enters an unclean place, what is his reward?**

The Gemara answers:

אמר רבי אבהו – **R' Abahu said:** **עליו הכתוב אומר** – **Scripture says of him:** **וּבְדָבָר הַזֶּה תֵּאָרִיכוּ יָמִים**, **וּבְדָבָר הַזֶּה תֵּאָרִיכוּ יָמִים** – **And through this**

matter shall you prolong your days.^[52]

The Gemara discusses whether one may recite the *Shema* if his torso is uncovered:

אמר רב הונא – **Rav Huna said:** **היתה שליתו חגורה לו על מתניו** – **If one's cloak was girded around his hips and covered him from the hips down,**^[53] **מוותר לקרות קריאת שמע** – **he is permitted to recite the Shema, even though his upper body is exposed.**

The Gemara cites a corroborating Baraisa:

תניא נמי הכי – **It was also taught thus in a Baraisa:** **היתה שליתו** **של בגד ושל עור ושל שק חגורה על מתניו** – **IF ONE'S CLOAK OF CLOTH, LEATHER OR SACKCLOTH WAS GIRDED AROUND HIS HIPS,** **מוותר לקרות קריאת שמע** – **HE IS PERMITTED TO RECITE THE SHEMA.**

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50. *Isaiah* 5:18. According to *Rashi*, the word *שָׁא* means *weak*. The prophet therefore refers to cords that are easily snapped, and thus evokes the metaphor of those who pull iniquity upon themselves by performing trivial acts that are sinful. The verse thus speaks of our case, where punishment is incurred through a mere act of speech. According to *Tosafos*, the word *שָׁא* means *gratuitous*, and the prophet speaks of those who pull iniquity upon themselves and derive no pleasure from it. Here, too, one is reciting the *Shema* for the sake of the mitzvah, but with this act is committing a sin. Hence, it would have been preferable not to recite the *Shema* at all rather than to recite it in an unclean place. See also *Ritva* and *Rabbeinu Yonah*.

51. *Numbers* 15:31. The verse states that he scorned the *דְּבַר־ה'*, the word

of Hashem. Since *דְּבַר* is related to *דיבור* (*speech*), we may interpret this to mean the *Shema* recital, which is a "speech concerning Hashem" (see *Ritva* and following note).

52. *Deuteronomy* 32:47. The word *דָּבָר* (*matter*) is related to *דיבור* (*speech*). The verse thus implies that because of *דָּבָר* – *this speech* (the *Shema*), that you were careful to recite properly, "you shall prolong your days" (*Rashi*).

53. *Rashi* states that the cloak must cover him "from the hips down." From here *Rosh Yosef* proves that one is prohibited to recite the *Shema* while his genitals are uncovered, even if his heart and eyes are separated from his nakedness. See also *Mishnah Berurah's* introduction to *Orach Chaim* 74 (§3).

אָבֵל לְהַפְלֶה – BUT FOR PRAYER – עַד שִׁכְסָה אֶת לְבוֹ – he is not suitably clothed UNTIL HE COVERS HIS HEART (i.e. his torso as well).^[1]

Another statement by Rav Huna:

שָׂכַח וְנִכְנס בְּתֵפִילִין – וְאָמַר רַב הוּנָא – And Rav Huna also said: שכח ונכנס בתפילין – If one forgot and entered a latrine with his tefillin on in order to defecate, מֵיָחַד יָדוֹ עָלֶיהָ עַד שִׁיגְמורוֹ – he should place his hand over [the tefillin]^[2] until he finishes.

The Gemara clarifies Rav Huna's statement:

דַּעְתָּךְ – עַד שִׁיגְמורוֹ סֵלֶקָא דַּעְתָּךְ – Does it enter your mind that one may remain in the latrine until he actually finishes?! Of course not. רַחֲמֵי – אֵלָּא כְּדָמַר רַב נַחֲמָן בַּר יִצְחָק – Rather, it is as Rav Nachman bar Yitzchak said: עַד שִׁיגְמורוֹ עֲמֹד רִאשׁוֹן – One may stay there until he completes the first discharge.

The Gemara wonders why one is permitted to remain in the latrine at all:

וְלִפְסוֹק לְאַתְרֵי וְלִיקוֹם – But let him interrupt immediately and arise from there! – ? –

The Gemara answers:

מִשּׁוּם דְּרַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל – It is necessary that he complete the first discharge on account of the teaching of Rabban Shimon ben Gamliel, דְּתַנִּין – for it was taught in a Baraisa: רַבֵּן שְׁמַעוֹן – RABBAN SHIMON BEN GAMLIEL SAYS: עֲמֹד – A FORCED-BACK DISCHARGE of excrement BRINGS A PERSON TO suffer from DROPSY,^[3] סֵלֶקָא – הַחֲזוֹר מִבֵּיא אֶת הָאֵדָם לִידֵי הַדְּרוֹקָן – and A FORCING-BACK of urine in the urinary DUCT BRINGS A PERSON TO suffer from JAUNDICE.

The Gemara continues to discuss the subject of reciting prayers in unclean situations:

אֶתְמַר – It has been stated: צוּאָה עַל בָּשָׂר – Where there is excrement on one's flesh אוֹ יָדוֹ מוֹנֶחֶת בְּבֵית הַבֶּסֶס – or one's hand is resting in the airspace of a latrine,^[4] – רַב הוּנָא אָמַר – Rav Huna said: מוֹתֵר לְקִרְיַת שְׁמַע – He is permitted to

recite the *Shema*. אָמַר – Rav Chisda said: אָסוּר לְקִרְיַת שְׁמַע – He is forbidden to recite the *Shema*.^[5]

The Gemara now explains these opinions:

אָמַר רַבָּא – What is Rav Huna's reason for ruling leniently? דְּכֻתִּיב – For it is written:^[6] "כָּל הַנְּשָׁמָה תְהַלֵּל יְהוָה" – All that breathe shall praise God.^[7]

The Gemara now explains the second opinion:

אָמַר – And Rav Chisda said: אָסוּר לְקִרְיַת שְׁמַע – He is forbidden to recite the *Shema* where there is excrement on his flesh, or his hand is extended into the airspace of a latrine. דְּכֻתִּיב – What is Rav Chisda's reason? – For it is written: "כָּל עֲצָמָי תֹאמַרְנָהּ מִי כָמוֹךָ" – All my limbs shall exclaim, "God, who is like You!"^[8]

The Gemara continues its discussion concerning prayer in unclean areas:

אֶתְמַר – It has been stated: רִיחַ רַע שִׁישׁ לוֹ עֵינָךְ – Concerning a putrid odor that has [i.e. emanates from] a tangible source,^[9] מִרְחִיק אַרְבַּע אַמּוֹת וְקוֹרָא קְרִיַּאת – Rav Huna said: One need only distance himself four *amos* from the source of the odor and may then recite the *Shema*.^[10] אָמַר – But Rav Chisda said: מִרְחִיק אַרְבַּע אַמּוֹת מִמָּקוֹם שֶׁפָּסַק הָרִיחַ וְקוֹרָא – One must distance himself four *amos* from the place where the odor has dissipated, and only then may he recite the *Shema*.^[11]

The Gemara adduces support for Rav Chisda's view:

אֶתְמַר – It was taught in a Baraisa in accordance with Rav Chisda: לֹא יִקְרָא אָדָם קְרִיַּאת שְׁמַע – ONE SHOULD NOT RECITE THE *SHEMA* in unclean situations – לֹא כִנְגֵד – NOT OPPOSITE HUMAN EXCREMENT,^[12] לֹא כִנְגֵד צוּאָה – NOT OPPOSITE DOG EXCREMENT,^[13] לֹא כִנְגֵד צוּאָת חֲזִירִים – NOT OPPOSITE SWINE EXCREMENT,^[14] לֹא כִנְגֵד צוּאָת תְּרַנְגוּלִים – NOT OPPOSITE CHICKEN EXCREMENT,^[14] אֶשְׁפָּה (צוּאָת) –

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1. See *Mishnah Berurah* 91:2; cf. *Ritva*. When praying [the *Shemoneh Esrei*] one must appear as if he is standing – in awe – before a king [hence, he must be properly dressed, since indeed he stands before the King of Kings]. The *Shema* recital, on the other hand, is not a direct communication with God (*Rashi*). For the law, after the fact, when one does not dress properly while praying, see *Orach Chaim* 91:2 with *Mishnah Berurah* and *Beur Halachah*.

2. It is logical to assume that the Gemara means the head tefillin, which are worn uncovered (*Sifsei Chachamim*; see above, 23a note 20).

3. This is a sickness that causes the stomach to swell (*Rashi*; see *Melo Ha'Roim*). See *Shabbos* 33a.

4. He inserted his hand through an opening in the wall of the latrine (*Rashi* here and to *Yoma* 30a; cf. text of *Rif*; see *Rabbeinu Yonah* and *Milchamos Hashem*).

5. We have seen previously (above 22b, 24b) that the *Shema* may not be recited in unclean places. In our Gemara's cases, however, the excrement on the flesh is covered and does not emit a foul odor, and the latrine is set apart by a partition, so that the area outside it is not rendered unfit for the recitation of prayers (*Rashba*, *Ritva*, *Rabbeinu Yonah*). Nevertheless, Rav Chisda rules stringently here for the reason stated below.

6. *Psalms* 150:6.

7. Literally: All souls shall praise God. Since Scripture refers to one who praises God as one "that breathes," Rav Huna infers that the action of praising God, or of performing any sacred recitation, involves the breathing organs (i.e. the nose and mouth) and no other limb (*Rashi*). Since in these cases the excrement was on one of the other limbs and the nose and mouth were not in the latrine, Rav Huna permits the *Shema* recital.

8. Ibid. 35:10. According to Rav Chisda, this verse indicates that the act of praying is performed with every limb of one's body. Therefore, if excrement is found on any part of the body, or if any part of the body is situated in an unclean place, prayer would then be emanating from an unclean place, and is thus forbidden.

9. E.g. malodorous excrement lying on the ground (*Rashi*).

10. He may do so even though the odor still reaches him, provided that its source is behind him so that he does not see it (*Rashi*; see note 17 below). The excrement, in this case, is exposed (*Rashba*). *Ritva*, however, says that the Gemara speaks of where the source of the odor is covered [even if it is in front of him]; see *Tzlach*. See *Rishonim* here for different versions of Rav Huna's statement.

The "place of a person" is defined as the four *amos* that surround him. Thus, by distancing oneself four *amos* from the putrid object, one has put it beyond "his place" [i.e. his "camp"; see 24b note 44], and he may therefore recite the *Shema* (*Pri Megadim*, cited by *Mishnah Berurah*, preface to *Orach Chaim* 79).

11. [Rav Chisda holds that foul odor does have the power to render an area unclean and thereby prevent one from reciting the *Shema* and other holy utterances there.] Whether Rav Chisda's prohibition is Biblical or Rabbinical is a matter of debate (see *Beur Halachah* to 79:1 אִמּוֹת רִיחַ – מִמָּקוֹם).

12. Human excrement, due to its pungent and enduring odor, is intrinsically repulsive and thus legally affects the surrounding area even if no odor emanates from it now (see *Rashi*; see following note).

13. According to this Baraisa, the odor that usually emanates from the excrement of dogs and pigs is more offensive and enduring than that of other animals (see *Rabbeinu Yonah*, *Mishnah Berurah* 79:24). Hence, these feces are legally equated to human excrement, in that they are intrinsically repulsive and one must distance himself from them even when they give off no odor. Excrement from other animals, however, must emit a strong unpleasant odor in order to affect the surrounding area, and even then Rav Chisda will concede that it is sufficient to distance oneself no further than the point where the odor dissipates (see *Orach Chaim* 79:5; *Magen Avraham* ibid §13).

14. *Tosafos* assert that this ruling applies only in the case of a chicken coop, where the stench is pungent due to the large concentration of excrement present there (see *Rabbeinu Yonah* and *Rosh*).

שְׂרִיחָה רַע – NOR OPPOSITE A TRASH HEAP WHOSE ODOR IS PUTRID.^[15] – וְאִם הָיָה מְקוֹם גְּבוּהָ עֲשָׂרָה טַפָּחִים – BUT IF [ANY OF THE ABOVE] WAS SITUATED IN A PLACE TEN *TEFACHIM* HIGH [i.e. higher than his position] – אוּ נִמְנָח עֲשָׂרָה טַפָּחִים – OR TEN *TEFACHIM* LOW [i.e. lower than his position], – יוֹשֵׁב בְּצִדוֹ וְקוֹרֵא קְרִיאַת שְׁמַע – HE MAY SIT ALONGSIDE [THAT PLACE] AND RECITE THE *SHEMA*, since the excrement is considered to be in a separate domain.^[16] – וְאִם – AND IF the excrement is NOT located ten *tefachim* above or below his position, – מִרְחִיק מִלֵּא עֵינָיו – HE MUST DISTANCE himself FROM it to a point where it is no longer WITHIN EYESIGHT, and only then may he recite the *Shema*.^[17] – וְכֵן לְתַפְלָה – AND SO IS the law FOR the *Shemoneh Esrei* PRAYER.^[18]

The Baraisa to this point has discussed the law for excrement from which no odor reaches him. The Baraisa now concludes:

– רִיחַ רַע שֶׁיֵּשׁ לוֹ עֵינָק – And in the case of A PUTRID ODOR THAT HAS [i.e. emanates from] A TANGIBLE SOURCE, – מִרְחִיק אַרְבַּע אַמּוֹת – ONE MUST DISTANCE himself FOUR AMOS FROM THE PLACE where THE ODOR has dissipated AND only then MAY HE RECITE THE *SHEMA*. This final statement of the Baraisa corresponds with Rav Chisda's view.

The Gemara presents a dissenting opinion regarding one statement in the aforementioned Baraisa:

לֵית הִלְכָתָא בִּי הָא מִתְּנִיתָא (בבלי הני) – אמר רבא – אמר רבא – The law is not in accord with this aforementioned Baraisa,^[19] – אֲלָא בִּי הָא דְרַבָּנָא – but with this other Baraisa, which states: – לֹא יִקְרָא אָדָם קְרִיאַת שְׁמַע – ONE SHOULD NOT RECITE THE *SHEMA* in unclean situations – לֹא כִנְגַד צוֹאֵת אָדָם – NOR OPPOSITE HUMAN EXCREMENT, – וְלֹא כִנְגַד צוֹאֵת חֲזִירִים – NOR OPPOSITE SWINE EXCREMENT, – וְלֹא כִנְגַד צוֹאֵת בְּלָבִים – NOR OPPOSITE DOG EXCREMENT; – וּבְזִמְנָן שְׁנָתָן עוֹרוֹת לְחוּכָן – and these prohibitions apply only WHEN ONE PLACED HIDES IN THEM for tanning purposes.^[20] However, if no hides were placed in them, one is permitted to recite the *Shema*, since in the absence of hides these

excrements do not emit so foul an odor.^[21]

The Gemara now discusses the subject of odors that do not emanate from a tangible source:

– רִיחַ רַע – They inquired of Rav Sheishess: – שֶׁתְּ – What is [the law] regarding a putrid odor that does not have a tangible source [viz. flatulence]? Is one required to distance himself from such an odor in order to recite sacred texts? – אָמַר לְהוּ – [Rav Sheishess] said to them in reply: – אָנוּ חֲנוּי הֵינֵינוּ – Come and see these mats at the study hall.^[22] – דְּבִי רַב – While these students are dozing,^[23] others are allowed to study Torah, even though it is normal for a sleeping person to pass wind. From here we see that studying Torah is permitted in the presence of a foul odor emanating from an intangible source.

The Gemara elucidates and qualifies this conclusion:

– וְהֵינֵינוּ מִלֵּי בְּדִבְרֵי תוֹרָה – And this ruling, which allows holy utterances in the presence of a foul odor emanating from an intangible source, applies to Torah study^[24] – אֲבָל בְּקְרִיאַת שְׁמַע – but not to the recital of *Shema*.^[25] – וְדְּבִרֵי תוֹרָה נִמְי – And regarding uttering words of Torah as well, – לֹא אִמְרָן אֲלָא – we have stated the leniency only in the case of one's fellow's flatulence; – אֲבָל דִּידֵיהּ לֹא – however, in the case of one's own flatulence, even Torah study is not allowed.^[26]

Further discussion of the subject of reciting the *Shema* in unclean situations:

– עוֹבֶרֶת – In a case of passing excrement,^[27] – אָבַי אָמַר – Abaye said: – מוֹתֵר לְקְרִיאַת שְׁמַע – One is permitted to recite the *Shema*.^[28] – רַבָּא אָמַר – Rava said: – אָסוּר לְקְרִיאַת שְׁמַע – One is forbidden to recite the *Shema*.

Abaye cites a source for his opinion:

– מִנָּה אֲמִינָא לֵה – From where do I know to say this?^[29] – דִּתֵּנָן – It is as we learned in a

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15. Our translation follows *Gra's* emendation, which deletes the word צוֹאֵת. Indeed, the halachah is that a trash heap whose odor is putrid is treated the same as human excrement even if it is certain that it contains no excrement (*Mishnah Berurah* 79:29 and *Beur Halachah* ibid.; cf. *Piskei Riaz* and *Beis Yosef* 79).

16. See *Shabbos* 6a. See also *Magen Avraham* 79:5 and *Taz* ibid. §3 as to whether the resting place of the excrement must be four *tefachim* wide.

17. For it is forbidden to recite the *Shema* within sight of excrement. *Deuteronomy* 23:15, which contains the prohibition against praying in unclean places, concludes: וְלֹא יִרְאֶה בְּךָ עֶרְוַת דָּבָר, and He shall not see in you a matter of nakedness. The Rabbis derive from here that prayer and all holy utterances are prohibited where carnality can be seen. *Rashba* states that, in addition, this phrase relates back to the beginning of the verse (your camp shall be holy), thus indicating in regard to excrement too that as long as it is visible one is forbidden to pray. Hence, when excrement is located to the rear or side (i.e. beyond one's peripheral vision), one need only distance himself four *amos* from the excrement. Similarly, if the excrement is within his surrounding four *amos* but resting on an area ten *tefachim* high or ten *tefachim* deep, it is regarded as being not readily visible, and so he may pray there, as it is in a separate domain. However, when the excrement is in front of him and he cannot avoid it by turning his body, then he must distance himself until the excrement is no longer visible. The above rules apply when the excrement is uncovered. However, when it is covered, even with a transparent covering (see Gemara below, 25b), the excrement does not affect the surrounding area, since it is self-contained. This is indicated by verses 14 and 15 in the *Deuteronomy* passage: וְכָסִיתָ אֶת צֹאֲתְךָ... נְקִיטָה קְדוֹשָׁה, You shall cover your excrement... so your camp shall be holy. That is, covering the excrement preserves the sanctity of the camp even if the excrement is still visible (see also *Rashbatz*, *Meiri* and *Re'ah*, who have similar explanations).

Rosh (3:46) disputes *Rashba's* interpretation and maintains that the visibility of excrement per se does not prohibit the recitation of prayers. See there for his elucidation of the Baraisa.

18. I.e. the same rules for distancing oneself from excrement apply when praying the *Shemoneh Esrei* (see *Orach Chaim* 90:26).

19. Rava refers to the Baraisa's absolute prohibition against reciting the *Shema* in the presence of dog and swine excrement (*Rashi*). See *Tosafos* et al.

20. In Mishnaic times it was customary to place hides into a pit containing the excrement of dogs and swine as part of the tanning process (see *Rashi* to *Chagigah* 4a המקמץ, and *Yalkut Shimoni* 187 cited by *Gilyon HaShas*; see also *Sifsei Chachamim*). The mixture of the hides and excrement produced a very putrid odor, and only under those circumstances does the presence of dog and swine excrement take on the malodorousness of human excrement and proscribe the recitation of the *Shema*. Human excrement was never used in the tanning process, and the Baraisa must therefore mean that it affects its surroundings even without the presence of hides (see *Rashi*).

21. See *Orach Chaim* 79:4 with *Mishnah Berurah* and *Beur Halachah*.

22. The study hall in those days was equipped with mats, upon which the students sat and learned (*Rashi*; see *Hagahos Yavetz* to *Moed Katan* 16b).

23. See *Gevuras Ari* to *Taanis* 20b regarding sleeping in the study hall. See also *Megadim Chadashim* here.

24. Otherwise, learning in a study hall setting would be impossible, since inevitably one of the dozing students will pass wind (*Rashi*, *Orach Chaim* 79:9).

25. One can easily leave the room to recite the *Shema* (*Rashi*).

26. One must wait until the odor dissipates (*Rashi*).

27. I.e. a person carrying a vessel of excrement was passing by (*Rashi*).

28. I.e. one need not interrupt his recital (*Rashi*) when the vessel actually passes before him or enters his four-*amos* space (*Taz* 76:2; see *Sifsei Chachamim* here).

29. How do I know that passing excrement does not affect the surrounding area as stationary excrement does?

the two verses? **בָּאֵן בְּגִדוֹלִים** – We must say that here in the second verse we are dealing with excrement,^[45] and we are taught that it must be covered outside the camp since sometimes people hold Torah discussions while walking there.^[46] **בָּאֵן בְּקִטְנִים** – And here in the first verse we are dealing with urine, and we are taught that urine need not be covered outside the camp.^[47] **אֵלֶּמָּה** – Thus, we see from the fact that urine need not be covered – **כִּטְנִים לֹא אֶסְרָה תוֹרָה אֵלָּא בְּנֶגֶד עֲמוּד בְּלִבְדֵּר** – that the Torah did not prohibit the recital of holy matters in the presence of urine except opposite the stream alone.^[48]

Having established Rav Hammuna's ruling through R' Yonasan's elucidation of the two verses, we now use that ruling to explain the lenient treatment of urine in Rav Yehudah's statement:

הָא נָפֹל לְאַרְעָא – But, by implication, if [the urine] has already fallen to the ground, **שָׁרִי** – it is Biblically permitted to pray in its presence,^[49] **וְרַבֵּנָן הוּא דְנָגְרוּ בְהוּ** – and it is the Rabbis who decreed on it a prohibition against doing so. **וְכִי נָגְרוּ בְהוּ** – And when did the Rabbis decree this prohibition on it? **בְּדִיּוּקָא** – In cases of certainty as to [the urine's] presence. **בְּקִפְקָא** – However, in cases of doubt as to its presence, they did not decree a prohibition.^[50] Praying before excrement, on the other hand, is Biblically prohibited, and therefore when in doubt as to its presence one must take the stringent path and refrain from the recital of the *Shema* and *Shemoneh Esrei*.^[51]

The Gemara further discusses urine as an impediment to prayer:

וְיִבְדְּאָן – And in cases of certainty as to [urine's] presence, **עַד כַּמָּה** – how long can urine remain on the ground and still prevent the recitation of prayer in its vicinity? **אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל** – Rav Yehudah said in the name of Shmuel: **כָּל זֶמַן שֶׁמִּטְפִּיחִין** – As long as it remains damp enough to moisten anything that touches it. **וְכֵן אָמַר רַבָּה בַּר בַּר חֲנָנִי אָמַר רַבִּי יוֹחָנָן** – And so said Rabbah bar bar Chanah in the name of R' Yochanan: **כָּל זֶמַן שֶׁמִּטְפִּיחִין** – As long as it remains damp enough to moisten anything that touches it. **וְכֵן אָמַר עוּלָא בְּלִי זֶמַן שֶׁמִּטְפִּיחִין** – And so said Ulla: As long as it remains damp enough to moisten anything that touches it.

The Gemara presents a dissenting view:

גֵּנִיבָא מִשְׁמִיָּה דְרַב אָמַר – Geniva^[52] said in the name of Rav: **כָּל זֶמַן שֶׁרְשׁוּמִין נִיבָר** – The presence of urine prevents prayer as long

as its trace on the ground is discernible.^[53]

The Gemara objects to Geniva's view:

שָׂרָא לִיה מְרִיָּה לְגִיבָא – May his Master forgive Geniva!^[54] **הֲשַׁמָּא צוּאָה אָמַר רַב יְהוּדָה אָמַר רַב** – Now if even concerning excrement Rav Yehudah has said in the name of Rav **כִּינִין שְׁקִרְמוּ פְּנִיָּה מוֹתָר** – that once its surface has become crusted one is permitted to pray in its vicinity; **מִי רַגְלִים מִיבְּעִיָּא** – can there be any question that once urine loses its ability to moisten, praying in its presence is permitted?^[55] – ? –

The Gemara defends Geniva's opinion:

מֵאִי חֲוִית דְּסִמְכַת אָהָא – Abaye said to [Rav Yosef]: **אָמַר לִיה אָבַי** – What did you see that you rely on this statement attributed to Rav? **קִמּוּךְ אָהָא** – Rely instead on this following statement attributed to Rav, and hence avoid the difficulty posed to Geniva's opinion. **דְּאָמַר רַבָּה בַּר רַב הוּנָא אָמַר רַב** – For Rabbah the son of Rav Huna said in the name of Rav: **צוּאָה אֶפִּילוּ דְחֶרֶס אֶסוּרָה** – Excrement even brittle like earthenware is prohibited. Here Rav is said to hold that excrement prohibits prayer until very late in its drying period. This is compatible with Geniva stating that urine prohibits prayer until its trace vanishes, which coincides with its evaporation.

The Gemara inquires as to the degree of dryness implied by "brittle as earthenware":

וְהִיכִי צוּאָה בְּחֶרֶס אֶסוּרָה – And what is a case of excrement as brittle as earthenware?

The Gemara answers:

אָמַר רַבָּה בַּר בַּר חֲנָנִי אָמַר רַבִּי יוֹחָנָן – Rabbah bar bar Chanah said in the name of R' Yochanan: **כָּל זֶמַן שֶׁוּרְקָה וְאִינָה נִפְרָקָה** – As long as one can throw it and it does not crumble,^[56] due to the little moisture it still retains, the excrement is considered "brittle as earthenware" and still prohibits praying in its presence. However, if it does crumble when thrown, the excrement is considered mere dust, and one is permitted to pray in its vicinity.

Another version of R' Yochanan's statement:

וְאִיבָא דְאָמַרִי – There are those who say that R' Yochanan explained as follows: **כָּל זֶמַן שֶׁגוֹלְלָה וְאִינָה נִפְרָקָה** – As long as one can roll it and it does not crumble, due to the little moisture it still retains, the excrement is considered "brittle as earthenware." However, if it does crumble when being rolled, it is considered mere dust, and one is permitted to pray in its vicinity.^[57]

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45. Literally: large ones (waste).

46. *Rabbeinu Yonah*.

47. Since discussing Torah is permitted in the presence of urine lying on the ground (*ibid.*).

48. And for that reason urinating was prohibited inside the camp, since Torah study occurred there constantly (*ibid.*).

49. From here it would seem that under Biblical law one is permitted to pray in the presence of urine only once it is on the ground not when droplets are still falling after the stream has subsided. See, however, *Rosh* (§23), who maintains that dripping urine is not the equivalent of a stream, and one is Biblically permitted to pray in its presence (see *Meromei Sadeh* and *Sheleimah Mishnaso*). See *Mishnah Berurah* 76:27.

50. The Gemara here is unusually verbose, since it could have simply stated the principle **לְקוּלָא שְׁפָק דְּרַבֵּנָן**, a doubtful case of Rabbinic law (is decided) leniently. For the import of the Gemara's wording, see *Maggid Taalumah* (cited by *Beis Yosef al Berachos*), *Sheleimah Mishnaso*, *Chidushei Maharam Banet* and *Chadashim Gam Yeshanim*.

51. For here we apply the principal **לְחֻמְרָא לְחֻמְרָא**, a doubtful case of Biblical law (is decided) stringently.

52. See Schottenstein Edition of *Gittin* 7a note 4.

53. This is a more stringent view than that held by the three Amoraim above, since the trace remains long after the urine loses

its ability to moisten objects.

54. That is to say: May God forgive Geniva for making this false statement in the name of Rav (*Rashi*) [for the Gemara will proceed to refute Geniva's statement from Rav's own words].

55. Since, as mentioned above, praying in the vicinity of excrement is Biblically prohibited, while praying in the vicinity of urine is only Rabbinically proscribed, it follows that urine's prohibitory period is at least as short as excrement's. Now, since Rav held that the mere encrusting of excrement terminates its prohibitory power [even though the excrement retains most of its moisture], then certainly a mere trace of urine, which contains hardly any moisture, can have no prohibitory power.

56. Even if it breaks into two or three pieces (*Kesef Mishneh*, *Hilchos Krias Shema* 3:7).

57. This version is more stringent than the preceding one, for it holds that even if the excrement is so dry that it would crumble when thrown, it nonetheless retains its status as excrement since it would not crumble when being rolled (*Rashi*). [See, however, *Rabbeinu Yonah*, who asserts that the first opinion is more stringent and that excrement would crumble sooner upon being rolled than upon being thrown. *Chidushei Anshei Shem* finds difficulty in understanding how excrement would not crumble upon being thrown, yet would crumble upon being rolled. See *Perishah* (82:2) for a discussion of the two opinions.]

The Gemara reports a related incident:

הָיָה קְאִימָא קְמִיָּה דְּרַב יְהוּדָה מִדִּפְתִּי – Ravina said: אָמַר רַבִּינָא – I was once standing before Rav Yehudah from Difti – הָיָה צוֹאָה – when he spotted excrement lying in the vicinity. אָמַר לִי – [Rav Yehudah] said to me: עֵינֵי אֵי קָרְמוֹ פְּנִיָּה אֵי לֹא – See whether its surface has crusted or not.

Another version of Rav Yehudah's remark:

אֵיבָא דְאַמְרֵי דְּרַבִּי אָמַר לִיה – There are those who say that עֵינֵי אֵי מְפֻלָּא – [Rav Yehudah said thus to [Ravina]: אָפְלוּי – See whether [the excrement] has developed cracks.^[58]

The Gemara inquires:

מָאי הָוֵי עֲלֶיהָ – What is the conclusion of this matter? I.e. when do urine and excrement lose their prohibitive powers?^[59]

The Gemara answers:

אָמַר – It was stated: צוֹאָה בְּהָרֵס – With regard to excrement that is brittle as earthenware, אָמַר אֲסוּרָה – Ameimar said that it is prohibited (i.e. one may not pray in its presence). בִּרְיָא דְּמַר זוּטְרָא – But Mar Zutra said that it is not prohibited; hence, one may indeed pray in its presence. אָמַר רַבָּא – And Rava said in deciding the matter: הֲלֵכְתָּא – The law is that צוֹאָה בְּהָרֵס אֲסוּרָה – excrement brittle as earthenware is prohibited; וְיָמֵי רִגְלִים – and urine prohibits prayer – כָּל זֶמֶן שֶׁמְטִיחִין – as long as it remains damp enough to moisten anything that touches it.^[60]

The Gemara challenges Rava's ruling on urine:

מִי תִּיבִי – They challenged this from the following Baraisa: מִי – AS LONG AS IT remains damp enough to MOISTEN anything that touches it, IT IS PROHIBITED. נִבְלָעוּ אוֹ יִבְשׁוּ מוֹתְרִים – However, once IT IS ABSORBED into the ground OR EVAPORATES,^[61] IT IS NOT PROHIBITED. מָאי לֹא נִבְלָעוּ דוֹמִיָּא דְּיָבֵשׁוּ – Now, what are the circumstances here? Is it not that the case of absorbed [urine] is analogous to the case of evaporated [urine]? מַה יִּבְשׁוּ דְּאֵין – That is to say, just as regarding evaporated [urine] the Baraisa speaks of where its trace is not discernible, so too, regarding absorbed [urine], the Baraisa speaks of where its trace is not discernible; and in both cases praying is permitted.

The Gemara deduces:

מִי תִּיבִי – From this we may infer that where the [urine's] trace is discernible, one would be forbidden to pray in its vicinity – אָף עַל גִּבְ דְּאֵין מְטִיחִין – even though it is not damp enough to moisten anything that touches it. The Baraisa thus contradicts Rava's ruling, which permitted prayer in the

vicinity of urine that was not damp enough to moisten anything that touched it. – ? –

The Gemara defuses the challenge:

בִּלְטַעְמִיךָ – But according to your reasoning (that the second part of the Baraisa implies that a discernible trace of urine prohibits prayer), אֵימָא רִישָׁא – consider the first part of the Baraisa, which states that כָּל זֶמֶן שֶׁמְטִיחִין הוּא דְּאֲסוּר – it is only AS LONG AS [THE URINE] remains damp enough to MOISTEN anything that touches it that prayer is forbidden. הָא רִשּׁוֹנָא – This statement implies that where, however, the urine has been somewhat absorbed or evaporated and its trace is still discernible, [praying] is nevertheless permissible. The implication of the first part contradicts the implication of the second!

The Gemara thus concludes:

אֵלָּא מַהָּא לִיבָא לְמַשְׁמַע מִיָּנָה – Rather, one cannot infer a proof or disproof of Rava's ruling from this Baraisa.^[62]

The Gemara considers whether the case of a discernible trace of urine was debated by Tannaim:

לֵימָא בְּתַנְיָא – Shall we say that this question of a discernible trace's prohibitive power is like the following dispute between Tannaim? For we have learned in a Baraisa: כָּלִי שֶׁנִּשְׁפָּכוּ מִמֶּנּוּ מִי – Regarding A VESSEL FROM WHICH URINE WAS SPILLED, אֲסוּר לְקִרְוֹת קְרִיאת שְׁמַע בְּגִנְזוֹ – ONE IS FORBIDDEN TO RECITE THE SHEMA OPPOSITE IT.^[63] וְיָמֵי רִגְלִים עֲצֻמָּן שֶׁנִּשְׁפָּכוּ – AND regarding URINE ITSELF THAT SPILLED – נִבְלָעוּ מוֹתְרָא – IF IT IS ABSORBED into the ground, ONE IS PERMITTED to pray in its vicinity; לֹא – but IF IT IS NOT ABSORBED, ONE IS FORBIDDEN to pray in its vicinity. רַבִּי יוֹסִי אָמַר – R' YOSE SAYS: כָּל זֶמֶן שֶׁמְטִיחִין – AS LONG AS [THE URINE] remains damp enough to MOISTEN anything that touches it, one is forbidden to pray in its vicinity. However, urine of a lesser degree of moisture, even though its trace is discernible, cannot prohibit prayer.

The Gemara analyzes the debate:

מָאי נִבְלָעוּ וּמָאי לֹא נִבְלָעוּ דְּקָאֻר תַּנָּא קָמָא – What, precisely, are the conditions of "it is absorbed" and "it is not absorbed," which the Tanna Kamma mentioned as determining whether the urine retains its prohibitive power? אֵילִימָא נִבְלָעוּ דְּאֵין – If we say that "it is absorbed" means that [the urine] can no longer moisten anything that touches it,^[64] לֹא – and that "it is not absorbed" means that the urine is sufficiently damp that it does moisten anything that touches it (and only then does the urine retain its prohibitive power); וְאֵתָּא רַבִּי יוֹסִי לְמִמֶּר – and then in reaction to this R' Yose comes to say that כָּל זֶמֶן שֶׁמְטִיחִין הוּא דְּאֲסוּר – it is only

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58. If so, it is considered dry and one may pray in its vicinity (*Rashi*).

According to *Raavad* (cited by *Rashba*), this level of dryness is identical to the level mentioned above, where the excrement will crumble upon being rolled. According to *Rabbeinu Chananel* (cited in *Or Zarua*) and *Aruch* (*Erech*), this level is where the excrement contains more moisture than the level characterized as "excrement as dry as earthenware." See *Einayim LaMishpat*.

59. Although *Rashi* explicitly states that the Gemara's query concerns only urine, our elucidation follows *Maharsha*, who states that *Rashi* had a different text of the Gemara's response to this inquiry (see there). Our elucidation of the query, however, is consistent with the response in our text (see also *Tzlach*).

60. Although, as the Gemara implied before, the level of dryness for urine corresponding to "excrement as dry as earthenware" would be "urine whose trace is discernible," Rava rules leniently in the case of urine, inasmuch as the prohibition against praying in its vicinity is only Rabbinic in nature (see *Or Sameach* to *Hil. Tefillah* 4:6).

61. For instance, the urine was lying on a non-absorbent surface such as stone, and the sun evaporated it (*Rashi*).

62. Clearly, both parts of this Baraisa cannot be interpreted precisely, since their implications are contradictory. Rather, one of the statements and its implication is intended, and the other statement is phrased as it is for stylistic symmetry. Since we do not know which is the precise statement, we are unable to draw any conclusions (see *Rashi* to *Shabbos* 121a לִיבָא מַהָּא לִיבָא).

63. *Rashba* and *Ritva* (below, 25b) explain that the Baraisa speaks of a vessel that is normally used to hold urine. Hence, even when the vessel is empty, reciting the *Shema* in its vicinity is prohibited on account of the vessel's inherently putrid nature. Otherwise, one could pour water into the vessel and then be allowed to recite the *Shema*, as the Gemara will state below, 25b (see also *Chidushei Maharam Banet*; cf. *Rashbatz*).

64. But its trace is discernible, and nevertheless the Tanna Kamma permits prayer in its vicinity.

as long as [the urine] remains damp enough to moisten anything that touches it that one is forbidden to pray in its vicinity, **הא רשומן ניכר שרי** – which implies that if the urine is not that damp, even though its trace is discernible, one is permitted to pray in its vicinity – this cannot be! **היינו תנא קמא** – For according to this interpretation of the Baraisa, [R' Yose's opinion] is the same as that expressed by the Tanna Kamma!⁶⁵ **אֵלָא נִבְלָעוּ דָּאִין רְשֻׁמֵּן נִיכָר** – Rather, we must say that the case of “it is absorbed” is where the urine became so absorbed that its trace is not discernible. Only under these circumstances may one pray in its vicinity according to the Tanna Kamma. **לֹא נִבְלָעוּ דְרְשֻׁמֵּן נִיכָר** – Accordingly, “it is not absorbed” means that its trace is discernible. According to the Tanna Kamma, this is a dampness sufficient to prohibit praying. **וְאַתָּא רַבִּי יוֹסֵי לְמִימַר** – And in reaction to this R' Yose comes to say that **כָּל זְמַן שֶׁמִּטְפִּיחִין הוּא דְאִסּוּר** – it is

only as long as [the urine] remains damp enough to moisten anything it touches that one is forbidden to pray in its vicinity, **הא רשומן ניכר שרי** – which implies that if the urine is not that damp, even though its trace is discernible, one is nonetheless permitted to pray. Thus, the question of whether a discernible trace of urine can prohibit prayer is the subject of a Tannaic debate: The Tanna Kamma holds that it can, while R' Yose holds that it cannot.

The Gemara rejects this explanation of the dispute:

דְּכוּלִי עֲלָמָא כָּל זְמַן שֶׁמִּטְפִּיחִין הוּא דְאִסּוּר – This is not correct; **לֹא** – rather according to everyone (i.e. the Tanna Kamma and R' Yose) it is only as long as [the urine] remains damp enough to moisten anything it touches that one is forbidden to pray in its vicinity. **הא רשומן ניכר שרי** – But if the urine is not that damp, even though its trace is discernible, one is permitted to pray there.

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65. According to this interpretation of “it is absorbed” and “it is not absorbed,” both the Tanna Kamma and R' Yose hold that urine does

not proscribe prayer if it cannot moisten anything that touches it – even though its trace remains discernible.

א. חַיִּימָה. חֵן בָּנִי עַל מַחֲלֵה הַלְּפִימִית
 ב. סַחֲמָה בְּן אֲלִיעֶזֶר. וְהַכֹּלֵה כְּמוֹתוֹ:
 ג. מִן עַד הַחֲמֹה אֶל־לֵב עַל שֵׁם
 ד. עֲרֹה. קִסְדִּי כֹל אֲבֵר שְׁאִין דְּרֵשׁ לִירֵאָה
 ה. הַכְרוֹה [וְרֹאשׁ] חֹרֶשׁ בְּשֵׁם
 ו. חֲמוֹה כְּמוֹתוֹ קִרְיִן בָּנִי וְלֹא יִרְאָה
 ז. עֲרוֹת דָּבָר: לֹא נִתְּנָה חֲמוֹה
 ח. לְמַלְאכֵי הַתֵּרָה. שְׁאִין לֵהֵם עֲרוֹה עַל
 ט. כְּמוֹת שֵׁם עֲרוֹה וְחֵן אֵלֵינוּ
 י. לְהַשְׁמֵר מִכֹּל זֶה: (כַּל שְׂמֹא. מַעֲשֵׂה:
 כ. בְּרוֹק. רוֹקֵק עֲלֵיהֶם וְהִכְסֵה חֹרֶשׁ
 כ. בְּעֶשְׂתִּית. לְנִטְרִירָא בְּלִטּוֹ
 ד. לְמוֹר מַחֲלֵה וְזִכְרִיהָ אוֹ קֶלֶף דֶּק
 ה. מַפְסָק בְּתֵמִים וְהִיא נִרְאָה: בְּכִסּוֹ
 ו. חֲלָלִים מִחֲלָלִים וְכִסּוֹת אֶת הַלְּפִימִית
 ז. הָרֵעִים. כְּמוֹתוֹ: * מִי הַתֵּקֶרֶה.

שְׁמֵרִים שֶׁם הַשָּׁמַיִם וְהַקְּבוֹצוֹת וְהַסְּמִיכוֹת
מִסְרִיחִים וְכֵּן מֵיֵד רָמִי וְאֵלֶּי
כֵּן יִשְׁלַךְ לְחוּסֵם הַלֵּל
מִרְדּוּיֵן הַסִּי וְאֵי גִרְלֵם . מוֹעֲמִין
וְהַסִּי בְּכָל הַיּוֹם כֵּן לְקִרְוֵת ק' שֶׁאֵלֶּם
בְּלִפְנֵי . שְׁמִי גִרְלֵם בְּכָל חַי הַסִּי
לְחוּסֵם מִיֵּם בְּהֵרֵף קֶמֶר ר' וְאֵי
רְבִיעִית : אֲבָל בְּלִפְנֵי . שְׁמִי
הַיֵּם לְמִי גִרְלֵם דְּבָרֵי הַלֵּל כֵּן שֶׁאֵלֶּם
שֶׁשְׁמִי מִי גִרְלֵם בְּכָל לִפְנֵי
רֶאשׁוֹן רֶאשׁוֹן שְׁמִי לְחוּסֵם הַיֵּם
מִכְבֵּל וְאֵלֶּם עַתָּה שֶׁ רְבִיעִית וְהַלֵּל
כֵּן בְּכָל : אֵיחִי לִי בְּיַחֲסָא . אֵי
בְּחַלְהָ : גִּרְוֹעִי . שְׁמִי כֵּן
חֵרֵם שֶׁ אֵלֶּם כֵּן רֵעִי קִרְוֵת גִּרְוֹעִי
מִי גִרְלֵם לְמִי חֵרֵם : אֵיחִי רֶאשׁוֹן

[illegible][illegible]

וְהָיָה בְּטוֹפֵחַ עַל מְנַח לְהִטְפִּיחַ אִיכָּא בִּינְיָהוּ – And here the question of whether urine, in order to be prohibitive, must be able to moisten one thing so that that thing is able to moisten something else is at issue between [the Tanna Kamma and R' Yose].^[1] Hence, the prohibitive power of a discernible trace of urine is not the subject of their debate.

The Gemara now turns to the part of the Mishnah that states: **וְיָרַד לְטָבֹל אִם יוֹבֵל לְעֹלֹת כּוּ** – If HE DESCENDED TO IMMERSE HIMSELF in the mikveh and the time to recite Shema arrived, IF HE IS ABLE TO ASCEND etc. [from the mikveh and cover himself and recite Shema before the sun rises, he should do so; and if he is unable to do so, then he should cover himself with the water and recite Shema].

The Gemara considers whether this Mishnah assumes the premise that the morning Shema may be recited only until sunrise:

לֵימָא הִנָּה סְתָמָא בְּרַבִּי אֱלִיעֶזֶר – Shall we say that [Rebbi] has taught here an anonymous ruling in accordance with the opinion of R' Eliezer, **דְּאָמַר עַד הַנֶּחֱסָה** – who says that the morning Shema may be recited only until sunrise?^[2]

The Gemara concludes:

אָפִילוּ תִּימָא רַבִּי יְהוֹשֻׁעַ – You can even say that our Mishnah accords with R' Yehoshua, who says that the morning Shema may be recited until the end of three hours, **וְדִלְמָא בְּהִיָּקִין** – as our Mishnah perhaps refers to one who conducts himself like the devoted ones.^[3] **דְּאָמַר רַבִּי יוֹחָנָן** – For R' Yochanan said: **וְנִתְיָקִין הֵי גּוֹמְרִין אוֹתָהּ עִם הַנֶּחֱסָה** – The devoted ones would finish [the recitation of Shema] with the rising of the sun.^[4]

The Gemara now focuses on the Mishnah's statement:

וְאִם לֹא יִתְבַּסֵּה בְּמֵימַי וְיִקְרָא – AND IF he does NOT have time to leave

the mikveh, clothe himself and recite Shema before sunrise, then HE SHOULD COVER HIMSELF WITH THE WATER AND RECITE the Shema.

The Gemara asks:

וְהָרִי לְבוּ רֹאֶה אֶת הָעֶרְוָה – But his heart “sees” the nakedness.^[5] How, then, can he recite the Shema?

The Gemara answers:

אָמַר רַבִּי אֱלִיעֶזֶר – R' Elazar said, **בְּרַבִּי אַחָא בְּרַבִּי אַחָא** – and others say that it was R' Acha bar Abba bar Acha who said it, **בְּשֵׁם רַבִּינוּ** – in the name of our master:^[6] **בְּמֵימַי** – The Mishnah refers to cloudy waters,^[7] **בְּרִגְלוֹ** – which are deemed to be similar to thick ground, **שֶׁלֹּא יִרְאֶה לְבוּ עֶרְוָתוֹ** – so that it is considered that his heart does not see his nakedness.^[8]

The Gemara cites a relevant Baraisa:

תָּנוּ רַבָּנֵינוּ – The Rabbis taught in a Baraisa: **וְיָשָׁב בְּהֶן עַד צְנִירוֹ וְקִירָא** – HE MAY SIT IN THEM UP TO HIS NECK AND RECITE the Shema. **וְיִשַׁח אֶמְרֵיהֶם עִוְכָרִין** – BUT OTHERS SAY THAT HE MUST first CLOUD [THE WATERS] by churning WITH HIS FEET.^[9]

The Gemara asks:

וְתִימָא קָמָא – But how does the Tanna Kamma allow him to recite the Shema without first clouding the water? **וְהָרִי לְבוּ רֹאֶה אֶת הָעֶרְוָה** – Why, his heart sees the nakedness, since both are submerged in the water in which he sits “up to his neck”! – ? –

The Gemara answers:

הֵי לְבוּ רֹאֶה אֶת הָעֶרְוָה מִזְמַר – He [the Tanna Kamma] holds that reciting Shema while one's heart sees the nakedness is permitted.

The Gemara asks:

וְהָרִי עֲקֹב רֹאֶה אֶת הָעֶרְוָה – But still, how can the Tanna Kamma

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1. This degree of dampness is greater than what was mentioned heretofore, and in the Tanna Kamma's view urine prohibits prayer only when it possesses such a degree of dampness. Hence, according to the Tanna Kamma, the phrase “if it is not absorbed” alludes to this greater level of dampness. R' Yose, on the other hand, adopts a more stringent position, holding that urine is prohibitive so long as it remains damp enough to moisten one thing, even if that object is not damp enough to moisten a second object (*Rashi*; cf. *Rambam, Hil. Krias Shema* 3:7; see *Kesef Mishneh* there). See *Orach Chaim* 82:2 with *Mishnah Berurah*.

2. The Mishnah above (9b) records a dispute regarding the latest time for reciting the morning Shema. R' Eliezer states that it may be recited only until sunrise, whereas R' Yehoshua rules that it may be recited until the end of the third hour of the day. Now, our present, anonymous Mishnah (22b) seems to reflect the view of R' Eliezer, since it dictates the non-preferred method of covering oneself by submerging in water in order to recite the Shema before sunrise. [This method is not preferred, as evidenced by the fact that if one has time to leave the water and dress before reciting Shema, he must do so.] And if Rebbi [the redactor of the Mishnah] has indeed formulated this anonymous Mishnah in accordance with R' Eliezer's view, then it would emerge that the halachah follows R' Eliezer [in keeping with the rule that the halachah follows an anonymous Mishnah that follows one side of a dispute recorded earlier in another Mishnah] (see *Rashi*; see also *Chidushei Maharam Banet*).

3. The “devoted ones” (*vasikin*) are especially scrupulous in their performance of mitzvot – see above, 9b, and note 34 there.

4. R' Yehoshua agrees that the *vasikin* recite Shema with the rising of the sun, and our Mishnah refers to one who has this scrupulous practice. The Mishnah therefore allows him to submerge his lower body in water and recite the Shema before sunrise. For the general population, however, Shema can be recited until the end of the third hour (see *Rashi*; see also *Tosafot* to 9b בְּחִיָּקִין לִי־רִי).

[It seems from the comments of some Rishonim that the permit mentioned here applies to any person who presently has the opportunity to follow the practice of the *vasikin*, which is the optimal one, even if this is not his usual practice (see *Rambam, Hil. Krias Shema* 2:7, *Meiri* and

Rabbeinu Yonah; Rabbeinu Yonah to the Mishnah, 22b).]

5. Granted that the water in which his *ervah* is submerged constitutes a covering of his *ervah*, the additional requirement of having some physical separation between his heart and his *ervah* [so that his heart cannot “see” his nakedness] (see above, 24b) is not fulfilled. [Though the Gemara at this point assumes that the Mishnah refers to clear water, the *ervah* is considered covered from the person's view because his head is out of the water and his gaze is averted (*Rashba*, citing *Raavad; Ritva*; see, though, how *Raavad's* comments are cited by *Sefer HaMichtam [Kovetz Shitos Kamai* p. 560)].

[Apparently, the Gemara here could have answered that the person submerges himself in water only until his waist, so that his *ervah* is both covered and separated from his heart. *Beur HaGra* to *Orach Chaim* 74:2 and *Melo HaRo'im* (here) explain that the Gemara does not answer this because the *vasikin* (whom the Gemara is now discussing) would recite the *Shemoneh Esrei* immediately after Shema (see above, 9b). And for Prayer, the heart must be covered (above, top of 25a). Thus, the person could not leave his upper body out of the water. Cf. *Tzalach*.]

[The comments of *Rashi* that appear in our texts on the words וְהָרִי עֲקֹב רֹאֶה אֶת הָעֶרְוָה actually refer to the words below, וְהָרִי לְבוּ רֹאֶה אֶת הָעֶרְוָה, and thus do they appear in the version of *Rashi* printed alongside the *Rif* (R' Mordechai Banet; this is also how *Rashi* is cited by *Nimukei Yosef*; see also *Rashash*, citing *Beur HaGra* to *Orach Chaim* 74:1; cf. *Tzalach*).]

6. I.e. the Amora, Rav (*Rashi* above, 22a).

7. In which the person's limbs are not discernible (*Orach Chaim* 74:2).

8. [If one is buried up to his neck in earth, it is considered that his heart does not see his *ervah* (though both are under the same, uninterrupted covering) since the earth is pressed around the body between the heart and the *ervah*. Cloudy water is considered like thick earth, and is thus also viewed as pressed against the body, serving to separate the heart from the *ervah* (see *Beur Halachah* to 74:2 וְיִשַׁח אֶמְרֵיהֶם).]

9. That is, he roils the water by kicking up the dirt that is on the earthen floor of the mikveh (see *Magen Avraham* 74:4).

permit him to recite *Shema* without clouding the water? Why, his heel sees the nakedness?^[10] – ? –

The Gemara answers:

He [the Tanna Kamma] also holds that reciting *Shema* while one's heel sees the nakedness is permitted.^[11]

The Gemara continues its discussion of these laws:

It was said: Reciting *Shema* when one's heel sees the nakedness is permitted. נוגע – If the [the heel] touches the nakedness, אביי אומר אסור – Abaye says it is forbidden to recite *Shema*,^[12] ורבא אומר מותר – but Rava says it is permitted.

The Gemara notes that the above is but one version of the dispute between Abaye and Rava:

Thus (as just presented) does Rav Zevid teach this discussion between Abaye and Rava. רב – However, R' Chinana the son of Rav Ika teaches it as follows: נוגע – If [the heel] touches the nakedness, דברי הכל אסור – the opinion of all is that one is forbidden to recite *Shema*. רואה – If it merely sees the nakedness, אביי אומר אסור – Abaye says it is forbidden to recite *Shema*, רבא אומר מותר – but Rava says it is permitted, לא נתנה תורה למלאכי שרת – for the Torah was not given to the ministering angels.^[13]

The Gemara rules on this matter:

And the halachah is that נוגע אסור – reciting *Shema* when [the heel] touches the nakedness is forbidden, רואה מותר – but when it merely sees the nakedness, it is permitted to recite *Shema*.

The Gemara draws a distinction between the requirements of separation from excrement and the like when reciting *Shema*, and those of separation from nakedness:

If excrement is enclosed in a transparent material,^[14] מותר לקרות קריאת שמע – one may recite *Shema*.

it is permitted to recite the *Shema* opposite it. קורה בעשיות – If, however, nakedness is enclosed in a transparent material, אסור לקרות קריאת שמע בנגדה – it is forbidden to recite the *Shema* opposite it.

The Gemara explains the distinction:

If excrement is enclosed in a transparent material, it is permitted to recite the *Shema* opposite it, because with regard to reciting *Shema* in the presence of excrement, the matter depends on “covering,”^[15] והא מיעבא – and indeed [the excrement] is covered by the transparent material. Therefore, one may recite *Shema* opposite it.^[16] קורה בעשיות אסור לקרות – If, however, nakedness is enclosed in a transparent material, it is forbidden to recite the *Shema* opposite it, because and He shall not “see” in you a matter of nakedness^[17] is what the Merciful One has said in the Torah, והא קמיתחזיא – and indeed [the nakedness] is visible even when covered with a transparent material. Therefore it is forbidden to recite *Shema* opposite it.

Other rulings concerning reciting *Shema* (or praying or even thinking Torah thoughts) in the presence of excrement:

If there is a minute amount of excrement present, מביטלה ברוק – one can nullify it by covering it with spittle. אומר רבא – Rava qualified Abaye's permit and said: וברוק עבה – And the permit applies only if one covers the excrement with thick spittle.^[18]

If there is excrement in a hole in the ground, מניח סנדלו עליה וקורא קריאת שמע – one may place his sandal on top of [the hole] and thus recite the *Shema*.^[19]

An inquiry regarding this last ruling:

Mar the son of Ravina inquired: צואה – If the excrement is pressed against his sandal, what is the law?^[20]

The Gemara concludes:

Let [the matter] stand unresolved.

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10. At this point, the Gemara assumes that and “it” shall not see in you a matter of nakedness applies to any limb that does not generally “see” the *ervah* [when a person is properly clothed] (*Rashi* [see last paragraph of note 5 above]). Thus, although this Tanna permits reciting *Shema* when “the heart sees the *ervah*” (as the Gemara has just stated), he should still forbid the recitation if the heel sees the *ervah* [since the heel – unlike the heart – is generally not together with the *ervah* under the same, uninterrupted covering] (*Beur HaGra* to *Orach Chaim* 74:1 in explanation of *Rashi*). [See also *Tos. HaRosh*, *Sefer HaMichtam* (cited in note 5) and *Pnei Shlomo* for other reasons that the heel seeing the *ervah* should be more stringent than the heart seeing it.]

11. Unlike the premise of the Gemara's question (see preceding note). See Gemara below.

12. This is a Rabbinic decree, lest he come to recite *Shema* with his hand touching the *ervah* (*Tosafos* וזהו הלאה; cf. *Rashbatz* and *Mili D'Brachos* [Grodzensky]; *Sheleimah Mishnas*), which would be forbidden because such contact with the hand leads to improper thoughts (*Mishnah Berurah* 74:19).

13. Who do not have an *ervah* (*Rashi*). It is virtually impossible, however, for us humans, who do have an *ervah*, to be so vigilant as to make sure that even our heels never see the *ervah* when reciting words of Torah (*ibid.*). [Therefore, it cannot be that reciting words of Torah should be prohibited when the heel sees the *ervah*.]

14. [Literally: in a lantern.] That is, it is behind a glass partition or one made of thin, transparent parchment [or the like], so that the excrement is covered but still visible (*Rashi*).

15. As the verse says (*Deuteronomy* 23:14): And you shall “cover” your excrement (*Rashi*).

16. See above, 25a note 13.

17. *Deuteronomy* 23:15.

18. [Such as phlegm,] which obscures the excrement underneath it (*Ritva*). [Although we have just learned that a transparent covering suffices for excrement, clear saliva is not a valid covering because it is not only transparent but liquid.] Alternatively, clear saliva would indeed constitute a valid covering, but it is insufficient because it does not block the odor of the excrement underneath (*Rabbeinu Yehonasan*).

The person must recite *Shema* right after the little bit of excrement is covered with the thick spittle, before the spittle is absorbed, leaving the excrement exposed once again (*Rashba* citing *Raavad*; *Rabbeinu Yonah*; *Rosh*).

19. Rava teaches us that even though the person's entire body is above the excrement [as he is wearing the sandal with which he covers the hole] and even though the covering is only temporary [as he will move on after reciting *Shema*], it is a valid covering nonetheless (*Ritva*; see also *Ra'ah*). Alternatively, [as the law is that the body of the person wishing to recite the words of Torah is not itself a valid covering of the excrement in his vicinity, since there is nothing separating his body from the excrement (see *Shulchan Aruch HaRav* 76:2)] Rava must teach us that the sandal is not considered subordinate to the person's body with regard to this matter (*Rosh*).

20. Although in general there is no requirement that the covering not touch the excrement, it might be different in this case because the shoe is, after all, attached to the person's body (*Taz*, *Orach Chaim* 76:1).

The inquiry is, in essence, an analysis of why Rava spoke of excrement “in a hole.” Is it because the sandal would not be a valid covering if the excrement were on level ground and the sandal would therefore be touching it? Or did Rava simply choose the case of excrement “in a hole” because that is the common situation in which the sandal could be used to cover the excrement properly? (*Ritva*; cf. *Rabbeinu Yonah* and *Raavad* to *Hil. Krias Shema* 3:11).

Another ruling:

עובר בוכבים ערום אסור – Rav Yehudah said: – אמר רב יהודה – לקרות קריאת שמע כנגדו – It is forbidden to recite the *Shema* opposite a naked idolater.

The Gemara asks:

מאי אירינא עובר בוכבים – Why does Rav Yehudah mention “idolater” in his ruling? אפילו ישראל נמי – Even if the naked person opposite him is a Jew, it is also forbidden to recite the *Shema* opposite him! – ? –

The Gemara answers:

ישקאל פשיטא ליה דאסור – In the case of a Jew, it is clear to [Rav Yehudah] that it is forbidden to recite *Shema* opposite his nakedness,^[21] and there was no need for him to teach it. אלא עובר – But the prohibition against reciting *Shema* opposite the nakedness of an idolater was necessary for him to teach us. מהו דתיקא – For you might have said הויל ותיב – that since it is written concerning them: *whose flesh is the flesh of donkeys*,^[22] אימא כחמור – say that [the naked idolater] is like a mere donkey with regard to reciting words of Torah opposite him.^[23] קמשמע לן – Therefore, [Rav Yehudah] informs us that it is forbidden to recite *Shema* opposite the nakedness of a gentile, דאנהו נמי איקרו ערנה – for the genitals of [non-Jews], too, are called “nakedness” by the Torah, ונפרות אביהם לא – for it is written in the incident concerning Noah and his sons: *and the nakedness of their father they did not see*.^[24]

The Gemara now turns to that part of the Mishnah which states:

לא במים – BUT ONE SHOULD NOT COVER HIMSELF – ולא יתבסה – NEITHER IN PUTRID WATERS NOR IN THE STEEPING WATERS of flax or canvas, which give off a foul odor, עד ששטיל לתוכן מים – UNTIL HE POURS INTO THEM clean WATERS.

The Gemara asks:

– וכמה מים רמי ואזיל – But how much water will he go on pouring?^[25]

The Gemara answers:

– אלא הכי קאמר – Rather, this is what the Mishnah means to say: – לא יתבסה לא במים הרעים ולא במי המשרה כלל – ONE SHOULD NOT COVER HIMSELF NEITHER IN PUTRID WATERS NOR IN THE STEEPING WATERS of flax or canvas altogether, since he cannot possibly add enough clean water to nullify the foul odor.^[26] – ומי רגלים – AND where there is a vessel containing a small amount of URINE in one's vicinity,^[27] he must wait עד ששטיל לתוכן מים – UNTIL HE POURS INTO IT clean WATER,^[28] ויזקרא – whereupon he can recite *Shema*.^[29]

The Gemara discusses the amount of water needed to neutralize urine:

– כמה יטיל לתוכן מים – The Rabbis taught in a Baraisa: – תנו רבנן – HOW MUCH WATER MUST HE POUR INTO IT [urine] in order to recite *Shema* in its vicinity? – כל שהוא – ANY AMOUNT, i.e. even the smallest amount of water suffices. – רבי זכאי אומר – R' ZAKKAI SAYS: – One must pour at least *AREVIT'S* of water into it.^[30]

The Gemara elaborates:

– מחלוקת לבסוף – Rav Nachman said: – אמר רב נחמן – The dispute between the Tanna Kamma and R' Zakkai is with regard to where the urine is already in the vessel and the water is poured in afterwards. Only then does R' Zakkai require a *revi's*. – אבל – But if the water is poured into the vessel first and the urine is introduced afterwards, all agree – even R' Zakkai – that any amount of water is sufficient to legally neutralize the urine.^[31]

An alternative explanation of the dispute:

– מחלוקת לכתחילה – But Rav Yosef says: – אמר רב יוסף – The dispute between the Tanna Kamma and R' Zakkai is with regard

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21. As derived from the verse and *He shall not see in you a matter of nakedness* (Deuteronomy 23:15).

22. *Ezekiel* 23:20. In this verse, the Jewish nation is criticized for harking back to her infidelities in Egypt [a metaphor for idolatrous practices], wishing to be like concubines to the Egyptians, whose “flesh” [a euphemism for the male organ] is like that of a donkey, the most promiscuous of all animals (see *Rashi* ad loc.). At any rate, we see that the *ervah* of the gentile Egyptians is likened to that of a donkey.

23. It is permitted to recite words of Torah opposite the *ervah* of an animal (*Rashbatz*; *Sefer HaMeoros*, cited in *Kovetz Shitos Kamai* p. 565).

24. *Genesis* 9:23. And Noah was not a Jew (see *Rashbatz*; see also *Kli Chemdah*, *Parashas Noah* §5 וידה אמנם and *Chida's Kisei Rachamim* on *Avos DeRabbi Nassan* 4:5 ומדשהא ריח).

25. The Mishnah is dealing with large quantities of fetid waters [since it speaks of the person immersing himself in them]. Surely, then, the Mishnah cannot be instructing the person to add the extraordinary amount of water needed to nullify the foul odor [which is a practical impossibility] (see *Rashi*), especially in light of the fact that the Mishnah refers to one who has just a few moments to add the water so that he can recite *Shema* before sunrise [as explained in the Gemara above] (see *Ramaz*, cited in *Tosafos Anshei Shem* to the Mishnah).

26. [And in such a case, if he does not have enough time to leave the pool and be covered at a distance from the foul water, he will have to miss the preferred time for reciting *Shema*.]

27. See *Rashi* (see end of note 33). [The Gemara is explaining the Mishnah as if it were emended to contain the words ומי רגלים, and urine.]

28. Only a small amount of clean water must be added, as will be seen in the Gemara below.

[The plural pronoun לתוכן, into “them,” is used for urine, which in Hebrew is a plural noun (מי רגלים), as is the word for water itself (מים).]

29. The Gemara adds the word ויזקרא, whereupon he can recite, to indicate that this case involving urine is independent of the case of a *baal keri* who is immersing himself in the *mikveh* being discussed by the Mishnah until now (*Chidushei R' Mordechai Banet*).

30. [A *revi's* (literally: quarter) is a quarter of a log, and is variously estimated at from three to a bit more than five ounces.]

The Tanna Kamma and R' Zakkai both agree that urine is “nullified” when mixed with water even if the amount of urine exceeds that of the water. The reason for this leniency is that urine [except for “opposite the stream”] is considered like “excrement” only on the Rabbinic level (see above, 25a). Therefore, the Rabbis were lenient and deemed the urine “nullified” even if a lesser amount of water is mixed with it (see *Rashba*; *Mishnah Berurah* 77:2). [Accordingly, we are dealing here only with urine that does not reek. But urine that reeks is no better than other fetid liquids, which are like excrement with regard to these laws even on the Biblical level (*Mishnah Berurah* loc. cit. from *Pri Megadim*).]

31. For we apply the principle of successive nullification (קמא קמא בטיל) (see *Avodah Zarah* 73a, regarding the conditions under which this principle applies), according to which each drop of the second liquid is considered nullified in the first liquid before the next drop falls in. Thus, even though the second liquid would not be nullified if it fell into the first liquid all at once, it is legally deemed nullified because of the manner in which it dripped into the first (see *Rashi*; see *Tosafos to Avodah Zarah* 73a וידה כי אחא). [The application of this principle here might result from the fact that urine (except “opposite the stream”) is like excrement only on the Rabbinic level – see preceding note.]

[The Tanna Kamma, however, holds that the Rabbis were lenient and allowed nullifying urine with the smallest amount of water even without resorting to the principle of successive nullification.]

Even though R' Zakkai applies the principle of successive nullification to where the urine is introduced second, he considers urine nullified if a *revi's* of water is added to it and we do not say that the water is successively nullified in the standing urine. For in this latter case, the entire *revi's* is poured in at once, so that the principle of successive nullification cannot be applied (see *Rabbeinu Yonah*). Alternatively, the Rabbis were lenient in this latter case even when it drips, since urine [except for “opposite the stream”] is like excrement only on the Rabbinic level (see *Rashba*).

to where the water is poured in first.^[32] אָבֵל לְבִסּוֹף דְּבָרֵי – But if the water is poured in afterwards, then all agree – even the Tanna Kamma – that a *revi's* is necessary.

The Gemara relates Rav Yosef's practice: אָמַר לִיה רַב יוֹסֵף לְשִׁמְעִיָּה – Rav Yosef said to his attendant: Bring me a *revi's* of water to pour into the vessel in accordance with the opinion of R' Zakkai.^[33]

The Gemara cites some related rulings: תָּנוּ רַבָּנִי – The Rabbis taught in a Baraisa: אִם הָיָה מִי רִגְלִים – If a CHAMBER POT used FOR EXCREMENT OR A CHAMBER POT used FOR URINE is present, אָסוּר לְקַרְיָא – IT IS FORBIDDEN TO RECITE THE *SHEMA* OPPOSITE THEM, וְאִם עַל פִּי שְׂאִין בָּהֶן כְּלוּם – EVEN THOUGH THERE IS NOTHING IN THEM.^[34] וּמִי רִגְלִים עֲצָמָן – AND with regard to URINE ITSELF, which is in a vessel that is not reserved for use as a urinal,^[35] it is forbidden to recite *Shema* opposite it only עַד שֶׁיִּטֹּל מִיָּם – UNTIL ONE POURS WATER INTO IT.^[36] וְכַמָּה – AND HOW MUCH WATER MUST HE POUR INTO IT? אֵין שְׂוָא – ANY AMOUNT suffices. רַבִּי זְאֲכַאי אָמַר – R' ZAKKAI SAYS: רַבִּי זְאֲכַאי אָמַר – One must pour at least a *REVI'S* of water into it.

The Baraisa continues: בֵּין לִפְנֵי הַמִּטָּה בֵּין לְאַחֵר הַמִּטָּה – These laws apply WHETHER the problematic container is situated IN FRONT OF THE BED, so that nothing is intervening between the person and the container, or WHETHER it is situated BEHIND THE BED, so that the bed intervenes between the person and the container; for the bed does not constitute a valid partition. רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אָמַר – RABBAN SHIMON BEN GAMLIEL SAYS: לְאַחֵר הַמִּטָּה קוֹרָא – If the container is situated BEHIND THE BED, ONE MAY RECITE *Shema*, for the bed serves as a partition.^[37] לִפְנֵי הַמִּטָּה אֵינוֹ קוֹרָא – If the container is situated IN FRONT OF THE BED, ONE MAY NOT RECITE *Shema* there. אָבֵל מִרְחִיק הוּא אַרְבַּע אַמּוֹת וְקוֹרָא – BUT HE MUST first MOVE AWAY FOUR AMOS from the container AND only then

RECITE *Shema*. רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר אָמַר – R' SHIMON BEN ELAZAR SAYS: אֶפִּילוּ בֵּית מֵאָה אַמּוֹת – EVEN in a HOUSE WITH AN AREA OF ONE HUNDRED AMOS, לֹא יִקְרָא עַד שְׂוִיזִיאָם אוֹ שְׂוִיחָם – ONE MAY NOT RECITE *Shema* UNTIL HE REMOVES THEM [the chamber pots] from the house OR PLACES THEM UNDER THE BED.^[38]

The Gemara considers the meaning of Rabban Shimon ben Gamliel's statement, "But he must move away four amos . . .": הֵיכִי קָאָמַר – What does he [Rabban Shimon ben Gamliel] mean to say when he stipulates "But he must move away four amos and recite"? Is this condition referring back to the first case (behind the bed) or the second (in front of the bed)? In other words, does he mean: אַחֲרֵי הַמִּטָּה קוֹרָא – When the container is behind the bed, he may recite *Shema* immediately, לִפְנֵי הַמִּטָּה מִרְחִיק אַרְבַּע אַמּוֹת וְקוֹרָא – but if it is in front of the bed, then he must first move away four amos and only then recite *Shema*? Or perhaps, the following is what he means to say: לְאַחֵר הַמִּטָּה – If the container is behind the bed, he must first move away four amos and only then recite *Shema*. לִפְנֵי הַמִּטָּה אֵינוֹ קוֹרָא כָּלל – But if the container is in front of the bed, he may not recite *Shema* at all.^[39] – ? –

The Gemara resolves the inquiry: דְּתַנִּי – Come, learn a proof from the following. רַבִּי שִׁמְעוֹן בֶּן אֶלְעָזָר – For it was taught in a different Baraisa: אַחֲרֵי הַמִּטָּה קוֹרָא מִיָּד – If a chamber pot or similar container is situated BEHIND THE BED, ONE MAY RECITE *Shema* IMMEDIATELY. לִפְנֵי הַמִּטָּה מִרְחִיק אַרְבַּע אַמּוֹת – If it is IN FRONT OF THE BED, HE MUST first MOVE AWAY FOUR AMOS and only then recite *Shema*. רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אָמַר – RABBAN SHIMON BEN GAMLIEL SAYS: אֶפִּילוּ בֵּית מֵאָה אַמּוֹת – EVEN in a HOUSE WITH AN AREA OF ONE HUNDRED AMOS, לֹא יִקְרָא עַד שְׂוִיזִיאָם אוֹ שְׂוִיחָם – ONE MAY NOT RECITE *Shema* UNTIL HE REMOVES THEM [the chamber pots] from the house OR until HE PLACES THEM UNDER THE BED. The way this Baraisa cites the first view, there is no ambiguity. Clearly, the "moving away four amos" refers to where the container is in

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32. [Only then does the Tanna Kamma consider the urine nullified with the smallest amount of water, because of the principle of successive nullification.]

33. Rav Yosef expressed his desire to follow the stringent ruling of R' Zakkai, who requires a *revi's*. And [since Rav Yosef interprets the dispute as referring to where the water is introduced first, it is apparent that] he requested the *revi's* from his attendant even where the water preceded the urine (see *Rashi*; cf. *Rashbatz*).

Some explain that a *revi's* of water serves to nullify any amounts of urine (see *Rashba*). Others, however, maintain that a *revi's* nullifies only the amount of urine excreted at one time, and that a greater amount of urine requires nullification with a proportionally greater amount of water (*Rambam*, *Hil. Krias Shema* 3:10; *Orach Chaim* 77:2; see also *Rashi* above רִגְלִים (17)).

34. The reference is to those made out of earthenware (*Rashi*), which is especially absorbent and therefore causes the vessel to be repulsive even if emptied of its contents (see note 36). [If made from less absorbent material, such as wood or glass, however, the law might be different – see *Rosh* §54 and *Orach Chaim* 87:1 with *Taz* and *Magen Avraham*.]

35. *Rashi*.

36. Though the adding of water serves to nullify the urine itself, it does not remove the defect of a *urinal* (as the Baraisa does not suggest this remedy for the *urinal*). The commentators present several reasons for the stringency of a *urinal* over urine. Since the *urinal* is used frequently, it becomes putrid and repulsive like excrement itself, which water does not nullify (see *Rabbeinu Yonah*, *Rashba* and *Ritva*). Moreover, the mere fact that the *urinal* is designated for its purpose

accords it the status of a latrine, opposite which one may not recite words of Torah [see below, 26a] even if no odor emanates (see *Rosh* §54). Furthermore, water nullifies urine only because it mixes with the urine. In the case of the *urinal*, however, though the water mixes with the urine collected there, it does not mix with the urine that has been absorbed into the walls of the *urinal* (*Beis Yosef*, *Orach Chaim* 87).

37. Even if the bed has the *ten-tefach* height requisite for partitions, the Tanna Kamma does not consider it a valid partition – either because it is open underneath (see *Rabbeinu Yonah* אמרי (17) ובגמ' אמרי), or because of some other consideration (see *Mishnah Berurah* 87:9 and *Beur Halachah* there). Rabban Shimon ben Gamliel, however, does consider the bed to be a partition to the extent that the repulsive matter is no longer deemed to be in the same "encampment" as the one reciting *Shema* (see *Re'ah*).

38. R' Shimon ben Elazar considers the entire house like a single four-*amah* area (see Gemara below). [Hence, although each four-*amah* area is generally reckoned to be a distinct "place," moving four amos away from the chamber pot in a house does not serve to place the person in a different "encampment," and he still may not recite *Shema*.] Placing the chamber pot under the bed, however, renders the pot as if it is completely enveloped (*Rashi*), in which case *Shema* may be recited opposite it. [The Gemara below will discuss the circumstances in which the bed is said to "envelop" what is underneath.]

39. [Even if he moves four amos away, unless he removes the chamber pot from the house or places it under the bed, as R' Shimon ben Elazar holds.]

front of the bed. But if it is behind the bed, one may recite *Shema* immediately.^[40]

The Gemara notes:

לן בעינן איפשיטא – It is true that our inquiry has been resolved for us; מתנייתא קשיין אהרדי – however, the two Baraisos contradict each other in the matter of which of the two views was held by Rabban Shimon ben Gamliel and which was held by R' Shimon ben Elazar! – ? –

The Gemara answers:

איפוך בתרייתא – Reverse the attributions of the latter Baraisa, so that this latter Baraisa is emended to read that Rabban Shimon ben Gamliel holds the first view and R' Shimon ben Elazar the second view (as their respective opinions are recorded in the first Baraisa).

The Gemara asks:

מה חזית דאפכת בתרייתא – What indication do you see that prompts you to reverse attributions in the latter Baraisa? איפוך קמיייתא – Why not reverse the attributions in the first Baraisa instead?

The Gemara answers:

מאן שמעת ליה דאמר כוליה בית בארבע אמות דמי – About whom have you heard that he says that the entire house is considered as comprising an area of four amos? רבי שמעון בן אלעזר היא – It is the view of R' Shimon ben Elazar.^[41] It is therefore appropriate to reverse the attributions in the latter Baraisa, so that R' Shimon ben Elazar is in conformity with his view that the house, no matter how large, is viewed as an area of four amos.

The Baraisa stated that a chamber pot under the bed is viewed as covered. The Gemara inquires about the conditions necessary for this ruling to apply.^[42]

בצאי מיניה מרב הונא – Rav Yosef said: – אמר רב יוסף – I inquired of Rav Huna as follows: – In the case of a bed less than three tefachim high, i.e. the distance from the ground to the underside of the bed is less than three tefachim, so that the chamber pot underneath is deemed to be completely enveloped by the bed.^[43] Regarding a bed this height, I have nothing to inquire about. שלשה ארבעה חמשה ששה שבעה שמונה – But what is [the law] regarding a chamber pot placed under a bed that is three, four, five, six seven, eight or nine tefachim high?^[44] אמר לי – And [Rav Huna] replied to me: – לא ידענא – I do not know what the law is in those cases. – Rav Yosef continued to relate: But what the law is if the bed is ten tefachim high was certainly not a matter of inquiry to me, for since it is so high off the ground, it certainly cannot be viewed as covering the chamber pot that is

underneath.^[45] Therefore, I did not ask Rav Huna about a bed that high. שפיר עבדת דלא – Abaye said to Rav Yosef: – אמר רבא – You did well by not inquiring about a bed that high from Rav Huna, – כל עשרה רשותא אחריתי היא – for anything that is ten tefachim or higher is considered a separate domain. Thus, a bed that high certainly cannot be viewed as “enveloping” that which is underneath.

The Gemara presents the halachah with regard to the above matters:

הלקתא פחות משלשה בלבד דמי – Rava said: – אמר רבא – The halachah is that if the height of the bed is less than three tefachim, it is considered as extending to the ground and is deemed a covering of the chamber pot underneath (as Rav Yosef said). – עשרה רשותא אחריתי היא – If the bed is ten tefachim or higher, it is deemed a separate domain (as Abaye said). – משלשה עד עשרה – If the bed is between three and ten tefachim high, – היינו דבעא מיניה רב יוסף מרב הונא – this is what Rav Yosef inquired of from Rav Huna, – ולא פשט ליה – and [Rav Huna] did not resolve it for him.

הלקה ברבי שמעון בן אלעזר – Rav said: – אמר רב – The halachah follows R' Shimon ben Elazar, who says that *Shema* may not be recited in the entire house if an exposed chamber pot is present. – וכן אמר באלי אמר רב יעקב ברה דבת – And so too did Bali say in the name of Rav Yaakov the son of Shmuel's daughter: – הלקה ברבי שמעון בן אלעזר – The halachah follows R' Shimon ben Elazar in this matter. – אין הלקה ברבי שמעון בן אלעזר – But Rava says: – אמר רבא – The halachah does not follow R' Shimon ben Elazar in this matter.

The Gemara now discusses the related matter of covering or erecting a partition in front of a Torah scroll in a bedchamber:

רב אחאי אישק ליה לבריה בי רב יצחק בר שמואל בר מרתא – Rav Achai arranged a match for his son with the daughter of R' Yitzchak bar Shmuel bar Marta. – עזליה לחופה – [Rav Achai] led [his son] to the bridal chamber, – ולא הנה מסתניעא מילתא – but the matter was not successful.^[46] – אול בתריה לעיוני – So [Rav Achai] went in after him to investigate the reason for his son's difficulty, – חזא ספר תורה דמנחא – and he saw a Torah scroll that was lying there in the room. – אמר ליה – When he came out, he said to them:^[47] – אינו השתא לא אתאי סננתון לכרי – If, now, I had not come, you would have endangered the life of my son!^[48] – דתניא – For it was taught in a Baraisa: בית – IN A HOUSE^[49] – שיש בו ספר תורה או תפילין אסור לשמש בו את המטה עד שיוציאם או שניחם כלי בתוך – UNTIL HE TAKES THEM OUT OR PLACES THEM IN A RECEPTACLE WITHIN A RECEPTACLE.^[50]

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40. This second Baraisa is obviously presenting the same two views found in the first Baraisa (except that the attributions to Rabban Shimon ben Gamliel and R' Shimon ben Elazar are reversed – a contradiction that the Gemara treats next). Thus, this second Baraisa serves to clarify the meaning of Rabban Shimon ben Gamliel's statement in the first Baraisa.

41. *Rashi* remarks that he does not know the source for the Gemara's assertion that this is the view of R' Shimon ben Elazar. *Rav Nissim Gaon* and *Rabbeinu Chananel* maintain that the source is a ruling of R' Shimon ben Elazar found in *Eruvin* 22a, but other Rishonim question the comparison (see *Rabbeinu Yonah*; but see *Ritva*, who defends it; see also *Meiri*, who suggests a different source for the Gemara's assertion).

42. *Rashi*; cf. *Rabbeinu Yonah* אמרי ר"ה ורובי אמרי and *Ritva*.

43. The principle of לבד, *lavud*, teaches that a space of less than three

tefachim wide is regarded as closed. This principle is an Oral Law taught to Moses at Sinai; see *Eruvin* 4b.

44. I.e. can the bed be deemed a covering of the chamber pot underneath even when the bed is too high to apply the principle of *lavud*? (see *Rashi*; cf. *Rabbeinu Yonah*).

45. *Rashi*.

46. I.e. the groom was not able to consummate his marriage (*Rashi*).

47. [I.e. those who were in charge of arranging the room.]

48. Who might have died as a punishment for the sin of engaging in marital relations in a room containing a Torah scroll (*Rashi*).

49. I.e. a room.

50. These receptacles need not be solid; even cloth wrappings are sufficient (*Mishnah Berurah* 40:7).

The Gemara qualifies the above ruling:

אָמַר אַבַּיִי – Abaye said: לֹא שָׁנוּ אֶלָּא בְּכֵלִי שֶׁאִינוֹ בְּלִיָּין – The ruling of the Baraisa refers requiring two receptacles was not taught except when the sacred article was placed in a receptacle that is not the usual receptacle of [the sacred article]. Only then does a double receptacle suffice. אֶבֶל בְּכֵלִי שֶׁהוּא בְּלִיָּין –

But in the case of a receptacle that is their usual receptacle,^[51] אֶפִּילוּ עֶשְׂרֵה מְאִנֵּי בְּחֹדֶר מְאִנָּא דְּמִי – then even ten of those receptacles one inside the other are like only a single receptacle, and a “second” receptacle is still required.^[52]

Rava validates the following as a double covering:

אָמַר רַבָּא – Rava said: גְּלִימָא – A cloak

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51. Such as the bag in which the tefillin are usually kept.

52. The article's usual receptacle, however, does suffice as one of the

two necessary coverings, and only one more covering with something that is not its usual container is needed (see *Ritva*; see also *Rabbeinu Yonah* and *Taz, Orach Chaim* 40:2).

ספר תורה עשה לו מחילה. ודוק! ספר תורה וגם בחומשים יש להממיר כמו בספר תורה אבל בשאר ספרים ריין בכסוי בעלמא: הדרן עלך בי שמתו

תפלת השחר עד חלות וכו' תפלת המנחה עד הערב.

וה'ת אמת לא קהני גבי תפלת

המנחה כל היום כמו גבי תפלת
המוספין ו"ל דרמן מוספין הוא כל
היום אפילו משחרית שהרי קריצות
יכול להקריב מיד אחר התמיד
א"כ גם תפלת מוספין יכול להתפלת
מיד מן הבקר מה שאין כן במנחה
(ג) אלא משש שעות וממנה ובהי נמי
בפ"ק דע"פ (ד: ה:) לא לילול ארית
ללווא דמוספין בתלת שעי קמייית
בריש תתא ביצית כ' אלמא גשאר
ימות הגנה יכול להתפלת ולהי
מקדיש תפלת המנחה לתפלת
המוספין משום שהיא תדירה בכל
יום אפ"פ תפלת מוספין קודמת:

והאמר רב לקמן (ד' כז:) תפלה ערבים רשות וק"ל טוהיה צ'אסור' ועוד קשה דאמר לקמן (ד' ל:) טוהיה ולא התפלה יעלה ויבוא בלילה אין מחזירים אותו משום אין מקדשין אם הדאש בלילה ולמה ליה הכי טעמא תיפוק ליה דתפלה ערבים רשות וי"ל הא דאמרין תפלה ערבים רשות היינו לגבי מזה אחרת דאיה עוברת דלא דאמרין דאיה תפלה ערבים מפניה אלב לחם אין לו צטלה וימיהו אם יאסר עד תפלה נראה דעבר זמנו מכל הדאש כיון דאיה לו דאמר

תפלת האחר : עד הערב . עד
השקעה : עד פגם המנוחה .
ובגמרא מפרש לה : אין לה קצב .
ול הילולא זמנה ובגמרא מפרש מאי
לשון אין לה קצב :

איבעיא לה טעה ולא התפלל
תפלת מנחה ט'. לא
בטי' אם טעה ולא התפלל תפלת
מוסף דהא דרזי איט מתפלל בצמריית
דריק' יקרא אל הקדושים וצבר
עבר זמן מוסף וגם לז' חזק
שבע ברכות על מוסף אלז משה
ושלמה פרים שפתיט וצא דרזי
עבר זמנ' דטול קרבט אלז
שאר תפלות דצמרי' וטול
שיתפלל אלז כל היום כיט ואין
כלא עבר זמנ' בתפלה אחרת :

תפלת השחר עד חצות ר' יהודה אומר
העד ר' שיעות תפלת *המנחה עד
ערב רבי יהודה אומר עד פלג המנחה

היום (ר') יתודה אומר עד
החמה כרי שישמך גאולה
ותיקן *דאיר יותנ ותיקן הוי
לא ודאמר רב מרי בריה דרב
לול בשחרית שטים שחרית
הי בומנה מכאן ואילך שער
תפלל מנה מזה שיתפלל
ומא הוא דכתיב ויהי ערב
ויבא אירא דילמא כיון דצלותא
צחק איר ויתנן מעה ולא
תיב מעות לא ויכל לחקן
של שחרית וא תפלה ש
מזה ולא נבנה עמדם איר
במל ולא קחני מעה שים

תמו

וּפֶתַח מַדְבָּרָא יִתְחַלּוּ
וְיִשְׁכְּבוּ בְּמִדְבָּרָא
וְיִשְׁכְּבוּ בְּמִדְבָּרָא

דגהות דב"ח
(א) רש"י ד"ס לטמקין
זס' מקדשין (אכ)
התפלל ללאר בק הכמס
בי חק : (כ) חס' ד"ס
סלת וס' פש"כ כמחמ
דאיכס ללא משג :

ע' תוס' עמ' ח"ט פ' ד"ב
מז' וכו' ע"י עמ' ח"ט
מקרא חסות במחל

אשר לא ידעו

אָקמטרא – draped over a cabinet in which holy books are kept^[1] – is considered like a receptacle within a receptacle.^[2]

The Gemara presents a ruling:

ספר תורה – R' Yehoshua ben Levi said: – In the case of a Torah scroll, it is necessary to make for it a partition at least ten *tefachim* high^[3] to block it off before the couple is permitted to engage in marital relations in that room.^[4]

A related incident:

Mar Zutra visited the home of Rav Ashi, and he saw in the place [i.e. bedroom] of Mar bar Rav Ashi [Rav Ashi's son] that a Torah scroll was kept there, and that a partition ten *tefachim* high was made for it, so that marital relations would be permitted in the room. [Mar Zutra] said to [Rav Ashi]: – In accordance with whom do you consider your son's room properly arranged in this way? – Do you think that it is in accordance with R' Yehoshua ben Levi? – Say that what R' Yehoshua ben Levi has said, that a partition is adequate for a Torah scroll, applies only where one has no other house^[5] in which to place the Torah scroll. Master, however, has another house in which to place the Torah scroll; therefore, he should not rely on the expedient of erecting a partition in that very room. [Rav Ashi] said to [Mar Zutra]: – I did not think of that.^[6]

Our Mishnah states:

HOW MUCH MUST ONE DISTANCE HIMSELF FROM THEM [i.e. urine] AND FROM EXCREMENT before reciting *Shema*? FOUR AMOS.

The Gemara qualifies this ruling:

Rava said in the name of Rav Sechorah, who said in the name of Rav Huna: – The Mishnah, which states that moving four

amos away is sufficient, refers only to where the excrement or the like is behind him. – But if it is in front of him, then he must distance himself as far as his eyes can see.^[7] – And the same applies with regard to Prayer.^[8]

The Gemara challenges Rav Huna's ruling:

Is it so that the distance for in front is "as far as the eyes can see"? – Why, Rafram bar Pappa said in the name of Rav Chisda: – A person may stand opposite a latrine and pray, as long as he is at least four *amos* away from it.^[9] Thus, we see that the repulsive thing may be within one's range of vision! – ? –

The Gemara answers:

Here, in Rav Chisda's ruling, with what are we dealing? – We are dealing with a latrine that was cleaned out and thus does not have any excrement in it at the moment. Therefore, one need distance himself from it only four *amos* in order to pray.

The Gemara rejects this answer:

Is it so that a latrine whose contents have been removed is treated differently from any other latrine? – Why, Rav Yosef bar Chanina said: – "The latrine" of which [the Sages] spoke when detailing the laws regarding praying in its vicinity refers to a latrine even if there is no excrement in it at present. And similarly, "the bathhouse" of which [the Sages] spoke,^[10] refers to a bathhouse even if there is no undressed person in it at present. Thus, we see that a latrine has the same law whether or not its contents have been removed. – ? –

The Gemara therefore presents a different answer as to why Rav Chisda's ruling does not contradict Rav Huna's:

Rather, here, in Rav Chisda's ruling, with what are we dealing? – We are dealing with new [latrines], that have been designated for such use, but have not yet been used.^[11]

The Gemara challenges even this answer, which postulates

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1. *Rashi* (see note 4 below).

2. Because the cloak is not the usual covering for the books (*Rashi*). The cloak is a valid covering even though it is merely draped over the cabinet and is not wrapped underneath it (*Rashba* and *Ritva*).

3. Which is the minimum height for a legal partition. The partition must also be at least four *tefachim* wide (see *Chayei Adam* 3:19 with *Nishmas Adam*).

4. And if this is not possible, then the couple must forgo relations (*Rashi*). R' Yehoshua ben Levi teaches that nothing less than a partition will serve to permit relations in a room containing a Torah scroll, and a double covering is not sufficient. And he explains that the Baraisa above (25b), which permits a double covering, does so only for tefillin, but not for the Torah scroll that is also mentioned there (*Rosh*; *Ritva* to 25b ד"ה סיח). [One should be stringent and require a partition even for *Chumashim* (scrolls containing only one of the Torah's five books), but other holy books are like tefillin and may be double wrapped (see *Tosafos* and *Orach Chaim* 240:6, but see also *Mishnah Berurah* there §23 and §28).] And that which Rava (above) permits a book cabinet draped with a cloak refers only to a cabinet containing other holy books, but not to one containing a Torah scroll [or the like] (*Ritva* above).

Others, however, understand the Baraisa on 25b as permitting a double covering even for a Torah scroll (*Rambam*, *Hil. Sefer Torah* 10:7). R' Yehoshua ben Levi, who requires a partition, might refer to where there are no materials available with which to wrap the Torah scroll (explanation cited in *Ritva* loc. cit.; see also *Kesef Mishneh* to *Rambam* loc. cit., and *Noda B'Yehudah*, *Yoreh Deah* II עור ד"ה ואמר ולא עור).

5. I.e. room (*Mishnah Berurah* 240:26).

6. [Literally: it was not on my mind.] See *Rashi*; cf. *Rashi* to *Shabbos* 95a ד"ה לא אדעתא and to *Menachos* 35b ד"ה לא אדעתא.

7. I.e. he must move so far away that the excrement is no longer visible from where he is standing (see *Orach Chaim* 79:1 with *Mishnah Berurah* there §3, and *Beur Halachah* וימלפניו).

[Moving so far away is not merely an expedient for not seeing the excrement. Rather, "as far as the eyes can see" is a measure of distance, and applies even at night and even to a blind person (see *Orach Chaim* 79:1 and *Beur Halachah* there ד"ה או).]

8. I.e. one may not recite *Shemoneh Esrei* either, if there is excrement in front of him within eyesight (see *Rabbeinu Yonah*, who is at a loss to explain why the Gemara had to mention this explicitly).

9. *Rashi*. [*Rashi* is forced to explain Rav Chisda to mean that the person moves at least four *amos* away, so that Rav Chisda's ruling not be contradicted by our Mishnah, which states that one must move at least four *amos* away from excrement or the like (see *Derishah* to *Orach Chaim* 83 §1).]

[In this entire *sugya*, the reference is to a latrine that is not surrounded by walls. But in the case of one that is surrounded by walls (such as an outhouse), the walls constitute a separation, and one may pray directly outside it, provided that no foul odor reaches him (*Orach Chaim* 83:1; *Beis Yosef* there).]

10. Regarding the prohibition against even thinking words of Torah in a bathhouse (*Rashi*; see *Orach Chaim* 84:1 and 85:2, and *Mishnah Berurah* 84:3).

11. Rav Chisda means that one may pray facing an area designated as a latrine if it has not yet been used for this purpose.

that an area designated as a latrine does not have the same stringencies as one actually used for that purpose:

הַזְמִינוּ לְבֵית הַכֶּסֶּא – But Ravina inquired: – והָאֵל מִיִּבְעֵי לִיָּה לְרַבִּינָא – If one designated [an area] to be used as a latrine, what is [the law]? – יֵשׁ יִזְמִין אוֹ אֵין יִזְמִין – Is there legal significance to designation or is there no legal significance to designation? Thus, Ravina considers the possibility that an area designated as a latrine has the full stringencies of a latrine that has actually been used! – ? –

The Gemara answers:

Mishnah As taught earlier (see Mishnah 20b and our comments there), a person who experiences a seminal discharge may not, by Rabbinic decree, recite words of Torah before immersing in forty *se'ah* of water.^[12] The following Mishnah returns to this theme:
וְזָב שֶׁרָאָה קְרִי – A *zav* who experienced a seminal discharge,^[13] וְנִדָּה שֶׁפִּלְטָה שִׁכְבָּת וְזָרַע – and a *niddah* who emits semen residing within her from a prior act of cohabitation,^[14] וְהַמְשִׁמֶשֶׁת שֶׁרָאָתָה נִדָּה – and a woman who had intercourse and then saw *niddah* blood,^[15] צְרִיכִין טְבִילָה – all these need to immerse in a *mikveh* before they may recite words of Torah.^[16] וְרַבִּי יְהוּדָה פוֹטֵר – But R' Yehudah exempts them from this immersion.^[17]

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12. [Some texts read: לְמִיָּקָם בְּגוּיָה לְעַלְמֵי, to stand inside of it to pray (see *Dikdukei Soferim*).] Only with regard to praying inside the "latrine" did Ravina consider that designation might be enough to render the matter forbidden.

13. Thus, the Gemara's answer stands: One may not pray if excrement or an actual latrine is in front of him within eyesight, as Rav Huna maintains. And when Rav Chisda permits praying facing a latrine, he refers only to an area designated for that use, but not to one that has actually been used.

[Though Rav Chisda's ruling was previously explained to mean that the person must move four *amos* away (see above, note 9), there is a question whether this qualification of his ruling remains according to the Gemara's current understanding (see *Derishah* cited there, and *Mishnah Berurah* 83:7).]

14. Thus, one may recite *Shema* and pray opposite them (*Meiri*) or even in them (*Orach Chaim* 83:4).

The Persian latrines were deep burrows dug diagonally into the ground, so that the excrement did not remain there but rolled away down the burrow (*Rashi*) four *amos* or more from the hole on top (*Tur*, *Orach Chaim* 83, in explanation of *Rashi*). The area on top, therefore, does not have the legal status of a latrine (see *Mishnah Berurah* 83:11). [See *Chazon Ish*, *Orach Chaim* 17:2-4, who discusses at length – but does not conclude – whether modern bathrooms have the same leniencies as Persian latrines.]

15. This is the minimum amount needed to fill a valid *mikveh*. The Gemara earlier (22b) states, however, that the forty *se'ah* in which he immerses need not meet the requirements of an actual *mikveh* (e.g. the water may be מִיִּם שְׂאֻבִין, drawn water). Likewise, under some circumstances, the *baal keri* may fulfill his requirement by simply pouring on himself nine *kabin* of water, a significantly smaller amount than forty *se'ah* (see above, 22a-b).

16. A *zav* is a male who experiences a seminal emission (see *Leviticus* 15:1-15; *Niddah* 35b in regard to what type of emission is considered *zivah*). After one such emission, the *zav* assumes *tumah* to the same degree as one who experienced a seminal emission [בְּעַל קְרִי] (*Zavim* 1:1). If a *zav* experiences a second emission on the same or following day, he assumes a higher degree of *tumah*. He does not become *tahor* until he counts seven "clean" days (i.e. days in which he is free from emission) and then immerses himself in a spring (*Leviticus* 15:13).

This particular Mishnah speaks of this latter type of *zav* – one who has experienced two emissions, and must therefore wait at least seven days before becoming *tahor*. Now, a person who is only a *zav* is permitted to recite words of Torah before immersing (this restriction was imposed only upon someone who experienced a seminal emission; see above, 22a). However, during his seven-day waiting period, this particular *zav* also experienced a seminal emission. A scenario is thus created under which the *zav* is indeed a *baal keri*; however, even if he were to immerse immediately to remove the *tumah* of *keri*, he would still remain *tamei* as a *zav* (see *Rashi*).

– כי קא מיבעי ליה לרבינא – Regarding what does Ravina inquire? – לְמִיָּקָם עָלֶיהָ לְעַלְמֵי בְּגוּיָה – Only with regard to standing there to pray inside of it.^[12] – אָבֵל בְּגוּיָה לֹא – But with regard to praying opposite it, Ravina did not entertain the possibility that mere designation renders this forbidden.^[13]

A ruling on a related matter:

– הָיָה בְּתֵי כֶסֶּאֵי דְּפַרְסָאֵי – The latrines of the Persians, – אֶף עַל גַּב דְּרֵאִית בְּהוּ צוּאָה – even though there is excrement inside of them, – כְּסוּמִין דְּמוּ – are regarded as closed up.^[14]

17. A *niddah* is a woman who has menstruated. She is *tamei* for seven days (*Leviticus* 15:19), after which she immerses herself in a *mikveh*.

Now, a woman who emits semen she received through intercourse becomes *tamei* to the same degree as a man who experienced a seminal emission, and, indeed, she is subject to the immersion required by Ezra before reciting words of Torah (*Rashi*; see below). In this Mishnah, the case concerns a woman who has become a *niddah*, and then emits semen she received through a prior act of intercourse. Thus, even were she to immerse to remove the *tumah* of the semen emission, still, she would remain *tamei* as a *niddah* for the duration of the seven-day period.

The source for declaring *tumah* upon a woman who emits semen is found in the Scriptural account of the Revelation at Mount Sinai. Scripture records that before the Torah was given, the people were instructed to refrain from intimacy with their wives for three days, [and then immerse in a *mikveh* to become *tahor*]. The three-day period was significant because semen deteriorates after three days in the womb. Thus, because the immersion occurred after three days, any semen remaining from an act of intercourse which a woman might expel after the immersion would not render her *tamei*. The implication is that a woman who emits viable semen (semen less than three days old) is in fact deemed *tamei* as a *baal keri* (*Rashi*; see also *Exodus* 19:15 with *Rashi*).]

18. Indeed, a woman who has had intercourse [even if she does not emit any of the semen] acquires the same status as a man who is a *baal keri*: Neither may have contact with consecrated things (*Leviticus* 15:18), nor may engage in recital of Torah [under Ezra's decree], before immersion.

Here, the Mishnah speaks of a woman who had intercourse and shortly thereafter became a *niddah*. Thus, even were she to immerse to remove the *tumah* caused by intercourse, she would still remain *tamei* as a *niddah* (as above, note 17). [In the previous case discussed by the Gemara, the woman apparently immersed immediately after cohabitation, prior to becoming a *niddah*. Here, though, she did not immerse after intercourse. Hence, the principal difference between this case and the last one lies in which *tumah* came first. In the prior case of a *niddah* who emitted semen, she was first subject to the greater *tumah* of *niddah*, and only afterwards became subject to the lesser *tumah* of *keri*, for which she might be required to immerse under Ezra's decree. In the latter case, where a woman had intercourse before becoming a *niddah*, the first *tumah* she contracted was that of *keri*; hence, she was subject to Ezra's decree before she ever contracted the more severe *tumah* of *niddah*. The importance of this distinction will be elaborated in the Gemara below.]

19. Although even after immersing, the people do not actually become *tahor*, still, the Tanna Kamma requires them to immerse before recital of Torah in order to at least remove the *tumah* of *keri* (see *Rashi* to 21b).

20. [Since the immersion cannot effectively make them *tahor*, R' Yehudah maintains that Ezra did not require it in this case (*Ritva* to 21b; see *Rashi*).]

Gemara The Gemara analyzes R' Yehudah's view:

בַּעַל קְרִי שֶׁרָאָה – אֵיבָעִיָּא לָהּ – They inquired: בַּעַל קְרִי שֶׁרָאָה – According to R' Yehudah, what is the law regarding a *baal keri* who subsequently experiences a *zivah* discharge? Must he immerse in a *mikveh* prior to reciting words of Torah, or need he not do this?

The Gemara examines each possibility:

On the one hand, we might say: כִּי פִטֵּר רַבִּי יְהוּדָה הֵתֵם – When did R' Yehudah exempt the *zav* from immersion there in the Mishnah? בְּזֶבַע שֶׁרָאָה קְרִי – Only in the case of a *zav* who experiences a seminal discharge, דְּמַעֲיָקְרָא לֹא בַר טְבִילָה הוּא – because at first, when the person was only a *zav*, he was not subject to the immersion required by Ezra's decree.^[21] Thus, when he later contracts the additional (but lesser) *tumah* of *keri*, this does not render him subject to Ezra's immersion. אָבֵל בַּעַל – But as for a *baal keri* who subsequently emits a *zivah* discharge, דְּמַעֲיָקְרָא בַר טְבִילָה הוּא – where at first (when the person was a *baal keri* alone), he was indeed subject to the immersion ordained by Ezra, מִחֵיב – in that case, perhaps [R' Yehudah] would obligate the person to immerse (even after he becomes a *zav*) before reciting words of Torah.^[22]

The Gemara considers the alternative possibility: או דִּילְמָא לֹא שָׁנָא – Or perhaps, there is no difference between the cases. That is, so long as a person is now a *zav* as well as a *baal keri*, he is not subject to Ezra's decree, no matter which of his conditions preceded the other. – ? –

The Gemara resolves the question:

תָּא שָׁמַע – Come, learn a proof to this from our Mishnah, which stated: הַמְשַׁמֶּשֶׁת וְרָאָתָה נִדָּה – A WOMAN WHO HAD INTERCOURSE AND then SAW NIDDAH blood צָרִיכָה טְבִילָה – MUST IMMERSE in a *mikveh* before praying or reciting words of Torah. וְרַבִּי יְהוּדָה פוֹטֵר – HOWEVER, R' YEHUDAH EXEMPTS her from this immersion.

The Gemara analyzes this statement to deduce its proof:

וְהָא מְשַׁמֶּשֶׁת וְרָאָתָה נִדָּה – Now, the case of a woman who has intercourse and then became a *niddah* בְּבַעַל קְרִי שֶׁרָאָה וַיְבִיחָה – is for our purposes comparable to the case of a *baal keri* who emits a *zivah* discharge; i.e. in both cases, the person already contracted the *tumah* of *keri* before they contracted the *tumah* of greater severity.^[23] וְקָא פִטֵּר רַבִּי יְהוּדָה – And yet we see that R' Yehudah indeed exempts [the woman] from the immersion ordained by Ezra. שָׁמַע מִינָּה – We can infer from here, then, that R' Yehudah would also exempt from this immersion a *baal keri* who subsequently emits a *zivah* discharge.

The Gemara confirms this analysis:

תֵּינִי רַבִּי חִיָּיא בְּהִרְיָא – Indeed, R' Chiya explicitly taught this very thing in a Baraisa: בַּעַל קְרִי שֶׁרָאָה וַיְבִיחָה – A BAAL KERI WHO EMITS A ZIVAH DISCHARGE צָרִיךְ טְבִילָה – IS REQUIRED TO IMMERSE HIMSELF before reciting words of Torah. וְרַבִּי יְהוּדָה – R' YEHUDAH, however, EXEMPTS him from this immersion. We see clearly, then, that R' Yehudah does not require Ezra's immersion in this type of case.

הדרן עלך מי שמתו

WE SHALL RETURN TO YOU, MI SHEMEISO

NOTES

21. As mentioned earlier (above, note 16), even though the *tumah* of a *zav* is more stringent than that of *keri*, still, Ezra's decree concerning immersion before Torah study was not stated in regard to him; for his decree applies only to one who experienced a seminal discharge (*Rashi*; see above, note 16 and Gemara above, 22a).

22. I.e. although R' Yehudah holds that an already *tamei* person (e.g. a *zav*) does not become subject to Ezra's decree once he also becomes a *baal keri*, he might maintain that the law is different when the person

was first a *baal keri* and only later became a *zav*. In this latter case, the person was certainly subject to Ezra's decree at one point (when he was a *baal keri* alone), and R' Yehudah might therefore assert that he does not lose this status simply because he subsequently contracts another, more severe, type of *tumah* (see *Rashi*; for a discussion of why the Sages might dispute R' Yehudah on this point, see *Shaarei Yosher*, *Shaar* 2, chapter 21).

23. See above, end of note 18.

Chapter Four

Introduction

After discussing at length the laws of the *Shema* in the first three chapters, the Mishnah turns to the laws of Prayer in the next two chapters. According to *Rambam* (*Hil. Tefillah* 1:1; *Sefer HaMitzvos*, Aseh §5), Prayer is a Biblical obligation contained in the verse וַעֲבַדְתָּ אֹתוֹ אֱלֹהֶיךָ, and you shall serve Hashem your God (*Exodus* 23:25), which the Sages interpret as a reference to prayer, “the service of the heart.” *Ramban* (*Sefer HaMitzvos* ad loc.), however, argues that prayer is but a Rabbinic obligation that the Rabbis attached to this verse. The plain meaning of the verse, *Ramban* explains, is that our service to God through the performance of His mitzvos be sincere and wholehearted. Nonetheless, *Ramban* remarks, the concept of prayer is indeed a great kindness bestowed on us by God, Who has promised to hear our prayers and answer them whenever we call upon Him.

The basic obligation of prayer is to beseech and pray to God every day, prefacing our prayers with a declaration of His praises, and concluding our prayer with praise and thanks to Him for all the good He has bestowed upon us (*Rambam*, *Hil. Tefillah* 1:2). Originally, the exact formulation of prayer and its frequency during the day was left to each person’s discretion and according to his ability (*ibid.* 1:3). After the Babylonian exile, however, mastery of the holy tongue declined greatly among the Jews, so that people were at a loss to pray properly in Hebrew. Therefore, Ezra and his Court instituted a formal Prayer (in Hebrew) consisting of eighteen blessings to be recited in sequence. The first three blessings contain the prefatory praise of God, the twelve middle blessings cover the full range of communal and individual needs, and the concluding three express our gratitude to God for all the good He has bestowed upon us (*ibid.* 1:4).

Ezra and his Court also instituted that the number of prayers a person recites during the day should correspond to the number of communal sacrifices that were offered in the Temple. Thus, on an ordinary weekday, a person recites the Shacharis (morning) Prayer, which corresponds to the morning *tamid* offering, and the Minchah (afternoon) Prayer, which corresponds to the afternoon *tamid* offering. On days on which there was a *mussaf* (additional) offering in the Temple (namely, on the Sabbath, Festivals and Rosh Chodesh), one also recites the corresponding Mussaf Prayer (*ibid.* 1:5). The Rabbis further instituted that a person also recite an evening Prayer known as Maariv (or Arvis), to correspond to the burning on the Altar of the sacrificial meat of the afternoon *tamid* offering, which continued to burn throughout the night (*ibid.* 1:6).

The eighteen-blessing formal prayer instituted by Ezra is referred to in the works of the Sages and later commentaries as simply as “Tefillah” – “the Prayer.” In popular usage, however, it is known as the *Shemoneh Esrei*, which means “eighteen,”^[1] and sometimes as Amidah (literally: standing), because of the position in which we recite it. In the times of Rabban Gamliel, a great threat arose in the form of Jewish heretics and sectarians who sought to undermine the loyalty of the nation to God and His Torah. As there could be no greater need than to protect the nation from such attacks, Rabban Gamliel and his Court instituted a nineteenth blessing to this end. Thus, today our Tefillah (Prayer) consists of nineteen blessings (*ibid.* 2:1). Nevertheless, the earlier appellation *Shemoneh Esrei* (“Eighteen”) has been retained.

TERMS RELEVANT TO THIS CHAPTER

- Prayer* – the *Shemoneh Esrei*, the eighteen-blessing formal prayer recited three times each day, as well as the smaller-numbered formal prayers said on the Sabbath and Festivals.
- minchah gedolah* – the period extending from 6½ hours into the day until the end of the twelfth hour.
- minchah ketanah* – the period extending from 9½ hours into the day until the end of the twelfth hour.
- plag haminchah* – the latter of the two halves of *minchah ketanah*, extending from 10¾ hours into the day until the end of the twelfth hour.^[2]

NOTES

1. In order to make the Sabbath and Festival Prayers less burdensome, the Rabbis replaced the middle thirteen request blessings with a single blessing concerning the nature and sanctity of the particular holy day. Technically, therefore, the term *Shemoneh Esrei* is a misnomer for the

tefillos on these days, since they contain only seven blessings. Nevertheless, this term is colloquially used to refer even to these days’ *tefillos*.

2. This definition reflects the conclusion of the Gemara on 26b.

Chapter Four

Mishnah Having completed its discussion of the laws of the *Shema* in the previous chapters, the Mishnah turns its attention to the laws of the *Shemoneh Esrei*.^[1]

תפלת השחר עד הצהר – The morning Prayer [Shacharis] may be recited until noon. רבי יהודה אומר – R' Yehudah says: עד ארבע שעות – Until four hours into the day.^[2]

תפלת המנחה עד הערב – The afternoon Prayer [Minchah] may be recited until the evening.^[3] רבי יהודה אומר – R' Yehudah says: עד פלג המנחה – Until half of *minchah*.^[4]

תפלת הערב אין לה קבע – The evening Prayer [Maariv] does not have a fixed time, i.e. it may be recited all night long.

ושל מוספים כל היום – And [the Prayer] of Mussaf may be recited the entire day.^[5] רבי יהודה אומר עד שבע שעות – R' Yehudah says: Until seven hours into the day.^[6]

Gemara The Gemara challenges the Mishnah's ruling allowing one to recite Shacharis several hours into the day:

ורמינה – But contrast [this Mishnah with the following Baraisa] regarding the *Shema* and note the contradiction: מצינו

עם הנץ החמה – ITS MITZVAH [i.e. the mitzvah of *Shema*] is to recite it TOGETHER WITH THE SUNRISE, כרי שיקמוץ נאולה לתפלה, which follows immediately after the *Shema*, TO the PRAYER, ונקמצא מתפלל – AND as a result IS FOUND TO BE PRAYING BY DAY.^[7]

NOTES

1. Or *tefillah*, as the Mishnah calls it. [When used by the Mishnah or Gemara in the halachic (i.e. non-aggadic) sense, the term *tefillah*, which means *prayer*, refers specifically to the *Shemoneh Esrei* (or *Amidah*) prayer, not to prayer in general or to the entire Shacharis, Minchah or Maariv service. To indicate this, we have, in translating this word in the text, used the term Prayer (with an uppercase P). In the footnotes, the more familiar term *Shemoneh Esrei* is employed as well.]

It should be noted that while the term *Shemoneh Esrei*, which means "eighteen," is popularly used for the *Amidah* Prayer in all its forms, it is technically a misnomer for all but the weekday Prayer, which indeed originally contained eighteen blessings. (Nowadays, this Prayer contains nineteen blessings, due to the later addition of a blessing against the sectarians – see Gemara below, 28b. However, the original name, *Shemoneh Esrei*, stuck.) The Sabbath, Festival and Rosh Chodesh Mussaf Prayers, however, all contain only seven blessings, and the Rosh Hashanah Mussaf contains nine. Nevertheless, since the use of the term *Shemoneh Esrei* is so widespread even in regard to these Prayers, we have used this term indiscriminately as well.

2. One may not recite Shacharis all the way up until noon, which is at the end of the sixth hour of the day. Rather, it must be recited by the fourth hour. The Gemara (26b-27a) will discuss whether this means the beginning or the end of the fourth hour. The basis for the dispute between the Rabbis and R' Yehudah will be explained on 26b.

We note once again that with regard to the times mentioned in the Mishnah, an "hour" is defined as one-twelfth of the daylight period, not as a standard sixty-minute hour. See 3a note 4 for elaboration.

[Even though when presenting the laws of the *Shema* the Tanna first discussed the evening *Shema* and then the morning *Shema* (Mishnahs 2a and 9b), here he reverses the order and discusses the *Shemoneh Esrei* of the morning before that of the evening. According to the view below (26b) that the Prayers were instituted to correspond to the daily offerings in the Temple, this reversal is explained by the fact that the Torah itself, when detailing these offerings, mentions the morning sacrifice before that of the afternoon (see *Tosafos* to 2a ליתני ד"ה). According to the alternate opinion below that the Prayers were established by the Patriarchs, the Mishnah discusses the Shacharis Prayer first because it was Abraham, the first of the Patriarchs, who established this Prayer (*Pnei Yehoshua*; see *Tzlach* for additional reasons for this sequence).]

It will be noted that while the Mishnah discusses the latest time for reciting the Shacharis *Shemoneh Esrei*, it does not discuss the earliest time. *Rosh* postulates, however, that this time is dawn, since dawn is the earliest point at which the morning *tamid* may be slaughtered, and the Prayers correspond to the daily sacrifices. (Although it was stated in the previous paragraph that according to one opinion it was the Patriarchs who established the Prayers, this pertains only to the Prayers' initial institution. Even this opinion agrees, however, that subsequently the Rabbis linked the Prayers to the sacrifices, as the Gemara will state on 26b.) It was unnecessary, however, for the Mishnah to teach this starting time, for since the latest time by which one must recite the Shacharis Prayer corresponds to the latest time for bringing the morning *tamid*

(see below, 26b, where it is explained that the dispute between the Rabbis and R' Yehudah as to the latest time for Shacharis depends on their respective opinions as to the latest time for the morning *tamid*), it is self-evident that the earliest time for this Prayer corresponds to the earliest time for this offering. For the definition of "dawn" in regard to this law, see *Beur Halachah* to 89:1 ד"ה ואם.

The above refers to the earliest time one can pray the Shacharis and still fulfill the mitzvah. We will learn in the Gemara, however, that the preferred time for reciting this Prayer is sunrise.

3. I.e. until nightfall (צאת הכוכבים), when three midsize stars appear in the sky] (*Rashi*). [Others, however, explain "evening" to mean sunset (*Rabbeinu Yonah*, *Gra* in *Shenos Eliyahu*). See *Orach Chaim* 233:1 and *Mishnah Berurah* *ibid.* §14.]

4. The Gemara (26b) will define the term "half of *minchah*."

As in regard to Shacharis, in regard to Minchah as well the Mishnah does not delineate its earliest time. We will learn on 26b, however, that this time is six and a half hours into the day, which is the earliest point at which the afternoon *tamid* may be slaughtered. Here again the Tanna felt it unnecessary to state this law, for since the latest time for the Minchah Prayer corresponds to the latest time for the afternoon *tamid* (see Baraisa below, 26b), it is self-understood that the earliest time for Minchah corresponds to the earliest time for this offering (*Chidushei R' Mordechai Banet*). [Nevertheless, some assert that the ideal time for reciting Minchah is after nine and a half hours into the day, since the afternoon *tamid* was, in actual practice, not offered until this time. See *Shulchan Aruch*, *Orach Chaim* 233:1.]

5. Just as the *mussaf* offering may be brought anytime after the daily morning *tamid* offering, so too the Mussaf Prayer may be recited anytime after Shacharis.

[Although Mussaf may be recited earlier than Minchah, the Mishnah first mentions Minchah since it is recited every day, whereas Mussaf is recited only on specific days (*Tosafos*).]

6. [It is questionable if this sentence is actually part of the Mishnah. See below, 27a note 2.]

7. This Baraisa is an excerpt from *Tosefta* 1:4. In an earlier section (not cited by the Gemara) the *Tosefta* states that the earliest time for reciting the *Shema* is when there is sufficient light to recognize an acquaintance at a distance of four *amos*. The *Tosefta* then states (in the section cited here) that the preferred method is nevertheless to delay the *Shema's* recital until shortly before sunrise, so that one utters the words ברוך אתה ה' נא לא ישרא'ל, which conclude the blessing of redemption following the *Shema*, just before sunrise, and begins the *Shemoneh Esrei* exactly at sunrise. In this way one accomplishes two things: He juxtaposes the blessing of the redemption with the *Shemoneh Esrei*, which the Gemara on 9b teaches is an extremely meritorious achievement, and he recites the *Shemoneh Esrei* at sunrise, which (as mentioned in note 2) is preferable to reciting it before sunrise. If, however, one were to recite the *Shema* at its earliest time (i.e. substantially before sunrise), one would be forced either to recite the *Shemoneh Esrei* at that point as well (in order to join the blessing of redemption to the

It appears from this Baraisa that one must recite the morning Prayer immediately following sunrise.^[8] This contradicts the rulings of both the Rabbis and R' Yehudah, who permit reciting Shacharis well into the day. — ? —

The Gemara answers:

That Baraisa was taught specifically in reference to the devoted ones, who go beyond the letter of the law in their performance of mitzvos.^[9] — **For R' Yochanan said:** — נתיקין היו גומרים אותה עם הנץ החמה — The devoted ones would take care to complete the recitation of [the *Shema*] together with the sunrise.^[10] Our Mishnah, however, refers to ordinary people, who are content to perform the mitzvos according to the letter of the law. The Mishnah teaches that the latest one may recite the morning Prayer and still fulfill the mitzvah is noon (according to the Rabbis) or four hours into the day (according to R' Yehudah).

The Gemara asks:

— **And everyone else, i.e. those who are not categorized as "devoted ones," may recite Shacharis only until noon, but not later?** — והאמר רב מרי בר רב הונא בר ריה — But Rav Mari the son of Rav Huna the son of R' Yirmiyah bar Abba said in the name of R' Yochanan: — **If one erred and did not recite Maariv, — he recites two Prayers at Shacharis, one for Shacharis and one to compensate for Maariv; — if he erred and did not recite Shacharis, — he recites two Prayers at Minchah.** Since we find that one may compensate for a missed Shacharis by adding a Prayer in the afternoon, it is clear that the time for Shacharis is not limited to before noon.^[11] — ? —

The Gemara answers:

— **In truth one may pray Shacharis all day long.** However, — **until noon he is given reward for Prayer in its proper time; — thereafter he is given reward for Prayer, — but he is not given reward for Prayer in its proper time.**

Having mentioned the law of compensating for a missed Prayer, the Gemara discusses the scope of this allowance:

— **They inquired:** — **If one erred and did not recite Minchah, — may he recite two Prayers at Maariv to compensate for his omission?** — **If you will respond and say that we can derive the answer from the case in which one erred and did not recite Maariv, — where R' Yochanan ruled that he prays twice at Shacharis, and you will argue that here too he should be permitted to compensate for having missed Minchah by reciting an extra Prayer at Maariv, there is, however, a difference.** — **For there it is all one day, i.e. the evening and morning both form part of the same day, — as it is written: And there was evening and there was morning, one day.**^[12] — **But here, in the case of one who missed the Minchah Prayer and wishes to compensate for it by reciting an extra Prayer in the evening, perhaps he may not do so, because — Prayer is in place of a sacrifice, — and we have a rule that once the day of [a sacrifice] has passed, — its sacrifice is canceled.**^[13] Accordingly, if one misses Minchah and the day ends, he may not compensate for it by reciting two Prayers in the evening, since it is already the next day.^[14] — **Or perhaps we say that since Prayer is ultimately a request for mercy, — whenever one wishes he may pray.**^[15] — ? —

The Gemara answers:

— **Come, learn the answer:** — **For Rav Huna bar Yehudah said in the name of R' Yitzhak who said in the name of R' Yochanan:** — **If one erred and did not recite Minchah, — he recites two Prayers at Maariv, — and the maxim "once its day has passed its sacrifice is canceled" does not apply to this.**^[16]

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Shemoneh Esrei), which is not preferred, or to delay beginning *Shemoneh Esrei* until sunrise, thereby creating an undesirable gap between the blessing of redemption and the *Shemoneh Esrei* (see *Tosafos to Yoma* 37b ד"ה אמר אביי; *Milchamos Hashem* to *Rif* folio 2a; *Rabbeinu Yonah* ibid. folio 4b).

8. For if it is indeed permissible to pray the Shacharis *Shemoneh Esrei* as late as noon or four hours into the day, one could accomplish both of the goals mentioned in the previous note by reciting the *Shema* even after sunrise, and reciting the *Shemoneh Esrei* at that point.

9. "Devoted ones" (*vasikin*) is a term for individuals who cherish the mitzvos and exert themselves to perform them at the earliest possible opportunity and in the most preferred manner (see *Rashi*). [See above, 9b note 34, for other explanations of the term *vasikin*.]

10. In their zeal to perform the mitzvos at the earliest opportunity (מקדימים למצוה), the devoted ones would begin the *Shemoneh Esrei* at the earliest possible moment within the time period allotted for this *tefillah*. Since the time for reciting Shacharis runs from sunrise (preferably) until noon or four hours into the day, they would commence *Shemoneh Esrei* at sunrise.

11. [Actually, a rather simple answer to this question would be to say that the Baraisa refers specifically to where one erred, and is giving an instruction for after the fact (בריעבר), while our Mishnah refers to when the Prayer should initially (לביתחלה) be recited. The Gemara, however, offers a different answer [because it assumes the Mishnah's statement to apply to all cases] (*Ritva*; cf. *Maharshal*; *Tzalach*; *Divrei David*).

12. *Genesis* 1:5.

13. I.e. if one missed bringing an offering of a particular day, e.g. a *mussaf* offering, no substitute is brought the next day (*Rashi*).

14. [Although it is also true that if the morning *tamid* is missed it cannot be brought in the afternoon, and yet R' Yochanan states that one may pray twice at Minchah to compensate for a missed Shacharis, this is because the *Shemoneh Esrei* Prayer, in the final analysis, is not an actual *tamid* sacrifice — it only corresponds to one. However, because it does at least correspond to this communal sacrifice, it can be argued that the Rabbis were no more lenient with it than with the law we find in regard to another time-related communal sacrifice — the *mussaf* offering, where the rule is that if it was not brought on its prescribed day, it cannot be made up on the next. Thus while R' Yochanan allows a missed *Shemoneh Esrei* to be made up later within the same day, it is possible that he does not allow it to be made up on the next day (see *Rashash* and *Leshon HaZahav* in explanation of *Rashi*; see also *Pnei Yehoshua*; *Pnei Shlomo*; *Sheleimah Mishnaso*).

15. In the final analysis, Prayer is an entreaty that God grant us our needs. Perhaps, therefore, the Rabbis were lenient and allowed us to make up a missed Minchah Prayer at Maariv, despite the fact that no sacrifice can be compensated for on the next day.

16. Some assert, however, that a missed Prayer can be made up only at the time of the following Prayer. Thus if, for example, one missed both Shacharis and Minchah, he prays twice at Maariv, once for Maariv and once for Minchah, but he has lost the chance to make up the Shacharis Prayer (*Tosafos* טעם טעם; *Rambam*, *Hil. Tefillah* 3:10). Others maintain that one can make up as many Prayers as have been missed. Hence if, say, one was ill and could not pray for three days, he may upon recovering make up all nine of the Prayers he missed (see *Rabbeinu Yonah*, and see *Raavad* on *Rambam* ibid.). The halachah follows the former view (*Shulchan Aruch*, *Orach Chaim* 108:4; see however ibid. §5 and *Mishnah Berurah* §19).

The Gemara questions R' Yochanan's ruling allowing compensation for missed Prayers:

מיתבי – They challenged this ruling from a Baraisa: *מַעֲנָה*, לא יוכל להקין – Scripture states: A TWISTED THING CANNOT BE MADE STRAIGHT, *וְהַסְרֹן לֹא יִוָּכַל לְהַמְנוּחַ* – AND THAT WHICH IS MISSING CANNOT BE NUMBERED.¹⁷ *מַעֲנָה* לא יוכל להקין – A TWISTED THING CANNOT BE MADE STRAIGHT – זה שבטל קריאת שמוע של ערבית – THIS REFERS TO ONE WHO SUSPENDED THE READING OF THE EVENING SHEMA וקריאת שמוע של שחרית – OR THE READING OF THE MORNING SHEMA, או תפלה של ערבית – OR THE EVENING PRAYER OR THE MORNING PRAYER.¹⁸ *וְהַסְרֹן לֹא יִוָּכַל לְהַמְנוּחַ* – AND THAT WHICH IS MISSING CANNOT BE NUMBERED – זה שנמנו חביריו לדבר מנחה – THIS REFERS TO ONE WHOSE FRIENDS WERE COUNTED TO perform A MITZVAH ולא נמנה עמיהם – BUT HE WAS NOT COUNTED AMONG THEM.¹⁹ It is clear from this Baraisa that if one misses a

Prayer "it cannot be made straight," i.e. he cannot compensate for it. – ? –

The Gemara answers:

אמר רבי יצחק אמר רבי יוחנן – R' Yitzchak said in the name of R' Yochanan: *הָכָא בְּמַאי עֲסָקִין* – Here in the Baraisa with what are we dealing? *שֶׁבִטַּל בְּמִזְוֵיר* – Where he suspended the Prayer intentionally. In that case we do not allow him to make it up. However, where his omission was accidental, he may compensate for it.

The Gemara adduces support for this answer:

אמר רב אשי – Rav Ashi said: *דִּיקָא נְמִי דְקָתְנִי בְטַל* – This explanation is also indicated by a precise reading of the Baraisa, for the Baraisa states "he suspended" the Prayer, which implies that it was done intentionally, *וְלֹא קָתְנִי טָעָה* – and it does not state "he erred." *שָׁמַע מִיָּדָה* – Learn from this as we have said.

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17. Ecclesiastes 1:15.

18. Koheles refers to a missed prayer as a *twisted thing that cannot be made straight*, for the omitted prayer cannot be made up later. This is the basis for the Gemara's question which follows.

19. I.e. he was invited to join a group of people who were going to

perform a mitzvah, e.g. to raise money for a worthy cause or to visit a sick person, and he declined. That opportunity is lost forever ("that which is missing cannot be numbered"), since the mitzvah has already been performed (*Rashi to Chagigah 9b שְׁמִינִיחוּ*). Cf. *Sifsei Chachamim* here.

שורה חתפולל בשביר פתחה על פתח
 וכן הדמה והשניה היא בשביל עצמות
 : שניה עוללה ה' . בשביל פתח מ' .
 כלום שאלו על להקדים (ה) פתחה שער
 ומה לפתלה שומחה פתחו והשניה
 נמי לא פתלה על לשל שבת האל
 והדבר זה גילה דמיון שניה על
 שבת והיא תחבול לשל ערבים : אחת
 תהום . דוקאני בברייתא לקחיה :
 כנגד תמידים תהום . ואני כנסת
 הגדולה : רבי יוחנן . סל שאלו תמיד
 של שחר רבי אלון דל ארבע שעות
 אברים . של שעות : ועדיין . של
 שחר קרנבט שחרק דמן קודם
 שקיעת החמה קרנבין כל הלילה
 וכענין חמה פתלה ערבים : ממה
 גדולה . חס בא להקדים תמיד של
 בין הערבים איט יוכל להקדמו קודם
 של שעות וממה דבין הערבים כחב
 ביה מבי ימנו ללוי מרב משהמה
 טעה להעברל הרייט שמש שעות
 וממה ולמהלה דלחר מר ח' של
 וח' שבת חמה שומחה דגאל כל
 חמה באחמש הרקיע (פסחים ד' טז) :
 אחד הרקיע . זמן תמיד של בין
 י' . הערבים כולל יום מחמש שעות
 וממה ולמהלה דרעקן בחמד ששטח
 (ד' יח) . ששטח בשומחה וממה וקרב
 פתח וממה והמה מפרש ששטח :
 פתח ממה והמה . חלק ח' ששטח
 וממה הערבים כיום ותמאל פתלה
 ארבען של ממה ח' שעות חמה
 י' . תרביע ולמהלה : דלוי לא תומא חבי
 ח' וחמה רבי יוסף ברבי חנינל דרעקן

למסמכיהו חקירטת: חפלת המסמכיהו
מאן חקטת. חלף ע"כ חספס חקירטת
חקירטת וזי עייט במספין וזל
חלף חפלת כגדה עמוד סס וחקטת
עד ועד ככלל. לרבי יהודה הוא חקטת
בפי דלית לרבנן עד ולא עד בכלל
סייע

(ג.) ויהי זמנן את הדסה ואין הדס
 (צ.) הוא זמנן להפוך :
 לתרין צפי למהדר אמר אפשר שעבר
 לה דעתי למהדר וקשה למתמיהין לפי
 דהם דלמיר עד פלג המנחה נחית ויהי
 ת :
 הוי תפלה המנחה נחית זמנן מנח
 כון תפלתו קצרת לפניך (האליס קא)
 יי תחמים להחמיר חזון מכבדים של תפלה
 ואמרי עבר זמנן בעל קרבט ואפי' במזיו
 תפ

[פירוזין פ
 פאזי' קיז:ר
 ל: סדכ פ
 חיר ו: ממ
 פת: חולין פ
 מ: פירין פ
 מ: ממ:

[פיין פסקי
טוב' סדק
האָמאן רב
סימן קיט]

More rules regarding compensatory prayers:

טעה ולא התפלל – The Rabbis taught in a Baraisa: טעה ולא התפלל – If one erred and did not pray Minchah on the eve of the Sabbath, i.e. on Friday afternoon, מתפלל בליל – HE PRAYS TWICE ON THE SABBATH NIGHT, once for Maariv and once to make up for Minchah.^[1]

טעה ולא התפלל מנחה בשבת – If one erred and did not recite Minchah on the Sabbath, מתפלל במוצאי שבת שתיים של חול – HE PRAYS AT THE CONCLUSION OF THE SABBATH, i.e. on Saturday night, TWO OF THE WEEKDAY, i.e. two weekday texts of the Prayer, one for Maariv and one to make up for Minchah.^[2] מבריל – HE RECITES HAVDALAH IN THE FIRST Prayer BUT HE DOES NOT RECITE HAVDALAH IN THE SECOND.^[3] ואם הבדיל בשניה ולא הבדיל בראשונה – AND IF HE RECITED HAVDALAH IN THE SECOND Prayer BUT HE DID NOT RECITE HAVDALAH IN THE FIRST, שניה עלתה לו – THE SECOND ONE COUNTS FOR HIM – ראשונה לא עלתה לו – and THE FIRST ONE DOES NOT COUNT FOR HIM.^[4]

The Gemara asks:

למימרא דבין דלא אבדיל בקמייתא – Is this to say that since he did not recite Havdalah in the first Prayer – במאן דלא עלי דמי –

it is as if he did not pray it and we make him repeat it?^[5] But contrast [this Baraisa with another] and note the contradiction: טעה ולא הזכיר גבורות גשמים בתחית – If one erred and did not mention THE POWERS OF RAIN in the blessing of THE RESURRECTION OF THE DEAD,^[6] OR THE REQUEST for rain IN THE BLESSING OF THE YEARS,^[7] מחזירין אותו – WE MAKE HIM RETURN and repeat the *Shemoneh Esrei*.^[8] הבדלה בחוץ הרצת – However, if he forgot to recite HAVDALAH in the blessing GRACIOUS GIVER OF WISDOM,^[9] אין מחזירין אותו – WE DO NOT MAKE HIM RETURN, מפני שיכול לאומרה על הכוס – FOR HE IS ABLE TO SAY [HAVDALAH] later OVER THE CUP of wine.^[10] Thus we see that the omission of Havdalah does not invalidate the *Shemoneh Esrei*. – ? –

The Gemara concludes:

קשיא – This is indeed a difficulty.^[11]

The Gemara discusses the origin of the three daily Prayers:

רבי יוסי ברבי חנינא אמר – R' Yose the son of R' Chanina said: תפלות אבות תקנו – The prayers were instituted by the Patriarchs.^[12] רבי יהושע בן לוי אמר – R' Yehoshua ben Levi said: תפלות כנגד תמידין תקנו – The

NOTES

1. He recites the Sabbath text of the *Shemoneh Esrei* both times. For the reason the Sabbath Prayers were shortened from eighteen blessings to seven was that the Sages wished to make the Sabbath Prayers simpler and less burdensome (see above, 21a). Accordingly, whenever one prays on the Sabbath, even if he is making up for a weekday Prayer, he recites the Sabbath text (*Ritva*; see also *Hagahos HaGra*).

2. Although he is making up for a Sabbath Prayer, he still recites the weekday text of the *Shemoneh Esrei*. For even on the Sabbath itself the *Shemoneh Esrei* should have been identical to the weekday one [with just an appropriate paragraph included to indicate the holiness of the day, as is done on Rosh Chodesh and Chol HaMoed by adding וְנִבְרָא]. As mentioned, however, the Sages wished to make the Sabbath Prayer less burdensome. Accordingly, where the person is making up for a Sabbath Prayer after the Sabbath, the reason no longer applies, and he recites the weekday text of the *Shemoneh Esrei* (*Ritva*; see *Tosafos*).

3. [Havdalah here refers to the אָמֵר חֲנֻכָּהּ prayer inserted into the fourth blessing of the *Shemoneh Esrei* of Maariv at the conclusion of the Sabbath, to signify the differentiation between the Sabbath and the other days of the week.] When compensating for a missed *tefillah*, the first *Shemoneh Esrei* is always recited for the current obligation and the second for the missed one. [For possible reasons for this, see *Maadanei Yom Tov* §400; *Aruch HaShulchan* 108:9; *Mishnah Berurah* 108:7.] Accordingly, when compensating on Saturday night for a missed Sabbath Minchah Prayer, one adds Havdalah to the first *Shemoneh Esrei*, since this one is for the current Maariv obligation, but not to the second *Shemoneh Esrei*, since this is the compensatory Prayer (see *Rashi*).

[This is unlike the law in the first case in which one is compensating for a missed weekday Prayer on the Sabbath, where we learned that one recites the exact same *Shemoneh Esrei* both times. This is because Havdalah is not part of the Saturday night *Shemoneh Esrei* per se, but is merely inserted into that *Shemoneh Esrei* to differentiate between the holiness of the Sabbath and the weekday. Accordingly, once it is recited in the first *Shemoneh Esrei* and the differentiation has been made, there is no reason to recite it again in the second *Shemoneh Esrei* (*Maadanei Yom Tov* §200).]

4. The second *Shemoneh Esrei* counts as Maariv, while the first *Shemoneh Esrei* does not count at all. The person must therefore recite a third *Shemoneh Esrei* to make up for Minchah.

The reason for this is as follows: When he recited the first of the two *Shemoneh Esreis*, he presumably had in mind that he was doing so to fulfill his current Maariv obligation, for the rule is that one must always recite the current obligation first. However, since he did not add Havdalah, which he was required to do for the Maariv Prayer, it does not count for him.

He then recited the second *Shemoneh Esrei*. [Although he has not yet fulfilled his Maariv obligation, and we have learned that the present obligation must always be discharged first, in this case where he in fact intended the first *Shemoneh Esrei* for the current obligation, but did not

fulfill it because of a halachic technicality (i.e. he forgot Havdalah), he theoretically can recite the second *Shemoneh Esrei* for his make-up (see *Rashash*). However] by adding Havdalah to this second *Shemoneh Esrei*, he has indicated that he is in fact reciting this *Shemoneh Esrei* for his current obligation (presumably because he realized that he had forgotten Havdalah in the first *Shemoneh Esrei*). It therefore does not count as a compensatory prayer, but, indeed, for the present obligation. Accordingly, he must now recite *Shemoneh Esrei* a third time to make up for the Sabbath Minchah Prayer (*Rashi*, as explained by *Hagahos HaBach*; for other explanations of *Rashi*'s commentary here see *Leshon HaZahav*, *Divrei David* and *Emes LeYaakov*; cf. *Ritva*).

5. As explained in the previous note, the reason the first *Shemoneh Esrei* does not count for his Maariv obligation was because he left out Havdalah. Thus, the Baraisa must be assuming that omitting Havdalah in the Saturday night *Shemoneh Esrei* invalidates that Prayer.

6. That is, he neglected during the winter months to mention the phrase מְשִׁיב הַרוּחַ וּמוֹרֵד הַגֶּשֶׁם, He makes the wind blow and the rain descend, in the second blessing of the *Shemoneh Esrei*, which speaks about the resurrection of the dead.

7. That is, during the rainy season he did not mention the phrase וְתַתְּנוּ טֶל וְקָטָר, and give dew and rain, in the ninth blessing of *Shemoneh Esrei*, which concludes Blessed are You, Hashem, Who blesses the years.

8. [For the details of these laws see *Orach Chaim* 114:5 and 117:4.]

9. That is, on Saturday night he did not add the Havdalah prayer into the fourth blessing of *Shemoneh Esrei*, which is the blessing asking God for wisdom.

10. Since Havdalah is recited a second time over a cup of wine, there is no need to repeat *Shemoneh Esrei* if one left out Havdalah there. [As to why Havdalah is recited twice, see below, 33a.]

11. Although the Gemara leaves this difficulty unresolved, the fact that the Gemara concludes with the expression קָשְׁיָא, a difficulty, rather than with the more forceful expression דִּיּוּקָא, a refutation, indicates that the Gemara does not mean to reject the Baraisa's ruling, but means only to state that it cannot at present resolve the difficulty it raised with that ruling (see *Rav Hai Gaon* cited by *Rosh*; see also *Rashi* to *Sanhedrin* 72a (ד"ה קשיא); cf. *Rashbam* to *Bava Basra* 52b (ד"ה קשיא). In fact, the law as cited in *Shulchan Aruch* (*Orach Chaim* 108:9) is in accord with this Baraisa. Moreover, *Rav Hai Gaon* offers a plausible reason for the Baraisa's ruling: By reciting Havdalah in the second *Shemoneh Esrei* [but not in the first], the person indicated that he intended the first Prayer as his make-up and the second for the current obligation. Since a make-up may never precede a current obligation, the first Prayer is invalid and the person must recite the make-up Prayer a second time.

12. As a Baraisa below will explain (*Rashi*). [This does not mean that the Patriarchs composed the text of the *Shemoneh Esrei* as we have it, for this was formulated many generations later by the אֲנָשֵׁי כְּנֶסֶת הַגְּדֻלָּה, Men of the Great Assembly (see *Megillah* 17b-18a). Rather, the Patriarchs

prayers were instituted by the Men of the Great Assembly corresponding to the daily *tamid* offerings.^[13]

The Gemara adduces Tannaic support for each of these views: תניא אברהם אבינו – A Baraisa was taught in accordance with the opinion of R' Yose the son of R' Chanina in accordance with the opinion of R' Yehoshua ben Levi. – and a Baraisa was taught in accordance with the opinion of R' Yehoshua ben Levi.

The Gemara cites the first Baraisa:

A Baraisa was taught in accordance with the opinion of R' Yose the son of R' Chanina: ABRAHAM INSTITUTED THE SHACHARIS PRAYER, AS IT IS STATED: וַיִּשָּׁב אַבְרָהָם בֶּבֶקֶר – AND ABRAHAM AROSE EARLY IN THE MORNING TO THE PLACE WHERE HE HAD STOOD.^[14] – AND “STANDING” in this verse REFERS TO NOTHING OTHER THAN PRAYER, AS IT IS STATED elsewhere: וַיִּעֲמֵד – AND PINCHAS STOOD UP AND PRAYED.^[15] – ISAAC INSTITUTED THE MINCHAH PRAYER, AS IT IS STATED: וַיֵּצֵא יִצְחָק לְשׂוּחַ בִּשְׂדֵה לִפְנֵי עֶרֶב – AND ISAAC WENT OUT TO SPEAK IN THE FIELD TOWARDS EVENING.^[16] – AND “SPEECH” in this verse MEANS NOTHING OTHER THAN PRAYER, AS IT IS STATED elsewhere: וַיִּשְׁחָק יַעֲקֹב – A PRAYER OF THE AFFLICTED MAN WHEN HE SWOONS, – AND BEFORE HASHEM HE POURS FORTH HIS SPEECH.^[17] – JACOB INSTITUTED THE MAARIV PRAYER, AS IT IS STATED: וַיִּפְגַּע – AND HE ENCOUNTERED (*vayifga*) THE PLACE AND SPENT THE NIGHT THERE.^[18] – AND the term *PEGIAH* in this verse REFERS TO NOTHING OTHER THAN PRAYER, AS IT IS STATED: וְאַתָּה אֵל-תִּתְפַּלֵּל בְּעַד-הָעָם הַזֶּה – AND YOU, DO NOT PRAY FOR THIS PEOPLE, – AND DO NOT TAKE UP FOR THEM A CRY AND A PRAYER, AND DO NOT ENTREAT (*tifga*) ME.^[19]

The Gemara cites the second Baraisa:

And a Baraisa was taught in accordance with the opinion of R' Yehoshua ben Levi: מַכְנִי מָה – WHY DID THEY SAY THAT THE MORNING PRAYER may be recited UNTIL NOON? – BECAUSE THE MORNING *TAMID* MAY BE OFFERED ALL ALONG UNTIL NOON.^[20] – וְרַבִּי יְהוּדָה אומר – AND R' YEHUDAH SAYS: – עד ארבע שעות – The morning Prayer may be recited only UNTIL FOUR HOURS into the day, – עד ארבע שעות – FOR THE MORNING *TAMID* MAY BE OFFERED ANY TIME UNTIL FOUR HOURS into the day.^[21] – וּמַכְנִי מָה אָמְרוּ תַּפְלָת – AND WHY DID THEY SAY THAT THE AFTERNOON PRAYER may be recited UNTIL THE EVENING? – הַעֲרָבִים קָרַב וְהוֹלֵךְ עַד הָעֶרֶב – FOR THE AFTERNOON *TAMID* MAY BE OFFERED ANY TIME UNTIL THE EVENING. – רַבִּי יְהוּדָה אומר – R' YEHUDAH SAYS: – עד פֶּלַג הַמִּנְחָה – The afternoon Prayer may be recited only UNTIL HALF OF *MINCHAH*,^[22] – הַעֲרָבִים קָרַב וְהוֹלֵךְ עַד פֶּלַג הַמִּנְחָה – FOR THE AFTERNOON *TAMID* MAY BE OFFERED ANY TIME UNTIL HALF OF *MINCHAH*. – וּמַכְנִי מָה אָמְרוּ – AND WHY DID THEY SAY THAT THE EVENING PRAYER DOES NOT HAVE A FIXED TIME, i.e. may be recited all night long? – שְׁהָרִי אֲבָרִים וּפְדָרִים – FOR THE LIMBS AND FATS OF sacrifices whose blood was sprinkled on the Altar before sunset – שְׁלָא נִתְעַבְלוּ מִבְּעֶרֶב – but WHICH WERE NOT CONSUMED by the Altar's fire BEFORE EVENING – קָרְבִּים וְהוֹלְכִים כָּל הַלַּיְלָה – MAY BE OFFERED on the Altar ALL NIGHT LONG.^[23] – וּמַכְנִי מָה אָמְרוּ שֶׁל – AND WHY DID THEY SAY THAT [THE PRAYER] OF MUSSAF may be recited ALL DAY? – הַיּוֹם – FOR THE MUSSAF SACRIFICE MAY BE OFFERED ALL DAY. – עד שבע שעות – R' YEHUDAH SAYS: – The Mussaf Prayer may be recited only UNTIL SEVEN HOURS into the day, – שְׁהָרִי קָרַב מוֹסַף קָרַב וְהוֹלֵךְ עַד שֶׁבַע שָׁעוֹת – FOR THE MUSSAF SACRIFICE MAY BE OFFERED ALL ALONG UNTIL SEVEN HOURS.

The Baraisa continues:

– AND WHEN IS *MINCHAH GEDOLAH*?^[24]

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merely established that one *should* pray three times daily, in whichever manner he chooses (*Maharsha*).

13. This too will be explained in a Baraisa.

14. *Genesis* 19:27.

15. *Psalms* 106:30 (see *Targum* there; cf. commentators ad loc.). Accordingly, the verse means that Abraham arose early in the morning and went to the place where he had previously prayed.

16. *Genesis* 24:63.

17. *Psalms* 102:1. Accordingly, the verse means that Isaac went out to pray in the field toward evening (the time of the afternoon prayer).

[The question arises: By saying that Isaac established Minchah, the Gemara implies that until Isaac's time no one recited that prayer. However, the Gemara in *Yoma* (28b) states that Abraham did recite Minchah.

Some answer that after Isaac established Minchah, Abraham also recited it (*Tosafos* here and *Tos. Yeshanim* to *Yoma* ibid.). Alternatively, while Abraham prayed Minchah on a voluntary basis, Isaac fixed it as an obligation (*Tos. Yeshanim* ibid.; cf. *Maharsha* in the name of *Sefer Yochasin*).

18. *Genesis* 28:11.

19. *Jeremiah* 7:16. *Tifga* and *vayifga* derive from the same root (פגע).

[Some explain that according to the present interpretation of וַיִּפְגַּע as *and he prayed*, the word פגע is interpreted as a reference to God by His designation קוּמָה, *Omnipresent* [literally: The Place]. Accordingly, the expression וַיִּפְגַּע בְּמָקוֹם would be rendered: *And he prayed to (or: entreated) the Omnipresent* (*Mizrachi* ad loc.). Others, however, say that even according to this interpretation the word פגע is understood in its plain meaning of “place.” Accordingly, the expression וַיִּפְגַּע בְּמָקוֹם means: *And he prayed at the place* (*Maharsha* to *Chullin* 91b; see also *Targum Yonasan* to *Genesis* ibid.).]

20. The Torah requires that two lambs be sacrificed as *olah* offerings each day [including the Sabbath and *Yom Tov*], one in the morning and

one in the afternoon (see *Numbers* 28:1-8). These offerings are called *tamid*, “continual” offerings, for they are offered day in and day out without interruption. With regard to the morning *tamid* Scripture states: אֶת-הַזֶּבֶחַ אֶחָד תַּעֲשֶׂה בִּבְקֹרֶב, *The one lamb shall you make in the morning* (ibid. v. 4). The Sages hold that “morning” extends until noon (*Gemara* below, 27a).

21. R' Yehudah maintains that “morning” does not extend beyond the fourth hour (ibid.).

22. The Gemara will explain this.

23. [Sacrifices may not be offered at night. Nevertheless] if the blood of a sacrifice was thrown on the Altar before dark, its limbs, in the case of an *olah* offering, and its fats, in the case of other offerings, may be placed on the Altar's fire even after nightfall. Corresponding to the burning of these fats and limbs, the Sages instituted the Maariv Prayer (*Rashi*).

[*Rashi* implies that the Maariv service corresponds to the burning of the limbs and fats of offerings in general. Accordingly, when R' Yehoshua ben Levi stated that the prayers were instituted “corresponding to the *tamid* offerings,” we must say that he was referring to two out of three of the prayers [i.e. Shacharis and Minchah]. *Rambam* (*Hil. Tefillah* 1:6) and *Tur* (*Orach Chaim* 235), however, state that Maariv corresponds to the burning of the limbs [and fats] remaining from the afternoon *tamid*. According to this approach, R' Yehoshua ben Levi's statement refers to all three of the prayers.]

24. The afternoon period is divided into two parts: the earlier portion, called *minchah gedolah*, “greater minchah” [because the greater portion of the day remains – see *Perishah*, *Orach Chaim* 232:5], and the latter portion, known as *minchah ketanah*, “lesser minchah” [because only a small portion of the day remains]. The start of *minchah gedolah* coincides with the earliest time that the afternoon *tamid* may be offered, while *minchah ketanah* commences with the time at which the afternoon *tamid* was actually offered in the Temple. The Baraisa inquires as to when the period of *minchah gedolah* is.

מִשֵּׁשׁ שָׁעוֹת וּמִחֻצָּה וְלִמְעַלָּה – FROM SIX AND A HALF HOURS into the day AND ONWARD.^[25] וְאִיזוֹ הִיא מִנְחָה קֹטְנָה – AND WHEN IS MINCHAH KETANAH?^[26] מִתְּשַׁע שָׁעוֹת וּמִחֻצָּה וְלִמְעַלָּה – FROM NINE AND A HALF HOURS into the day AND ONWARD.^[27]

R' Yehudah states that the time for reciting the Minchah Prayer extends until the period known as "half of minchah." The Gemara seeks the meaning of this term:

רַבִּי יְהוּדָה פֿלַג מִנְחָה קָמָא קְאָמַר – They inquired: Does R' Yehudah mean half of the first minchah, i.e. minchah gedolah, אוּ פֿלַג מִנְחָה אַחֲרֹנָה קְאָמַר – or does he mean half of the latter minchah, i.e. minchah ketanah?^[28]

The Gemara answers:

וְהָא שְׁמַע – Come, learn the answer: דִּתְנִינָא – For it was taught in a Baraisa: רַבִּי יְהוּדָה אָמַר – R' Yehudah says: פֿלַג הַמִּנְחָה – half of the minchah. תֵּיבִי אֲחִירָהּ אָמְרוּ – THEY STATED this with regard to HALF OF THE LATTER MINCHAH, וְהָיָא אַחַת עֶשְׂרֵה שָׁעוֹת חֹסֵר רִבְעִי – AND THIS IS the period that begins ELEVEN HOURS LESS A QUARTER [ten and three-quarter hours] into the day.^[29]

The Gemara asks:

נִימָא תִּיהִי תִּיּוּבְתִיָּה דְּרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא – Let us say that [this Baraisa], which states that the prayers were established based on the sacrifices, is a refutation of R' Yose the son of R' Chanina, who said that the Patriarchs established the prayers.^[30] – ? –

The Gemara answers:

אָמַר לָךְ רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא – R' Yose the son of R' Chanina would say to you: לְעוֹלָם אֵימָא לָךְ תַּפְלוֹת אֲבוֹת תִּקְנוּ – In reality I will tell you that the prayers were established by the Patriarchs, וְאַסְמְכִינְהוּ רַבְּנָן אַקְרָבִנוּ – but the Rabbis subsequently came and supported them upon the sacrifices.^[31]

The Gemara goes on to prove this statement:

וְדָא לֹא תִּימָא הָכִי – For if you do not say so [that R' Yose the son of R' Chanina agrees that the prayers are based on the sacrifices], תַּפְלוֹת מוֹסָף לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא מֵאֵן תִּקְנָה – then according to R' Yose the son of R' Chanina, who established the Mussaf Prayer? אֲלֵא תַפְלוֹת אֲבוֹת תִּקְנוּ – Rather you must say even according to R' Yose the son of R' Chanina that the prayers were established by the Patriarchs, וְאַסְמְכִינְהוּ רַבְּנָן אַקְרָבִנוּ – but the Rabbis subsequently came and supported them upon the sacrifices.^[32]

Our Mishnah said:

רַבִּי יְהוּדָה אָמַר עַד אַרְבַּע שָׁעוֹת – R' Yehudah says: The morning Prayer may be recited UNTIL FOUR HOURS.

The Gemara analyzes R' Yehudah's ruling:

עַד וְעַד בְּכֻלָּל – They inquired: Does the word "until" in the Mishnah mean "until and including,"^[33] i.e. does it include the fourth hour itself, אוּ דִילְמָא עַד וְלֹא עַד בְּכֻלָּל – or perhaps "until" means "until but not including,"^[34] i.e. it does not include the fourth hour?

The Gemara attempts a resolution:

וְהָא שְׁמַע – Come, learn a proof from our Mishnah: רַבִּי יְהוּדָה אָמַר עַד פֿלַג הַמִּנְחָה – R' Yehudah says: The afternoon Prayer may be recited UNTIL HALF OF MINCHAH. עַד וְלֹא עַד – אי אֲמַרְתָּ בְּשִׁלְמָא עַד וְלֹא עַד – Now, it is well if you say that the word "until" means "until but not including," הֵינִי דְאִיבָא בֵּין רַבִּי יְהוּדָה לְרַבְּנָן – because that then is the difference between R' Yehudah and the Rabbis. R' Yehudah holds that the Minchah Prayer may be recited only until but not including "half of minchah," i.e. until an hour and a quarter before nightfall, whereas the Rabbis hold that it may be recited until nightfall. אֲלֵא אִי אֲמַרְתָּ עַד וְעַד בְּכֻלָּל – However, if you say that "until" means "until and including," רַבִּי יְהוּדָה – then the opinion of R' Yehudah

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25. The Torah requires the afternoon *tamid* to be offered בֵּין הָעֶרְבִים (Exodus 29:39,41; Numbers 28:4,8), literally between the darkenings. This denotes the period between the "darkening of the day" and the "darkening of the night." The "darkening of the day" begins a half-hour after midday, for from a half-hour before noon to a half-hour after noon the sun is more or less directly overhead (see *Pesachim* 94a) and does not cast any shadows. Then, starting a half-hour after noon, the sun begins dipping towards the west, thereby creating shadows and a "darkening of the day" (see *Rashi* here and to *Shabbos* 9b מנחה גדולה ד"ה; cf. *Rashi* to Exodus 12:6). Thus, the afternoon *tamid* could be offered no earlier than one half hour after midday. This is, accordingly, also the earliest time for reciting Minchah.

[Others, however, explain that the "darkening of the day" actually begins at midday, but that the time for bringing the *tamid* was delayed until a half-hour after midday to allow for human error (see *Aruch HaShulchan*, *Orach Chaim* 233:13, based on *Yoma* 28b; see also *Shaar HaTziyun* 233:6).]

26. At which point the afternoon *tamid* was actually offered.

27. The afternoon *tamid* was usually slaughtered at eight and a half hours into the day and offered at nine and a half hours (*Rashi*). Although it was permissible to offer the afternoon *tamid* as early as a half-hour after midday (see above, note 25), this service was deferred two hours on a regular day to allow the public more time for offering their voluntary offerings, which are not permitted to be slaughtered after the afternoon *tamid* (see *Pesachim* 58a). [As noted in the Mishnah, some assert therefore that the preferred time for praying Minchah is after nine and a half hours.]

28. *Minchah gedolah* is five and a half hours long (from six and a half hours into the day until the end of the twelfth hour). Half of this period is two and three-quarter hours. Thus, assuming that R' Yehudah means half of *minchah gedolah*, "half of minchah" would commence at nine and a quarter hours into the day ($6\frac{1}{2} + 2\frac{3}{4} = 9\frac{1}{4}$).

If, on the other hand, R' Yehudah means half of *minchah ketanah*, the period known as "half of minchah" would commence ten and three-quarter hours into the day. The computation for this runs as follows: *Minchah ketanah* is two and a half hours long (from nine and a half hours into the day until the end of the twelfth hour). Half of this is one and a quarter hours. Adding this amount to nine and a half hours brings us to ten and three-quarter hours into the day ($9\frac{1}{2} + 1\frac{1}{4} = 10\frac{3}{4}$).

29. See *Tosafos* על פלג and *Lechem Mishneh* to Hil. Tefillah 3:2.

[We have assumed in our explanation of the Gemara, as do most Acharonim (see for example *Maharsha* and *Chidushei R' Mordechai Banet*), that by פלג מנחה אחרונה and פלג מנחה קטנה the Gemara means half of *minchah gedolah* and half of *minchah ketanah* respectively. Some suggest, however, that the Gemara never doubted that R' Yehudah refers to *minchah ketanah*, and it inquires whether he refers to the first or second half of this *minchah*. See *Rashash* to *Tosafos* ד"ה ער פלג, in parenthesis; see also *Dikdukei Soferim* פ"י אות כ.]

30. This "refutation" seems difficult, because by the same token the previously cited Baraisa supports R' Yose the son of R' Chanina, stating that it was the Patriarchs who instituted the prayers. *Tzlach* (נתיב בר"ה תניא) explains, however, that the first Baraisa can be interpreted (in order not to contradict the present Baraisa) to mean that the Patriarchs instituted the prayers for themselves, as a personal form of service, not that they imposed such service upon their progeny. The second Baraisa, however, clearly refers to the national obligation to pray. This contradicts R' Yose the son of R' Chanina, who, as the Gemara assumes now, maintains that the present-day obligation to pray stems from the Patriarchs. Cf. *Melo HaRo'im* and *Chidushei R' Mordechai Banet*.

31. I.e. while it was the Patriarchs who initiated the system of praying thrice daily, their conduct does not impose an obligation on us to do likewise. The Rabbis subsequently connected the prayers to ("supported them upon") the sacrifices, in order to make the prayers' recital obligatory (*Ritva*; see also *Maharatz Chayes*; cf. *Tzlach*).

32. Accordingly, when the Sages sought to impose an obligation to recite Mussaf but found no precedent from the Patriarchs for such a service, they arose and initiated such a Prayer themselves (see *Rashi*).

33. Literally: until, and until is included.

34. Literally: until, but until is not included.

This inquiry applies only according to R' Yehudah. It is obvious, however, that when the Rabbis used the term "until" [in the phrase "until noon" and "until evening"], they meant until but not including (*Rashi*), because the periods beginning with noon and evening are surely not appropriate for the morning and afternoon prayers respectively (*Rabbeinu Yehonasan MiLunel*, *Rashbatz*; cf. *Rashash* ד"ה איב"ל, in parenthesis).

היינו רבין – is the same as that of the Rabbis. Both would agree that Minchah may be recited until nightfall.^[1]

The Gemara counters:

עַד וְלֹא עַד בְּכֻלָּל – But what is your conclusion – that the word “until” means “until but not including”? אֵימָא – But consider the latter section of the Mishnah:^[2] וְשֶׁל – AND [THE PRAYER] OF MUSSAF may be recited THE ENTIRE DAY. רַבִּי יְהוּדָה אָמַר – R' YEHUDAH SAYS: עַד שֶׁבַע – UNTIL SEVEN HOURS into the day. וְתִנָּיָא – And it was taught in a Baraisa: הָיוּ לְפָנָיו שְׁתֵּי תַפְלוֹת – If ONE HAD BEFORE HIM TWO PRAYERS to recite, אַחַת שֶׁל מוֹסַף וְאַחַת שֶׁל מִנְחָה – ONE OF MUSSAF AND ONE OF MINCHAH, שֶׁל מוֹסַף וְאַחַת שֶׁל מִנְחָה – HE PRAYS THAT OF MINCHAH first AND AFTERWARDS THAT OF MUSSAF, – שׁוֹן תְּדִירָה – FOR THIS ONE, i.e. Minchah, IS more FREQUENT, וְזוֹ אֵינָה תְּדִירָה – WHEREAS THIS ONE, i.e. Mussaf, IS NOT as FREQUENT.^[3] רַבִּי יְהוּדָה אָמַר – R' YEHUDAH SAYS: מִתְפַּלֵּל שֶׁל מוֹסַף וְאַחַת שֶׁל מִנְחָה – HE PRAYS THAT OF MUSSAF first AND AFTERWARDS THAT OF MINCHAH, – שׁוֹן עוֹבֵרָת – FOR the time for THIS ONE [Mussaf] ELAPSES early in the day, since it can be recited only until seven hours, וְזוֹ אֵינָה עוֹבֵרָת – WHEREAS the time for THIS ONE [Minchah] DOES NOT ELAPSE early, since it can be recited up until “half of minchah.” אֵימָרְתָּ בְּשִׁלְמָא עַד וְעַד – Now, it is well if you say that by “until” R' Yehudah means “until and including,” הֵינָּה דְּמִשְׁכַּחַת לְהוֹ שְׁתֵּי תַפְלוֹת – this, then, is how these two Prayers are found to coincide.^[4] אֵלָּא אֵימָרְתָּ עַד וְלֹא עַד בְּכֻלָּל – But if you say that by “until” R' Yehudah means “until but not including,” הֵיכִי מִשְׁכַּחַת לְהוֹ שְׁתֵּי תַפְלוֹת בְּהֵרֵי תְּדִירָה – how are these two Prayers ever found to coincide? בֵּינָן דְּאֵינָה לָּהּ שֶׁל מִנְחָה אֲזֵלָּא – Why, once [the time] for Minchah has arrived, [the time] for Mussaf has already departed!^[5]

The Gemara, however, returns to the original objection:

אֵלָּא מַאי עַד וְעַד בְּכֻלָּל – But what is your conclusion – that the word “until” means “until and including”? קָשְׁיָא רִישָׁא – If so, the beginning of the Mishnah is difficult, as stated above – מַאי אֵיבָא בֵּין רַבִּי יְהוּדָה לְרַבִּין – what difference is there between the rulings of R' Yehudah and the Rabbis? Both agree that Minchah may be prayed until evening! – ? –

The Gemara answers:

מִי סָבֵרָת דְּהָאֵי פֿלַג מִנְחָה פֿלַג אַחֲרֹנָה קָאֵמַר – Do you think that by this phrase “half of minchah” [R' Yehudah] means the latter half of minchah ketanah, i.e. the last hour and a quarter of the day, and therefore if the word “until” means “until and including” it emerges that Minchah may be recited until the end of the day? No, פֿלַג רֵאשׁוֹנָה קָאֵמַר – [R' Yehudah] means the first half of minchah ketanah, i.e. the period extending from two and a half hours before the end of the day to one and a quarter hours before the end of the day. Accordingly, when R' Yehudah said that Minchah may be prayed until “half of minchah,” he meant until and including the first half. וְהָיָא קָאֵמַר – And this is what [the Baraisa] cited above is saying:^[6] אֵימָת נִפְקָא פֿלַג – When does the first half of minchah depart and the latter half arrive? מִבֵּי נִפְקִי אַחַת עֶשְׂרֵה שְׁעוֹת – When eleven hours less a quarter of the day depart.^[7]

The Gemara supports its conclusion that according to R' Yehudah the word “until” means “until and including”:

אָף אָנָּן נִמְי תִּנָּיָא – אֵמַר רַב נַחְמָן – Rav Nachman said: רַבִּי יְהוּדָה בֵּן בָּבָא הָעִיד – We have also learned so in a Mishnah:^[8] רַבִּי יְהוּדָה בֶּן בָּבָא תִּשְׁטַף דְּרָרִים – R' YEHUDAH BEN BAVA TESTIFIED^[9] regarding FIVE MATTERS: שְׁמַמְאֵינָן אֶת הַקְּטָנָה – THAT WE (the court) CAUSE (i.e. encourage) THE MINOR GIRL TO REJECT her husband;^[10]

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1. The Gemara at this point assumes that when R' Yehudah says that Minchah may be recited until “half of minchah,” he refers to the second half of minchah ketanah, which is the last hour and a quarter of the day (Rashi). Accordingly, if the word “until” means “until and including,” it emerges that R' Yehudah allows Minchah to be recited until the end of the day, which is identical to the view of the Rabbis whom he comes to dispute!

[It is evident from the Gemara's entire discussion that “half of minchah” is a period of time rather than a point in time. Thus, it is possible for the Gemara to consider whether R' Yehudah meant until and including half of minchah or until but not including it (see Rashash to 26b בשלמא אמר בשלמא [R.]).]

2. [The reading אֵימָא אֵימָא presumes that the passage the Gemara will now cite, which contains the ruling of R' Yehudah that Mussaf may be recited only until the seventh hour, is contained in our Mishnah. The text of the Mishnah possessed by most Rishonim, however, did not include such a ruling. (The parentheses around the last sentence in our Mishnah reflects this fact.) Accordingly, the Rishonim assert that the coming passage is actually a Baraisa, and that the words אֵימָא אֵימָא should be emended to read תָּסַפְסַף (Tosafos) or תָּסַפְסַף (Ritva).]

3. According to the Rabbis, the times for praying Mussaf and Minchah are identical, both extending throughout the entire day. Hence, since there is no question of the time for one Prayer lapsing before the other, they maintain that it is better for the person to first recite Minchah, which is the more frequent Prayer (since it is recited every day), and then recite Mussaf (which is recited only on the Sabbath, Festivals, Rosh Chodesh, and Chol HaMoed). This is in line with the general principle [taught in the Mishnah in Zevachim 89a] that תְּדִירָה קָדָם קָדָם, When that which is frequent conflicts with that which is not frequent, that which is frequent takes precedence (Rashi).

4. The earliest one may pray Minchah is six and a half hours into the day (i.e. halfway through the seventh hour). Accordingly, if R' Yehudah includes the seventh hour as part of the time for the Mussaf Prayer (עַד בְּכֻלָּל), it emerges that the times for Mussaf and Minchah overlap during the last half of the seventh hour. It is thus possible to discuss which Prayer takes precedence (Rashi).

5. For the time for Mussaf terminates at the end of the sixth hour of the day, i.e. noon, and the earliest time for praying Minchah does not begin until a half hour later, at six and a half hours into the day (Rashi).

6. A Baraisa was cited on 26b in which R' Yehudah stated that half of minchah is at eleven hours less a quarter into the day. Presumably, by this R' Yehudah meant to define the term “half of minchah” used in his ruling in the Mishnah in which he stated that Minchah may be recited “until half of minchah.” But if, as the Gemara has just said, by this he means until and including the first half of minchah, why does he give the starting point for the second half? (see Rashi).

The Gemara therefore explains that in the Baraisa R' Yehudah meant something else, as follows.

7. Actually R' Yehudah did not mean in the Baraisa to define the term “half of minchah” he used in the Mishnah. There in fact he meant until and including the first half of minchah. In the Baraisa, however, he is giving the point at which the first half, which is the time for reciting Minchah, ends, and the second half, which is the time for Maariv, begins. This is at eleven hours and a quarter into the day (see Shitas Rivav to the Mishnah).

8. Eduyos 6:1.

9. That is, he testified on the day that Tractate Eduyos was compiled (Rashi, end of שממאנין [See below, 28a, that this occurred on the day R' Elazar ben Azariah was installed as Nasi.]).

10. Biblically, only a father can give his minor daughter in marriage, as derived from the verse (Deuteronomy 22:16): I gave my daughter to this man (see Kesubos 46b, and Sotah 23b with Tosafos שְׁמַמְאֵינָן). The Rabbis, however, instituted that the mother or brother of an orphaned minor girl shall be empowered to marry her off, so that she not be abused by unscrupulous men. This marriage has no standing on the Biblical level.

In conjunction with their institution of marriage for an orphaned minor girl, the Rabbis also instituted that the girl be able, before reaching majority, to annul the marriage through מִי'וֹן, mi'un (rejection) – her declaration before a beis din of three judges that she is unwilling to

AND THAT WE (the court) ALLOW A WOMAN whose husband has traveled abroad TO REMARRY BASED ON ONE WITNESS who reports that her husband has died;^[11] AND ABOUT A ROOSTER THAT WAS ONCE STONED IN JERUSALEM FOR KILLING A PERSON;^[12] AND ON WINE FORTY DAYS OLD THAT WAS POURED as a libation ON THE ALTAR;^[13] AND ABOUT THE MORNING TAMID THAT IT MAY BE OFFERED even DURING THE FOURTH HOUR of the day.^[14] — Learn from this [from the fact that the Mishnah says “during four hours”] that the word “until” used by R’ Yehudah means “until and including.”

The Gemara concludes:
 שָׁמַע מִיָּנָה — Indeed, learn it from this.

The Gemara issues a ruling:
 אָמַר רַב כְּהָנָא — Rav Kahana said: The halachah follows R’ Yehudah that the *tamid* offering may not be brought — and therefore that the morning Prayer may not be recited — after the fourth hour of the day, — since a Mishnah in the choicest tractate, *Eduyos*, follows his opinion.^[15]

The Mishnah in *Eduyos* said:

— AND ABOUT THE MORNING TAMID THAT IT MAY BE OFFERED only DURING the first FOUR HOURS of the day.^[16]

The Gemara inquires:

מֵאֵן תָּנָא לְהָא דְרַבִּי — Who taught that which the Rabbis taught in a Baraisa:^[17] — Scripture states with regard to the manna: AND WHEN THE SUN GREW HOT IT WOULD MELT.^[18] This melting occurred — AT FOUR HOURS into the day [i.e. during the fourth hour]. — אָמַר אֱלֹהִים בָּאֶרְבַּע שָׁעוֹת — YOU SAY AT FOUR HOURS, BUT PERHAPS IT WAS, RATHER, AT SIX HOURS [i.e. during the sixth hour]? — בְּשָׁאוֹת אֱמֹר — WHEN IT STATES elsewhere AT THE HEAT OF THE DAY,^[19] — הֲרֵי שֶׁשׁ שָׁעוֹת אֱמֹר — the reference to SIX HOURS IS THEREBY STATED.^[20] — וְהָם הָשֵׁמֶשׁ — SO HOW DO I INTERPRET the verse AND WHEN THE SUN GREW HOT IT WOULD MELT, which implies at a time of day when the sun is hot but the shade is still cool? — בָּאֶרְבַּע שָׁעוֹת — It means AT FOUR HOURS into the day.^[21] — מִנִּי — Now, who is the Tanna of this Baraisa, who holds that the fourth hour of the day is no longer called “morning”?^[22] — לֹא רַבִּי יְהוּדָה וְלֹא רַבָּנִן — It is neither R’ Yehudah nor the Rabbis. — אִי רַבִּי יְהוּדָה — For if it is R’ Yehudah, — עַד אֶרְבַּע שָׁעוֹת נִמְי צִפְרָא הוּא — why, he maintains that until the end of four hours is also considered morning,^[23] — אִי רַבָּנִן — and if it is the Rabbis — עַד חֲצוֹת נִמְי צִפְרָא הוּא — they

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continue in the marriage. This *mi'un* serves to annul the marriage retroactively from its inception, and accordingly no *get* is needed.

The case here deals with two brothers who marry two sisters whose father had died. One of the sisters is an adult, whose marriage is thus Biblically recognized, whereas the other is a minor, whose marriage — contracted by her mother or brother — is an institution of the Rabbis. Then, the husband of the adult sister dies childless, creating a quasi-marital levirate bond between her and her brother-in-law (the husband of her minor sister), who is obligated to marry her in fulfillment of *yibum*. Now, had the living brother's marriage to his own wife enjoyed Biblical standing, then there would have been no levirate bond created whatsoever, since the widow is then Biblically forbidden to the living brother as the sister of his wife (see *Yevamos* 2a). Since, however, the living brother's marriage has no Biblical standing, the levirate bond to his minor “wife's” sister is created, giving rise to the following dilemma: The living brother cannot remain with his minor wife, since she is the sister of his quasi-wife (the adult sister, who is bound to him for *yibum*). But neither can the living brother perform *yibum* and marry the adult sister, since she is, on the Rabbinic level, the sister of his present wife. It will not help for him simply to divorce the minor and then perform *yibum* to her sister, since divorcing the minor will still leave the widow forbidden to him as “the sister of his divorcee” (a Biblical prohibition that is, in this case, only Rabbinic, since his “divorcee” was married to him only on the Rabbinic level). To resolve this dilemma, R’ Eliezer, cited in a Mishnah in *Yevamos* (109a), rules that we encourage the minor wife to “reject” her husband through *mi'un*. Thus, the girl's *mi'un* will annul her marriage, so that it is as if the living brother was never married to her, and he may then proceed to perform *yibum* to her sister. R’ Yehudah ben Bava testified that the halachah follows the opinion of R’ Eliezer [and not the opinion of the other Tannaim there who are opposed to encouraging the *mi'un*-nullification of marriage and therefore give other resolutions to this dilemma]. See *Rashi* here and *Yevamos* 109a,b.

11. See *Yevamos* 122a. Even though the establishment of a fact of this nature generally requires the testimony of two valid witnesses, in this case one witness is enough (see *Yevamos* 88a for the reason why).

12. The rooster pecked at the fontanel [soft spot] of a small infant and pierced the brain, killing the infant. Although the Torah states the stoning penalty only for an ox that kills a person (see *Exodus* 21:28-29), the Gemara in *Bava Kamma* (54b) derives by means of a *gezeirah shavah* that the same applies to any other animal or bird that kills a person (*Rashi*).

13. The Torah requires aged wine for libations [נֶסֶךְ שָׂכָר, intoxicating wine]. R’ Yehudah ben Bava testified that forty days after the juice is

pressed from grapes, it leaves the category of “new wine” and enters the category of “aged wine” (*Rashi*).

14. [See *Rashi* here and *Raavad* to *Eduyos* loc. cit.; cf. *Rambam* there and *Hil. Temidin U'Mussafin* 1:2 with *Lechem Mishneh*, *Tosafos* to *Menachos* 64b and *Shema* 27a, and *Rashi* to *Proverbs* 31:1.]

15. *Eduyos* is regarded as the choicest tractate because all its Mishnahs represent rulings that were attested to (*Eduyos* means testimonies) by the greatest of Sages and were accepted as authoritative (*Rashi* here and to *Kiddushin* 54b; see also *Rambam*'s introduction to *Commentary on the Mishnah*).

Alternatively, the name of the tractate is עֲדִיּוֹת, *Iddiyos*, which means choicest (in plural), and it is called so due to the choice rulings included in it. [Accordingly, the name by which the tractate is referred to here should be עֲדִיּוֹתָא, which is the plural form of עֲדִיּוֹתָא, and] thus the two names (עֲדִיּוֹת and עֲדִיּוֹתָא) are synonymous (*Tiferes Yisrael*, beginning of Tractate *Eduyos*).

16. [Some manuscripts of the Talmud omit this citation here, since the ensuing discussion applies more appropriately to our Mishnah than to the Mishnah in *Eduyos* (see *Dikdukei Soferim*).]

17. Since the following teaching is not a Mishnah but a Baraisa, we have translated this phrase according to the way it appears in most old prints: מֵאֵן תָּנָא לְהָא דְרַבִּי (Dikdukei Soferim §30; see also *Rashash*).

18. *Exodus* 16:21. The verse in its entirety reads: וַיִּקְטְפוּ אוֹתוֹ בַּבֹּקֶר בִּבְקֶרֶב אִישׁ וְאִשָּׁה וְהָם הָשֵׁמֶשׁ וְהָם אָכְלוּ וְהָם הָשֵׁמֶשׁ וְהָם אָכְלוּ, And they gathered it in the morning, in the morning, every man according to what he would eat, and when the sun grew hot it would melt.

19. *Genesis* 18:1. Abraham was sitting at the entrance to his tent at the heat of the day.

20. Since the verse there states “at the heat of the day” instead of “at the heat of the sun,” it implies a time of day when all places, both those in the sun and in the shade, are hot. This occurs in the sixth hour of the day (*Rashi*; cf. *Chidushei R’ Elazar Moshe Horowitz*).

21. Because before the fourth hour of the day it is [relatively] cool even in the sun (*Rashi*).

22. The verse states that the Jews collected the manna בִּבְקֶרֶב, in the morning, and that following this, i.e. after the morning was over, the sun would melt the remaining manna. The Tanna of this Baraisa derived that the melting occurred in the fourth hour. This implies that the fourth hour is no longer called “morning” (*Rashi*).

23. The verse regarding the morning *tamid* states: The one lamb shall you make in the morning (*Numbers* 28:4), and as explained above, R’ Yehudah holds that the “morning” extends up until and including (עַד) the fourth hour of the day (*Rashi*).

maintain that **until noon is also considered morning!**^[24] – ? –

The Gemara answers:

אי בעית אימא רבי יהודה אי בעית אימא רבנן – If you prefer, say it is R' Yehudah, and if you prefer, say it is the Rabbis.

The Gemara elaborates:

אי בעית אימא רבנן – If you prefer, say it is the Rabbis, for אמר – the verse in regard to the manna states in the morning, in the morning,^[25] a double expression, which implies: חלקו לשני בקרים – Divide [the morning], which totals six hours, into two “mornings,” each consisting of three hours. Accordingly, the verse means that they gathered the manna during the “first morning,” i.e. the first three hours of the day, and during the remainder of the morning it melted.

ואי בעית אימא רבי יהודה – And if you prefer, say it is R' Yehudah, and האי בקר ותיירא להקדים לו שעה אחת – this extra word “morning” serves to move up the time for gathering the manna by one hour.^[26]

The Gemara asks:

At any rate, דכולא עלמא מיהא, ותם השמש ונקט – everyone agrees that and when the sun grew hot it would melt occurred at four hours [i.e. during the fourth hour]. מאי משמע – How is this implied?

The Gemara answers:

אמר רבי אבהו – R' Acha bar Yaakov said: אמר רבי יעקב – Scripture states: And when the sun grew hot it would melt. – What time of day is it when the sun is hot and the shade still is cool? – Say that this is at four hours.

The Mishnah said:

תפלת המנחה עד הערב וכו' – THE AFTERNOON PRAYER may be recited UNTIL THE EVENING, etc. R' Yehudah says: Until half

of minchah.

The Gemara seeks a definitive ruling on this matter:

Rav Chisda said to Rav Yitzchak: אמר ליה רב חסדא לרב יצחק – There, with regard to Shacharis, Rav Kahana said that the halachah follows R' Yehudah that it may be recited until the end of the fourth hour, – הואיל ותנן בבחינתא כוותיה – since a Mishnah in the choicest tractate follows his opinion. – Here, with regard to Minchah, what is the law? Do we follow the Rabbis or R' Yehudah? – אישתיק ולא אמר ליה ולא מירי – [Rav Yitzchak] was silent and did not reply to him at all. – אמר רב חסדא – Thereupon Rav Chisda said: נחזי אגן – Let us see for ourselves: מדרב מצלי של שבת בערב שבת מבעוד יום – From the fact that Rav prayed the Maariv Prayer of the Sabbath on the eve of the Sabbath, i.e. on Friday, while it was still daytime,^[27] – שמע מינה הלכה ברבי יהודה – learn from this that the halachah follows R' Yehudah.^[28]

The Gemara counters:

מדרב הווא ורבנן לא הוו מצלי עד – On the contrary, – אורכא – from the fact that Rav Huna and the Rabbis would not pray Maariv until nightfall, – שמע מינה אין הלכה ברבי יהודה – learn from this that the halachah is not in accordance with R' Yehudah.^[29]

The Gemara concludes:

Now that the הלכתא לא אתמר הלכתא לא כמר ולא כמר – the halachah has not been stated (i.e. decided) in accordance with either this master or that master (the Rabbis or R' Yehudah), – רעבד כמר עבד – he who does as this master, i.e. the Rabbis, and recites Minchah until nightfall, does correctly, – ורעבד כמר עבד – and he who does as this master, i.e. R' Yehudah, concluding Minchah by half of minchah and praying Maariv immediately thereafter, does correctly.^[30]

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24. Since the Rabbis allow the morning *tamid* to be offered until noon, it is evident that they consider “morning” to extend until this time. Thus the Baraisa, which implies that “morning” ends with the conclusion of the third hour, seems to follow no one.

25. See note 18.

26. In contrast to the Rabbis, who would explain the double expression of “morning” to indicate that the manna was collected in the first half of the morning, R' Yehudah can take the extra word “morning” to mean that the collection took place until one hour before the end of the morning. Thus the Jews collected the manna until the end of the third hour, and during the fourth hour, the final hour of the morning, it melted.

27. I.e. he recited the Sabbath evening Maariv Prayer, thereby accepting upon himself the commencement of the Sabbath while it was still daytime (*Rashi*), after *plag haminchah* [half of minchah] (*Ritva*).

28. According to R' Yehudah who holds that Minchah may be prayed only until *plag haminchah*, Maariv may be prayed immediately thereafter (*Rashi*, *Ritva*). The Rabbis, by contrast, who hold that the time for praying Minchah extends all the way until evening, maintain that Maariv may be recited only after dark. Since Rav prayed Maariv on Friday while it was still light, he must agree with R' Yehudah.

29. For if they held with R' Yehudah they certainly would have recited the Sabbath Maariv Prayer early, since there is a mitzvah to add from the weekday onto the Sabbath (*Tzlach*).

It is certainly not unusual for Amoraim to take opposing positions when deciding the halachah in a given case. The Gemara's point, however, is that Rav Huna, who was a disciple of Rav, was not usually given to dispute his mentor. The fact that he refrained from praying Maariv before dark, therefore, would seem to indicate that in fact Rav did not hold with R' Yehudah, and that his having prayed Maariv early on one occasion was due to some unusual circumstances [which cannot be used as a precedent] (see *Rashash*). Alternatively, even if Rav Huna would on occasion rule differently than Rav, the fact that the Rabbis – who presumably were also disciples of Rav – would also not pray Maariv

before dark, seems to indicate that they were aware that Rav had ultimately reversed himself and ruled in accordance with the Rabbis [see *Tosafos* to 42b ד"ה ר"ב and *Rosh* 6:32] (*Megadim Chadashim*).

30. That is, one may choose to follow either opinion. [See *Sifsei Chachamim*; see also *Chazon Ish*, *Shevitis* 23:2.] Nevertheless the *Rishonim* (*Rabbeinu Yonah*, *Rosh* et al.) state that one must be consistent. Thus if one adopts, say, the view of the Rabbis and prays Minchah after *plag haminchah*, he should not on another occasion pray Maariv at that time, in accordance with R' Yehudah. Similarly, if one chooses to follow R' Yehudah and pray Maariv after *plag haminchah*, he may not on another day recite Minchah until dark, in accordance with the Rabbis.

The above limitation applies under ordinary circumstances. There are, however, several situations in which one may deviate from this rule. One such situation is a שעת דחוק, a case of a pressing need. If, for example, one usually prays Minchah after *plag haminchah* and an emergency arises, he may pray Maariv at this time (*Shulchan Aruch* 233:1).

A second exception is the Friday night Maariv. Even one who normally prays Minchah until evening may on Friday afternoon recite Maariv early after *plag haminchah*, in accordance with the view of R' Yehudah. (This is commonly practiced during the summertime in the more northern latitudes, where waiting to pray Maariv until dark would mean not commencing the Friday night meal until quite late.) The basis for this leniency is that since there is a mitzvah to accept the Sabbath early, and one has already begun the Sabbath, he may consider it nighttime in regard to prayer as well (*Mishnah Berurah* 267:3).

[In view of this leniency, the Gemara's proof that Rav ruled in accordance with R' Yehudah from the fact that Rav prayed Maariv early on Friday afternoon seems difficult, for perhaps he generally followed the Rabbis but was lenient only on Friday afternoon, as just explained. See *Magen Avraham* 267:1 regarding this question.]

The foregoing leniencies apply provided that the person has not on that day prayed Minchah after *plag haminchah*. If he has, he must delay Maariv until dark, for one may not adopt contradictory practices within one day (*Mishnah Berurah* 233:11).

[The Acharonim do, however, provide a leniency even for this rule.

A related incident:

רב איקלע לבי גניבא וצלי של שבת בערב שבת – Rav visited the house of Geniva and prayed Maariv of the Sabbath on the eve of the Sabbath, ויהוה מצלי רבי ירמיה בר אבא לאחוריה דרב – and R' Yirmiyah bar Abba, Rav's student, prayed behind Rav. וסיים רב ולא פסקיה לעלותיה דרב – And Rav completed his Prayer and did not disrupt the Prayer of R' Yirmiyah.^[31]

The Gemara remarks:

שמע מינה תלת – Learn from this incident three things: שמע מינה מתפלל אדם של שבת בערב שבת – Learn from this that a person may pray Maariv of the Sabbath on the eve of the Sabbath, i.e. on Friday afternoon (after half of *minchah*); ושמע מינה – and learn from this that a student may pray behind his teacher; ושמע מינה אסור לעבור – and learn from this that it is forbidden to pass before those who are praying.

The Gemara comments regarding this last point:

מסייע ליה לרבי יהושע בן לוי – This supports R' Yehoshua ben Levi, דאמר רבי יהושע בן לוי – for R' Yehoshua ben Levi said: אסור לעבור כנגד המתפללין – It is forbidden to pass before those who are praying.^[32]

The Gemara questions this ruling:

והא רבי אמי ורבי אסי הלכי – Why, R' Ami and R' Assi would pass before one who was praying! – ? –

The Gemara answers:

רבי אמי ורבי אסי חוץ לארבע אמות הוא דהלכי – R' Ami and R' Assi would pass only beyond four *amos* of the person.

In the incident cited above, the Gemara related that R' Yirmiyah prayed while standing in back of his teacher. The Gemara wonders about this:

והא רבי ירמיה הוי עביר הכי – How could R' Yirmiyah do this? והא אמר רב יהודה אמר רב – Why, Rav Yehudah said in the name of Rav: לעולם אל יתפלל אדם – A person should never pray

NOTES

This is where the opportunity to pray with a *minyan* is in jeopardy. If a congregation prayed Minchah after *plag haminchah*, and it is likely that if they wait until dark to recite Maariv some of their members will go home and leave the synagogue without a *minyan*, they may pray Maariv directly after Minchah (*Mishnah Berurah* ibid. See also *Mishnah Berurah* 267:3 with *Beur Halachah* ובפליג [ד"ה ובפליג]).

31. Rav prayed facing the wall and R' Yirmiyah stood behind him and a little bit off to the side (either to the right or the left). When Rav

completed his *Shemoneh Esrei*, he did not pass between R' Yirmiyah, who was still in middle of his *Shemoneh Esrei*, and the wall, in order to return to his seat [which was on the other side of R' Yirmiyah]. Rather, he stood in his place (*Rashi*, as understood by *Magen Avraham* 102:7 – see *Machatzis HaShekel* in the name of *Chemed Moshe*; cf. *Beis Yosef* end of *siman* 102 in the name of *Orchos Chaim*).

32. Because doing so upsets their concentration (*Mishnah Berurah* 102:15; see there for an alternative reason).

הלכה כדברי האומר רשות.
לא דוקא רשות אלא
כדפרישית לעיל (ד' כו.) ולכך נקרא
רשות לבטלה עבור מנה אחרת
הטובת:

והלכתא כוותיה דרב. וגראה
ללכך תקמו פסוקים

וקדים בין גאולה לתפלה לרשות היא:
[ע' הו' לעיל ד : ד"ה אמר ר"י :
ושל

צלי של שבת בערב שבת אור
היום ח"ש דאמר רב נחמן א
ואמר קרושה על הכוס והלכ
בשבת ואמר הברלה על הכ
רב יהודה אמר שמואל *תפח
על הכוס אמר ר' יורא אבר ר'
עמוד זה התפלל ר' ישמעאל
אמר בצד תמרה היה ולא בצע
ר' אלעזר בר' יוסי היה ולא ש
בשבת היה : תפלת הערב
בעי מצלי כוליה ליליא ליתני
כמאן דאמר *תפלת ערבית
ערבית רבן גמליאל אומר חו
כדברי האומר חובה ורמא :
בתלמוד אחד שבא לפני ר'
ליה ושרת בא לפני רבן גמלי
אל' והלא ר' יהושע אמר ל ר'

המדרש בשנכנסו בעלי תרים
להם רבן גמליאל לחכמים כל
רשות אמר ליה יהושע עמוד
יכול החי להכביש את המת
וישב ודורש ור' יהושע עומד
אמרי עד כמה נצטערה וניני
צצתיה ונעצרתיה מאן נ
עניש ליה דלית ליה זכות א
לעורא והא חכם דאי מקשי
והוא עשירי לעורא דאית
דליתוי ריש מתיבתא אמה

בסדר האכל אבנע שישותיה אתא לקסיה דר' ירמיה
 תריסין לבית מדרשה כיון שנבטשו עמד והשתא
 אלמלי און [מת] ורואי חיו [מת] יטל דתא
 ויהתמן העמד : בוקי לר עקבא לית ליה וטו
 (קמ) : בוקי לר אלעזר כן עזריה שואה חכם וט
 (קמ) בוסתא הנהיג בפרק א' (קג) והעשר
 קוש (קד) מסת על מנת שאני עשיר אין אסוריה
 [ר' עזריה] בריה דרב אבהם דהא עשירי לר
 ר' אלעזר כן עזריה כן ז' שנת וחטאל כל ר' ירמיה
 אים שיש ל

ה' יוהרא ויש מפרש שגראה
שלוש לרבו והמחזיר שלום.
לום עליך רבי והיינו דאמרינן
זי נמי יהוא לכחלה קאמר

לא *כנגד רבו ולא
אליעזר אומר המתפל
שלום לרבו *והמחזיר
עלי ישיבתו של רבו והוא
מפי רבו גורם לשכניו
שאני רבי ירמיה בר אב
והיינו *דקאמר ליה רב
מי בדלת אמר ליה א
בדל ומי בדל א
כחלת התפלל רבו של
למרחץ ויצא ושנה לן
*אמר רבא ההוא דנב
הוה איני והא אביי ש

ליואי לכברויי סליההו
מי הדרא והא אמר אנ
שמים בעבים כסבורי
ונכנסו לבית הכנסת
ויערבו ריחם ויחפירו

ובאו ושאלו את רבי

התפללו שאני צבור
חייא בר אבין רב צלי
רבי יאשיה מצלי של

מר קדושה על הכוס א
מר שמואל ימתפלל אר
תא כותיה רבי יאשה
ס או אינו אומר הבדל
לל אדם של מוצאי שבר
אלעזר א' אלקות א
בר' יוסי של שבת בע
ד עמוד הוה ולא ר' ישמ
ול שבת בערב שבת הו
אין לה קבע : מאי אין
תפלת הערב כל הליד
רשות דאמר רב יהוד
במר ר' יהושע אומר ר
אמר ר' הלכה כדברי ה
הווע א"ל תפלת ערביו
ל א"ל תפלת ערביתרש
שות א"ל ר'המתן עד שיו

ין עמד השואל ושאל
 וזם יש אדם שחולק בדרך
 על רגליך ויעירו בך ע
 ועבשו שאני חי והוא
 מד על רגליו עד שרנ
 יל ב"ה אשתקד צע
 יקים ליה נוקמיה לרבי
 נבות אלא נוקמיה לר'
 ליה מפרק ליה והוא ע
 ליה זכות אבות ול
 להו איזיל ואימליך

והשע אמר ליה כלום הלקט בין בור
ושאל כלום הלקט בין בור לחבר אמר
לחכמינו את (החי) (המת עשוי שאני
תאמת. איתא בסנהדרין בפרק כל שני
עשרי דהא עשירי לעורא הוסיף. והחכ
של נמי כבר גרסי' בפרק (במה אשה)
נ"ר) אלוני בן יריסם וכו' אלוני בן
אלוני בן עוזיה דהא עשירי לעורא נ
שן שביה ויהי' נ' עקיבא ויטב ומצור
ויתר לתולדות בה עסקא היתה יחידת

כנגד רבו. אלל רבו ומראה
יוהרא הוא: שבו לרבו. כשא
עליך רבי: והיינו דקאמר ליה
שבת אמר ליה רבי ירמיה מי
חורה און

אחרי רבו ותניא רבי
לל אחרי רבו יזהותן
שלום לרבו * יתחולק
זומו* דבר שלא שמע
היה שתחלק מישאל
בא ה"ה למיד חבר היה
בי ירמיה בר אבא לרב
ין בדילנא ולא אמר מי
האמר רבי אבין פעם
שחבת בערב שבתוכנס
פרקין ועדיין לא חשבה
גם להזיע *קודם גזירה
לרבי ליה לרב דימי בר

א' מעותא הואי ומעותא
ב' דין פעם אחת נתקשרו
העם לומר חשכה הוא
והתפללו של מוצאי
הימים יורד דהמזל

ואמר הואיל והתפללו

דלא מפרחינן דהו: א"ר
י של שבת בערב שבת
מוצאי שבת בשבת רב

אינו אומר קדושה על
של שבת בערב שבת
מצלי של מוצאי שבת
על הכוס תיש ראמר
שבנת ואמר הבדלה
מ"ר חבטא אמר בר בנד
כ שבת כי אתא עולא
נאל ברבי יוסי הוא אלא
ה אלא של מוצאי שבת
לה קבע אילימא 'דאי
אלא מאי אין לה קבע
ה אמר שמואל חפלת
שנת אמר אב"י הלכה
רשות. ת"ר מעשה
רשות או חובה אמר
רשות או חובה אל חובה
בנמו בעלי תריסין לבית

פלת ערבית רשות או חור
ר זה אמר ליה ר' יהושע
ומד רבי יהושע על גרלי
חי היאך יכול החי להכנס
כל העם ואמרו לח
יהיה בבכורות במעשה
יהושע בעל מעשה ו
אלעזר בן עזריה דהוא
שייר דאי איה ליה לפלות
א מצי עניש ליה אתרו
באינשי ביתי אול ו

לחבר אשר ליה הין בא לפני רבן נפול
 ד' ר' יהושע לאו אשר לו רבן נפולא
 וי' רחא ד' היאן חי יוכל להבטיח את
 האל שי' לון דלק (דף לו) סבני בניו של
 שלו גמיה היא וידעיה הלא תראה
 [ל'ל במה ברבוח] (פסנ דף נד) י"ב א
 קוריה וייהבו לעורא הספר נמי איתיה
 אבבא ובגבסא דפירוקן דבני מערב
 והאסר לו שפאן כן תורה יתור סמני
 של ר' אלעזר כן עוריה שותיה עשירי לו

כאילו הם שוים: אחורי רצו. נמי
כל אדם שלום עליך ולא אמר לו שלום
אחתו היום שהתפלל רב של שבת צמרצ
בדלת מן המלאכה הואיל וקבלת עליך
ר שבת צמפסתר: ולא אמר ליה מי בדיל

מד. שמע מינה תלמיד חבר האי
ליה: לבית המדרש. סלקא דעתך
 לאחר שצוהו על הויפה ועל הרחיבה
 בשבט דמאמר' במסכת שבת בפרק
 בירה דהאמור' (ד' י"ב) אלמא אמר
 ר' לוי לא דריל מאיסורי שבת: אמר רבא
 רהצע. נכנס להויע מתחת חוט בית
 המדרש ולא נקט עליו מים: וקודם
 גזירה. עד שלא גזר על הויפה ובכל
 דוכתא דתלמידי: דלמחר שבת להויע
 כ"י מהבא אמרינן: לכבדוי סלי.
 לעשן חוץ בפרים לאחר שחתפל
 שם שבת כפרס שבת: ועינא דאלי.
 אלא קל עליו וספיקא שבת משעת חפלי
 מועתא אלא יום המעוין ילי ויכסור

חשבה ואחר כך זרחה חמה : האויל והתפללני התפללני . ולא האריכם להתפלל משתחשך אלמא תפלה היא ואע"פ שלא הותרו במלאכה ההם הוא דלא לעבור על ד"ת אבל לענין קוספת

אע"ג דזמעות הוה תוספת הוא ע"י תפלה הואיל ואמר תפלה קבלה היא:

בעלי תריסין. חכמים המנצחים זה את זה בהלכה: היאך יוכל החי להבחיץ את החי. על כרמי אני לריד לבודות

שאלתנו לו רשום : התורבנו . שיה
עמוד לפי רבן גמליאל ותשמע
לרבים אם הדרשה מפי רבן גמליאל :
עמד . שמוק : שאלתך . שנה שעברה :
בראש השנה . במסכת ראש השנה
(דף כה) . שאלר לו נזר אני מליך
שחבא אלני במחלק ובמעמדיו ביום
השמיים שחל להיות בחשובין :
בבשרות . במסכת בבבשרות (דף לו) :
במעשה דרבי חזק . בבשרות
הוא ר' זרוק הוא ליה בורכר ואמר
ליה רבן גמליאל לר' יאקעב עמוד על
רגליך כ' י' הכא : ואה ועברה . בראש
ועצור ארורו מן הכשלויות בעל המעשה
הוא . והוא ליה לרבן גמליאל אשר
קפי : ליה ליה זכר חכום . ודילמא
עניש ליה רבן גמליאל : ומעדין קר .
וירידון מן הכשלויות בשבילי חכר :
ה"ג

בה א"ל רבן גמליאל חובה אמר
לאו א"ל והלא משמך אמר לי
ואמר אלמלא אני הי' והוא מת
ידיש את החי היה רבן גמליאל
צפית התורגמן עמוד ועמד
דר' צדוק צעריה הכא נמי
הוא נוקמיה לר' עקיבא דילמא
חכם והוא עשיר והוא עשירי
י לבי קיסר אף הוא אול ופלה
ואמרו ליה ניהא ליה למד
אמליך ברביתוהו אמר ליה
דילמא
זלם משנה ונרשניה

אל אמר ליה לא אמר ליה דהלא ר' יודעש אמר
והלא משמע אמר ליה הן אמר לו עמך ר' גרין
והלא היה רב במלוא יתוב הדירה ור' יודעש
מסורה לסרו תורה בירושלים וזמן איתן ר' עקיבא
הדיקא אמר ר' יודעש אין דור יתם שור' אלעזר בן
גלמי עבד היה מעשר' אלעזר בן עזריה מן עזריה
בביתו בפרק כל המעלות באת מדר' (גז)
לא [אלכס מ] וכן (בפסחים פקוק חסיד) [גז] בת
א שזאב בן גרלים יותר ממני אשרי אדם שזו ל'
עזריה:

The Gemara answers:

לְהוֹרִיב אֶת הַקְּהִלָּה – A congregation is different, for we do not trouble them to pray again.^[13]

The Gemara relates:

רַב צְלִי שֶׁל שַׁבָּת – R' Chiya bar Avin said: רַב צְלִי שֶׁל שַׁבָּת – Rav prayed Maariv of the Sabbath on the eve of the Sabbath. – רַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – R' Yoshiyah prayed Maariv of the conclusion of the Sabbath on the Sabbath.^[14]

The Gemara analyzes the first of these statements:

רַב צְלִי שֶׁל שַׁבָּת בְּעֶרְבַּי שַׁבָּת – Rav prayed Maariv of the Sabbath on the eve of the Sabbath. – אֹמֵר קְדוּשָׁה עַל הַכּוֹס – May one who does this recite Kiddush over the cup of wine immediately after praying Maariv, even though it is not yet night, or may he not recite Kiddush over the cup?^[15]

The Gemara answers:

דְּאָמַר רַב נַחֲמָן אָמַר שְׁמוּאֵל – Come, learn the answer, – תָּא שְׁמַע – for Rav Nachman said in the name of Shmuel: – אֵין מִצְוָה לְרַב צְלִי שֶׁל שַׁבָּת בְּעֶרְבַּי שַׁבָּת – A person may recite Maariv of the Sabbath on the eve of the Sabbath, – וְאֹמֵר קְדוּשָׁה עַל הַכּוֹס – and he may recite Kiddush over the cup.

The Gemara concludes:

וְהַלָּכָה כְּדִין – And the halachah follows this view.^[16]

The Gemara analyzes R' Chiya bar Avin's second statement:

רַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – R' Yoshiyah prayed Maariv of the conclusion of the Sabbath on the Sabbath. – אֹמֵר הַבְּדֵלָה עַל הַכּוֹס – May one who does this recite Havdalah over a cup of wine immediately after praying Maariv, even though it is not yet night, – אוֹ אֵין אֹמֵר הַבְּדֵלָה עַל הַכּוֹס – or may he not recite Havdalah over the cup?

The Gemara answers:

דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל – Come, learn the answer, – תָּא שְׁמַע – for Rav Yehudah said in the name of Shmuel: – אֵין מִצְוָה לְרַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – A person may pray Maariv of the conclusion of the Sabbath on the Sabbath, – וְאֹמֵר הַבְּדֵלָה עַל הַכּוֹס – and he may recite Havdalah over the cup.^[17]

The Gemara cites a related incident:

אָמַר רַבִּי זֵירָא אָמַר רַבִּי אֲסִי אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי חֲנִינָא אָמַר רַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – R' Zeira said in the name of R' Assi, who said in the name of R' Elazar, who said in the name of R' Chanina, who said in the name of Rav: – אֵין מִצְוָה לְרַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – On the side of this pillar R' Yishmael the son of R' Yose prayed Maariv of the Sabbath on the eve of the Sabbath.

A different version of this incident is cited:

כִּי אָתָּא עוּלָא אָמַר בְּצֵד הַמִּקְדָּה – When Ulla came, he said: It was at the side of a date tree, – וְלֹא בְּצֵד עֲמוּד הָהָא – it was not at the side of a pillar; – וְלֹא רַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – and it was not R' Yishmael the son of R' Yose, – רַבִּי אֶלְעָזָר בְּרִי רַבִּי יוֹסֵה – rather, it was R' Elazar the son of R' Yose; – וְלֹא שֶׁל – and it was not Maariv of the Sabbath on the eve of the Sabbath, – אֵין מוֹצָאֵי שַׁבָּת בְּשַׁבָּת הָהָא – rather, it was Maariv of the conclusion of the Sabbath on the Sabbath.

Our Mishnah stated:

תְּפִלַּת הָעֶרֶב אֵין לָהּ קֵבַע – THE EVENING PRAYER HAS NO FIXED TIME.

The Gemara inquires:

מָאי אֵין לָהּ קֵבַע – What is the meaning of: IT HAS NO FIXED TIME? – אִילִּימָא דְּרַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת לִלְיָא – If you say it means that if one wishes he may pray Maariv the entire night, – לִיתֵּי תְּפִלַּת – then let the Mishnah state clearly: “The evening Prayer may be recited all night.” – אֵין מִצְוָה לְרַבִּי יוֹסֵה מַצִּי שֶׁל מוֹצָאֵי שַׁבָּת בְּשַׁבָּת – Rather, what is the meaning of: IT HAS NO FIXED TIME? – דְּאָמַר רַב יְהוּדָה – It is in accordance with the one who says that the evening Prayer is elective.^[18] – אָמַר שְׁמוּאֵל – For Rav Yehudah said in the name of Shmuel: – תְּפִלַּת עֶרֶב – With regard to the Maariv Prayer, – רַבִּי גַמְלִיֵּל – Rabban Gamliel says it is compulsory – אֹמֵר חוּבָה – and R' Yehoshua says it is elective.

The Amoraim rule on the matter:

הַלָּכָה כְּדִין – The halachah follows the opinion of the one who says it is

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we say that if one prays the Sabbath Maariv on Friday, since the prayer is valid, it is considered an acceptance of the Sabbath (*Rashi*). Thus, Rav Dimi should have been forbidden to perform labor.

13. It is only the prayer that need not be repeated [by a congregation], for we do not inconvenience an entire congregation to pray again. As far as acceptance of the Sabbath is concerned, however, both an individual and a congregation may continue to perform work, because an acceptance of the Sabbath made in error is not a valid acceptance (*Rashba*; cf. *Gra* to *Orach Chaim* 263:13).

14. I.e. he prayed the Saturday night Maariv after *plag haminchah* on Sabbath afternoon, while it was still the Sabbath.

15. [The obligation to pray is Rabbinic in nature while reciting Kiddush is a Torah requirement. Thus, while it is permitted to pray the Friday night Maariv early, perhaps one must wait until dark in order to recite Kiddush (*Tos. HaRosh*).] See also *Pnei Yehoshua*.

16. He may also eat the Friday night meal then, even completing it before dark according to many authorities. Since he has accepted upon himself to begin the observance of the Sabbath, thereby adding from the weekday onto the Sabbath, it is considered to be Sabbath with regard to making Kiddush and eating the Sabbath meal as well (*Mishnah Berurah* 267:5; see there for another opinion as well). [He must remember, however, to repeat the *Shema* after dark, since according to most authorities one does not fulfill the mitzvah of the night *Shema* before nightfall even according to R' Yehudah (see *Tosafos* to 2a מאימתי, *Rosh* there and here).]

17. This, however, may be done only in a case of great necessity, such as where one is rushing out to perform a mitzvah directly after the Sabbath, and he wishes to wait in the field at the edge of the *techum* to begin his journey at the earliest possible moment. Since no wine will be available

to him in the field, he is permitted to pray Maariv after *plag haminchah* at home before he leaves and recite Havdalah there. However, he does not include the blessing over the flame, and he is forbidden to perform *melachah* until nighttime (*Shulchan Aruch, Orach Chaim* 293:3; see *Tosafos* *ד"ה* and *Rishonim* here).

Although the above is technically the law, the Acharonim write that it should not in fact be practiced, for several reasons. Firstly, doing so is bound to raise eyebrows. Also, it may lead to the premature performance of *melachah*. Moreover, since the common custom is to follow the Rabbis and pray Minchah until evening, it is contradictory to pray Maariv during that same time in accordance with R' Yehudah. [Although as noted above, many people do customarily recite Maariv early on Friday afternoon, there it is permitted in order to fulfill the mitzvah of adding on to the Sabbath. This does not apply on Saturday night when exiting the Sabbath (*Mishnah Berurah* 293:9).]

18. The Mishnah purposely used the phrase “Maariv has no fixed time,” rather than say that Maariv may be prayed all night, in order to convey a double message: a) that Maariv may be prayed all night, and b) that it is elective (*Rabbeinu Yonah*).

This does not mean that one has a choice whether or not to pray Maariv. Rather, it means that if one has the opportunity to either perform a mitzvah whose time will pass or recite Maariv, then we say that he should perform the mitzvah. Accordingly, the meaning here is that compared to a mitzvah whose time will pass, Maariv is elective (*Tosafos* here and to 26a *ד"ה* ותפלה). See *Pnei Yehoshua*.

The reason it is elective according to this view is that it was instituted in place of the burning of the sacrificial parts on the Altar (see Gemara above, 26b). Since that procedure is not essential to the validity of the sacrifice, Maariv is not essential either (see *Rashi* to *Shabbos* 9b למאן ד"ה

compulsory. הלכה כדברי האומר – And Rava said: וְרַבָּא אָמַר – The halachah follows the opinion of the one who says it is elective.^[19]

The respective positions of Rabban Gamliel and R' Yehoshua cited above figured prominently in an incident:^[20]

מַעֲשֵׂה בֵּית לַמִּיד אֶחָד – The Rabbis taught in a Baraisa: תָּנִי רַבָּנִין – THERE WAS AN INCIDENT INVOLVING A CERTAIN DISCIPLE WHO CAME BEFORE R' YEHOSHUA. אָמַר לוֹ – [THE DISCIPLE] SAID TO HIM: תַּפְּלַת עֶרְבִית רְשׁוּת אוֹ חֻבָּה – IS THE EVENING PRAYER ELECTIVE OR COMPULSORY? אָמַר לֵיהּ רְשׁוּת – HE REPLIED: IT IS ELECTIVE. בָּא לִפְנֵי רַבָּן גַּמְלִיֵּל – [THE SAME DISCIPLE] then CAME BEFORE RABBAN GAMLIEL. אָמַר לוֹ – HE SAID TO HIM: תַּפְּלַת עֶרְבִית רְשׁוּת אוֹ חֻבָּה – IS THE EVENING PRAYER ELECTIVE OR COMPULSORY?^[21] אָמַר לוֹ רַבָּן גַּמְלִיֵּל – [RABBAN GAMLIEL] REPLIED: IT IS COMPULSORY. אָמַר לוֹ וְהֵלֵא רַבִּי יְהוֹשֻׁעַ – [THE DISCIPLE] SAID TO HIM: BUT R' YEHOSHUA TOLD ME IT IS ELECTIVE! אָמַר לוֹ – [RABBAN GAMLIEL] SAID TO HIM: הַמֶּתֶן עַד שְׂיִכְנֹסוּ בְּעַלֵּי תְּרִיסִין לְבֵית הַמִּדְרָשׁ – WAIT UNTIL THE SHIELD-BEARERS [i.e. Torah scholars] ENTER THE STUDY HALL and pose your question again.^[22] כְּשֶׁנִּכְנְסוּ בְּעַלֵּי תְּרִיסִין – WHEN THE SHIELD-BEARERS ENTERED, עָמַד הַשּׁוֹאֵל וְשָׁאַל – THE QUESTIONER AROSE AND ASKED:^[23] תַּפְּלַת עֶרְבִית רְשׁוּת אוֹ חֻבָּה – IS THE EVENING PRAYER ELECTIVE OR COMPULSORY? אָמַר לוֹ רַבָּן

RABBAN GAMLIEL REPLIED: IT IS COMPULSORY. אָמַר לָהֶם רַבָּן גַּמְלִיֵּל – RABBAN GAMLIEL then SAID TO THE SAGES: כָּלֵם יֵשׁ אֶדְם שְׁחֹלֵק בְּדָבָר זֶה – IS THERE ANYONE WHO DISPUTES THIS RULING? אָמַר לֵיהּ רַבִּי יְהוֹשֻׁעַ לֹא – R' YEHOSHUA SAID TO HIM: NO.^[24] אָמַר לוֹ – [RABBAN GAMLIEL] SAID TO [R' YEHOSHUA]: וְהֵלֵא מִשְׁמַךְ אָמְרוּ לִי רְשׁוּת – BUT IN YOUR NAME IT WAS REPORTED TO ME that the evening Prayer is ELECTIVE! אָמַר יְהוֹשֻׁעַ עֲמוּד עַל – SAID [RABBAN GAMLIEL] TO [R' YEHOSHUA]: עָמַד רַבִּי יְהוֹשֻׁעַ עַל רַגְלָיו וְעִידוּ בָּךְ – YEHOSHUA, STAND UP ON YOUR FEET AND LET THEM TESTIFY AGAINST YOU! אָמַר – R' YEHOSHUA STOOD UP ON HIS FEET AND SAID: אֲנִי חַי וְהוּא – WERE I ALIVE AND HE [the questioner] DEAD, I would be able to deny my ruling, יָכוֹל הָיִי לְהַכְחִישׁ אֶת הַמֶּת – for THE LIVING ARE ABLE TO CONTRADICT THE DEAD. וְעַכְשָׁיו שְׁאֲנִי חַי וְהוּא חַי – NOW, HOWEVER, THAT I AM ALIVE AND HE IS ALIVE, הַיָּאֵךְ יָכוֹל הָיִי – HOW CAN THE LIVING CONTRADICT THE LIVING? I am forced to confess that I issued that ruling.

The Baraisa goes on:

הָיָה רַבָּן גַּמְלִיֵּל יוֹשֵׁב וְדוֹרֵשׁ – RABBAN GAMLIEL CONTINUED SITTING AND LECTURING, וְרַבִּי יְהוֹשֻׁעַ עֲמוּד עַל רַגְלָיו – AND R' YEHOSHUA REMAINED STANDING ON HIS FEET,^[25] עַד שֶׁרָּגְזוּ כָּל הָעָם – UNTIL ALL THE PEOPLE MURMURED in indignation וְאָמְרוּ – AND SAID TO CHUTZPIS THE ANNOUNCER:^[26] שִׁטּוֹ! וְעָמַד – AND HE STOPPED.

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but see *Rashash* here; see *Meiri* to *Mishnah* 26a; see *Meromei Sadeh* to *Shabbos* 9b).

19. The law follows this ruling of Rava. Despite this fact, however, Jews everywhere have always prayed Maariv and accepted it upon themselves as obligatory (*Rambam*, *Hil. Tefillah* 1:6; see *Rif*, *Rashba*, *Rosh*). [Nevertheless, there remains a vestige of the fact that Maariv was originally elective in that when praying with a *minyan*, the *shaliach tziybur* (the one who leads the prayers) does not repeat the Maariv *Shemoneh Esrei* as he does for Shacharis and Minchah (*Mishnah Berurah* 237:1).]

20. The incident that follows is among the most famous in the Talmud. To provide the reader with some background for the story, we present a brief introduction culled from the monumental work *Doros HaRishonim* (volume 3) by R' Yitzchak Isaac HaLevi.

The period of the Mesivta of Yavneh, during which the events the Gemara is about to relate transpired, followed directly after the destruction of the Second Temple in the year 69 C.E. Realizing that the fall of the besieged city of Jerusalem was imminent and perceiving that the survival of the central Sanhedrin was critical to the nation's future, the aged *Av Beis Din* (Head of the Sanhedrin) and Torah leader of the generation, Rabban Yochanan ben Zakkai, petitioned the Roman general Vespasian to spare the city of Yavneh for the Torah scholars to gather there. This petition was granted. (The details of this story are recounted in *Gittin* 56a-b.) The Mesivta at Yavneh at which the surviving Sages subsequently convened was thus the direct successor to the Great Sanhedrin (though it lacked some of the powers of that body, such as the ability to judge capital cases).

As had been the case in previous generations, the Sanhedrin – and now the Mesivta at Yavneh – was headed by two Torah giants, the *Nasi*, or *Reish Mesivta*, and the *Av Beis Din*. The position of *Nasi* was above that of *Av Beis Din*.

At the time of his petition to Vespasian, Rabban Yochanan ben Zakkai had also requested, and been granted, that the Romans spare the family of the *Nasi*, which was descended from the royal line of David. Thus, as soon as the Mesivta began functioning in Yavneh, Rabban Yochanan ben Zakkai installed as *Nasi* Rabban Gamliel (known in history as Rabban Gamliel of Yavneh, and not to be confused with his grandfather of the same name, Rabban Gamliel the Elder), son of the previous *Nasi* Rabban Shimon (who did not survive the Destruction) and fifth in a line of *Nesii* which originated with Hillel. When Rabban Yochanan ben Zakkai subsequently passed away at the age of 120 (about eight years after the Destruction), his position as *Av Beis Din* was filled by R' Yehoshua, an older colleague of Rabban Gamliel.

The nation at this time was still reeling from the blow dealt it by the loss of the Temple. This was in addition to the enormous loss of life that

the war with Rome had brought about. Over a million Jews had perished in the siege of Jerusalem alone, and many thousands had been taken captive and sold into slavery. The old order was gone, and Jerusalem and the surrounding cities lay in ruins.

Indeed, the first few years at Yavneh were almost totally devoted to offering succor to the bleeding nation ("Said R' Elazar the son of R' Tzadok: When Rabban Gamliel and his *beis din* were at Yavneh, they were occupied with the public need and did not interrupt [even for prayer], so as not to disrupt their concentration" – *Tosefta*, *Berachos* 2:6.) Only later, when the situation had stabilized somewhat, did the Mesivta, which was comprised of 72 chief Sages in addition to others of immense though lesser stature, begin devoting a considerable part of its efforts to its primary function – the Torah. Among other matters, this included resolving issues of uncertainty in the orally transmitted Mishnah, deciding on matters that had been in dispute between Beis Shammai and Beis Hillel, and in general clarifying details which the upheavals of the nation had obscured. Over all of this and more, the *Nasi* presided.

It had always been important, even in pre-Destruction days, for the *Nasi* to exercise his authority. Now, however, in the aftermath of the greatest upheaval the nation had ever experienced, it was the strongly held opinion of Rabban Gamliel that the prestige of the *Nasi's* office needed to be protected even more, in order to unify the people.

Against this backdrop, the story that follows, which transpired about fourteen years after the Destruction, will be better understood.

21. [See *Sifsei Chachamim* who cites *Rama*, *Yoreh Deah* 242:31 regarding the propriety of asking a second halachic authority for a ruling after obtaining one first from someone else. See also *Mili D'Brachos*.]

22. Torah scholars are referred to as shield-bearers because they battle each other in Torah like warriors outfitted with shields (*Rashi* here and to *Bechoros* 36a).

Another explanation is that they shield the generation with their merit (*Tos. HaRosh*; see also *Aruch* תריס' ע').

23. [*Tosafos* (*Bechoros* 36a) cite *Yerushalmi* as stating that there is an obligation to stand when asking a question regarding halachah. See also *Tzlach* and *Yoreh Deah* 246:13 with *Shach* and commentators.]

24. Out of respect for Rabban Gamliel (*Tzlach*) and to preserve the public concord (*Doros HaRishonim* *ibid.* pp. 314-16), R' Yehoshua sought to conceal his opposing ruling (cf. *Pnei Yehoshua*). See also *Menachem Meishiv Nefesh*.

25. [According to the protocol of that great assemblage one did not take his seat after rising to speak until instructed to do so by the *Nasi*.]

26. [Literally: interpreter.] The announcer would stand before the lecturer, hear the lesson from him, and repeat it to the assembled (*Rashi*).

The saga continues:^[27]

אמרי – They said: ער כמה נצצירה וניזיל – How long will [Rabban Gamliel] go on distressing [R' Yehoshua]? בראש – On Rosh Hashanah last year, he distressed him;^[28] – השנה אשחקר צעריה – in the matter of the firstborn in the incident with R' Tzadok, he distressed him;^[29] – הקא נמי צעריה – here too he distresses him! – תא ונעבריה – Come, let us depose him!^[30]

Agreeing to this, the Sages asked:

נוקמיה – Whom shall we appoint in his stead? מאן נוקים ליה – Shall we appoint R' Yehoshua? We cannot do so, for he is personally involved in the incident.^[31] – Shall we appoint R' Akiva? We cannot do that either, for וילקא עניש ליה דליה ליה זכות אבות – perhaps [Rabban Gamliel] will cause punishment to befall him and he will die,^[32] because he does not have the merit of righteous forefathers to protect him.^[33] אלא נוקמיה לרבי אלעזר – Rather, let us appoint R' Elazar ben Azaryah, – בן צוריה – for he is wise, and he is the tenth generation from Ezra.

The importance of these attributes for the position of *Nasi* is explained:

He is wise, – דאי מקשי ליה מפרק ליה – so that if he is asked something, he will be able to answer. והוא – He is wealthy, – דאי אית ליה לפלוחי לבי קיסר אף הוא – so that if one is needed to deal with the house of the Caesar, he too (like Rabban Gamliel) will be able to go and deal with them.^[34] – והוא עשירי לעזרא – And he is the tenth generation from Ezra, – דאית ליה זכות אבות ולא מצי עניש – so that he possesses the merit of righteous forefathers, and [Rabban Gamliel] will be unable to cause him punishment.

This choice was adopted:

– So they came and said to [R' Elazar ben Azaryah]: ניהא ליה למר דליהוי ריש מתיבתא – Is it pleasing to the master to become head of the Mesivta? אמר להו איזיל – He said to them: I will go and consult with the members of my household.^[35] – אול ואמליו בדביתהו – He went and consulted with his wife. – אמרה ליה – She said to him:

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27. [What follows appears to be the Gemara speaking rather than the Baraisa.]

28. This is a reference to an incident cited by the Mishnah in *Rosh Hashanah* (25a) wherein Rabban Gamliel and R' Yehoshua disagreed as to the proper day for Rosh Chodesh. When Rabban Gamliel heard that R' Yehoshua disputed his decision, he was fearful that this would lead to a division among the people, with some celebrating the High Holy days and festivals on one day and the others on the next day. Indeed, according to R' Yehoshua, Yom Kippur would fall a day later than it would according to Rabban Gamliel. Therefore, Rabban Gamliel ordered R' Yehoshua to demonstrate publicly his acceptance of the *Nasi's* (i.e. Rabban Gamliel's) authority and treat that day as an ordinary weekday by coming to him carrying his walking stick and his money, both of which are prohibited on Yom Kippur. See *Megadim Chadashim* here and *Doros HaRishonim* ibid. p. 305.

29. The Gemara in *Bechoros* (36a) relates that R' Tzadok, a Kohen, had a *bechor*, a firstborn kosher animal, which he testified had become blemished unintentionally. [The law is that a *bechor* must be given to the Kohen, who in turn must bring it as a sacrifice. In the absence of the Temple, the Kohen must wait until the *bechor* accidentally develops a blemish. He may then slaughter and eat it even outside the Temple (see *Bechoros* 34a-35a). The Kohen owner, however, having a monetary interest in the *bechor's* being declared permissible, is not believed to say that the blemish occurred accidentally.] Rabban Gamliel and R' Yehoshua disputed the status of the animal [since R' Tzadok was not only a Kohen but also a Torah scholar, who is not really suspect of lying], with R' Yehoshua permitting the animal for slaughter and Rabban Gamliel prohibiting it. The Gemara there relates that a sequence of events similar to the present one transpired wherein Rabban Gamliel forced R' Yehoshua to remain standing while he (Rabban Gamliel) continued the lecture.

30. As alluded to in the introduction to this story, Rabban Gamliel's actions were motivated not by concern for his own honor but because he considered strong use of the authority of *Nasi* necessary for the nation in its state at that time. [In another incident (less than two years before – see *Doros HaRishonim* ibid. pp. 334-5), the Mesivta, headed by Rabban Gamliel, had ostracized the great R' Eliezer for not submitting to the majority view of the Sages in a particular case. In regard to his actions at that time, Rabban Gamliel had declared, "O Master of the Universe! It is clearly known to You that I did this not for my own honor ... but so that dissension should not spread in Israel!" (*Bava Metzia* 59b).] The majority of the Sages, however, did not approve of the harsh treatment of such an eminent Torah scholar as R' Yehoshua, no matter what the motive (*Doros HaRishonim* ibid. p. 318). [Even so, the initial outburst at Rabban Gamliel's action appears to have come from the *ny*, the people who had come to hear the lecture, not from the Sages themselves (ibid. pp. 324-6).]

31. His appointment would thus cause Rabban Gamliel inordinate anguish (*Rashi* see also *Meiri*).

Another explanation: It would appear as if R' Yehoshua had argued with Rabban Gamliel only for the purpose of having him removed from his post, so that R' Yehoshua himself could take over (*Maharsha*; cf. *Rashash*).

32. *Rashi* cited in *Ein Yaakov* (not extant in our versions). [In his anguish Rabban Gamliel might cry out to God, Who would then punish Rabban Gamliel's replacement.]

33. [R' Akiva was descended of proselytes (see *Rav Nissim Gaon*). Others say that Yosef, R' Akiva's father, was himself a proselyte (*Rambam* in introduction to *Yad HaChazakah*).]

34. Literally: serve. [Only a man of wealth was able to deal effectively with the Roman government.]

35. See *Sifsei Chachamim* and *Maharatz Chayes*.

לְהָמָא מַעֲבָרִין לָךְ – Perhaps they will eventually remove you as well from the post. הָאָמַר לָהּ – He said to her: לְשִׁתְּמֵשׁ אֵינִשׁ – Let a person use a precious glass cup one day, וְלִמָּחֹר לִיתְבַּר – and the next day let it break.^[1] אָמְרָה לִיה – She said to him: לִית לָךְ חִיּוּרָתָא – But you have no white hairs in your beard, and it is befitting for a lecturer to be older. הָהוּא יוֹמָא בִּר תַּמְנִי סְרִי שְׁנֵי הָהּ – That day [R' Elazar ben Azaryah] was eighteen years old. אֲתֵרְחִישׁ לִיה נִיסָא – A miracle occurred for him וְאֵהֲדִירוּ לִיה תַּמְנִי סְרִי דְּרֵי חִיּוּרָתָא – and eighteen rows of hair in his beard turned white.

The Gemara comments:

הָיִינוּ דְּקָאָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה – It was in reference to this that R' Elazar ben Azaryah said:^[2] – “I AM LIKE A SEVENTY-YEAR-OLD MAN,” – וְלֹא בֶּן שִׁבְעִים שָׁנָה – and he did not say “I am a seventy-year-old man.”^[3]

The Gemara relates the vast changes that the appointment of R' Elazar ben Azaryah brought about:

תָּנָא – It was taught in a Baraisa: אוֹתוּ הָיוּ סִלְקֵיהוּ לְשׁוּמֵר – THAT DAY THEY REMOVED THE DOORKEEPER of the study hall – וְנִתְּנָה לְהֶם רְשׁוּת לְתַלְמִידִים לִיכְנֹס – AND PERMISSION WAS GRANTED TO all the STUDENTS TO ENTER. שְׁהִיָּה רֶבֶן גַּמְלִיאֵל – FOR RABBAN GAMLIEL, when he was *Nasi*, WOULD PROCLAIM AND SAY: כָּל תַּלְמִיד שֶׁאִין תּוֹכוֹ בְּבֵרוֹ – ANY STUDENT WHOSE INSIDE IS NOT AS HIS OUTSIDE, i.e. who is not sincere,^[4] – לֹא יִכְנֹס לְבֵית הַמְּדִרָּשׁ – MAY NOT ENTER THE STUDY HALL!

The Gemara continues the story:

הָהוּא יוֹמָא אֲתוּסְפוּ כַּמָּה סִפְסָלִי – That day many benches were added to the study hall to accommodate the great influx of students who entered because of the new policy. אָמַר רַבִּי יוֹחָנָן – R' Yochanan said: פְּלִיגִי בַּה אָבָא יוֹסֵף בֶּן דּוּסְתַּאי וְרַבָּנִין – Abba Yosef ben Dostai and the Rabbis disagree about the matter. הָדָא אָמַר אֲתוּסְפוּ אַרְבַּע מֵאָה סִפְסָלִי – One says four hundred benches were added – וְהָדָא אָמַר שְׁבַע מֵאָה סִפְסָלִי – and one says

seven hundred benches.

הָהּ קָא חֲלִישָׁא דַּעֲתִיה דְּרַבָּן גַּמְלִיאֵל – Seeing this development, Rabban Gamliel was dispirited. אָמַר – He said: דְּלִמָּא חָס – Perhaps, God forbid, I have withheld Torah from Israel!^[5] אָחֻז לִיה בְּחִלְמִיהָ חֲצָבִי חִיּוּרִי – They showed him in his dream white pitchers filled with ash.^[6]

The Gemara comments:

בִּלְתִּי הָיָא לִיתוּבִי – But that was not the case i.e. this was not truly a Heavenly sign that Rabban Gamliel was correct; הָיָא לִיתוּבִי – it was only to put his mind at ease that they showed him this.^[7]

The consequences of the new admissions policy were far reaching:

תָּנָא – A Baraisa taught: עֲדִיּוֹת בּוֹ בְּיוֹם נִשְׁנִית – Tractate *EDUYOS* WAS TAUGHT ON THAT DAY. – וְכָל הֵיכָא דְּאִמְרִין בּוֹ בְּיוֹם – And any place wherein the expression “on that day” is used!^[8] – הָהוּא יוֹמָא הָהּ – it is a reference to that day, i.e. the day that R' Elazar ben Azaryah was installed as *Nasi*. לֹא הָיְתָה הַלְבָּה – And there was not a single law that had thus far been left unresolved in the study hall which they did not then resolve.^[9] – עַצְמוּ מִבֵּית הַמְּדִרָּשׁ אֶפְיֻלוּ שְׁעָה אַחַת – And even Rabban Gamliel did not withhold himself from the study hall even for a moment.^[10] – דִּתְנִן – As we learned in a Mishnah:^[11] בּוֹ בְּיוֹם – THAT DAY, YEHUDAH, AN AMMONITE CONVERT, CAME BEFORE THEM IN THE STUDY HALL. – אָמַר לָהֶם – HE SAID TO THEM: מָה אֲנִי לְבֵית בִּקְהָל – WHAT is the law as far as whether I MAY ENTER THE CONGREGATION, i.e. may I marry a Jewish woman?^[12] – אָמַר לּוֹ רֶבֶן גַּמְלִיאֵל – RABBAN GAMLIEL SAID TO HIM:^[13] אֲסִיר אֶתָּה לְבֵית בִּקְהָל – YOU ARE FORBIDDEN TO ENTER THE CONGREGATION. – אָמַר לּוֹ רַבִּי יְהוֹשֻׁעַ – SAID R' YEHOShUA TO HIM: מוֹתֵר אֶתָּה לְבֵית בִּקְהָל – YOU ARE

NOTES

1. This was a popular folk saying (*Rashi*). I.e. if I have the opportunity to serve in the position of *Nasi* now, let me do so and not worry about the future.

2. In a Mishnah above, 12b. [This Mishnah is recited on Pesach night as part of the Haggadah.]

3. [The passage in the Mishnah reads in full: “R' Elazar ben Azaryah said: I am like a seventy-year-old man, yet I was not successful in proving that the Exodus from Egypt should be mentioned [i.e. that one is required to recite the third chapter of the *Shema*, which mentions the Exodus] at night, until Ben Zoma expounded it.” R' Elazar ben Azaryah remarked that he was like a seventy-year-old man, but not that he was seventy years old, because he was actually only eighteen at the time.] The day that Ben Zoma made his exposition was the day that R' Elazar ben Azaryah was installed as *Nasi* (*Rashi* to Mishnah 12b). See also above, 12b note 38.

4. I.e. he studies Torah but does not possess fear of Heaven (*Maharsha*, based on *Yoma* 72b).

5. And I will be punished for this (*Rashi*).

6. As if to say: Just as the pitchers are beautifully white on the outside yet on the inside contain worthless ash, so the students appear worthy but are not truly so (*Maharsha*).

7. Since Rabban Gamliel had been motivated by pure intentions, God wished that he not feel despondent. In truth, however, his policy was in error.

Rabban Gamliel's policy had been in line with the Talmudic dictum (*Chullin* 133a): “Whoever teaches an unworthy student is as if he throws a stone at *Markulis*.” [The idol *Markulis* was worshiped by throwing stones at it. Thus, one who throws a stone at *Markulis* with the intent to disgrace it has in fact unwittingly done the very opposite of disgracing it. So too one who teaches Torah to an unworthy student is actually doing a disservice, for the student will put the Torah to improper use (*Maharsha* *ibid.*).] R' Elazar ben Azaryah, however, felt that this applies only to where the student is *known* to be unworthy. Where his character cannot

be determined, he should be accepted (*Tos. R' Yehudah HeChasid; Rambam, Hil. Talmud Torah* 4:1 with *Kesef Mishneh* and *Lechem Mishneh*; cf. *Aruch HaShulchan, Yoreh Deah* 246:21).

8. Such as in the last four Mishnahs of the fifth chapter of *Sotah* and in several Mishnahs in the fourth chapter of *Yadayim*.

9. The great number of new students occasioned such intensified study and discussion that many questions that had previously vexed the Rabbis were resolved then (*Rashi*). Hence, the numerous expositions attributed to “that day.”

[*Doros HaRishonim* (III pp. 318-23) argues forcefully that the expression *bo bayom*, “on that day,” does not refer to a single day (the day on which R' Elazar ben Azaryah was installed as *Nasi*) but rather to a longer period which began on that day. Furthermore, he brings numerous proofs (*ibid.* pp. 216 ff.) that in stating that “*Eduyos* was taught on that day,” the Baraisa does not refer to the entire tractate but only to the last three chapters (whose Mishnahs begin with the words “So-and-so testified”). The earlier chapters, although also formulated in Yavneh, were arranged before the incident with Rabban Gamliel and R' Yehoshua. On both these points, however, he is (at his own admission) in dispute with the Rishonim (see, for example, *Rambam to Eduyos* 2:10).]

10. So as not to lose a moment of Torah learning (*Rambam to Yadayim* 4:4; cf. *HaKoseiv in Ein Yaakov*).

11. *Yadayim* 4:4.

12. Scripture states (*Deuteronomy* 23:4): *An Ammonite and a Moabite shall not enter the congregation of Hashem, even their tenth generation shall not enter the congregation of Hashem, to eternity*. This is interpreted to mean that an Ammonite or Moabite man, even after he converts, may not marry a Jewish woman (“enter the congregation of Hashem”).

See *Tos. Yom Tov and Tiferes Yisrael* to the Mishnah in *Yadayim* for explanations as to why the convert in this case felt that he should be permitted to enter the congregation.

13. [This proves that Rabban Gamliel was in the study hall on that day.]

PERMITTED TO ENTER THE CONGREGATION. אָמַר לוֹ רַבֵּן גַּמְלִיאֵל – RABBAN GAMLIEL SAID TO [R' YEHOSHUA]: – וְהָלֹא כְּבֵר נֶאֱמַר – BUT IS IT NOT ALREADY STATED: “לֹא יָבֹא עַמּוֹנִי וּמוֹאָבִי בִּקְהֵל ה'” – AN AMMONITE AND A MOABITE SHALL NOT ENTER THE CONGREGATION OF HASHEM? – אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ – R' YEHOSHUA RESPONDED: – וְכִי עַמּוֹן וּמוֹאָב בְּמִקְוֵינָם הֵן יוֹשְׁבִין – BUT DO the descendants of AMMON AND MOAB still RESIDE IN THEIR PLACES? – כְּבֵר עָלֶיהָ סִנְחֵירִיב מֶלֶךְ אַשּׁוּר – Why, SANCHEIRIV, KING OF ASHUR, LONG AGO CAME UP – וּבִלְבָּל אֶת כָּל הָאֻמּוֹת – AND CONFUSED ALL THE NATIONS, i.e. exiled the nations he conquered and resettled them in different lands, שְׁנֵאֲמַר – AS IT IS STATED: – וְאַסִּיר,, – For he [Sancheiriv] said: ... I HAVE REMOVED THE BOUNDARIES OF PEOPLES AND HAVE PLUNDERED THEIR TREASURES, “וְאֹרִיר בְּאֵבִיר יוֹשְׁבֵיהֶם” – I HAVE BROUGHT DOWN DWELLERS IN STRONGHOLDS!^[14] Accordingly, since the nations of the world became integrated, even if someone comes from the land of Ammon, we must assume that he is not an actual descendant of that nation, for we apply the rule that וְכָל – whatever separates is assumed to have separated from the majority, i.e. from the majority of people, who are not Ammonites. אָמַר לוֹ רַבֵּן גַּמְלִיאֵל – RABBAN GAMLIEL SAID TO HIM: – וְהָלֹא כְּבֵר נֶאֱמַר – BUT IT IS ALREADY STATED: “וְאַחֲרֵיכֵן אָשִׁיב אֶת-שְׁבוֹת בְּנֵי-עַמּוֹן נֶאֱמַר” – BUT AFTERWARDS I WILL RETURN THE CAPTIVITY OF THE CHILDREN OF AMMON – THE WORD OF HASHEM,^[15] – וְכְבֵר שָׁבוּ – SO THEY HAVE ALREADY RETURNED!^[16] – אָמַר לוֹ רַבִּי יְהוֹשֻׁעַ – R' YEHOSHUA SAID TO HIM: – וְהָלֹא כְּבֵר נֶאֱמַר – BUT IT IS ALSO ALREADY STATED: – וְאַחֲרֵיכֵן אָשִׁיב אֶת-שְׁבוֹת עַמִּי יִשְׂרָאֵל” – AND I WILL RETURN THE CAPTIVITY OF MY PEOPLE ISRAEL,^[17] – וְעַדֵּין לֹא שָׁבוּ – AND nevertheless THEY HAVE NOT YET RETURNED! Thus, just as this prophecy remains to be fulfilled, so too the prophecy regarding Ammon has not yet come to pass.

The Mishnah concludes:

IMMEDIATELY, THEY PERMITTED HIM [Yehudah] TO ENTER THE CONGREGATION in accordance with the ruling of R' Yehoshua.^[18]

The Gemara resumes the story:

Said Rabban Gamliel: הוֹאִיל וְהָיָה הֵנָּה – הואיל והיה הנה – אָמַר רַבֵּן גַּמְלִיאֵל – Since that is the case [that the law follows R' Yehoshua],^[19] – אֵינִי הוֹלֵךְ וְאֶפְסִיסָהּ לְרַבִּי יְהוֹשֻׁעַ – I shall go and appease R'

Yehoshua.^[20] – כִּי מָטָא לְבֵיתָהּ – When he reached [R' Yehoshua's] house – חִוִּינְהוּ לְאִשְׁתּוֹ דְּמִשְׁחָרָן – he saw that the walls of his house were black. – אָמַר לוֹ – He said to him: – מִכּוֹתֶי לִי בֵיתְךָ אֲתָה נִיכָר שְׁפָחָמִי אֲתָה – From the walls of your house it is apparent that you are a smith.^[21] – אָמַר לוֹ – Said [R' Yehoshua] to him: – אֵי לוֹ לְדוֹר שְׂאֲתָה פְּרִנְסוֹ – Woe unto the generation whose leader you are, – תִּלְמִידֵי חֻכָּמִים – for you know not the suffering of Torah scholars, – כִּמָּה הֵם מִתְּפַרְנְסִים וּכְמָה הֵם נֹזְנִים – how they support themselves and how they are nourished!^[22] – אָמַר לוֹ – [Rabban Gamliel] said to him: – נִצְנִיתִי לָךְ – I have spoken excessively against you,^[23] – מְחוּל לִי – forgive me! – אֲשָׁמָה – [R' Yehoshua] paid him no heed. – עָשָׂה בְּשִׁבְלִי כְבוֹד אָבָא – Do it, Rabban Gamliel pleaded, for the sake of the honor of my father!^[24] – פִּיט – [R' Yehoshua] was appeased.

Those present ponder the next step:

Who will go and inform the Rabbis of this development? – אָמְרוּ – They said: – מֶאֵן נִיחִיל וְלִימָא לְהוּ לְרַבָּנָן – מאן ניחיל ולימא להו לרבנן – אָמַר לְהוּ הוּוּא בּוֹכֵס – אמר להו הווא בוכס – I will go. – אֲנָא אֵוִילָנָא – אָנָּא אֵוִילָנָא – I am a laundryman. – שְׁלַח לְהוּ רַבִּי יְהוֹשֻׁעַ לְבֵי מְדִרְשָׁא – R' Yehoshua sent the following message with him to [the Sages] in the study hall: – מֶאֵן דְּלִבִּישׁ – Let him who is accustomed to wear the robe continue to wear the robe; – וּמֶאֵן דְּלֹא לִבִּישׁ מְדָא יִימַר לִיה לְמֶאֵן – and he who is not accustomed to wear the robe say to him who is accustomed to wear the robe: – דְּלִבִּישׁ מְדָא – shall he who is accustomed to wear the robe say to him who is accustomed to wear the robe: – וְאַנָּא אֶלְבָּשִׁיהּ – “Remove your robe and I will do it!”^[25]

The laundryman's mission fails:

אָמַר לְהוּ רַבִּי אֶבְיָא – R' Akiva said to the Rabbis: – טְרוּקוּ – Lock the doors of the study hall, – דְּלֹא לִיתוּ עֲבָדֵי דְרַבָּנָן – so that the servants of Rabban Gamliel do not come and harass the Rabbis!^[26]

The laundryman returned and reported of his failure:

מוֹטָב דְּאִיקוּם וְאֵינִי אָנָּא – Said R' Yehoshua: – אָמַר רַבִּי יְהוֹשֻׁעַ – Better that I go to them myself. – אֲתָא טָרַף אֲבָבָא – He came and knocked on the door. – אָמַר לְהוּ – He said to them: – מֶה בְּן מְזָה יָהּ – Let the sprinkler son of a sprinkler sprinkle; – וְשֹׁאֵינוּ לֹא מְזָה וְלֹא בְּן מְזָה יֹאמַר לְמֶה בְּן מְזָה – shall he who is neither a sprinkler nor the son of a sprinkler say to the sprinkler son of a sprinkler: – מִימִיךָ מִי מְעָרָה – “Your water is cave water – וְאַפְרָךְ אֶפְרָא מְקָלָה – and your ashes are

NOTES

14. Isaiah 10:13. [I.e. by uprooting entire peoples and resettling them elsewhere, I have “removed the boundaries” that formerly existed between them.]

15. Jeremiah 49:6.

16. [For presumably this prophecy was fulfilled.]

17. Amos 9:14.

18. I.e. the majority of the Sages in the Mesivta concurred with him (HaKoseiv in Ein Yaakov).

19. Rashi cited in Ein Yaakov (not extant in our versions).

20. Seeing that the majority of the Sanhedrin had decided in favor of R' Yehoshua, Rabban Gamliel concluded that God was with R' Yehoshua. [In a similar vein, the Gemara elsewhere (Sanhedrin 93b) derives from the verse stated in regard to David: And Hashem is with him (I Samuel 16:18), that the halachah always accorded with David in his disputes with other Sages.] Rabban Gamliel therefore regretted having pained R' Yehoshua and resolved to ask his forgiveness (Menachem Meishiv Nefesh explaining Rashi cited in the previous note; cf. Doros HaRishonim ibid. pp. 327-8).

21. Or a charcoal maker (Rashi).

22. פְּרִנְסָה is a reference to the food a person needs to live, and אֵינִי הוֹלֵךְ to all of a person's other needs (see Rashi to Gittin 12b).

See Doros HaRishonim ibid. p. 331 for a suggestion as to the intent of Rabban Gamliel's remark and R' Yehoshua's sharp retort.

23. See Rashi; cf. Rashash.

24. I.e. Hillel, who was Rabban Gamliel's great-great-grandfather [see above, 27b note 20] (see Rav Nissim Gaon). Alternatively, this is a reference to Rabban Gamliel's father, Rabban Shimon ben Gamliel, who was one of the ten martyrs murdered by the Roman government (Gra in Imrei Noam; cf. Doros HaRishonim ibid. pp. 177-181).

25. I.e. Rabban Gamliel, who hitherto has worn the uniform of the Nasi, should be returned to that position.

The Gemara in Sanhedrin 5a derives from the verse (Genesis 49:10): The scepter shall not depart from Judah nor a scholar from among his descendants, that the position of Nasi rightfully belongs to a member of the tribe of Yehudah. Thus, R' Yehoshua intimated with his message that the role of leader should be maintained in the line of Hillel, who was a descendant of King David who came from the tribe of Judah, and should not be usurped by R' Elazar ben Azariah, who was a descendant of Ezra the Kohen from the tribe of Levi (Maharsha).

26. Although R' Akiva and the Sages understood from the message that R' Yehoshua had become reconciled, they wished to carefully consider their next step without pressure from Rabban Gamliel's household to immediately reinstate him (Menachem Meishiv Nefesh; cf. Sifsei Chachamim).

Alternatively, the laundryman could not even gain admittance to the study hall to deliver his message. R' Akiva's instruction to lock the doors had come before the laundryman arrived (Doros HaRishonim ibid. pp. 321-2).

cinders" (27) אָמַר לוֹ רַבִּי עֲקִיבָא – R' Akiva said to him: רַבִּי בְּלֹם עָשִׂינוּ – R' Yehoshua! You are appeased? יְהוֹשֻׁעַ נִחְפָּיִסְתָּ – Did we do this [remove Rabban Gamliel from the office of *Nasi*] for any reason other than your honor? לְמָחָר אָנִי וְאַתָּה נִשְׁכָּמִים לְפָתְחוֹ – Tomorrow you and I will arise to his [Rabban Gamliel's] door. (28)

The Sages ponder their options:

אָמְרֵי – They said: הֵיכִי נַעֲבִיר – How shall we do this? – Shall we remove [R' Elazar ben Azaryah] completely from office? We cannot do that, גַּמְיָרִי מַעֲלִין בְּקֹדֶשׁ וְאֵין מוֹרִידִין – for we have a tradition that in matters of sanctity we elevate but do not lower. Therefore, once R' Elazar ben Azaryah has been elevated to the position of *Nasi*, he cannot be demoted. נִדְרֹשׁ מִרְּחָא שְׁבָתָא וּמִרְּחָא שְׁבָתָא – Shall one master lecture one week and the other master one week, i.e. should they alternate? This arrangement too is unacceptable, for אֲתֵי לְקַנְאוּ – it will lead to jealousy. אֲלֵא לְרֹשׁ רַבִּין גַּמְלִיאֵל תְּלַתָּא שְׁבָתֵי יוֹרְבִי – Rather, let Rabban Gamliel lecture three weeks and R' Elazar ben Azaryah one week. (29)

The Gemara comments:

וְהָיָה דְּאָמַר מִר – And this is the meaning of that which the master said in a Baraisa: שְׁבַת שֶׁל מִי הָיְתָה – Whose week was

IT WAS THAT OF R' ELAZAR BEN AZARYAH. (30)

The Gemara concludes:

וְאוֹתוֹ תַלְמִיד רַבִּי שִׁמְעוֹן בֶּן יוֹחָאי הָהָא – And that student [who originally asked the question that sparked the entire incident] was R' Shimon ben Yochai. (31)

Our Mishnah said:

וְשֶׁל מוּסָפִין כָּל הַיּוֹם – AND [THE PRAYER] OF MUSSAF may be recited THE ENTIRE DAY.

The Gemara qualifies this ruling:

וְנִקְרָא בּוֹשֵׁעַ – But he [one who prays Mussaf late in the day] is called negligent. (32)

הָיוּ לְפָנֵינוּ שְׁתֵּי – The Rabbis taught in a Baraisa: תָּנוּ רַבָּנִן אָחֻז – If ONE HAD BEFORE HIM TWO PRAYERS to recite, אֶחָד מִנְחָה וְאֶחָד מוּסָפִין – ONE OF MINCHAH AND ONE OF MUSSAF, מוּסָפִין בְּפֶתַח מִנְחָה וְאַחֲרָיָהּ – HE PRAYS THAT OF MINCHAH first AND AFTERWARDS THAT OF MUSSAF, שְׁוֵי תְּדִירָה וְהָיָה – FOR THIS ONE [Minchah] IS more FREQUENT WHEREAS THIS ONE [Mussaf] IS NOT as FREQUENT. (33) רַבִּי יְהוּדָה – R' YEHUDAH SAYS: מוּסָפִין בְּפֶתַח מִנְחָה וְאַחֲרָיָהּ – HE PRAYS THAT OF MUSSAF first AND AFTERWARDS THAT

NOTES

27. I.e. ashes from burnt wood. One who has become *tamei* from a human corpse can only become *tahor* again by being sprinkled with a solution of spring water and the ashes of a *parah adumah* (Red Cow – see *Numbers* 19:1-22). The use of any other water or ashes in compounding the solution renders the solution worthless.

The process of sprinkling was usually (although not necessarily – see *Rashash*) performed by a Kohen, who by definition is also the son of a Kohen. Thus with this second statement R' Yehoshua again intimated that the office of *Nasi* ought to be returned to Rabban Gamliel, who was the descendant of the previous *Nesiim* (see *Ritva*).

Maharsha offers a different interpretation of R' Yehoshua's message. In his first parable, R' Yehoshua had used the robe-wearer to represent Rabban Gamliel. In the present simile, the sprinkler represents R' Elazar ben Azaryah. R' Yehoshua intimated to R' Elazar ben Azaryah: Just as one who is not a Kohen dare not assume the duties of a Kohen (represented by the sprinkler), so too you should leave the office of *Nasi* to the royal family of Rabban Gamliel.

28. To inform him of his reinstatement.

29. Since by right Rabban Gamliel should have been reinstated as *Nasi* without R' Elazar ben Azaryah, and the only reason R' Elazar ben Azaryah was kept in his position was because of the principle that in matters of sanctity we do not descend, it was felt sufficient to allow him to lecture only once a month (*Iyun Yaakov*; see also marginal gloss).

Other texts read: Let Rabban Gamliel lecture for two weeks and R' Elazar ben Azaryah for one (*Menoras HaMaor* §62; see *Ein Yaakov*).

30. In *Chagigah* 3a, a Baraisa is cited in which it is related that two students of R' Yehoshua once visited him in his home in Pekiin [after they had arrived from Yavneh]. He asked them, "Whose week was it?" and they responded, "The week of R' Elazar ben Azaryah." This dialogue, which without our Gemara is unintelligible, is now understood. R' Yehoshua asked, "Whose turn was it to lecture in the *Mesiiva*?" [since two *Nesiim* alternated at this]. They responded, "The turn of R' Elazar ben Azaryah."

31. [It has been suggested that the identity of the student was not revealed at the beginning of the episode because the Gemara did not wish to associate the name of a righteous person with the terrible dispute that ensued. The Gemara therefore waited until it was related that the matter was settled amicably to mention the student's name (*Be'er Mayim Chaim*, cited by *Beis Yosef* on *Berachos*).]

32. If he prays later than the end of the seventh hour (*Rambam*, *Hil. Tefillah* 3:5). This is because the preferred time for offering the *mussaf* sacrifice is within seven hours (see *Mishnah Berurah* 286:2 in the name of *Levush*).

33. And we have a principle that when a person has two mitzvos to perform, one more frequent and one less so, the frequent one takes

precedence (*Zevachim* 89a; see also *Zevachim* 91a).

Some assert that this applies only when one must recite both Prayers now, such as where one is going to attend a wedding feast and fears that he will not have the time or the presence of mind to pray Minchah later. Since in this case he must pray both Prayers now, Minchah takes precedence, because it is the more frequent of the two. Where, however, one has the time to pray Minchah later, he should follow the usual sequence and pray Mussaf before Minchah (*Tosafos* in the name of *Ri*). Others dispute this rule and maintain that the principle of giving precedence to the more frequent Minchah Prayer applies in all cases. See *Shulchan Aruch*, *Orach Chaim* 286:4 for further discussion.

[*Rashi* adds that once the time for Minchah arrives, one should recite that Prayer first so as not to be called negligent over Minchah as well. The Acharonim are bothered by why *Rashi* needs to give this reason, since the Gemara has already given another reason, that Minchah is the more frequent Prayer.

Tzlach suggests the following explanation: Although R' Yehudah certainly agrees that a more frequent mitzvah takes precedence over a less frequent one, and Minchah is more frequent than Mussaf, he still maintains that one should recite Mussaf first, since the time for Mussaf will elapse before that of Minchah. Thus, we see that the time factor overrides the advantage of frequency. If so, even the Rabbis, who while maintaining that Mussaf may be recited all day agree that one who recites it after seven hours is considered negligent, should also agree that before the seventh hour Mussaf should be recited before Minchah, so as not to be considered negligent for Mussaf. Why, then, do they say that Minchah should be recited first? (Of course if it is already after the seventh hour this question does not apply, because in that case the person is *already* negligent for Mussaf. However, since R' Yehudah is clearly discussing a case of where it is before the end of the seventh hour – since according to him this is the only situation in which Mussaf and Minchah overlap – it is obvious that the Rabbis, who dispute R' Yehudah, are referring to this case as well.)

To answer this question *Rashi* explains that by delaying Minchah one will be called negligent over this Prayer as well. Although there is still plenty of time to recite Minchah, perhaps *Rashi* subscribes to *Tosafos'* view (cited in the beginning of this note) that where one is not pressed for time in regard to Minchah, the fact that this is the more frequent Prayer does not dictate that it be recited first. Thus, *Rashi* assumes that the Gemara must be discussing a case in which the person will not have much time for Minchah later. In such a situation one who delays Minchah will be considered negligent, just as he is for Mussaf. Since the negligence factor applies equally to both Prayers, the principle of frequency becomes operative and Minchah must be recited before Mussaf. For further discussion of *Rashi's* comment here, see cf. *Rosh Yosef*, *Divrei David*, *Rashash*, *Pnei Shlomo* and *Sifsei Chachamin*.]

OF MINCHAH, שְׁוּ מִצְוָה עוֹבֶרֶת וְזוֹ מִצְוָה שְׂאִינָה עוֹבֶרֶת – FOR THIS ONE [Mussaf] IS A MITZVAH whose time ELAPSES early in the day WHEREAS THIS ONE [Minchah] is a mitzvah whose time DOES NOT ELAPSE early.^[34]

The Gemara issues a definitive ruling:

הֲלָכָה מִתְפַּלֵּל שֶׁל מִנְחָה וְאַחֵר – R' Yochanan said: – אָמַר רַבִּי יוֹחָנָן – The law is that one prays [the Prayer] of Minchah first and afterwards that of Mussaf.

A related incident:

הָיָה חֲזוֹל וְנָתַיִם אֶתְחַתָּא דְּבִי רַבִּי נָחֵן בַּר טוֹבִי – R' Zeira, when he was weak from his studies, – הָיָה חֲזוֹל וְנָתַיִם אֶתְחַתָּא דְּבִי רַבִּי נָחֵן בַּר טוֹבִי – would go and sit by the entrance of the academy of R' Nassan bar Tovi. אָמַר – He said: – בִּי חֲלָמִי רַבָּנִן – When the Rabbis [i.e. the students of the academy] pass by, אֲזִי אֵיקוּם מִקְמִינְהוּ – אז איקום מקמייהו – then I will arise before them and receive reward.^[35] – נִפַּק אֶתָּא דְּבִי נָחֵן בַּר טוֹבִי – R' Nassan bar Tovi emerged from the academy and came towards him. אָמַר לֵיהּ – אמר ליה – [R' Zeira] said to him: מָאֵן אָמַר הֲלָכָה בִּי מִדְּרָשָׁא – Who in the study hall said that the law accords with R' Yehudah? אָמַר לֵיהּ – אמר ליה – [R' Nassan bar Tovi] said to him: הָכִי אָמַר רַבִּי יוֹחָנָן – So said R' Yochanan: אֵין הֲלָכָה בְּרַבִּי יְהוּדָה – The halachah does not accord with R' Yehudah.^[36] דְּאָמַר מִתְפַּלֵּל אֲדָם שֶׁל מוֹסַף וְאַחֵר – דאמר מתפלל אדם של מוסף ואחר – who says that a person first prays [the Prayer] of Mussaf and afterwards that of Minchah. אָמַר לֵיהּ – אמר ליה – [R' Zeira] said to him: רַבִּי יוֹחָנָן אָמְרָה – R' Yochanan said that? אָמַר לֵיהּ אֵין – אמר ליה אין – Yes, replied [R' Nassan bar Tovi]. תָּנָא – תנא – [R' Zeira] reviewed the ruling from him forty times in order not to forget it. אָמַר לֵיהּ – אמר ליה – Seeing this, [R' Nassan bar Tovi] said to him: תָּרָא הֵיא לָךְ – Is this statement of R' Yochanan so beloved to you because is the first you have ever heard in his name, לָךְ – או חֲדָתָה הֵיא לָךְ – or is it that it is new to you, i.e. you thought that someone else had said it? אָמַר לֵיהּ – אמר ליה – [R' Zeira] said to him: חֲדָתָה הֵיא לִי – It is new to me, מִשּׁוּם – משום – דִּמְסַפְקָא לִי בְּרַבִּי יְהוֹשֻעַ בֶּן לִוִּי – because I thought that perhaps

R' Yehoshua ben Levi had said it.^[37]

An Aggadic teaching about one who is late with his prayers: אָמַר רַבִּי יְהוֹשֻעַ בֶּן לִוִּי – R' Yehoshua ben Levi said: כָּל הַמִּתְפַּלֵּל – Anyone who prays the Mussaf Prayer after seven hours according to R' Yehudah, – עָלָיו הַכְּתוּב אוֹמֵר – concerning him the verse says: „נוּגֵי מְמוּעָד אֶסְפְּתִי מִמֶּךָ הָיוּ” – Broken (nugei) because of the appointed time, I have destroyed, they are from you.^[38]

The Gemara asks:

מָאֵן מִשְׁמַע דְּהָאִי „נוּגֵי” לִישְׁנָא דְּתַבְרָא הוּא – What indicates that this word *nugei* is a term of “breaking”?

The Gemara answers:

אֶסְפְּתִי מִמֶּךָ רַב יוֹסֵף – As Rav Yosef translated the verse:^[39] תַּבְרָא אֶתִּי עַל שְׂנְאֵיהוֹן דְּבֵית יִשְׂרָאֵל – Breakage comes upon the enemies of the house of Israel.^[40] עַל דְּאֶחְרוּ וּמְנֵי מוֹעֲדָא – because they delayed the appointed seasons in Jerusalem.^[41]

Another Aggadic teaching involving the same verse:

אָמַר רַבִּי אֶלְעָזָר – R' Elazar said: כָּל הַמִּתְפַּלֵּל תְּפִלָּה שֶׁל שְׁחָרִית – Anyone who prays the Shacharis Prayer after four hours according to R' Yehudah, – עָלָיו הַכְּתוּב אוֹמֵר – concerning him the verse says: „נוּגֵי מְמוּעָד – Afflicted because of the appointed time, I have destroyed, they are from you.

The Gemara asks:

מָאֵן מִשְׁמַע דְּהָאִי „נוּגֵי” לִישְׁנָא דְּעֶצְרָא הוּא – What indicates that this word *nugei* is a term of “affliction”?

The Gemara answers:

דְּלִכְהָ נִפְשִׁי מִתוּגָה – My soul melts from affliction (tugah).^[42] רַב נַחֲמָן בַּר יִצְחָק אָמַר מִהֵבָא – Rav Nachman bar Yitzchak said: The indication is from here: „בְּתוּלוֹתֶיהָ נִגּוּתָהּ וְהִיא מֵרָלָה” – her maidens are afflicted (nugos) and she herself is embittered.^[43]

NOTES

34. R' Yehudah is in accordance with his opinion that Mussaf may be prayed only until the seventh hour (*Rashi*). [See *Shaagas Aryeh* 19 §for a lengthy discussion of this dispute between the Rabbis and R' Yehudah.]

35. As interpreted by the Gemara in *Kiddushin* 32b, the verse (*Leviticus* 19:32) and you shall glorify the presence of an elder, teaches that one must rise in the presence of a Torah scholar.

[R' Zeira's desire to receive a reward for honoring the Torah scholars is puzzling, since the Sages admonish us not to fulfill the commandments with the intent of earning a reward (*Avos* 1:3).

Bnei Yissaschar (vol. I, *Chodesh Sivan* 5:14) points out that the verse which bids us to rise before a Torah scholar concludes with the statement, and you shall fear your God. He cites *Sefer Chareidim* who explains that the Torah here informs us that fear of God is the specific reward for practicing the mitzvah of honoring scholars (see also *Midrash Rabbah*, *Parashas Beha'aloscha* 15:17). Since this reward is unique to this mitzvah, and since it is of a spiritual nature, one is permitted to perform the mitzvah with the intention of receiving the sublime reward of *yiras shamayim*, fear of God.

For a similar explanation, see *Hagahos R' Shaul Katzenellenbogen*, printed after *Maharsha* in the *Vilna Shas*.]

36. *Tzlach*, first explanation; see also *Sifsei Chachamim*; cf. *Maharshal*.

37. *Rashi* ד"ה as explained by *Sifsei Chachamim*.

38. *Zephaniah* 3:18. Because they have delayed the appointed times of the prayers and holidays, I have broken and destroyed them (*Rashi*).

39. [Rav Yosef was proficient in the Aramaic translation of *Prophets* rendered by Yonasan ben Uziel. (See *Rashi* to *Kiddushin* 13a ד"ה כדמחרגו and *Tos. to Bava Kamma* 3b כדמחרגו.) Here he submits his own translation of the verse.]

40. [A euphemism for the Jewish people.]

41. This is a reference to the Prayers which are recited on the holidays, i.e. the Mussaf Prayer, which comes in place of the *mussaf* sacrifice (see *Tosafos*, *Maharsha*).

42. *Psalms* 119:28. [*Tugah* and *nugei* are related.]

43. *Lamentations* 1:4.

When referring to one who delays the morning Prayer, R' Elazar had explained the word נוגי as “afflicted.” R' Yehoshua ben Levi, however, when referring to one who delays Mussaf, explains נוגי as bearing the stronger connotation of “broken.” The reason for this difference is that delaying Mussaf is a greater sin than delaying Shacharis. Shacharis can be made up, if need be, by reciting a compensatory *Shemoneh Esrei* at Minchah. For Mussaf, however, no provision for a make-up exists (*Maharsha*, *Tzlach*; cf. *Iyun Yaakov*).

The Gemara cites a related incident:

רב אַוּיָא חָלַשׁ וְלֹא אָתָא לְפָרְקָא דְרַב יוֹסֵף – Rav Avya felt ill and did not come to the lecture of Rav Yosef.^[1] לְמָחָר בֵּי אֵתָא – The next day when [Rav Avya] came to the study hall, בָּעָא אֲבַיִי – Abaye wished to put Rav Yosef's mind at ease.^[2] אָמַר לֵיהּ – He said to [Rav Avya]: אָתָא מַר לְפָרְקָא – What is the reason master did not come to the lecture? דִּהוּהּ חָלִישׁ לְבָאִי – [Rav Avya] replied: אָמַר לֵיהּ – I felt faint from hunger and was unable. אָמַר לֵיהּ – Why did you not taste something and come? אָמַר לֵיהּ – [Rav Avya] replied: לֹא סָבַר לֵה מַר לָהּ דְרַב הוּנָא – Does master not agree with [the ruling] of Rav Huna? דָּאָמַר רַב הוּנָא – For Rav Huna said: אִסּוּר לִי לֵאדָם שִׁטְעוּם בְּלוּם קוּדָם שִׁתְפַּלֵּל תְּפִלַּת – It is forbidden for a person to taste anything before he prays the Mussaf Prayer.^[3] אָמַר לֵיהּ – [Abaye] said to him: מַסְרִי לְפָרְקָא דְרַב יוֹסֵף – Master should have prayed the Mussaf Prayer privately וְלִטְעוּם מִיָּד – and then tasted something and come. אָמַר לֵיהּ – [Rav Avya] replied: וְלֹא סָבַר לֵה מַר לָהּ דְרַב יוֹחָנָן – Does master not agree with that which R' Yochanan said: אִסּוּר לִי –

It is forbidden for a person to recite his Prayer before the Prayer of the congregation? [Abaye] said to him: Was it not stated regarding [that ruling]: אָמַר רַבִּי אֲבָי – They taught this only with regard to one who is with the congregation in the synagogue?^[4] Privately, however, one may pray before the congregation.^[5]

The Gemara rules:

וְלִית הִלְכָתָא לֹא בְרַב הוּנָא וְלֹא בְרַבִּי יְהוֹשֻעַ בֶּן לֵוִי – And the law accords neither with Rav Huna nor with R' Yehoshua ben Levi.

The Gemara explains:

בְּרַב הוּנָא הָא דְאָמְרִין – In saying that the law does not accord with Rav Huna, we refer to that which we stated above [that it is forbidden for a person to taste anything before praying Mussaf].^[6] בְּרַבִּי יְהוֹשֻעַ בֶּן לֵוִי – And in saying that the law does not accord with R' Yehoshua ben Levi, the reference is to the following. דָּאָמַר רַבִּי יְהוֹשֻעַ בֶּן לֵוִי – Once the time for the Minchah Prayer arrives, אִסּוּר לִי לֵאדָם שִׁטְעוּם בְּלוּם קוּדָם שִׁתְפַּלֵּל תְּפִלַּת – it is forbidden for a person to taste anything before he prays the Minchah Prayer.^[7]

Mishnah After completing the morning prayers in the synagogue, one should repair to the study hall for a fixed session of Torah study before going out to pursue his livelihood (see *Shulchan Aruch, Orach Chaim* 155). Accordingly, after having mentioned the times for the daily Prayers in the previous Mishnah, the Mishnah proceeds to discuss a law relevant to the study hall:^[8]

רַבִּי נְחוּנְיָא בֶּן חֲכָנָה הָיָה מְתַפַּלֵּל בְּבֵיתוֹ לְבֵית הַמִּדְרָשׁ וּבִיצִיאָתוֹ תְּפִלַּת קְצָרָה – They said to him: מַה מְקוֹם לְתַפְלָהּ זוֹ – What place is there for this prayer, i.e. what is its nature? אָמַר לָהֶם – He said to them: בְּבֵיתִי אֲנִי מְתַפַּלֵּל – When I enter I pray that a mishap not come about through me, וּבִיצִיאָתִי אֲנִי נֹתֵן – and when I exit I give thanks for my portion.^[9]

Gemara The Rabbis taught in a Baraisa: וְהֵי רִצּוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי – MAY IT BE YOUR WILL, HASHEM, MY GOD, שְׁלֹא יֵאָרֵעַ דְּבַר תְּקֵלָה עָלַי – THAT A MISHAP NOT COME ABOUT THROUGH ME. וְלֹא אֶבְשֵׁל בְּדַבְרֵי הַלָּכָה – AND MAY I NOT STUMBLE IN A MATTER OF LAW AND cause MY COLLEAGUES to REJOICE OVER ME.^[10] וְלֹא אֶמַּר עַל טָמֵא – AND MAY I NOT SAY REGARDING something which is TAMEI that it is TAHOR, וְלֹא עַל טְהוֹר טָמֵא – AND NOT REGARDING some-

thing which is TAHOR that it is TAMEI. וְלֹא יִבְשְׁלוּ חֲבֵרֵי בְּדַבְרֵי הַלָּכָה – AND MAY MY COLLEAGUES NOT STUMBLE IN A MATTER OF LAW AND I would be led to REJOICE OVER THEM. וְהֵי רִצּוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי – I THANK YOU, O HASHEM, MY GOD, שְׁשִׁמְתָּ חֶלְקִי – THAT YOU HAVE ESTABLISHED MY PORTION WITH THOSE WHO DWELL IN THE STUDY HALL, וְלֹא שְׁמָתָה חֶלְקִי – AND YOU HAVE NOT ESTABLISHED MY PORTION WITH IDLERS.^[11] שָׁאֲנִי מִשְׁכֵּבִים וְהֵם מְשִׁבִּים – FOR I ARISE EARLY

NOTES

1. As head of the academy in Pumbedisa, Rav Yosef would lecture every Sabbath prior to the Mussaf service. After the lecture, the people would repair to the synagogue and pray Mussaf (*Rashi*).

2. [He was concerned that Rav Yosef felt slighted that Rav Avya did not attend his lecture. Thus, if Rav Avya would explain that it was due to some special circumstance that he had not come (and not because he did not appreciate Rav Yosef's lecture), Abaye could relate this to Rav Yosef and he would be mollified.]

3. As mentioned above, the lecture was given before Mussaf. Thus, Rav Avya, who followed the view of Rav Huna, would not eat anything.

4. He should pray together with the congregation, for a communal prayer is more readily accepted by God (*Rabbeinu Yonah*). Alternatively, because by praying ahead of the congregation one displays an apparent disdain for the congregation (*Orchos Chaim* cited by *Mishnah Berurah* 90:34).

5. [Nevertheless, it is meritorious even for one who is forced to pray privately to time his *Shemoneh Esrei* so that he recites it at the same time as the congregation recites theirs (*Shulchan Aruch, Orach Chaim* 90:9, based on Gemara above, 7b-8a).]

6. Thus, it is permitted to taste food before Mussaf. One may therefore recite Kiddush and eat a small amount of bread (up to an egg's volume) or cake, or even a large amount of fruit and vegetables, for this constitutes "tasting." Eating a meal, however, containing more than an egg's

volume of bread, is forbidden (*Shulchan Aruch, Orach Chaim* 286:3 with *Mishnah Berurah*).

7. R' Yehoshua ben Levi forbids consuming even a morsel of food ("tasting") before Minchah (see also *Tosafos*). The law, however, does not follow R' Yehoshua ben Levi. Rather, merely tasting is permitted.

[Here too the law permits only "tasting" but not sitting down to a full meal. However, the nature of this meal (i.e. whether it refers to an ordinary meal or to a large, festive one such as a wedding feast) and the time during which it is forbidden (i.e. whether during *minchah gedolah* or *minchah ketanah*) is subject to a wide-ranging debate among the authorities. See *Shabbos* 9b with *Rishonim* and *Shulchan Aruch, Orach Chaim* 232:2 regarding this matter.]

8. *Tiferes Yisrael* §8.

9. The text of these prayers will be cited presently.

10. I.e. to rejoice over the fact that I erred. Thus, in addition to the incorrect ruling, I would be the cause of my colleagues being punished (*Rashi*, as explained by *Tos. Yom Tov*).

Another explanation: May I not stumble in a matter of law, and may my friends rejoice in the fact that I did not stumble (*Maharsha*).

For additional explanations see *Teshuvos Chasam Sofer, Orach Chaim* §208 and *Tiferes Yisrael, Boaz* §2.

11. Literally: with those who sit on the street corners. This refers to shopkeepers and unlearned men who while away their time with idle chatter (*Rashi*).

AND THEY ARISE EARLY: **אני משקים לדברי תורה** - I ARISE EARLY FOR WORDS OF TORAH, **והם משקים לדברים בטלים** - AND THEY ARISE EARLY FOR IDLE WORDS. **אני עמל והם עמלים** - I TOIL AND THEY TOIL: **אני עמל ונקבל שכר** - I TOIL AND RECEIVE REWARD, **והם עמלים ואינם מקבלים שכר** - AND THEY TOIL AND DO NOT RECEIVE REWARD.^[12] **אני רץ והם רצים** - I RUN AND THEY RUN: **אני רץ לחיי העולם הבא** - I RUN TO THE LIFE OF THE WORLD TO COME, **והם רצים לבאר שחת** - AND THEY RUN TO THE PIT OF DESTRUCTION.^[13]

An incident:

בשעה רבי אליעזר - The Rabbis taught in a Baraisa: **והם משקים לדברים בטלים** - WHEN R' ELIEZER BECAME ILL, **והם משקים לדברים בטלים** - HIS STUDENTS ENTERED TO VISIT HIM. **אמרו לו** - THEY SAID TO HIM: **רבינו** - OUR TEACHER, **למדנו אורחות חיים** - TEACH US THE WAYS OF LIFE, **ונוכח בהן לחיי העולם הבא** - THAT WE MAY MERIT THROUGH THEM THE LIFE OF THE WORLD TO COME! **אמר להם** - HE SAID TO THEM: **הזהרו בבבוי חכמים** - BE MINDFUL OF THE HONOR OF YOUR COLLEAGUES; **ומנעו בניהם מן ההגיון** - AND RESTRAIN YOUR CHILDREN FROM RECITATION;^[14] **והשיבוהו בין** - AND PLACE THEM BETWEEN THE KNEES OF TORAH SCHOLARS; **וכשאתם מתפללים** - AND WHEN YOU PRAY, **ידעו לפני מי אתם עומדים** - KNOW BEFORE WHOM YOU STAND;^[15] **ובשביל כך תזכו לחיי העולם הבא** - AND ON ACCOUNT OF THIS YOU WILL MERIT THE LIFE OF THE WORLD TO COME.^[16]

Another incident:

ובשעה רבי יוחנן בן זכאי - AND WHEN R' YOCHANAN BEN ZAKKAI TOOK ILL, **והם משקים לדברים בטלים** - HIS STUDENTS ENTERED TO VISIT HIM. **בין שראה אותם התחיל לבכות** - WHEN HE SAW THEM HE BEGAN TO WEEP. **אמרו לו תלמידיו** - HIS STUDENTS SAID TO HIM: **נר ישראל עמוד הימיני פשיש החזק** - LIGHT OF ISRAEL, RIGHT-

MOST PILLAR,^[17] MIGHTY HAMMER! **מפני מה אתה בוכה** - WHY DO YOU WEEP? **אמר להם** - HE SAID TO THEM: **אילו לפני מלך בשר** - IF THEY WERE LEADING ME TO JUDGMENT BEFORE A KING OF FLESH AND BLOOD, **שהיום באן ומחר בקבר** - WHO IS HERE TODAY AND IN THE GRAVE TOMORROW, **שאם בועס** - WHO, IF HE BECOMES ANGRY WITH ME, HIS ANGER IS NOT AN EVERLASTING ANGER, **ואם אוסרוני אין איסורו** - AND IF HE IMPRISONES ME HIS IMPRISONMENT IS NOT AN EVERLASTING IMPRISONMENT, **ואם מיתני אין מיתתו מיתת** - AND IF HE PUTS ME TO DEATH HIS DEATH IS NOT AN EVERLASTING DEATH.^[18] **ואני יכול לפייסו בדברים** - AND I AM ABLE TO APPEASE HIM WITH WORDS **ולשחרו בממון** - AND TO BRIBE HIM WITH MONEY, **אף על פי כן הייתי בוכה** - EVEN SO I WOULD WEEP. **ועכשיו שמוליכים אותי לפני מלך מלכי המלכים הקדוש ברוך הוא** - NOW THAT THEY ARE LEADING ME BEFORE THE KING WHO REIGNS OVER ALL KINGS, THE HOLY ONE, BLESSED IS HE, **שדואו חי וקיים** - WHO LIVES AND ENDURES FOREVER AND EVER, **שאם בועס עלי בעסו עולם** - WHO, IF HE BECOMES ANGRY WITH ME, HIS ANGER IS AN EVERLASTING ANGER, **ואם אוסרוני איסורו איסורו** - AND IF HE IMPRISONES ME, HIS IMPRISONMENT IS AN EVERLASTING IMPRISONMENT, **ואם מיתני אין מיתתו מיתת** - AND IF HE PUTS ME TO DEATH, HIS DEATH IS AN EVERLASTING DEATH, **ואני יכול לפייסו בדברים** - AND I AM UNABLE TO APPEASE HIM WITH WORDS **ולא לשחרו בממון** - NOR TO BRIBE HIM WITH MONEY; **ולא עוד** - AND NOT ONLY THAT, **אלא שיש לפני שני דרכים** - BUT THERE LIE BEFORE ME TWO PATHS, **אחת של גן עדן ואחת של גיהנום** - ONE OF THE GARDEN OF EDEN AND ONE OF GEHINNOM, **ואני יודע באיזה מוליכים אותי** - AND I KNOW NOT ON WHICH THEY WILL LEAD ME, **ולא אבכה** - AND SHOULD I NOT WEEP?^[19]

NOTES

12. The *Chafetz Chaim* (quoted in *Chafetz Chaim al HaTorah, parashas Bechukosai*) argues that this statement seems strange. Surely anyone who works - be he a tailor, a shopkeeper or one in any other line of work - receives pay for his work. How can it be said that those who labor in other fields "toil but do not receive reward"?

The answer, the *Chafetz Chaim* replies, is this: Should a tailor labor long hours but not produce a suit, he would not be justified in demanding pay. The customer engaged him to sew a suit. If he cannot produce one, even if he labored all week long, the customer will not pay him, because it is not for his effort that he is paid but for the finished product. Such is not the case with Torah. One who labors hard but still does not fully understand the subject he is studying is rewarded for his effort. This is the meaning of this prayer: We toil and receive reward for the toil, and they toil and do not receive reward for the toil, only for the finished product.

13. I.e. to hell (see *Psalms 55:24* with *Targum* and *Radak*; cf. *Rambam, Hil. Teshuvah 8:5*).

This last statement ("I run to the life of the World to Come etc.") is not merely a rewording of the previous one ("I toil and receive reward etc."). Rather, here a new thought is added: I realize that every day brings me closer ("I run") to the day of death. Therefore, I arm myself with Torah and good deeds in order to merit a place in the Afterlife. ("I run to the life of the World to Come"). The idlers, however, are oblivious to the fact that the days are passing. They are therefore destined for ("run towards") hell (*Rabbeinu Yonah*).

From the fact that the Baraisa opens with the words *מה דא אמר*, *What does one say*, rather than *מה דא אמר*, *What did he say*, *Rambam (Commentary to the Mishnah)* infers that the recital of these prayers is obligatory on everyone, and was not simply a private practice of R' Nechunya ben Hakanah. Indeed, this is the ruling of *Shulchan Aruch* (110:8). *Rosh Yosef* is therefore at a loss to explain why people are apparently not careful to recite these prayers. See, however, *Ritva* and *Meiri* to the Mishnah.

14. Do not accustom them to spend too much time studying Scripture, because they will be drawn to it [and neglect the study of the Oral Torah] (*Rashi*).

This refers even to children who are not yet old enough to begin

learning Mishnah or Gemara. R' Eliezer therefore continues that instead of having them sit idle, their fathers should bring them to sit at the feet of Torah sages, so that they may learn from their beautiful characters (*Maharsha*).

Another explanation of this phrase by *Rashi*: Do not allow your children to while away their precious time with children's chatter (see *Avos 3:10*).

A third explanation: Train your children not to translate literally those verses whose plain meaning might create ideological misconceptions (*Meiri*). [For additional explanations of this phrase, see *Iyun Yaakov, Eitz Yosef, Tzlach*.]

15. In order that you pray with awe and concentration (*Rashi*).

16. [The three things mentioned by R' Eliezer correspond to the three things upon which our Sages teach the world stands: Torah, the Temple service, and acts of kindness [תורה עבודה ומעשים] (*Avos 1:2*). Placing one's children at the feet of Torah scholars corresponds to Torah, bearing in mind before Whom one stands corresponds to the Temple service (since prayer today takes its place) and being careful with the honor of one's fellow corresponds to acts of kindness (*Pnei Yehoshua*).]

17. [Solomon placed two massive pillars in the Temple (see *I Kings 7:21*). The rightmost pillar is singled out here because the right side is always considered the more important (*Rashi*; see *Iyun Yaakov*).]

18. I.e. he has the power to kill me only in this world, not in the World to Come (*Rashi*).

19. Even if I indeed am not sentenced to everlasting Gehinnom or to eternal destruction as are the most wicked, I may still be made to pass through Gehinnom (to traverse the "path of Gehinnom") for a limited time to purge my sins before I enter Gan Eden (see *Maharsha*, based on *Rosh Hashanah 17a*).

Another explanation of what R' Yochanan ben Zakkai meant to add by saying, "And not only that...": When a person is judged by a court of flesh and blood, the outcome of the trial is limited to either punishment or freedom therefrom. If he is found guilty he is punished, and if he is acquitted he is set free. Reward, however, does not figure into the case.

Not so one who is judged by the King of kings. Here the difference between acquittal and conviction is the difference between punishment

אָמרוּ לוֹ – THEY SAID TO HIM: רַבֵּינוּ בְּרַכְנוּ – OUR TEACHER, BLESS US! אָמַר לָהֶם – HE SAID TO THEM: יהי רצון שתהא מורא – MAY IT BE THE WILL of God THAT THE FEAR OF HEAVEN BE UPON YOU LIKE THE FEAR OF FLESH AND BLOOD. אָמְרוּ לוֹ תַלְמִידָיו – HIS STUDENTS SAID TO HIM: עַד כָּאן – THUS FAR and no more?! I.e. should our fear of God not exceed that of mortal man? אָמַר לָהֶם וְלֹאֵי – HE SAID TO THEM: WOULD that it were equivalent to your fear of men, for then you would desist from many sins! תֵּדַעַ – KNOW that this is so, for

כְּשֶׁאִדָּם עוֹבֵר עֲבִירָה – WHEN A PERSON COMMITS A TRANSGRESSION in private, אָמַר שְׁלֹא יֵרְאֵנִי אָדָם – HE SAYS: O THAT A PERSON NOT SEE ME!^[20]

The Baraisa continues:

בְּשַׁעַת פְּטִירָתוֹ אָמַר לָהֶם – AT THE MOMENT OF HIS PASSING, HE SAID TO [HIS STUDENTS]: פְּנוּ כְּלִים מִפְּנֵי הַטּוֹמֵאָה – REMOVE THE UTENSILS BECAUSE OF THE *TUMAH*,^[21] וְהָכִינוּ כִּסֵּא לְחִזְקִיָּהוּ מֶלֶךְ – AND PREPARE A SEAT FOR CHIZKIYAHU KING OF JUDAH WHO HAS COME to escort me.^[22]

Mishnah The Mishnah returns to the topic of the daily Prayers:

בְּכָל יוֹם יוֹם מִתְפַּלֵּל אָדָם שְׁמוֹנֶה עָשָׂר – Every single day a person must pray the eighteen blessings.^[23] רַבִּין גַּמְלִיאֵל אָמַר – R' Yehoshua says: מַעֲיֵן שְׁמוֹנֶה עָשָׂר – An abridgment of the eighteen.^[24] רַבִּי אֶבְיָא אָמַר – R' Akiva says: אִם שְׂגוּרָה תִּפְּלָתוֹ בְּפִי מִתְפַּלֵּל שְׁמוֹנֶה – If his prayer is fluent in his mouth, i.e. he is accustomed to its text and can recite it without stumbling, he prays all eighteen blessings, וְאִם לֹא – but if not, מַעֲיֵן שְׁמוֹנֶה עָשָׂר – he prays an abridgment of the eighteen.

Another ruling regarding Prayer:

אֵין תִּפְּלָתוֹ תְּחִנוּנִים – One who makes his Prayer fixed,^[25] רַבִּי אֶלִיעֶזֶר אָמַר – R' Eliezer says: הַעוֹשֶׂה תִּפְּלָתוֹ קִבֵּעַ – his Prayer is not a genuine supplication.

In circumstances wherein concentrating is extremely difficult, the Sages exempted the person from the formal Prayer formula. Instead, a different prayer is recited:^[26]

מִתְפַּלֵּל – One who travels in a dangerous place – הַדּוֹלֵךְ בְּמָקוֹם סָכָנָה – R' Yehoshua says: הוֹשֵׁעַ ה' אֶת עַמְּךָ אֶת שְׂאֲרֵית יִשְׂרָאֵל – Save, O Hashem, Your nation, the remnant of Israel; וְהָכִינוּ צָרְכֵיהֶם לְפָנֶיךָ – at every *parashas ha'ibbur*^[27] may their needs be before You. בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – Blessed are You, Hashem, Who hears prayer.

The Sages decreed that Prayer be recited while standing and facing towards the Temple (see below, 30a). The Mishnah discusses the law for situations in which adopting this posture is difficult or impossible:

יֵרֵד וְיִתְפַּלֵּל – he should dismount and pray.^[28] הָיָה רוֹכֵב עַל הַחֲמֹר – If someone was riding on a donkey and the time for Prayer arrived, וְאִם אֵינוֹ יָכוֹל לִירֵד – And if he is unable to dismount because there is no one to hold his donkey,^[29] יִחְזֹר אֶת פָּנָיו – he should turn his face towards Jerusalem and pray while sitting on the donkey. וְאִם אֵינוֹ יָכוֹל לְהִחְזֹר אֶת פָּנָיו – And if he is unable to turn his face, יִכְוֶין אֶת לְבוֹ בְּנֶגֶד בֵּית קֹדֶשׁ הַקְּדוֹשִׁים – he should concentrate his thoughts towards the Holy of Holies.

יִכְוֶין אֶת לְבוֹ בְּנֶגֶד בֵּית – If he was traveling on a boat or was imprisoned in stocks,^[30] הָיָה מַהֲלֵךְ בְּסַפִּינָה אוֹ בְּאֶסְרָא – he should concentrate his thoughts towards the Holy of Holies.^[31]

NOTES

and reward. If the outcome of the trial is favorable, the person will delight in Gan Eden in addition to being spared the agony of Gehinnom. Conversely, if he is convicted, he not only suffers retribution, but forfeits reward in Gan Eden.

This is what R' Yochanan ben Zakkai meant by saying, "And not only that . . ." That is, unlike the outcome of a trial before a mortal king where the alternatives are only punishment or release therefrom, here the stakes are higher. I stand not only to be led down the path to Gehinnom, but I would thereby experience the terrible pain of having lost the opportunity to delight with God in Gan Eden. For this I weep (*Kochvei Or* by R' Yitzchak Blazer, ch. 1).

See there also for what someone as great as R' Yochanan ben Zakkai, who surely was aware that he had fulfilled the entire Torah in a superlative manner, had to fear. See also *Sichos Mussar* by R' Chaim Shmulevitz, 5731, §33.

In his famous ethical work *Orchos Chaim* (§32), *Rosh* admonishes: "Be mindful always of the day of death . . . and let your thoughts terrify you when you recall the dread of R' Yochanan [ben Zakkai], of blessed memory."

20. Though he fully believes that God sees all, this knowledge does not restrain him from sinning (*Rashi*). [For an in-depth analysis of this paradox, see *Shaarei Or* by R' Yitzchak Blazer, ch. 2.]

21. A human corpse imparts *tumah* to everything under the same roof. Therefore, when R' Yochanan ben Zakkai felt his soul about to depart, he warned his students to remove all the utensils from the house so that they would not become defiled.

22. Chizkiyahu in particular came to escort him is because R' Yochanan

ben Zakkai was a descendant of Chizkiyahu (*Rav Saadiah Gaon*, cited in *Otzar HaGeonim*). Alternatively, R' Yochanan ben Zakkai was about to join Chizkiyahu's company in Gan Eden (see *Ritva*). Cf. *Tzlach*, *Ben Yehoyada*.

23. I.e. the eighteen blessings which make up the regular weekday Prayer. [Although this Prayer in fact contains nineteen blessings, this is because, as the Gemara will relate below, an additional blessing was subsequently added in Yavneh. Nevertheless the name given to the prayer when it was originally composed – *Shemoneh Esrei* ("Eighteen") – was retained.]

Rabban Gamliel's opinion is that the full text of these blessings must be recited every day.

24. The Gemara will explain the form which this abridgment takes.

25. The Gemara (29b) will offer various explanations of this phrase.

26. *Mishnah Berurah* 110:13.

27. The Gemara (29b) will explain this term (*Rashi*).

28. He may not pray while seated on the donkey. Rather he must dismount and pray while standing.

29. And he will be unable to concentrate if he holds the donkey himself (*Meiri*).

30. The translation of אֶסְרָא as "stocks" follows *Rashi's* first interpretation. Alternatively (and this is the explanation given by most commentators), אֶסְרָא means a raft.

31. If he cannot stand (*Rambam*, *Hil. Tefillah* 5:2) or even turn his face toward Jerusalem (*Mishnah Berurah* 94:15; see *Beur Halachah* ד"ה וירכב), he should concentrate his thoughts toward the Holy of Holies.

Gemara The Mishnah states that the daily Prayer contains eighteen blessings. The Gemara inquires as to the significance of this number:

הני שמונה עשרה בנגד מי – These eighteen blessings, to what do they correspond?

The Gemara answers:

R' Hillel the son of R' Shmuel bar Nachmani said: בנגד שמונה עשרה אצבעות שאמר – They correspond to the eighteen mentions of God's Name that David said in the psalm: *Render unto Hashem, you sons of the powerful.*^[32] Rav Yosef said: בנגד שמונה עשרה אצבעות שבקריאת שמע – Corresponding to the eighteen mentions of God's Name in the reading of the *Shema*.^[33] אמר רבי תנחום אמר רבי יהושע בן לוי – R' Tanchum said in the name of R' Yehoshua ben Levi: בנגד שמונה עשרה חוליות שבשדרה – Corresponding to the eighteen vertebrae in the spine.^[34]

During Prayer, one is required to bow at specific places.^[35] The Gemara discusses how far down a person is obligated to bow:

ואמר רבי תנחום אמר רבי יהושע בן לוי – And R' Tanchum said in the name of R' Yehoshua ben Levi: המתפלל צריך שיקרע – One who prays must bow until all the vertebrae of the spine protrude.^[36] עולא אמר – Ulla said: עד כדי שיראה איסר בנגד לבו – Until he is able to see an *isar* of flesh opposite his heart.^[37] רבי חנינא אמר – R' Chanina said: ביון שגועע ראשו שוב אינו צריך – Once he bows his head, he need not do any more. אמר רבא – Rava said: And this applies only where he is in pain, והוא דמצער נפשיה – and he appears like one who wishes to bow.^[38]

The Mishnah stated that the weekday Prayer is made up of eighteen blessings. The Gemara asks:

הני תמני כרי תשקרי הוינין – These eighteen are actually

nineteen!^[39] – ? –

The Gemara answers:

ברכת הצדוקים ביבנה תקנה – אמר רבי לוי – The blessing of the heretics was established later on in Yavneh.^[40]

The Gemara inquires:

בנגד מי תקנה – Corresponding to what was it established?

The Gemara answers:

לרבי הלל בריה דרבי שמואל בר נחמני – אמר רבי לוי – According to R' Hillel the son of R' Shmuel bar Nachmani who said above that the eighteen blessings correspond to the eighteen mentions of God's Name in the psalm: *Render unto Hashem, you sons of the powerful*, בנגד אל-הכבוד הרעים – this nineteenth blessing was established corresponding to the verse in that psalm: *the God of Glory thunders.*^[41] לרב יוסף – According to Rav Yosef who said that the eighteen blessings correspond to the eighteen mentions of God's Name in the *Shema*, the nineteenth blessing was established corresponding to the word "One" in the reading of the *Shema*.^[42] לרבי תנחום אמר רבי יהושע בן לוי – According to R' Tanchum in the name of R' Yehoshua ben Levi who said that the eighteen blessings correspond to the eighteen vertebrae of the spine, the nineteenth blessing was established בנגד חוליא קטנה – corresponding to the small vertebra of the spine.^[43]

The Gemara elaborates on the history of the nineteenth blessing:

שמעון הפקולי – The Rabbis taught in a Baraisa: תנו רבנן – הקדיר שמונה עשרה ברכות לפני רבן גמליאל על הסדר ביבנה – SHIMON THE COTTON MERCHANT ARRANGED THE EIGHTEEN BLESSINGS IN ORDER BEFORE RABBAN GAMLIEL IN YAVNEH.^[44] אמר להם רבן גמליאל להקמים – RABBAN GAMLIEL SAID TO THE SAGES: כלום יש אדם שיודע לתקן ברכת הצדוקים – IS THERE ANYONE WHO KNOWS HOW TO ESTABLISH (i.e. formulate) A BLESSING OF, i.e. against, THE HERETICS?^[45] עמד שמואל הקטן

NOTES

32. Psalm 29:1. As explained by the Gemara in *Rosh Hashanah* 32a, the first three phrases of this psalm contain allusions to the first three blessings of the *Shemoneh Esrei* (Rashi). R' Hillel states that the total number of blessings in the *Shemoneh Esrei* also has its roots here, in the eighteen times the Tetragrammaton (YKVK) appears in this psalm.

33. Eleven mentions of the Tetragrammaton and seven mentions of a form of the word אלהים. [The word אלהים in the phrase אלהים אחרים is, of course, not counted, because it refers to idols.]

34. [The upper portion of the human spinal column contains seven cervical (neck) vertebrae, twelve dorsal (back) vertebrae and five lumbar (loin) vertebrae. In stating the total number of vertebrae in the spine, the Rabbis apparently referred only to those below the neck. This accounts for seventeen vertebrae. The identity of the eighteenth vertebra mentioned here is unclear (see *Biblical and Talmudic Medicine* by Dr. Julius Preuss, p. 65).] See *Oholos* 1:8.

35. The Gemara below (34a) details which these are.

36. And his body is bent into the shape of a bow (Rambam, *Hil. Tefillah* 5:12).

37. When one bows, two folds of flesh are formed [opposite the heart], one above and one below. One must stoop so far that the flesh in between these folds is the size of an *isar* coin (Rashi; cf. Rashi as quoted by *Rabbeinu Yonah*, end of chapter 5 שיחפיקו). [As to the size of this coin, see *Nekudas HaKesef* to *Yoreh Deah* 34:2 and *Sefer Middos V'Shiurei Torah* 9:20-22.]

Others explain the phrase, "until he is able to see an *isar* of flesh opposite his heart," to mean that if an *isar* coin is lying on the ground near his feet and opposite his heart, he should be able to see it when bowing. The intention is that it is insufficient for him to merely bend his body at his waist while holding his head erect. Rather, he must bow his head as well (*Rashba* here in the name of *Rav Hai Gaon*). See *Meiri*.

38. If he is sick or old (*Tos. HaRosh*) and bowing all the way causes him obvious discomfort, then it is sufficient if he merely bows his head. Young, healthy people, however, must bow the full amount.

39. A count of the blessings shows that there are in fact nineteen blessings in the *Shemoneh Esrei*.

40. Originally only eighteen blessings were composed. At a later date, however, a nineteenth blessing, למלשינים, was added by Rabban Gamliel, in response to the threats of heretical Jewish sects.

The text found in the Vilna Shas, which reads "the blessing of the Sadducees," is the product of censorship. In earlier prints this benediction is entitled ברכת המינים, "the blessing of the heretics" (*Dikdukei Soferim*); our translation follows this text.

41. Psalms 29:3. Originally no blessing was formulated corresponding to this name because אל is not the Tetragrammaton (*Tos. HaRosh*).

42. This is a reference to the verse: *Hear, O Israel, Hashem is our God, Hashem is One* (Deuteronomy 6:4). Since the word *One* is a reference to God, it also counts as a mention of God's Name (see *Maharsha*).

43. [*Aruch* (ערך לו ג') identifies this as the *luz* bone, to which the Sages attribute extraordinary properties (see *Bereishis Rabbah* 28:3; see also *Megadim Chadashim* here).]

44. The blessings of the *Shemoneh Esrei* follow a set order that is derived from Scriptural sources, as the Gemara in *Megillah* (17b,18a) sets forth (see *Rashi* to *Megillah* 17b הסדר על הטרד). This order was arranged by Ezra and the Men of the Great Assembly. Over the years, however, the order was forgotten. Shimon the Cotton Merchant reinstated this order (see *Ritva*; cf. *Rabbeinu Yonah* and *Doros HaRishonim* volume 3 pp. 144-7).

45. I.e. the sectarians (see note 40).

וְהָקָנָה — SHMUEL HAKATAN AROSE AND ESTABLISHED IT.^[46] לְשִׁנָּה
 אַחֲרַת שְׁכֻחָה — THE FOLLOWING YEAR, when Shmuel HaKatan

went to act as the prayer leader, HE FORGOT IT [the text of this blessing].^[47]

NOTES

46. *Rambam (Hil. Tefillah 2:1)* writes: "In the days of Rabban Gamliel the heretics increased in Israel. They distressed Israel and incited them to abandon God. When [Rabban Gamliel] saw that this [i.e. the need to be free of the heretics] was greater than all other needs of men, he and his *beis din* arose and established a blessing which would contain a request of God to destroy the heretics. He fixed it in the Prayer in order that all would be fluent in it."

[It has been pointed out that the word "speedily" (מְהֵרָה) is used in this blessing three times (in addition to the expression כְּרִגְוֶה, *in one moment*), to signify the urgency that our supplication be granted without delay. Such urgency of supplication ("speedily") is found nowhere else in *Shemoneh Esrei*, even in requests like "The offspring of David" where the word "speedily" is used but once (*Rabbi Avigdor Miller in Praise, My Soul* p. 416).]

As was the case with the eighteen blessings formulated by the Men of the Great Assembly, each word contained in this new blessing had to be

examined and weighed. For this job Rabban Gamliel sought a very great man (see *Iyun Yaakov*). That man, as it emerged, was Shmuel HaKatan (Shmuel the Little).

[Shmuel HaKatan was in his eighties or nineties at the time he composed this blessing. A *bas kol*, prophetic voice, had once proclaimed that Shmuel HaKatan was worthy of the presence of the Shechinah had he lived in a greater generation [see *Sanhedrin 11a*] (see *Doros HaRishonim* *ibid.* pp. 199-202; cf. *Hagahos Yavetz to Sanhedrin 11a*).]

47. Writing down the Oral Torah, including blessings, was forbidden at this time (see *Shabbos 115b*). Thus, all prayer was recited from memory.

Apparently, at this early point in its history, the blessing of the sectarians was recited only by the *shaliach tzibbur* (prayer leader). Thus, although Shmuel HaKatan had himself composed this blessing, he had forgotten it over the year (*Chidushei R' Mordechai Banet*; cf. *Rabbeinu Chananel* and *Rashba*).

עין משפט
נר מצוה

AND HE CONTEMPLATED IT FOR TWO OR THREE HOURS trying to recall its wording, ולא העליוהו – AND during that time THEY DID NOT REMOVE HIM as prayer leader.^[1]

The Gemara asks:

Why did they not remove him? – אמאי לא העליוהו – But Rav Yehudah said in the name of Rav: יהודה אמר רב – יהודה אומר רב – If [the prayer leader] erred in any of the Prayer blessings, טעה בכל הברכות בלן – אין מעלין אותו – we do not remove him.^[2] – However, if he erred in the blessing of the heretics, בברכת הצדוקים מעלין אותו – חיישינן שמא מין הוא – because we suspect that perhaps he is a heretic.^[3]

The Gemara answers:

Shmuel HaKatan was different, שאני שמואל הקטן – because it was he who established [the blessing]. תקנה – Thus, there was no reason to suspect that he himself was a sectarian.

The Gemara asks:

But let us be concerned that perhaps he recanted and subsequently turned heretic. – ? –

The Gemara answers:

I have a tradition from my teachers^[4] that a good man does not become bad. אמר אביי – Abaye said:

This notion is challenged:

But it is written: ובשוב – And does he not? – ולא – And when a righteous man turns away from his righteousness and practices corruption...^[5] – ? –

The Gemara answers:

That verse refers to a person who was originally wicked. Such a man, after repenting, may revert to his evil ways. – אמר אביי – But someone who was righteous from the start will not turn bad.

The Gemara challenges this answer as well:

But we learned in a Mishnah:^[6] אל תאמין בעצמך עד יום מותך – DO NOT BELIEVE IN YOURSELF, i.e. trust that you are safe from the evil inclination, UNTIL THE DAY YOU DIE, שמה בכהונה גדולה – FOR YOCHANAN THE KOHEN GADOL SERVED AS KOHEL GADOL FOR EIGHTY YEARS – ולבסוף נעשה צדוקי – AND IN THE END BECAME A SADDUCEE. – אמר אביי – And Abaye said: He is Yannai, he is Yochanan, i.e. Yannai and Yochanan were one and the same person.^[7] אמר רבא –

Rava, however, said: ינאי לחוד ויוחנן לחוד – Yannai is separate and Yochanan is separate, i.e. they were two different people. – אמר רבא – Yannai was wicked from the start,^[8] – ויוחנן צדיק מעיקרו – and Yochanan was righteous from the start.^[9]

The Gemara formulates its question:

Now, it is well according to Abaye who says that Yochanan and Yannai were the same person, for then there is no proof that one who was always good can turn bad.^[10] – אמר רבא – But according to Rava who says that Yochanan and Yannai were different people, it is difficult, for we see that even a good man can turn bad. – ? –

The Gemara answers:

Rava will tell you: אמר רבא – Even one who was originally righteous can sometimes recant and become wicked.

The Gemara asks:

If so, why did they not remove [Shmuel HaKatan]?

The Gemara answers:

Shmuel HaKatan was different, שאני שמואל הקטן – for he in fact began to recite [the blessing], and erred only in the middle. – אמר רב יהודה אומר רב – For Rav Yehudah said in the name of Rav, – ואיתימא רבי יהושע בן לוי – and some say it was R' Yehoshua ben Levi: – לא שנו אלא שלא התחיל בה – They did not teach that if one errs in the blessing of the sectarians that he is removed except where he did not begin [the blessing] at all, – אבל התחיל בה גומרה – but if he began it and erred in the middle, he may complete it.^[11]

Having given above (28b) various opinions as to what the eighteen blessings of the weekday Prayer correspond, the Gemara inquires regarding the number of blessings in the Prayer recited on other occasions:

These seven blessings of the Sabbath Prayer, corresponding to what were they instituted?

The Gemara answers:

R' Chalafta ben Shaul said: אמר רבי חלפתא בן שאול – Corresponding to the seven "voices" which David stated in Psalm 29, commencing with The voice of Hashem is upon the waters.^[12]

The Gemara asks:

These nine blessings of the Rosh Hashanah Mussaf Prayer, corresponding to what were they instituted?

NOTES

1. Literally: they did not bring him up. [Just as going forward to lead the service is referred to as לפני התיבה, יורד לפני התיבה, going down before the ark, because it is a mitzvah to pray from a low place (see Rashi to Rosh Hashanah 32a ירד ר"ה), so too removing a prayer leader is referred to as "bringing him up" (Iyun Yaakov; Rashash; cf. Emes LeYaakov).]

2. If, when corrected by the congregation, he is able to continue on with the Shemoneh Esrei, we allow him to do so and do not replace him (see Rashba and Shulchan Aruch, Orach Chaim 126:1; cf. Rabbeinu Yonah).

3. Thus, he balked at the blessing which curses the heretics so as not to curse himself (Rabbeinu Yonah).

4. See Rashi to Succah 47a גמירי ד"ה.

5. Ezekiel 18:24.

6. Avos 2:4. [Our version of the Mishnah does not contain the concluding phrase cited here: "for Yochanan the Kohen Gadol..."]

7. Yannai and Yochanan are names of Hashmonean kings cited in various places in the Talmud. About Yannai it is related in Kiddushin 66a that he massacred the Sages for questioning his fitness to serve as Kohen Gadol. Abaye asserts that Yannai and Yochanan were in fact one and the same person (i.e. one individual known by both names).

8. [The story of Yannai killing the Sages occurred early in his reign.] He later repented only to return to his evil ways in his later years (Rashi; see Menachem Meishiv Nefesh).

9. He was righteous until close to the end of his life, when he became a renegade.

10. Since Yannai and Yochanan were one and the same person, and Yannai is known to have been bad from the start, we must say that his eighty years as the righteous Yochanan Kohen Gadol reflected a repentance from his former ways. When he then became a Sadducee toward the end of his life, he was merely reverting to his original character. We have no proof, therefore, that a man who was righteous all his life can at the end go astray.

11. By starting the blessing he demonstrates that he is not a heretic. He merely became confused (Aruch HaShulchan, Orach Chaim 126:1).

12. Psalms 29:3-9. God gave the Torah amidst loud thundering ("voices"). This psalm alludes to these "voices" when it states (v. 8): The voice of Hashem convulses the wilderness. Since the Torah was given on the Sabbath, it is appropriate that the number of blessings in the Sabbath Prayer correspond to the seven "voices" mentioned in this psalm (Tos. HaRosh).

The Gemara answers:

R' Yitzchak of Kartignin said: – **Corresponding to the nine mentions of God's Name which Hannah said in her prayer.**^[13] – **For the master said:** בראש השנה – **On Rosh Hashanah, Sarah, Rachel and Hannah were remembered, i.e. it was decreed that they would bear children within the year.**

The Gemara asks:

– **These twenty-four blessings of the fast day Prayer, corresponding to what were they instituted?**^[14]

The Gemara answers:

R' Chelbo said: – **Corresponding to the twenty-four supplicatory expressions of song that Solomon recited at the time he brought the Ark into the Holy of Holies.**^[15]

The Gemara asks:

– **If so, let us say [twenty-four blessings] every day! – ?**

The Gemara answers:

– **When did Solomon say them?** – **On a day in which he was in need of special mercy.**^[16] – **We too, therefore, say them only on a day when we are in need of special mercy.**

Our Mishnah stated that according to one Tanna a person is not required to pray the complete text of the eighteen blessings. Rather:

R' YEHOSHUA SAYS: AN ABRIDGMENT OF THE EIGHTEEN is recited.

The Gemara asks:

– **What is the meaning of "an abridgment of the eighteen"?**

The Gemara answers:

– **An abridgment of each and every blessing.**^[17] – **And Shmuel**

said: The middle thirteen blessings are condensed into one blessing, using the following text: **הבינו ה' אלהינו לדעת דרכיך** – **Give us discernment, O Hashem, our God, to know Your ways,**^[18] – **and circumcise our hearts to fear You,**^[19] – **and forgive us**^[20] so that we may be redeemed,^[21] – **and keep us far from our sufferings,**^[22] – **and fatten us in the pastures of Your land,**^[23] – **and our dispersions gather in from the four corners of the earth,**^[24] – **and those judges who err, let them be inspired to judge according to Your mind,**^[25] – **and against the wicked lift up Your hand,**^[26] – **and let the righteous rejoice**^[27] in the building of Your city and in the perfection of Your Sanctuary,^[28] – **and in the flourishing of the pride of David, Your servant,** – **and in the preparation of a lamp for the son of Jesse, Your anointed.**^[29] – **Before we call, You answer,**^[30] – **Blessed are You, Hashem, Who hears prayer.**

The Gemara comments on the above abridgment:

– **Abaye condemned one who would pray the Give us discernment prayer.**^[31]

The Gemara lists times when the Give us discernment prayer may not be recited:

– **Rav Nachman said in the name of Shmuel:** – **The entire year a person may pray Havineinu, except for Maariv at the conclusion of the Sabbath and the conclusion of the festivals,** – **because he needs to say Havdalah in the blessing of gracious Giver of wisdom.**^[32]

The Gemara questions Shmuel's limitation:

– **Rabbah bar Shmuel objected to this ruling:** – **But let him recite [Havdalah] as a fourth blessing unto itself.** – **Did**

NOTES

13. I.e. her song of thanks to God after she bore Samuel and brought him to the Tabernacle, as recorded in *I Samuel* 2:1-10.

14. On certain public fast days decreed in times of drought, an additional six blessings, enumerated in the Mishnah in *Taanis* 15a, are added to the eighteen regular blessings of the *Shemoneh Esrei*, for a total of twenty-four blessings.

15. The Scriptural account of Solomon's inaugural prayer at the dedication of the Temple (*I Kings* 8:22-53) contains twenty-four separate expressions of prayer, supplication and song (רנה, תחנון, רנה) (*Rashi*).

16. The Gemara in *Moed Katan* (9a) relates that when Solomon sought to bring the Ark into the Holy of Holies, the gates stuck to each other miraculously and could not be opened. Solomon then recited twenty-four songs of prayer asking for mercy (*Rashi*).

17. Each of the middle thirteen blessings [in which we ask God for our needs] is shortened by reciting only its opening and concluding words, e.g. **אתה חונן לאדם דעת ברוך אתה ה' חונן הדעת**. [The first three and last three blessings, however, which are not blessings of request but rather of praise and thanks, are recited in full] (*Rambam, Commentary to the Mishnah*; see also *Sifsei Chachamim*).

18. This corresponds to the blessing of **אתה חונן**, *You graciously endow* (*Rashi*).

19. This corresponds to the blessing of **השיבנו**, *Bring us back* (*Rashi*).

20. This corresponds to the blessing of **סלח לנו**, *Forgive us* (*Rashi*).

21. This corresponds to the blessing of **ראה בעינינו**, which concludes **וְיִשְׂרָאֵל** (*Redeemer of Israel* (*Rashi*; see *Rashi to Megillah* 17b וְיִשְׂרָאֵל אתחלתא).

22. This corresponds to the blessing of **רפאנו**, *Heal us*.

23. This corresponds to the blessing of **ברך עלינו**, *Bless on our behalf*.

24. This corresponds to the blessing of **תקע בשופר**, *Sound the shofar . . . to gather our exiles*.

25. [*Rashi's* preferred explanation; cf. *Rashi's* first explanation; *Rabbeinu Yonah*.] This corresponds to the blessing of **השיבנו שופרנו**, *Restore our judges*.

26. This corresponds to the blessing of **ולמלשינים**, *And for the slanderers*. [Although Shmuel is explaining the Mishnah during which time the blessing had not yet been established, nevertheless, since by Shmuel's time this blessing had already been formulated, he includes a phrase corresponding to that blessing (*Maharsha*).]

27. This corresponds to the blessing of **הצדיקים**, *On the righteous*.

28. This corresponds to the blessing of **ולירושלים**, *And to Jerusalem*.

29. This corresponds to the blessing of **את צמח דוד**, *The offspring of David*.

30. This corresponds to the blessing of **שמע קולנו**, *Hear our voice*.

31. Because by doing so one concludes with but one ending rather than with thirteen separate endings (see *Rashi*).

Abaye objected only to those who would pray the *Havineinu* prayer (as this abridgment is called) under normal circumstances. However he agrees that in an emergency, one may recite *Havineinu* (see *Tosafos* here and to 3a וְיִהְיֶה לָךְ, and *Shulchan Aruch, Orach Chaim* 110:1).

32. He must recite the complete text of *Shemoneh Esrei* so as to say the blessing of **חונן הדעת**, *gracious Giver of wisdom* (i.e. the passage beginning with the words **חונן הדעת** is inserted).

we not learn in a Mishnah:^[33] רבי עקיבא אומר – R' AKIVA SAYS: אומרה ברכה רביעית בפני עצמה – ONE RECITES IT AS A FOURTH BLESSING UNTO ITSELF.^[34] רבי אליעזר אומר ברוך הוא – R' ELIEZER SAYS: He recites it IN the blessing of THANKSGIVING.^[35] Accordingly, let one who wishes to recite the *Give us discernment* prayer on Saturday night follow R' Akiva and recite Havdalah as an independent blessing.^[36] Why must he recite the complete text of the *Shemoneh Esrei*?

The Gemara answers:

אטו כל השנה בולה מי עדיין ברכי עקיבא – Do we then follow R' Akiva the entire year? דהשתא נמי נעביד – that now too we should do so?^[37] For let us see now: כל השנה בולה מאי טעמא לא – What is the reason we do not follow R' Akiva the entire year? תמני קרי תמני תשקרי לא תקון – It is because eighteen blessings were established by the Sages, and nineteen were not established. הכא נמי – Here too, then, regarding the *Give us discernment* prayer, שבע תקון תמני לא – seven blessings were established by the Sages,^[38] and eight blessings were not established.

The Gemara continues to challenge the ruling that one may not recite the *Give us discernment* prayer in the Saturday night Maariv:

Mar Zutra objected to this ruling: מתקיף לה מר זוטרא – But let him incorporate [Havdalah] into the *Give us discernment* prayer as follows: Give us discernment, O Hashem, our God, Who distinguishes between the sacred and the secular, to know Your ways, etc.

The Gemara concludes:

קשיא – This is indeed a difficulty.^[39]

The Gemara gives another time in which the *Give us discernment* prayer may not be recited:

אמר רב ביבי בר אבאי – Rav Bivi bar Abaye said: כל השנה בולה – The entire year a person may pray the *Give us discernment* prayer, חוץ מימות הגשמים – except for during the winter, מפני שצריך לומר שאלה בברכת השנים – because he

must recite the request for rain in the benediction of the years.^[40]

This ruling is challenged:

Mar Zutra objected to this ruling: מתקיף לה מר זוטרא – But let him incorporate [the request for rain] into the *Give us discernment* prayer as follows: and fatten us in the pastures of Your land, and give dew and rain. – ? –

The Gemara answers:

אחי לאטרוי – By adding extra words to the text, he may become confused and err.^[41]

The Gemara asks:

אם כן – If so, הברכה בחוץ נמי אחי לאטרוי – then by adding Havdalah into the phrase corresponding to the blessing of *gracious Giver of wisdom*, one may also become confused. Why, then, does the Gemara above not offer this same answer in regard to Havdalah?^[42]

The Gemara answers:

אמר – They said in response to this question: הנה – There, in the case of Havdalah, ביון דאחיה בתחלה צלוחא – since it comes at the beginning of the prayer, he will not become confused. הכא – Here, however, in the case of the request for rain, ביון דאחיה באמצע צלוחא משרי – since it comes in middle of the prayer, he will become confused.^[43]

The Gemara continues to question Rav Bivi bar Abaye's ruling: ונימרה – Rav Ashi objected to this ruling: בשומע תפלה – But let him say [the request for rain] in the blessing *Who hears prayer*.^[44] דאמר רבי תנחום אמר רב אשי – For R' Tanchum said in the name of Rav Assi: שעה ולא הוסיף – If one erred and did not mention the powers of rain in the blessing of the resurrection of the dead,^[45] מחזירין אותו – we make him return and repeat the *Shemoneh Esrei*.^[46] שאלה בברכת השנים – However, if he erred and did not mention the request for rain in the benediction of the years, אין מחזירין אותו – we do not make him return, מפני שיכול לאומרה בשומע תפלה – because he is able to say it in

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33. Below, 33a. The Mishnah discusses how Havdalah is to be inserted into the *Shemoneh Esrei* of Maariv at the conclusion of the Sabbath or festival. In the first section of the Mishnah, not cited here, the Tanna Kamma states that Havdalah is incorporated into the fourth blessing of חוץ תדע. [This is indeed the accepted practice.] The Mishnah goes on to cite two other views.

34. That is, he inserts Havdalah as a self-contained blessing before the blessing of *gracious Giver of wisdom* (which then becomes the fifth rather than the fourth blessing of that particular *Shemoneh Esrei*).

35. That is, he incorporates it into the second to last blessing of the *Shemoneh Esrei*, which begins אנחנו לך מודים, We gratefully thank You.

36. After reciting the first three unabridged blessings, let him recite Havdalah as a fourth blessing, just as R' Akiva maintains is always done, and let him then proceed with the *Havineinu* prayer.

37. Since the rest of the year when we recite the complete text of *Shemoneh Esrei* we do not follow R' Akiva's opinion and insert Havdalah as a self-contained fourth blessing, why should we suddenly adopt his view when reciting *Havineinu*? (Rashi).

38. I.e. the first three blessings of the *Shemoneh Esrei*, the last three blessings, and the blessing of *Havineinu* (Rashi).

39. Since the Gemara does not use the term חייבא, which connotes an absolute refutation (see 26b note 11), the halachah still follows Shmuel that *Havineinu* may not be recited on Saturday night (*Shulchan Aruch*, *Orach Chaim* 110:1). To answer Mar Zutra's objection, *Rabbeinu Yonah* suggests that since every phrase of *Havineinu* corresponds to a separate blessing of *Shemoneh Esrei*, if a phrase were inserted for Havdalah, it would give the incorrect impression that Havdalah is normally recited as an independent blessing [in accordance with R' Akiva]. (See,

however, *Rashash* to *Rashi* מכלל (R'יה).

40. That is, he must mention the phrase ותן טל ומטר, and give dew and rain, in the ninth blessing of *Shemoneh Esrei*, which concludes Blessed are You, Hashem, Who blesses the years. He must therefore recite the entire *Shemoneh Esrei*, so he can recite this blessing and insert טל ומטר there.

41. [In a prayer such as *Havineinu* where each request is expressed so tersely, one is more likely to err in a critical manner (by omitting or altering a key phrase) than in the *Shemoneh Esrei* prayer where the thoughts are expressed in longer sentences (see *Beis Yosef*, *Orach Chaim* 110 השנה וכל השנה).]

42. Rather than remain with a difficulty, the Gemara above should have answered that including a phrase for Havdalah is not an acceptable solution, for it would cause the person to become confused.

43. For a person is better able to concentrate at the beginning of a prayer than in the middle (Rashi).

44. That is, let him add the request for rain just prior to concluding the *Havineinu* prayer, joining it to the phrase that corresponds to the blessing *Who hears prayer*, for one does not become confused by inserting something at the end of a prayer either (see *Tzlach*).

45. He neglected during the winter months to mention the phrase משיב דם, He makes the wind blow and the rain descend, in the second blessing of the *Shemoneh Esrei*, which speaks about the resurrection of the dead.

46. If he did not realize his mistake until after beginning the next blessing (אחרי קריאת), he must return and begin *Shemoneh Esrei* over again. See below, 29b note 3.

the blessing of *Who hears prayer*.^[47] והבדלה בחונן הדעת – Similarly, if he forgot to recite Havdalah in the blessing *gracious Giver of wisdom*, אין מחזירין אותו – we do not make him return and repeat the *Shemoneh Esrei*, מפני שיכול לאומרה על הכוס – for he is able to say [Havdalah] later over the cup of wine.^[48] – ? –

The Gemara answers:

טעה שאני – Where one erred it is different.^[49]

The Gemara analyzes the ruling of Rav Assi cited above:

אמר רבי תנחום אמר רב אסי – The text itself stated: גופא – The text itself stated: טעה ולא הזכיר גבורות – R' Tanchum said in the name of Rav Assi: If one erred and did not mention the powers of rain in the blessing of the resurrection of the dead, אין מחזירין אותו – we make him return and repeat the *Shemoneh Esrei*. שאלה בכרפת השנים – However, if one erred and did not request rain in the benediction of the years, אין מחזירין אותו – we do not make him return, מפני שיכול לאומרה בשומע תפלה – for he is able to say it in the blessing of *Who hears prayer*. Similarly, if he forgot to recite Havdalah in the blessing *gracious Giver of wisdom*, אין מחזירין אותו – we do not make him return, מפני שיכול לאומרה על הכוס – for he is able to say [Havdalah] later over the cup of wine.

Rav Assi's ruling is challenged:

טעה ולא – They challenged this ruling from a Baraisa: מיתבי – They challenged this ruling from a Baraisa: If one erred and did not mention the powers of rain in the blessing of the resurrection of the dead, אין מחזירין אותו – we make him return and repeat the *Shemoneh Esrei*. שאלה בכרפת השנים מחזירין אותו –

So too, if one omitted THE REQUEST for rain IN THE BENEDICTION OF THE YEARS, WE MAKE HIM RETURN. והבדלה בחונן הדעת – HOWEVER, if he forgot HAVDALAH IN the blessing GRACIOUS GIVER OF WISDOM, אין מחזירין אותו – WE DO NOT MAKE HIM RETURN, מפני שיכול לאומרה על הכוס – FOR HE IS ABLE TO SAY [HAVDALAH] later OVER THE CUP of wine. This Baraisa clearly states that if one forgot to request rain in the benediction of the years he *does* have to repeat the *Shemoneh Esrei*, in contradiction to Rav Assi's ruling. – ? –

The Gemara answers:

הא ביהוד – This Baraisa refers to an individual praying alone, לא קשיא – There is no difficulty. הא בצבור – whereas this ruling of Rav Assi refers to one praying with a congregation.

The Gemara asks:

בצבור מאי טעמא לא – Now what is the reason that if he is praying with a congregation he need not repeat? משום דשמעה – Surely it is because he will hear [the request for rain] from the prayer leader during his repetition.^[50] אי הכי – If so, האוי מפני שיכול לאומרה בשומע תפלה – rather than state the reason for this ruling as being because he is able to say it in the blessing of *Who hears prayer*, מפני ששומע משליח צבור מבני – [Rav Assi] should have said because he will hear it from the prayer leader! – ? –

The Gemara offers a different answer:

אלא אידי ואידי ביהוד – Rather, both this ruling and that ruling refer to an individual, לא קשיא – and there is no difficulty. הא דאדבר קודם שומע תפלה – This ruling of Rav Assi refers to where he realized his omission before the blessing *Who hears prayer*,

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47. If he has not yet concluded the blessing of תפלה שומע, he inserts the words וְהָאֵלֹהִים שָׁמַע תְּפִלָּתָא there, since this is a general blessing whose wording is suitable for any request. [One may in fact insert any request in the blessing of שומע תפלה (see *Tosafos* and *Shulchan Aruch*, *Orach Chaim* 119:1).] He may not, however, insert מְשִׁיב הָרוּחַ in this blessing, because that phrase is a statement of praise, not a request.

48. Since Havdalah is recited a second time over a cup of wine, there is no need to repeat *Shemoneh Esrei* if one leaves out Havdalah there. See *Rosh* §15 and *Rabbeinu Yonah*.

49. That is, only where one forgot to say the request for rain in the correct place may he insert it into the blessing of *Who hears prayer*. However, initially we do not include it in this blessing.

50. After the congregation completes the *Shemoneh Esrei*, the *sheliach tzipbur* repeats it aloud, to exempt those who are incapable of praying by themselves. This person can discharge his obligation by listening then and hearing the *Shemoneh Esrei* repeated with וְהָאֵלֹהִים שָׁמַע תְּפִלָּתָא. See *Tosafos* to 29b טעה ד"ה and *Rosh* §14; see also *Sifsei Chachamim* and *Melo HaRo'im*.

[illegible]

הואדרכך (אחר) [בזה] שומע תע
אם לא עקר גליו חיט נרד לא
אלא חור לשומע תפלה וכן שמעתי
ביום מחזירי
שם ר' יוחנן אחר בריה אס עקר
גליו חור גרש ואם לא חור
לעבודה ה"א אם עקר גליו חור
גרש ואם לא חור לשומע תפלה
הירושלמי פליג אנמר דין גבורות
גשמים והבא קמי' לא קיצי גבורות
גשמים מחזירין אותו וכן קמר
האומר דשומע תפלה וצורק' קמר
אם לא שאל בברכה גשמים ואומר
לשומע תפלה ודכותה אם לא הזכיר
גבורות גשמים בחיית המים
מחזירין אותו ומה אם שאלה
מחזירין אותו ואומר בשומע תפלה
האומר שיה מריח לא כ"ש אלמא
ידבריה איחא הכא דחור גבורות
גשמים לשומע תפלה ואפשר היות
האומר שאלו לא חש לעפרו משום
אומר בדבריה צורק' צורק' והא
יקצי לא הזכיר גבורות גשמים
ומחזירין אותו איירי שלא הזכיר כלל
שומע תפלה והא לית דאחא במסקנא
ומסקנא הוי מומר גבור קודם
אומר שיה עורא דשאלה וצורק' שאלה
היה עומד בטל והזכיר של
גשמים מחזירין אותו פי' צימות הקין
ופי' והא תנינא בן ברוכות לא
הזכיר חכמים והזכיר וכן פירש ר' י
הזכיר דאם לא הזכיר כלל משל אינו
עושה ואם היה ודא הזכיר מחזיר
ה"א אם עמד בטל והזכיר של גשם
לא לחוס עליו בשר מלא הזכיר של
כלל ומשני דלא דמי הוא דמקל ומלי'
להא הוא דמלי' ולא מקל פי' מקל
לעומר אינו דומה כשעומד בטל
הזכיר של גשם הוא סימן קללה לא
הזכיר כלל לא של ולא גשם
הזכיר מקל וכן הלכה למעשה שאם
עומד בטל של והזכיר של גשם
מחזירין אותו ואם לא הזכיר משניהם
כלל לא מחזירין אותו וכן קמר
צורק' קמי' צורק' גשמים הזכיר של
אין מחזירין אותו ופריך מהכא
והפסוק או שאל צורק' גבורות גשמים
ולא דאחא דאדרכה הא דאדרכה הא
למא (ז) דאחא לא דאחא לא טל
ולא מעט לכך מחזירין אותו הא דאדרכה
של טל ומעט ולא נהירא דפשיטא אם
הזכיר שניהם דאין מחזירין אותו ואם
לא הזכיר כלל פשיטא דמחזירין אותו
אלא ודאי של גרש הא דאדרכה של
הא דלא דאדרכה כלל לא טל ולא מעט
לפניך צימותין אותו אבל אם הזכיר
של צימות גשמים אין מחזירין
אותו ודאי של צי' גשם צימותין
הא דאדרכה כלל לא טל ולא מעט
לפניך צימותין אותו ודא דאדרכה
לעבודה ובהבנות דליות פי' דוקא

דגרות הבית
(א) ורבי ד"ס כתב
וה' ידי מנחם
כסד ואחר כך
בדבור מ' שט"ו
לפניו מנחם
(ב) ד"ה ונחם
כסד: (ג) ד"ה ירחוק
וה' חסד ירחוק
למלך ד' פ' כ"ב
דקא חקק: (ד) חסד
ד"ה ורחוק וי' ד"ה
ד"ה פירוש
ד"ה על ונחם
לפניו חסד
ד"ה חסד
ד"ה חסד

וזהו הנריא
[ח] נמי (ר"ל) ששם ששם
עמד ישראל וזה
מסרם בקצתם כלי' (ג'
פ"ח) וז"ל כדכונסותהו
לה: [נ] שם די מחארכ.
ז"ל וקבוצ עניניך עשה.
יבסח ריף ורומי' ו
ורא"ל: [ג] וזהמכני
לשון. ז"ל ותחזיר
לציון לשלום: [ד] שם
ותפלה נרכס בנפשו
(די) פארי: [כ] ששוכני
כל חזאי. ז"ל כי אלה
סוד.

אלו דלתי מחזירין. ולחזו מיחו
 ר' לראש ולא זכרתי השנים
 ולחזו פ' אין שומדין דקאמר
 זו ולחזו חזר ר' שמשון

תתענים . כגון אלתי רבי
 חפלה : אכלת אש חזר רבי
 עקר : כמשי . ויהי לטון
 חזר רבי לנחם ידי חזבתי (יב/ג)
 חזרה :

הא דארכר בטר שומע חפלה : אמר רבי
 תנחום אמר רב אסי אמר ר' יהושע בן לוי
 "מעה ולא הזכיר של ר"ח בעבודה חזר
 לעבודה נזכר בהוראה חזר לעבודה בשם
 שלום חזר לעבודה ואם סיים חזר לראש
 אמר רב פפא בריה דרב אחא בר ארא הא
 אמן סיים חזר לראש לא אמן אלא שערך
 רגליו אבל לא עקר רגליו חזר לעבודה" א"ל
 מנא לך הא א"ל מאבא מרי שמעי לי ואבא
 מרי מרב. אמר רב נחמן בר יצחק הא דאמן
 עקר רגליו חזר לראש לא אמן אלא שאינו
 הגיל לומר תתענים אחר תפלתו אבל רגיל
 לומר תתענים אחר תפלתו חזר לעבודה
 איכא דאמרי אמר רב נחמן בר יצחק "הא
 דאמן כי לא עקר רגליו חזר לעבודה לא
 אמן אלא שרגלי לומר תתענים אחר תפלתו
 אבל אם אינו רגיל לומר תתענים אחר תפלתו
 חזר לראש : ר' אליעזר אומר העושה תפלתו
 קבע וכו' : מאי קבע א"ל "עקב בר אידי אמר
 רבי אושעיא 'כל שחפלתו דומה עליו כמשוי
 ורבנן אמרי 'כל מי שאינו אומרה בלשון
 תתענים רבה ורב יוסף דאמרי תרתייהו כל
 שאינו יכול לחדש בה דבר א"ל וירא אנא
 כיכלא לחדוש בה מלחא ומסתפינא דלמא
 ממרינא אביי בר אבין ור' תינא בר אבין
 דאמרי תרתייהו כל שאין מתפלל עם דמומי
 חמה דא"ל חייא בר אבא א"ל יותנן *מצוה
 ילתתפלל עם דמומי חמה וא"ל וירא מאי
 קראה *ייראדן עם שמשו ולפני ירח דור דורים
 *ליימי עלה ממערבא אמאן דמצלי עם
 דמומי חמה באי טעמא דלמא מישרא ליה
 שעתא : רבי יהושע אומר המהלך במקום
 סכנה מתפלל חפלה קצרה וכו' בכל פרשת
 העבור : מאי פרשת העבור אמר רב חסדא
 אמר מי עוקבא אפי' בשעה שאחה מתמלא
 יהיו כל צרכיהם לפניך איכא דאמרי אמר ר
 בשעה שהם עוברים על דברי תורה יהיו כמ
 במקום נדודי ויהיו ולסמים מתפלל חפלה ק
 אליעזר אומר עשה צונגן בשמים ממעל ותח
 בעיניה עשה באי שומע חפלה ר' יהושע א
 ועשה מהרה בקשתם באי שומע חפלה רבי
 צעקת עמך ישראל ועשה מהרה בקשתם ב
 צרכי עמך ישראל מרובין ודעתם קצרה יהי
 לכל אחד ואחד כפי פירסתו ולכל גייה וגויה
 שומע חפלה אמר רב הונא 'הלכה כאחרת
 אחזה דרב חסידא 'לא תורתא ולא תורת
 יוצא לדרך המלך בקונן וצא מאי המלך ב
 רב חסדא זו חפלה הדרך המלך רבי יעקב :
 צריך להתפלל חפלה הדרך מאי חפלה
 אלהי שחוליכני לשלום ותציעדני לשלום ות
 כל אייב ואויב בדרך ותשלח ברכה כמעו
 ולרחמים בעיניך ובעיני כל רואי [א] בא"י

לשני מרע שלטו אומרים בצמיהם חסר
הוא סיוס תפלו כעקירה אפילו לא
קבע חוק קבוע הוא עלי להסתכל ורץ
שליט יוכל לטין לבו לשלול לרצו: **לחלש**
אור בה דבר . בבקשתו ורצו לעז קבע
כיום (ב) כן חסד כן מחר: **דלמלא**
מטרידה . שמה חסדה ולא חסד
לחזור לתקום הספקתי : **שליט**
מחלל עם **דמיוני** . חסד . והיט
לשון קבע תפלו עליו חוק קבוע
ללא יד , חובה וליט מקפיד לחזר
חזר שעת מלוא ועת רען : עם
דמיוני חסד . תפלת יולר עם הכן
חסד ותפלת המהמה עם שקיעת
החמה : **יוראד** עם **שמש** . זו תפלת
יולר (ג) : **ולפני ירח** . זו מנחה : **ליטוי**
במערכה . על מי שנסתה תפלת
המנחה עד דמיוני שמה חסד חסד
לו השעה ע"י **דמיוני** וסבר הקון : **כל**
פרשת העבור וט' . כמו פרישת
העבור : **חפי** בשעה שחמה מתחלל
עליהם **עברה** **כאשה** **עברה** . והכי
מקום כלל עיני פרישת העבור
שמן עברה * **עברה** : יהי כל
צרכיהם . גלוס לפניך לרחם עליהם:
חפי בשעה שחם **עברים** . ולשון
פשה העבור שחם פורשין לעברה:
עשה לעז **קסם** . שפין עם חסד
ואין רעוד עליהם אלא לטוב ועבור
לחמוסים על רעוד : **ותן** . להם
ליריך : נחת רוח . שלא יתעברב
רוחם על ידי הכריתו כגון ע"י חיות
ולכסין : וידעו **בעיניך** עשה . חסד
להם ודוגמא זו מליט בספר שופטים
(י) ויאמרו בני ישראל תחלוט עשה
אתה לנו **קסם** (כסוד) [כלל הסוד] בעיניך
קר הליט וגו' : **שעות** . לשון גמיה
וידעו **מחפלה** : **דעתם קלה** . ואינם
יודעים לפרט צרכים : **לא תחת**
ולא תחזי . לא תכעוס שמדוך
הכעס אתה צד לדי תחזי : **לא תחזי**
לא תשכר בין . החלץ . מול רשות
לישקה

[וע' רש"ל
בחדושי אבדרי]

שנה 99 ק"מ

[קדושין לב:
וזה נסמן]

הַיְּהוּדִים

[נפיר לא כנין
וכי שם
בראש]

הוא דאך בר בתר שומע תפלה – whereas this ruling of the Baraisa refers to where he realized his omission after the blessing *Who hears prayer*.^[1]

The Gemara cites another ruling by the same Amora with regard to omitting a different time-related addition:

R' Tanchum – אמר רבי תנחום אמר רב אסי אמר רבי יהושע בן לוי – אמר רבי תנחום אמר רב אסי אמר רבי יהושע בן לוי – **R' Tanchum said in the name of Rav Assi who said in the name of R' Yehoshua ben Levi:** טעה ולא הזכיר של ראש חדש בעבודה – If one erred and did not mention the prayer of Rosh Chodesh in the blessing of the Temple service, (i.e. רצה) – **he returns to the blessing of the Temple service.**^[2] נזכר – If he remembered his omission while in the blessing of thanksgiving (i.e. מודים), – **he returns to the blessing of the Temple service.** בשים שלום – If he remembered while in the blessing of *Establish peace*, – **he returns to the blessing of the Temple service.** ואם – **he returns to the blessing of the Temple service.** But if he completed the Prayer and then remembered his omission, – **he returns to the beginning of the Prayer.**^[3]

This ruling is qualified:

Rav Pappa the son of Rav Acha bar Adda said: – **Regarding that which we said that if he completed the Prayer he returns to the beginning,** – **this applies only where he already uprooted his feet, i.e. started taking three steps back at the conclusion of the Prayer,** – **אבל לא עקר** – **he returns to the blessing of the Temple service.**^[4]

R' Tanchum seeks the source for this qualification:

He said to [Rav Pappa the son of Rav Acha bar Adda]: מנא לך – **From where do you know this?** אמר ליה – **I heard it from my father, my master;** – **ואבא מרי מרי** – **and my father, my master, heard it from Rav.**

This ruling is further qualified:

Rav Nachman bar Yitzchak said: – **Regarding that which we said that if he uprooted his feet he returns to the beginning of the Prayer,** – **this applies only where he is not accustomed to recite additional supplications after concluding his Prayer,** – **אבל רגיל לומר** – **but if he is accustomed to recite additional supplications after concluding his Prayer,** – **הוא חוזר** – **he returns to the blessing of the Temple service.**^[5]

Another version of the previous ruling:

There are those who cite the above teaching as follows: – **Rav Nachman bar Yitzchak** said: – **Regarding that which we said that if he did not yet uproot his feet he returns to the blessing of the Temple service,** – **this applies only where he is accustomed to recite additional supplications after his Prayer,** – **אבל אם** – **but if he is not accustomed to recite additional supplications after his Prayer,** then completing his Prayer is tantamount to uprooting his feet and **he returns to the beginning of the Prayer.**^[6]

Our Mishnah said:

R' Eliezer says: – **העושה תפלתו קבע וכו' – HE WHO MAKES HIS PRAYER FIXED etc.** [his Prayer is not genuine supplication].

The Gemara inquires:

What is the meaning of "fixed"?

The Gemara offers several interpretations:

R' Yaakov bar Idi said in the name of **R' Oshaya:** – **כל שתפלתו דומה עליו כמשוי – Anyone whose Prayer is like a burden on him.**^[7]

A second interpretation:

And the Rabbis say: – **כל מי שאינו אומרה בלשון – ורבנן אמרי**

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1. [However if he remembers his omission before completing *Shemoneh Esrei*, he does not repeat the entire *Shemoneh Esrei* but rather returns to the beginning of the blessing (see *Shulchan Aruch, Orach Chaim* 117:5; cf. *Tosafos*).]

2. If he forgot to say *נזכר ויבא*, which mentions the occasion of Rosh Chodesh, in the blessing in which we implore God to restore the Temple service, and realized his omission after saying the words *שמע ישראל* at the conclusion of the blessing of *רצה*, even if he did not yet begin the following blessing of *מודים* (thanksgiving), he returns to the beginning of *רצה* (see *Rabbeinu Yonah* (ראה ואם טעה *Rabbeinu Yonah*). [See, however, end of next note.]

3. I.e. to the beginning of the *Shemoneh Esrei*.

The Gemara refers to an individual praying without a *minyan*. If he is praying with a *minyan*, however, then technically the better option would be to discharge his obligation by listening to the *shaliach tziibbur's* repetition of the *Shemoneh Esrei*. Nevertheless, the Acharonim advise against this course because it requires concentrating fully on every word of the repetition, a feat which is difficult to accomplish without one's mind wandering at some point. Accordingly, the recommended course even for one praying with a congregation is to repeat the *Shemoneh Esrei* oneself (see *Mishnah Berurah* 124:40).

[In the previous note it was explained that the phrase *של ראש חדש* means that if one remembered his omission after completing *רצה* but before beginning *מודים*, he returns to *רצה*. That this is the meaning of that phrase is evident from the next phrase, which speaks of one who realizes his omission while already in the blessing of *מודים*. Clearly, the earlier phrase refers to one who has not yet begun *מודים*. Nevertheless, the law as codified in *Shulchan Aruch* (*Orach Chaim* 422:1) is that one who realizes that he forgot *נזכר* after completing *רצה* but before commencing *מודים* does not return to *רצה*, but says *נזכר* at that very point (between the two blessings – see also 29a note 46). See *Pnei Yehoshua*, and *Beur HaGra* to *Orach Chaim* 114:6 who struggle with the apparent contradiction between this

ruling of the *Shulchan Aruch* and our Gemara. See *Tzalach* and *Dikdukei Soferim* §200 for possible resolutions. See also *Beur Halachah* to 114:6 (ראה בלא חתימה).

4. One concludes *Shemoneh Esrei* by bowing and taking three steps back (*Yoma* 53b). Rav Pappa states that one who realizes his omission of *נזכר* after concluding the *Shemoneh Esrei* but before stepping back ("uprooting his feet") need not return to the beginning of *Shemoneh Esrei*, but only to *רצה*.

5. [*Shemoneh Esrei* technically ends with the words *עמו ישראל* (שמוע ישראל) at the end of the blessing שלום (or שלום רב). Nevertheless it is customary to follow up this blessing with additional supplications], such as with the *אלהי נצור* prayer recited nowadays (*Rashi*; see above, 17a). Rav Nachman bar Yitzchak states that if one has the custom to recite a prayer such as *אלהי נצור* after taking three steps back (unlike the current custom of reciting it before stepping back), and he remembers before completing this supplication that he forgot *נזכר*, he need return only to *רצה*, because his *Shemoneh Esrei* is not considered to have been concluded.

6. The halachah follows this second version of Rav Nachman bar Yitzchak's ruling. Therefore, once one has taken his three steps back, even though he is accustomed to recite additional supplications at that point (such as the prayer *יהי רצון* recited by many people), he must return to the beginning of *Shemoneh Esrei*. However if he remembers his omission at any time before reciting the verse *יהי לרצון* at the conclusion of the prayer *אלהי נצור* (before uprooting his feet at that point), he returns to *רצה* (see *Orach Chaim* 422:1 with *Mishnah Berurah*).

7. His attitude is that of one who is saddled with a chore and seeks to be done with it (see *Rashi* and *Magen Avraham* 98:4). Alternatively, he manifests such an attitude by praying at a hurried pace (*Rabbeinu Yonah*, as understood by *Bach* to *Orach Chaim* 98 מחשבתו; *Eliyahu Rabbah* 98:4).

תחנונים – Anyone who does not recite [his Prayer] in a supplicatory manner.^[8]

A third interpretation:

רבה ורב יוסף דאמרי תרנויהו – Rabbah and Rav Yosef both say: Anyone who is unable to innovate something, i.e. introduce a new request into [his Prayer].^[9]

Another Amora objects to this interpretation: אמר רבי זירא – R' Zeira said: אנא ויכלנא לחדושי בה מילתא – I am able to innovate something in [my Prayer], ומסתפחנא דלמא מסרידנא – but I am afraid to do so lest I become confused.^[10]

A fourth interpretation:

אבי בר אבין ורבי חנינא בר אבין דאמרי תרנויהו – Abaye bar Avin and R' Chanina bar Avin both say: כל שאין מתפלל עם דמדומי – Anyone who does not pray during the redness of the sun.^[11] דאמר רבי חייה בר אבא אמר רבי יוחנן – As R' Chiya bar Abba said in the name of R' Yochanan: מצוה להתפלל עם – It is a mitzvah to pray during the redness of the sun.^[12] דמדומי חמה – And R' Zeira said: מאי קראה – What is the verse, i.e. the source for R' Yochanan's ruling in Scripture? ייראוך עם שקם ולפני ירח דור דורים – They will fear You with [the rising of] the sun and before the moon [comes up], for generations upon generations.^[13]

Other Amoraim disapproved of R' Yochanan's statement in regard to Minchah:

לויטי עליה במערבא אמאן דמצלי עם דמדומי חמה – In the West [i.e. Eretz Yisrael] they would condemn a person who prayed Minchah during the redness of the sun. מאי טעמא – What is the reason? דלמא מיטרפא ליה שעתא – For perhaps a mishap will occur and the opportunity to pray will be lost to him.^[13]

Our Mishnah said:

ר' יהושע אומר – R' YEHOSHUA SAYS: המהלך במקום סכנה מתפלל – ONE WHO TRAVELS IN A DANGEROUS PLACE PRAYS A SHORT PRAYER etc., and says: Save, O Hashem, Your nation, the remnant of Israel, בכל פרשת העבור – AT EVERY PARASHAS HA'TBBUR may their needs be before You.

The Gemara asks:

What is the meaning of *parashas ha'tbbur*?

The Gemara answers:

אמר רב חסדא אמר ר' עוקבא – Rav Chisda said in the name of Mar Ukva: אפילו בשעה שאתה מתמלא עליהם עברה באשה עברה – Even at a time that You become filled with anger against them like a pregnant woman, יהיו כל צרכיהם לפניך – may all their needs be before You.^[14]

Another version of Rav Chisda's teaching:

There are those who cite this teaching as follows: אמר רב חסדא אמר ר' עוקבא – Rav Chisda said in the name of Mar Ukva: אפילו בשעה שהם עוברים על דברי תורה – Even at a time that they transgress the words of Torah, יהיו כל צרכיהם לפניך – may all their needs be before You.^[15]

The Mishnah cited one version of the "short prayer" recited when traveling through a dangerous area. The Gemara now cites several alternative versions.^[16]

המהלך במקום גודי – The Rabbis taught in a Baraisa: ONE WHO TRAVELS IN A PLACE INFESTED WITH BANDS OF WILD ANIMALS AND ROBBERS, PRAYS A SHORT PRAYER. ואיזה היא תפלה קצרה – WHAT IS the text of THIS SHORT PRAYER? רבי אליעזר אומר – R' ELIEZER SAYS: עשה – DO YOUR WILL IN THE HEAVENS ABOVE,^[17]

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8. I.e. with pleading tones, like one begging for mercy (see *Rabbeinu Yonah* with *Bach* *ibid.*).

According to this interpretation, the Mishnah's phrase אין תפלתו is rendered: his Prayer [is not accepted because it] is not supplication (*Ritva*).

Both a leniency and a stringency are inherent in this second interpretation of the Rabbis. On the one hand, they maintain that even if one's Prayer is a burden on him, as long as he recites it in a supplicatory manner he has fulfilled his obligation. If, on the other hand, he does not recite his Prayer in a supplicatory manner, his Prayer is invalid, even if his attitude (or pace) is a proper one (*Rabbeinu Yonah* *ibid.*).

Shulchan Aruch (*Orach Chaim* 98:3) rules in accordance with both of these views. Accordingly, both one's attitude (or pace) and his manner of recital must be correct. [See *Beur Halachah* to 98:3 יתפלל, who states that according to many authorities one does not discharge his Prayer obligation if he does not comply with these rules.]

9. I.e. he is unable to muster the concentration necessary to request something new in his present *Shemoneh Esrei* that he did not request in a previous one (see *Rashi* לחדש מידה לחדש cf. *Hagahos HaBach*). [See, however, *Meiri* and *Magen Avraham* 107:4.]

According to this interpretation, the Mishnah calls his Prayer "fixed" because it is the same today as it was yesterday and will be tomorrow (*Rashi*).

10. I fear that after interpolating a new phrase into my *Shemoneh Esrei* I will be unable to pick up again where I left off (*Rashi*). [It should be borne in mind that in Talmudic times prayers were recited by heart, not from a *siddur*.] See *Einayim LaMishpat*.

11. I fear that after interpolating a new phrase into my *Shemoneh Esrei* I will be unable to pick up again where I left off (*Rashi*). [It should be borne in mind that in Talmudic times prayers were recited by heart, not from a *siddur*.] See *Einayim LaMishpat*.

These two times (just after sunrise and just prior to sunset) are the most propitious for reciting the morning and afternoon Prayers respectively. One who does not take the trouble to schedule his Prayers for these times indicates thereby that praying is a chore ("fixed task") to him, which he is satisfied to perform in just a minimally acceptable manner (*Rashi*).

The significance of praying at these times may be explained as follows: The Gemara in *Bava Basra* (84a) suggests [homiletically] that the sun appears red in the morning because it passes near the roses in Gan Eden, and it appears red in the evening because it passes by the fires of Gehinnom. When one prays at dawn, one will thus recall [the promise of] Gan Eden and the reverence of Heaven will enter his heart. When one prays before dark, he will recall [the threat of] Gehinnom and will be overcome by thoughts of repentance. In each case, his prayers will be sublime prayers which shall be accepted favorably (*Ben Yehoyada* to *Shabbos* 118b. See also *Ben Yehoyada* here).

12. *Psalms* 72:5.

13. By delaying Minchah to the last possible moment one risks being unable to pray it should some emergency come up (*Rashi*).

14. The term *פרשת העבור* is explained as if it read *פרשת העבור*, "interpretations of the word *עבור*." These "interpretations" include *עברה*, *anger*, and *עברה*, *pregnant woman* (*Rashi*, as explained by *Maharsha*; see *Me'ein HaBerachos*, cited by *Eitz Yosef*; cf. alternative explanation of *Rashi* by *Melech Shlomo*).

15. According to this reading the term *פרשת העבור* is explained as if it read *פרשת העבור*, i.e. "veer off" toward "sin" (*עבירה*) (*Rashi*).

According to either version of Rav Chisda's teaching, the sense of this prayer is that even when God becomes angry with them (first explanation) or they became mired in sin (second explanation), may He not lose sight of their needs (see *Rashi*), so that they remain self-sufficient and do not become dependent on other nations for support (*Rabbeinu Yonah*, *Ritva*).

Because it is indelicate to mention in prayer the possibility of Israel's sinning or God's becoming angry with them, this prayer is couched in obscure language (see *Ritva*).

16. Cf. *Tzalach*.

17. In the heavenly abode of the angels, where no sin exists, there carry out Your strict will, so there Your will is only for good. For those below, however, who sometimes sin and are deserving of punishment, please, God, forgo Your strict will (*Rashi*). [The request regarding those below is implied but not articulated. Presumably, this is because it is considered improper to ask God to "forgo His will." See *Rav MiBartenura* to *Avos* 2:4 כדי שיבטל ד"ה for a similar sentiment.]

AND GRANT PEACE OF MIND TO THOSE THAT FEAR YOU BELOW.^[18] וְהַטּוֹב בְּעֵינֶיךָ עֲשֵׂה – AND WHAT IS GOOD IN YOUR EYES, DO to them.^[19] בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – BLESSED ARE YOU, HASHEM, WHO HEARS PRAYER.

R' YEHOSHUA SAYS: The text of the prayer is as follows: שְׁמַע שְׁוֹעַת עַמְּךָ יִשְׂרָאֵל – HEAR THE GROAN OF YOUR NATION ISRAEL, וַעֲשֵׂה מְהֵרָה בְּקִשְׁתָּם – AND FULFILL SPEEDILY THEIR REQUEST. בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – BLESSED ARE YOU, HASHEM, WHO HEARS PRAYER.^[20]

R' ELAZAR THE SON OF R' TZADOK SAYS: The text of the prayer is as follows: שְׁמַע צַעֲקַת עַמְּךָ יִשְׂרָאֵל – HEAR THE CRY OF YOUR NATION ISRAEL, וַעֲשֵׂה מְהֵרָה בְּקִשְׁתָּם – AND FULFILL SPEEDILY THEIR REQUEST. בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – BLESSED ARE YOU, HASHEM, WHO HEARS PRAYER.^[21]

OTHERS SAY that the text is as follows: צְרִכֵי יִשְׂרָאֵל מְרֻבִּין – THE NEEDS OF YOUR NATION ISRAEL ARE MANY וְדַעְתָּם קְצָרָה – BUT THEIR MIND IS LIMITED.^[22] יְהִי רָצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵינוּ – MAY IT BE YOUR WILL, HASHEM, OUR GOD, שֶׁתִּתֵּן לְכָל אֶחָד וְאֶחָד בְּדֵי פְרֻסָּתוֹ – THAT YOU GIVE TO EACH AND EVERY ONE ENOUGH FOR HIS SUSTENANCE, וְלְכָל גּוֹיָה וְגוֹיָה דִּי – AND TO EACH AND EVERY BODY WHAT IT LACKS. בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – BLESSED ARE YOU, HASHEM, WHO HEARS PRAYER.

A ruling:

Rav Huna said: הִלְכָה בְּאַחֲרֵיהֶם – The halachah is in accordance with the Others.

An anecdote introduces a different (albeit related) topic:

Elijah the Prophet said to Rav Yehudah the brother of Rav Salla the Pious: לֹא תִרְמָה וְלֹא תִקְחִי – Do not become angry and you will not sin.^[23] לֹא תִרְמָה וְלֹא תִקְחִי – Do not become intoxi-

cated and you will not sin. וּבִשְׂאֵתָהּ יוֹצֵא לְדֶרֶךְ – And when you set out on the way, הַמֶּלֶךְ בְּקוֹנֶה וְצֵא – beg leave of your Creator and then set out.

The Gemara inquires:

What is the meaning of “beg leave of your Creator and then set out”?

The Gemara answers:

R' Yaakov said in the name of Rav Chisda: זוּ תְּפִלַּת הַדֶּרֶךְ – This is a reference to the wayfarer's prayer.^[24]

The Gemara expands on this topic:

R' Yaakov said in the name of Rav Chisda: כָּל הַיּוֹצֵא לְדֶרֶךְ צָרִיךְ לְהִתְפַּלֵּל תְּפִלַּת הַדֶּרֶךְ – Whoever sets out on the road must pray the wayfarer's prayer.

The Gemara asks:

What is the wayfarer's prayer?

The Gemara records its text:

יְהִי רָצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵי שְׁתּוּלִיכִי לְשָׁלוֹם – May it be Your will, Hashem, my God, שְׁתּוּלִיכִי לְשָׁלוֹם – that You lead me toward peace, וְתַצְעִידֵנִי לְשָׁלוֹם – emplace my footsteps toward peace, וְתַצְעִידֵנִי לְשָׁלוֹם – and uphold me in peace. כָּל אוֹיֵב וְאוֹרֵב בְּדֶרֶךְ – May You rescue me from the hand of every foe and ambush along the way. וְתִשְׁלַח בְּרַכָּהּ בְּמַעֲשֵׂי יָדַי – May You send blessing in my handiwork, וְתִתְּנֵנִי לְחֵן לְחֶסֶד – and grant me grace, kindness and mercy in Your eyes וְיִבְעִינִי כָּל רֹאֵי – and in the eyes of all who see me. בְּרוּךְ אַתָּה ה' שׁוֹמֵעַ תְּפִלָּה – Blessed are You, Hashem, Who hears prayer.

Abaye emends the text of this prayer:

Abaye said: לְעוֹלָם – Always

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18. Grant that the composure of those that fear You not be disturbed by such creatures as robbers and wild animals (see *Rashi*; cf. *Ritva*, *Maharsha*).

19. If they must be punished, let it be You and You alone Who does so. Do not deliver them into the clutches of creatures who will have no mercy on them (see *Rashi*; cf. *Maharsha*, *Maharatz Chayes*).

20. *Hagahos HaGra* and *Rashash*, citing *Tosefta* 3:11, delete this version, since the Mishnah quotes R' Yehoshua as citing a different text for this prayer. [See, however, *Tzlach* for an innovative explanation of our Gemara according to which the *Gra's* emendation is unnecessary.] See also *Tos. R' Yehudah HeChasid* and *Maadanei Yom Tov* §20 (to *Rosh* §18).

21. R' Elazar the son of R' Tzadok's version differs from the previous one only in that the previous one contains the words עֲמָךְ עֲמָךְ, while R' Elazar's reads עֲמָךְ עֲמָךְ. Apparently one term is a stronger than the other (*Maharsha*).

[*Rashi* (ר"י שו"ת) states that שְׁוֹעָה means groan and is a more forceful word than תְּפִלָּה, prayer. Apparently, *Rashi's* reading of the Baraisa had one version containing the word תְּפִלָּה and the other שְׁוֹעָה (*Maharsha*; cf. *Tzlach*).]

22. I.e. they do not know how to articulate their needs (*Rashi*; cf. *Maharsha*). [This supplication is paraphrased in the Yom Kippur Ne'ilah prayer עֲמָךְ עֲמָךְ.]

23. For anger leads to sin (*Rashi*).

24. [See *Tzlach*, who discusses why this prayer is characterized as “begging leave” of the Creator.]

This prayer is distinct from the prayer of one who travels through a dangerous area discussed until now. As our Mishnah taught, that prayer is recited only when the traveler finds himself in unsafe territory. Furthermore, it is recited only when the traveler would under normal circumstances recite the *Shemoneh Esrei*, but now, due to the dangerous situation, cannot muster the proper concentration (see *Mishnah Berurah* 110:13). The wayfarer's prayer, by contrast, which the Gemara now proceeds to discuss, is recited whenever a person travels, even if the area being traversed is safe. Moreover it bears no connection to the *Shemoneh Esrei* obligation. Even one who sets out on his journey, after having prayed Shacharis, for example, and will reach his destination before the time for Minchah arrives, is obligated to recite this prayer (see *Tos. HaRosh*).

אליבא דרבי אלעזר דאמר לא תקטעו אלא בפשרה יחיד זה פטור

१७ निर्देशना

איןש נפשיה ביהוה – a person reciting this prayer should associate himself with the congregation.^[1] היכי ניקא – How should he say it? יהי רצון מלפניך ה' אלהינו – May it be Your will, Hashem, our God, שתוליכנו לשלום וכו' – that You lead us towards peace etc.

The Gemara inquires:

אימת קצרה – When does he recite this prayer, i.e. at what point in his journey does the obligation to recite it fall upon him?

The Gemara answers:

אמר רבי יעקב אבא – R' Yaakov said in the name of Rav Chisda: משה שמעלה בדרך – From the moment that he travels along the way.^[2]

The Gemara asks:

עד כמה – Until when may he recite it?

The Gemara answers:

אמר רבי יעקב אבא – R' Yaakov said in the name of Rav Chisda: עד פרסה – Until a *parsah*.^[3]

The Gemara inquires further:

והיכי מצלי – And how does he pray it, i.e. in what position?

The Gemara answers:

אמר רבי יעקב אבא – Rav Chisda said: Standing in one place. אמר רבי יעקב אבא – Rav Sheishess said: Even while traveling.

A related incident:

אמר רבי יעקב אבא – Rav Chisda and Rav Sheishess were traveling along the road. קם רבי יעקב אבא – Rav Chisda stood still and prayed the wayfarer's prayer. אמר רבי יעקב אבא – Being blind, Rav Sheishess said to his attendant: מה עשית? – What is Rav Chisda doing? אמר רבי יעקב אבא – He is standing still and praying, replied [the attendant]. אמר רבי יעקב אבא – [Rav Sheishess] said to [the attendant]: אקמן נמי לדידי ואצלי – Stand me up also, and I will pray; מה עשית? – if you can be good do not be called bad; i.e. since I can pray while standing, for the group with which I am traveling has stopped in any case,

let me not be called bad by praying while traveling, even though I maintain that doing so is permitted.^[4]

The Mishnah (28b) stated that when a person travels in a dangerous place, instead of praying the regular Prayer text he recites a "short prayer." In addition, the Gemara (29a) made reference to an abridged form of the regular Prayer known as the *Havineinu* ("Give us discernment") prayer. The Gemara inquires:

מהו איכא בין הבינו לתפלה קצרה – What difference is there between the "*Havineinu*" prayer and the "short prayer"?^[5]

The Gemara answers:

אמר רבי יעקב אבא – When reciting the "*Havineinu*" prayer, one must pray the first three and last three blessings of *Shemoneh Esrei*,^[6] וכן מטי לביטוי לא בעי – and when he reaches his house he does not need to go back and pray *Shemoneh Esrei*.^[7] בתפלה קצרה – With regard to the "short prayer," however, לא בעי לצלול לא – he need not pray either the first three or last three blessings of *Shemoneh Esrei*, וכן מטי – and when he reaches his house he must go back and pray the *Shemoneh Esrei*.^[8]

The Gemara concludes:

אמר רבי יעקב אבא – And the law is that "*Havineinu*" must be recited standing, תפלה קצרה בין מעומד בין מהלך – whereas the "short prayer" may be recited either standing or while traveling.^[9]

Our Mishnah said:

היה רוכב על חמור וכו' – If ONE WAS RIDING ON A DONKEY etc. [and the time for Prayer arrived, he should dismount and pray].

The Gemara cites a Baraisa on this topic:

אמר רבי יעקב אבא – The Rabbis taught in a Baraisa: היה רוכב על חמור – If ONE WAS RIDING ON A DONKEY AND THE TIME FOR PRAYER ARRIVED, אם יש לו מי שיאחז את חמורו – IF HE HAS

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1. He should not recite this prayer in the singular but rather in the plural [so as to include any others who may be traveling at the same time (see *Magen Avraham* 565:1); for in this merit his prayer will be [more readily] accepted (*Rashi*; see *Rashi* to *Rif*; cf. *Ritva*).

2. He should not say it while still within his home town, even though he has already begun preparing to leave. Moreover, the town perimeter, which extends until approximately seventy *amos* after the last houses have ended, is considered within the town. The prayer should therefore be recited after one reaches this point (*Mishnah Berurah* 110:29).

3. He must recite the prayer within the first *parsah* (a distance equivalent to eight thousand *amos* – 12,000-16,000 feet) of his journey. Once he has traveled more than a *parsah*, however, he may no longer recite this prayer (*Rashi*), for doing so this far into the journey is no longer considered "begging leave of one's Creator" (*Meiri*).

Others explain the Gemara to be inquiring as to the minimum distance a person must travel in order to be obligated in this prayer. The Gemara replies that he must journey at least a *parsah* (*Bahag*, cited in *Rashi*), because within a *parsah* of the city is not considered a dangerous area (*Mishnah Berurah* 110:30).

4. [Based on this incident, *Shulchan Aruch* (110:4) rules that it is preferable to stop traveling (e.g. pull over to the side of the road) to recite this prayer. However, if interrupting the journey will disturb one's concentration, one may recite it while traveling (*Mishnah Berurah* *ibid.* §22).]

5. The Gemara does not mean to imply that these two prayers are duplicative of each other, for clearly the "short prayer" is meant to be recited only in a dangerous situation, while *Havineinu* is intended for any situation [in which praying the long *Shemoneh Esrei* is difficult]. Rather, the Gemara inquires as to the differences in manner of recitation of these two prayers, each in its own circumstance (*Tosafos*).

6. He recites the unabridged text of the first three blessings of *Shemoneh Esrei*, then the *Havineinu* paragraph, then the unabridged text of the last three blessings.

7. For the *Havineinu* prayer replaces the *Shemoneh Esrei*.

8. Since the "short prayer" is not an abridgment of the *Shemoneh Esrei*, it does not replace it. He must therefore pray the *Shemoneh Esrei* upon arriving home (*Rashi*). If the time for that particular Prayer has passed, he must make up that prayer by praying twice at the time of the next Prayer [as explained above, 26a] (*Ritva*; *Rama* to *Orach Chaim* 110:3).

9. Since a person fulfills his obligation of *Shemoneh Esrei* by reciting *Havineinu*, he must recite it standing. With regard to the "short prayer," however, since he does not fulfill his Prayer obligation with it, as evidenced by the fact that when he returns home he must pray *Shemoneh Esrei*, he is not required to stand (*Ritva*).

In summary, we have discussed four types of prayer:

(a) Under normal conditions, one recites, while standing, the full text of the *Shemoneh Esrei*. Barring extenuating circumstances, none of the prayers listed below may be substituted for this text.

(b) In an emergency, such as where one is traveling, *Havineinu* may be substituted for *Shemoneh Esrei*. This prayer too is recited standing.

(c) If one is traveling through dangerous territory, wherein concentrating is even more difficult (see *Mishnah Berurah* 110:13), he prays the "short prayer." Ordained by the Sages so that the traveler does not go utterly without some form of prayer, this supplication does not replace the *Shemoneh Esrei*. It may be recited even while traveling.

(d) The wayfarer's prayer. This prayer is recited whenever one travels, regardless of whether he has already prayed *Shemoneh Esrei* (or expects to be able to do so). Preferably it is recited standing, but it may also be recited while traveling (see *Ritva*).

SOMEONE TO HOLD HIS DONKEY while he prays, ירד למטה ויתפלל – HE SHOULD DISMOUNT AND PRAY. ואם לאו – IF he does NOT have anyone to hold his donkey, יושב במקומו ויתפלל – HE SITS IN HIS PLACE upon the donkey AND PRAYS there. רבי אומר – REBBI SAYS: יושב במקומו – IN EITHER CASE יושב במקומו – HE SITS IN HIS PLACE AND PRAYS, לפי שאין דעתו מיושבת, – BECAUSE HIS MIND IS NOT SETTLED; i.e. if he dismounts, his worry over the loss of travel time will disturb his concentration.^[10]

The Gemara issues a ruling:

אמר רבא ואיתימא רבי יוחנן – Rava, and some say it was R' Yehoshua ben Levi, said: הלכה כרבי – The law is in accordance with Rabbi.

The Mishnah touched upon the topic of facing toward the Temple when praying. The Gemara expands upon this subject:

The Rabbis taught in a Baraisa: טומא – A BLIND PERSON – AND ONE WHO IS UNABLE TO DISCERN THE CARDINAL POINTS (in order to face Eretz Yisrael when praying) – SHOULD DIRECT HIS HEART TOWARDS HIS FATHER IN HEAVEN – AS IT IS STATED: "והתפללו אליה" – AND THEY WILL PRAY TO HASHEM.^[11]

If ONE WAS STANDING OUTSIDE ERETZ YISRAEL, – HE SHOULD DIRECT HIS HEART TOWARDS ERETZ YISRAEL, – AS IT IS STATED: "והתפללו אליך דרך ארצם" – AND THEY WILL PRAY TO YOU BY WAY OF THEIR LAND.^[12] If ONE WAS STANDING IN ERETZ YISRAEL, – HE SHOULD DIRECT HIS HEART TOWARDS JERUSALEM, – AS IT IS STATED: "והתפללו אליה דרך העיר אשר בחרת" – AND THEY WILL PRAY TO HASHEM BY WAY OF THE CITY THAT YOU HAVE CHOSEN.^[13] If ONE WAS STANDING IN JERUSALEM, – HE SHOULD DIRECT HIS HEART TOWARDS THE TEMPLE, – AS IT IS STATED: "והתפללו אליה הבית הזה" – AND THEY WILL PRAY TOWARDS THIS HOUSE.^[14] If ONE WAS STANDING IN THE TEMPLE, – HE SHOULD

DIRECT HIS HEART TOWARDS THE CHAMBER OF THE HOLY OF HOLIES, – AS IT IS STATED: "והתפללו אל-המקום הזה" – AND THEY WILL PRAY TOWARDS THIS PLACE.^[15] If ONE WAS STANDING INSIDE THE CHAMBER OF THE HOLY OF HOLIES, – HE SHOULD DIRECT HIS HEART TOWARDS (THE CHAMBER OF) THE ARK-COVER.^[16] If ONE WAS STANDING BEHIND THE CHAMBER OF THE ARK-COVER, – HE SHOULD turn to face this chamber and SHOULD ENVISION HIMSELF AS IF standing BEFORE THE ARK-COVER.^[17] IT EMERGES THAT ONE STANDING IN THE EAST TURNS HIS FACE TOWARDS THE WEST, – one standing IN THE WEST TURNS HIS FACE TOWARDS THE EAST, – one standing IN THE SOUTH TURNS HIS FACE TOWARD THE NORTH – and one standing IN THE NORTH TURNS HIS FACE TOWARDS THE SOUTH. IT EMERGES THAT ALL OF ISRAEL DIRECT THEIR HEARTS TO ONE PLACE.^[18]

The Gemara presents the Scriptural source for this:

R' Avin said, and some say it was R' Avina: מאי קרא – What is the verse, i.e. the Scriptural source for this law?^[19] "במגדל דוד צנאך בני לתלפיות" – Like the tower of David is your neck, built as a landmark.^[20] The word *תלפיות* is a combination of the words *תל*, hill, and *פיות*, mouths, and thus implies: A hill (i.e. the Temple Mount) towards which all mouths turn.^[21]

Sometimes it is necessary to recite the Prayers before the preferred time arrives. The Gemara discusses the laws for such cases:

Shmuel's father and Levi, when they wished to set out on a journey early in the morning, – would pray the *Shemoneh Esrei* at home before day, – and later on during the journey, when the time for reciting the *Shema* would arrive, they would recite it.^[22]

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10. He can therefore even continue riding along while praying (*Beis Yosef, Orach Chaim* 94 ד"ה וטעמא דרבי, in accordance with Rashi's explanation; cf. *Rabbeinu Yonah* and *Beis Yosef* *ibid.*).

11. *I Kings* 8:44.

12. *Ibid.* v. 48.

Tosafos delete the word *לבו*, his heart, from this and all the following clauses, because the Baraisa does not mean to say that one should direct his thoughts toward Eretz Yisrael (or Jerusalem or the Holy of Holies) but that he should face in this direction. *bach* (*Orach Chaim* 94 ד"ה ויבטחו), however, suggests that the reason our Gemara says *לבו* is to teach that though it is often not possible to face Eretz Yisrael with exactitude, one should nevertheless at least concentrate his thoughts in that direction. See also *Aruch HaShulchan* *ibid.* §2 and 8.

13. *Ibid.* v. 44.

14. *II Chronicles* 6:32.

15. *I Kings* 8:35.

16. [*Rashash* deletes the word *בית*, the chamber of from the phrase *בית המקדש*.] This refers either to the Kohen Gadol on Yom Kippur, who recited a short prayer while standing between the two curtains which separated the Holy from the Holy of Holies, or to workers who entered the Holy of Holies to repair something there (R' Yaakov Emden). [From many Rishonim, however, it appears that their texts of the Talmud did not contain this clause about one standing in the Holy of Holies (see *Lechem Mishneh* to *Hil. Tefillah* 5:3 and *Dikdukei Soferim* §2).]

17. Between the back wall of the Holy of Holies and the western wall of the Courtyard there was a space of eleven *amos*. One who is standing in this space turns his face eastward towards the chamber of the Ark-cover (*Rashi*; see *Rashash*), and envisions himself as standing with the major-

ity of Jews praying on the other side of the Courtyard and facing westward (see *Rabbeinu Yonah*, folio 3b ירוח).

18. Even when standing outside Eretz Yisrael, in which case the Baraisa states only that he faces Eretz Yisrael, one must have in mind also Jerusalem, the Temple and the Holy of Holies (*Rabbeinu Yonah; Shulchan Aruch* 94:1).

19. See previous note.

20. *Song of Songs* 4:4.

21. The "neck" to which this verse refers is understood by the Gemara as a metaphor for the Temple. Just as the neck rests atop the body, so the Temple is the glory of the Jewish people (*Maharsha*, see also *Zevachim* 54b).

See *Aruch* תלף ע' for an alternative explanation of this Gemara.

22. In order to avoid having to pray while traveling, which would entail difficulty in concentrating, they would recite the *Shemoneh Esrei* at home before setting out, prior to day (*Rashi*). As for the *Shema*, they would delay its recital until sometime during the trip, when it became light enough to recognize an acquaintance at a distance of four *amos* (the earliest time at which the *Shema* should preferably be recited).

Tosafos cite *Rashi* as saying that they recited the *Shemoneh Esrei* before dawn (עלות השחר). *Tosafos* themselves, however, assert that the period before dawn is not considered daytime at all, and therefore one cannot fulfill his morning Prayer obligation at that time even after the fact. Hence, they explain that Shmuel's father and Levi would recite the morning Prayer after the first ray of dawn appeared but before sunrise (הנץ החמה), even though the ideal time for reciting the morning Prayer begins after sunrise. [Many explain that *Rashi*, who in our text says simply קודם היום, means to explain the Gemara in this manner as well (see *Pnei Yehoshua, Rosh Yosef, Melo HaRo'im* et al).]

The Gemara asks:

בְּמֵאן – In accordance with whose opinion did they do this?^[23]

The Gemara answers:

אֶלֶּיךָ – In accordance with the following Tanna. For it has been taught in a Baraisa: הַשָּׂמֶה לְצֵאת לְדֶרֶךְ – If ONE AROSE EARLY TO SET OUT ON THE WAY, מְבִיאִין לוֹ שׁוֹפָר וְתוֹקֵעַ – THEY BRING HIM A SHOFAR (if it is Rosh Hashanah) AND HE BLOWS; לֹלֵב וּמַנְעֵנֵעַ – A LULAV (if it is Succos) AND HE WAVES it; מְגִילָה וְקוֹרֵא בָּהּ – A MEGILLAH (if it is Purim) AND HE READS FROM IT.^[24] וְכֵשֶׁנִּיגֵעַ וְזָמֵן קְרִיאַת שְׁמַע קוֹרֵא – He then begins traveling, AND WHEN THE TIME FOR RECITING THE SHEMA ARRIVES, HE RECITES it.^[25] הַשָּׂמֶה לְיֹשֵׁב בְּקָרוֹן אוֹ בַּסְפִּינָה – If ONE AROSE EARLY TO TAKE HIS PLACE IN A WAGON OR A BOAT, מְתַפַּלֵּל – HE PRAYS the *Shemoneh Esrei* at home before setting out, וְכֵשֶׁנִּיגֵעַ – AND WHEN THE TIME FOR RECITING THE SHEMA ARRIVES, HE RECITES it.^[26] ר' שִׁמּוֹן בֶּן עֲזַרְיָה אָמַר – R' SHIMON BEN ELAZAR SAYS: בֵּין בֶּרֶךְ וּבֵין בֶּרֶךְ – IN EITHER CASE, whether traveling by foot, or in a boat or wagon, קוֹרֵא קְרִיאַת שְׁמַע קוֹרֵא – HE RECITES THE SHEMA AND PRAYS while traveling, וְהַתְּפִלָּה – SO AS TO JOIN the REDEMPTION blessing TO THE PRAYER.

The Gemara explains the dispute:

מֶרְ – Regarding what issue do they disagree? בְּמֵאן קְמִינְתָּי – One master (the Tanna Kamma) holds that reciting the Prayer while standing is preferable, וְר' – while the other master (R' Shimon ben Elazar) holds that joining the redemption blessing to the Prayer is preferable.

Mishnah ר' עזריה אומר – R' Elazar ben Azariah says: אין תפלת המוספין אלא בקהל עיר – The Mussaf Prayer is recited only with an assembly of the town, i.e. with a congregation of ten men,

Shimon ben Elazar) holds that joining the redemption blessing to the Prayer is preferable.^[27]

The Gemara cites the practice of various Amoraim in similar situations:

מֶרִימָר וּמַר זוּטְרָא הָיוּ מְכַנְפֵי בִי עֶשְׂרָה בְּשַׁבָּתָא דְרַגְלָא וּמַצְלוּ – Mereimar and Mar Zutra would gather together ten people on the Sabbath preceding the festival and pray, וְהָדָר נִקְבִי – and then they would go out to deliver the lecture.^[28]

Another Amora had a different practice:

רַב אֲשִׁי מְצַלִּי בְּהָדִי צְבוּרָא בִּיחִיד מְיוֹשָׁב – Rav Ashi, on the Sabbath when he gave the lecture,^[29] would pray privately at the same time as the congregation, while sitting.^[30] כִּי הָיָה אָתִי לְבִיתִיָּה – When he would come home after the lecture, הָדָר וּמַצְלִי – he would pray again while standing, in order to recite the Prayer with more concentration. אֲמַרִי לֵיהּ רַבָּנָן – The Rabbis said to him: וְלִעֲבֹד מֶרְ מֶרִימָר וּמַר זוּטְרָא – Let the master do as Mereimar and Mar Zutra, who would pray early, before going to the lecture. אָמַר לֵיהּ – He replied: לִי – It is too troublesome for me to delay the lecture until after I pray.^[31] וְלִעֲבֹד מֶרְ בְּאִבּוֹהִי דְשְׁמוּאֵל וְלֵוִי – Then, the Rabbis asked further, let the master do as Shmuel's father and Levi, who prayed just the *Shemoneh Esrei* beforehand.^[32] אָמַר – He said to them: לֹא חֲזִינָא לְהוּ לְרַבָּנָן קְשִׁישֵׁי מִינָן דְּעָבְרִי – I have not observed the rabbis who are our seniors doing thus.^[33]

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23. We learned above (9b) that a person should first recite the *Shema* and its blessings and then the *Shemoneh Esrei*, so as to join the blessing of the redemption to the Prayer. In the case of Shmuel's father and Levi, however, they first recited the Prayer and later on the *Shema*. In accordance with whose opinion did they conduct themselves?

24. Since these articles will not be available on the way, he fulfills his obligation with them before leaving home.

Although one is not permitted on Rosh Hashanah or any other festival to travel more than 2,000 *amos* (*techum*, Sabbath boundary) from his place of residence, the case here is where there are huts along the way which extend the town's borders [see *Eruvin* 55b] and allow him to travel further (*Rashba*).

25. He also recites *Shemoneh Esrei* at that point, interrupting his journey to pray while standing still. [This is possible because the Baraisa presently discusses a case in which he is traveling by foot] (*Diurei David* לכה נראה; cf. *Rashash*).

26. Since in this case he will be unable to stand for *Shemoneh Esrei* due to the constant motion of the wagon (*Beis Yosef*, *Orach Chaim* 94 ד"ה רבינו) or the fear of standing on a boat in water (*Rashi*), he should pray at home before setting out and recite *Shema* later.

27. In the case of one who is traveling by wagon or boat, standing up to recite the *Shemoneh Esrei* is not feasible. Since standing enhances concentration, the Tanna Kamma maintains that the person should pray at home, where he can stand, though doing so will cause him to forfeit joining the redemption blessing to the *Shemoneh Esrei*. Shmuel's father and Levi, who also were traveling in a manner in which standing was not possible, followed this view (see *Rashi*). R' Shimon ben Elazar, on the other hand, holds that joining the redemption blessing to the *Shemoneh Esrei* is preferable to praying *Shemoneh Esrei* while standing.

28. On the Sabbath preceding the holidays of Pesach, Shavuot (cf. *Tosafos* to 17b ד"ה תרי) and Succos, the people would gather in the *beis hamidrash* early in the morning to hear a lecture on the laws of the festival. When the proper time for reciting the *Shema* arrived, the people would recite it in the *beis hamidrash* with the lecture in progress, and then would slip out one by one to pray *Shemoneh Esrei*. Since Mereimar and Mar Zutra were the ones giving the lecture in their respective cities they did not have the same option as the people. They would therefore gather ten people prior to the lecture [before the preferred time for

Shema arrived], reciting the *Shema*, the redemption blessing, and the *Shemoneh Esrei* in the usual manner. [Where there are extenuating circumstances one may fulfill the mitzvah of *Shema* as early as dawn; see 8b note 33 and *Orach Chaim* 58:3.] They then proceeded to the study hall to deliver the lecture (*Rashi*; cf. *Ritva*).

29. [Rav Ashi headed the academy in the town of Mechasya (*Rashi*).]

30. He would not pray early, before the lecture; rather, when the time for the *Shema* arrived, he would recite to the announcer (*meturgeman*) a large portion of the lecture. [When a scholar in Talmudic times gave a public lecture, he would do so with the assistance of an announcer. The scholar would quietly communicate his thoughts in Hebrew to the announcer who would then express them to the public in a loud voice (*Rashi* below, 56a) and in the vernacular (*Rashi*, *Yoma* 20b).] While the announcer was repeating it to the public, Rav Ashi would recite the *Shema* and pray *Shemoneh Esrei* in a sitting position. He would not get up and leave the room so as not to inconvenience the public to stand up for him (*Rashi*).

[Our translation of the phrase בְּהָדִי צְבוּרָא as "at the same time as the congregation" follows *Rashi*'s first explanation. Alternatively, it means "while [sitting] with the congregation"; i.e. without walking out.]

31. *Rashi*; see *Rashash*. Praying the *Shema* with its attendant blessings and *Shemoneh Esrei* before the lecture would mean postponing the lecture beyond its customary starting time. I find that a troublesome thing to do.

32. They prayed at home while standing. You would thereby at least avoid having to pray *Shemoneh Esrei* a second time. Though they did not join the redemption blessing to *Shemoneh Esrei* (while you did), this is of no concern in their view (as opposed to the view of R' Shimon ben Elazar above), since they were praying before the time for reciting *Shema* arrived. If you would pray early at home you would likewise not need to be concerned for this matter (see *Rashi* and *Hagahos R' Akiva Eiger* to *Magen Avraham* 89:17). See also *Taz* 94:5.

33. I.e. praying the *Shemoneh Esrei* before reciting *Shema*. Accordingly, since I delay the *Shemoneh Esrei* until the time of *Shema* arrives, I am forced to recite the *Shemoneh Esrei* directly after the redemption blessing. I therefore pray the *Shemoneh Esrei* while sitting in my seat. Since, however, I cannot concentrate properly while sitting, I repeat the *Shemoneh Esrei* at home standing (*Rashi*).

but not privately.^[34] וְהַכִּמִּים אוֹמְרִים – And the Sages say: בְּחֶבֶר עִיר וְשֵׁלָא בְּחֶבֶר עִיר – With an assembly of the town and without an assembly of the town, i.e. even an individual must recite the Mussaf Prayer. רַבִּי יְהוּדָה – R' Yehudah reported in his [R' Elazar ben Azaryah's] name: אֵימָר מְשֻׁמוּ – Any place where there is an assembly of the town, יָחִיד פְּטוּר מִתְפִּילַת הַמוֹסָפִין – an individual is exempt from the Mussaf Prayer.^[35]

Gemara The Gemara asks:

רַבִּי יְהוּדָה חֵינּוּ תָנָא קָמָא – The opinion of R' Elazar ben Azaryah as stated by R' Yehudah is the same as the opinion of R' Elazar ben Azaryah as stated by the Tanna Kamma! – ? –

The Gemara explains that the two opinions are not identical: אֵיכָא בִּינְיָהוּ יָחִיד שְׁלָא בְּחֶבֶר עִיר – The difference between them is in regard to an individual who lives in a city where there is no assembly of the town, i.e. where there is no congregation. תָּנָא – The Tanna Kamma in the name of R' Elazar ben Azaryah holds that [the individual] is exempt, וְרַבִּי יְהוּדָה קָבֵר – whereas R' Yehudah in the name of R' Elazar ben

Azaryah holds that he is obligated.^[36]

The Gemara issues a ruling:

אָמַר רַב הוּנָא בַר חִינָא אָמַר רַב חִיָּיא בַר רַב הִלְכָה כְּרַבִּי – Rav Huna bar Chinana said in the name of Rav Chiya bar Rav: יְהוּדָה שְׁאָמַר מְשֻׁמוּ רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה – The halachah is in accordance with R' Yehudah in the name of R' Elazar ben Azaryah.

This ruling is corroborated:

אָמַר לִיהִי רַב חִיָּיא בַר אֲבִין – Rav Chiya bar Avin said to him: רָאֵמַר שְׁמוּאֵל – You have spoken correctly, שְׁפִיר קָאֲמַרְתָּ – for Shmuel said: מִיָּמַי לֹא מְצַלֵּנָא צְלוּתָא דְמוֹסָפִין בְּיָחִיד – In all my life I never prayed the Mussaf Prayer privately

NOTES

34. Since the Mussaf Prayer was instituted solely corresponding to the communal *mussaf* sacrifice (in contrast to the other prayers which, though the Rabbis connected them to the sacrifices, are primarily supplicatory in nature), it follows that it needs to be recited only with a community, i.e. a *minyan* (see *Rabbeinu Yonah*; see *Pnei Yehoshua* and *Rashash*).

35. The Gemara will ask how R' Yehudah's version of R' Elazar ben Azaryah differs from the Tanna Kamma's (*Rashi*).

Our translation of עִיר חֶבֶר as *assembly of the town* follows *Rashi*.

Rambam (*Commentary to the Mishnah*), however, while agreeing that this expression alludes to the communal *minyan*, renders it עִיר חֶבֶר, "with the sage of the city." It was customary for the community to gather for services at the place of the town's greatest Torah scholar.

36. According to R' Yehudah, the reason an individual does not recite Mussaf in a place where there is a congregation is because the *shaliach tzibbur's* Prayer will exempt him. However, if there is no congregation and therefore no *shaliach tzibbur*, he is obligated to pray Mussaf privately (*Rashi*; see *Tzalach*; cf. *Rosh Yosef*).

בנהדרדעא לבר מההוא יומא דאתא פולמוסא דמלכא למתא ואסריו רבנן ולא צלו וצלי לי ביחוד ותווי יחיד שלא בחבר עיר יתיב רבי תנינא קרא קמיה דר' ינאי וייתיב וקאמר הלכת בר' יהודה שאמר משום ר' אלעזר בן

ל.ז
ב 97

מורי רבי
בבית מדרשו

שבת

31

הדרן עלך תפלת השחר

מקרי' בזהרת אלה בזהרת. יחמה אחלי' לא מוכח בהדיא מדכתיב בזהריה חילו מלפניו כל הארץ וי"ל היינו קרא דכתיב במזמור הכו לה' בני אלים ומההוא קרא בני להביות במסכת מגילה (דף י"ז) שאומרים אבות וגבורות וקדושת השם וי"ח בזהרת חקט כנגד האזכרות ומשום הכי ד"ק מחלוה קרא שכתוב בלוחה פרשה אבל אחיו דחילו וגו' אינו כתוב בלוחה פרשה :
אחינו

שפעה ולא הזכיר של ר"ח אין מחזירין
ואורחו לפי שאין מקדשין בו אי נמי
אין אוחז איז חזקתו נקט ליה :
בבבבבב וכן תפול תפלה
עוון אדם שפעה ורובה
להתפלה שנים וכן בין תפלה שחיות
תתחולל המושבין : **כרי** תתחולל
דעתו עליו. ומפרש בירושלמי דהיינו
מחזירין חרצב תמוז : **לפי** שאין
מקדשין את החדש בו. פי' לעיל
גמ' ערקין (דף יז.) מה שחזקין
לעשות תמוז ראשון משום דהיינו
דוקא לעשות תמוז ראשון עובדי
היה דוקא בלילה ראשון אין
מקדשין אותו לפי שאין מקדשין
החדש בלילה אבל בלילה שנים
מחזירין אותו עכב מקדשין מיום
שלישני וכן בראש תלמוד :

מלא . כלומר סה"כ
והוא שפניו מלא דאן יבול לאומה
נעצרים על מחר שהוא עיקר וזה
נאמר ה"י נחם לכל דבר שאמר
והנחמים אין מחזירין אותו ביון ויעלה
ויבא נעצרים ועל הנחמים לא מביטין
עקר רבנו (ז) ופתח בדרבה
נלחמיה דאן מחזירין אותו אלא
נפטי לא עקר אלא סה"כ וזה
נדרשה שחקט נה לא לומרם אין
מחזירין אותו וזה נאמר לרבו
אחלקתן דהא חיוק בדרבה המון
אמרן שאמר הנחמים מחזירין
וזה שחין מחזירין שין הכא דלא
רבנו בראשית לקטן (קד מה-)

אם שכן של שכן ווייס הכרעה
כולה ועדיין לא התחברו בכרעה
השוב והמשיב חומר בידו אשר
נתן שבתם למנוח כ"י וקאמר
כ"י הכס אם טעם ולא הוכיח
על ר"ח קודם ששקד רגליו והיינו
קודם שחברו בכרעה השוב והמשיב
לדעות קורא עקר רגליו חומר
בדיו אשר נתן רש"י דעשים (א)

(ח) ב' ו'ל' הו'ר' ש'ל
ר'ח' (ב'ע'ר'צ'י'ת וכו').
ו'ר'ב' (ב'ע'ר'צ'י'ת) ת'א'ר'ט'. ו'ר'ב'
י'ס'ר'א' א'ין ו'כ' : (ג) ת'ע'ל'
ד'י'כ' א'ין ב'ל'כ' כ'ו' ד'ל'כ'ו'
י'ת'י'ת' ב'כ'ר' ר'ח' א'מ'י וכו'.
י'ת'י'ת' ב'י'ת' ע'ט'ו'ר'י' כ'י'כ'א'
ד'כ'ו' ג'ר'ס'י' כ'נ'ל' ו'ת'כ'י'
ב'ר'כ'נ' נ'ח'מ' : (ג) ד'ה'
ת'ע'ר'צ'י'ת' וכו' ע'ק' ג'ר'ו'
ס'פ'ת' ר'ב' ס'י' א'ו' ס'פ'ת' :
(ד) ב'א'ד' ו'כ'כ' י'ח'ו'ר'
ל'ח'ס'ת' : ב'ר'כ' :

(א) גב' אל ר"ח בערכות-
כ"כ ריף וס"ס ל"ג
אלא בשחרית ח"ן כו'
לכד :

מתבירי אס"י כחלק .
ע"י יומא י"ט
פ"ב טוס' ד"ה דס :

אל תקרי זהדרת חלא בחדרת .
במזמור הבן לה' בני חלים ו

לְבַד מִהוּוּ יוֹמָא דְאַתָּא פּוֹלְמוֹסָא – in Nehardea^[1] – בְּנֶהֱרֶדְעָא – except for that day when the king's army came to town – וְאֶתְרִידוּ רַבָּנָן וְלֹא צִלוּ – and the Rabbis were disturbed and did not pray, – וְצִלִי לִי בְּיָחִיד – so I prayed privately, – וְהָוֵי יָחִיד שְׁלֵל בְּחֻבְרָא עִיר – being an individual without an assembly of the town.

The Gemara discusses the final halachah:

R' Chanina the Scriptural expert^[2] sat before R' Yannai and said: הֲלָכָה כְּרַבִּי – The halachah is in accordance with R' Yehudah in the name of R' Elazar ben Azaryah. – אָמַר לֵיהּ [R' Yannai] said to him: פּוֹק קְרָא קְרָאִיךְ – Go recite your Scriptural verses outside, i.e. your ruling is incorrect, – דְּאִין הֲלָכָה כְּרַבִּי יְהוּדָה שְׁאָמַר מִשּׁוּם רַבִּי אֱלֶעָזָר – for the halachah is not in accordance with R' Yehudah in the name of R' Elazar ben Azaryah.

Further proof of R' Yannai's position:

R' Yochanan said: אֲנִי רֵאִיתִי אֶת רַבִּי יְנָאִי דְצִלִי – I saw R' Yannai pray privately and then pray again. Apparently, his first Prayer was for Shacharis and his second for Mussaf. This proves that he does not hold with R' Elazar ben Azaryah.^[3]

Another Amora seeks to refute this proof:

R' Yirmiyah said to R' Zeira: אָמַר לֵיהּ רַבִּי יִרְמְיָהּ לְרַבִּי זֵירָא – Perhaps he actually prayed Shacharis twice, and he repeated it because originally, when he recited it the first time, he did not concentrate, – וְלִבְסוּף כּוּנֵן – and at the end, when he prayed the second time, he concentrated.^[4]

R' Zeira defends the proof:

He said to [R' Yirmiyah]: חַזִּי מֵאֵן גִּבְרָא רַבָּא – Look at which great person testified about [R' Yannai]. It was R' Yochanan! And since he issued the testimony, he assuredly ascertained that R' Yannai prayed Mussaf the second time, not Shacharis. Thus, we must conclude that R' Yannai held in accordance with the Rabbis.

The Gemara adduces proof that other Amoraim ruled in a like manner:^[5]

R' Ami and R' Assi, even though they had thirteen synagogues available to them in Tiberias, – רַבִּי אָמִי וְרַבִּי אָסִי עַל גַּב דְּהָווּ לְהוּ תְּלִיסַר בֵּי כְּנִישְׁתָּא בְּטִבְרִיָּא – R' Ami and R' Assi, even though they had thirteen synagogues available to them in Tiberias,

would pray only between the pillars^[6] where they studied Torah.^[7]

Another Amora, however, ruled differently:

R' Yitzhak bar Avdimi said in the name of our teacher (i.e. Rav): הֲלָכָה כְּרַבִּי יְהוּדָה שְׁאָמַר מִשּׁוּם רַבִּי אֱלֶעָזָר בֶּן עֲזַרְיָה – The halachah is in accordance with R' Yehudah in the name of R' Elazar ben Azaryah.

Another incident involving a sage who prayed twice:

R' Chiya bar Abba once prayed and prayed again. – רַבִּי חִיָּא בַר אֲבָא צִלִי וְהָרַג צִלִי – R' Zeira said to him: אָמַר לֵיהּ רַבִּי זֵירָא – Why did the master do thus? – מַאי טַעְמָא עָבִיד מַר הָבִי – Shall I say it is because master did not concentrate the first time? Surely this cannot be, – וְהָאָמַר – A person should always assess himself before praying – אִם יָכוֹל – if he is able to concentrate he should pray, – וְאִם לֹא אֵל יִתְפַּלֵּל – and if not,^[8] he should not pray. – אֲלָא דְלֵא אֲדָרַךְ מַר דְּרִישׁ יְרֵחָא – Rather, is it because today is the New Moon, and master did not mention the paragraph of Rosh Chodesh (i.e. *Yaaleh VeYavo*) in the first Prayer? – וְהָתֵינָא – But it has been taught in a Baraisa: שֶׁל רִאשׁ חֹדֶשׁ – If ONE ERRED AND DID NOT MENTION the paragraph OF ROSH CHODESH IN MAARIV, – אִין מְחִירִין אוֹתוֹ – WE DO NOT MAKE HIM RETURN and repeat that Prayer, – מִכְּנִי שֶׁיָּכוֹל לְאֻמְרָה – BECAUSE HE IS ABLE TO SAY IT, i.e. mention Rosh Chodesh, IN SHACHARIS. – If he did not mention Rosh Chodesh IN SHACHARIS, WE DO NOT MAKE HIM RETURN, – מִכְּנִי שֶׁיָּכוֹל לְאֻמְרָה בְּמוֹסָפִין – BECAUSE HE IS ABLE TO SAY IT IN MUSSAF.^[9] – If he did not mention it IN MUSSAF,^[10] WE DO NOT MAKE HIM RETURN – מִכְּנִי שֶׁיָּכוֹל לְאֻמְרָה בְּמִנְחָה – BECAUSE HE IS ABLE TO SAY IT IN MINCHAH. Accordingly, there was no reason for the master to repeat the Prayer. – ? –

R' Chiya bar Abba explains himself:

Has it not been said regarding [that Baraisa]: אָמַר רַבִּי יוֹחָנָן – R' Yochanan said: בְּצִבּוֹר שָׁנוּ – They taught this only with regard to a congregation? I, therefore, who was praying alone, was required to repeat the Prayer.^[11]

NOTES

1. For there was always a congregation of ten men there, and the *shaliach tzibbur* exempted me (*Rashi*).

2. See *Rashi* to *Taanis* 27b קרא חנינא קרא.

3. From R' Yannai's response to R' Chanina the Scriptural expert it can be determined only that R' Yannai rejected R' Yehudah's version of R' Elazar ben Azaryah's statement. Perhaps, however, he held with the Tanna Kamma's version. With his testimony, therefore, R' Yochanan proved that R' Yannai rejected both versions, holding instead with the Rabbis that an individual is always obligated in the Mussaf Prayer (*Tzlach*).

4. One who prays the *Shemoneh Esrei* without concentrating at least during the first blessing (אבות) must repeat the *Shemoneh Esrei* (*Ritva*). [Nowadays, this rule does not apply because in our spiritual poverty it is likely that one will not concentrate even during the repetition (*Rama, Orach Chaim* 101:1). See, however, *Mishnah Berurah* *ibid.* §4 and *Beur Halachah* ודאידינא.]

5. *Tosafos* אין *Ritva*.

6. See above, 8a note 51.

7. They would pray all their Prayers there, including Mussaf, not going to any of the local synagogues to pray with a congregation of ten. (See above 8a note 52, as to why they would do this.) From this it is evident that they ruled in accordance with the Rabbis (see *Ritva, Tosafos* אין *Ritva*).

[This explanation assumes that there was no congregation of ten men

in the *beis hamidrash* where R' Ami and R' Assi prayed. As cited in note 52 to 8a, however, *Rambam* maintains that there was a *minyan* there. It is to be presumed, therefore, that *Rambam's* text did not contain this incident here (see *Maharshal*).]

8. [That is, if he feels incapable of concentrating even for the first blessing [אבות] (*Tosafos* below, 34b ודאידינא; see also *Mishnah Berurah* 101:3).]

9. He will pray the Rosh Chodesh Mussaf, which by its very nature mentions the uniqueness of the day.

10. That is, he did not say the Mussaf text of *Shemoneh Esrei* at all, but rather the regular text (*Rashi*; see *Tzlach*).

11. When praying with a congregation, the person will hear *Yaaleh VeYavo* from the *shaliach tzibbur* when he repeats the Prayer. This fact [coupled with the fact that he himself will recite *Yaaleh VeYavo* in the next *Shemoneh Esrei* combine to] exempt him from repeating *Shemoneh Esrei* now. I, however, who was praying alone, was required to repeat it (*Rashi*; cf. *Rashba*, et al.).

The foregoing explanation follows *Rashi's* own interpretation of the phrase *בצבור שנו*. Alternatively, *Rashi* cites *Behag* as explaining that the Gemara refers to the *shaliach tzibbur*. That is, if the prayer leader forgot *Yaaleh VeYavo* in his repetition, he does not repeat the *Shemoneh Esrei*, because this would be too burdensome to the congregation (and so we rely on the fact that he will mention Rosh Chodesh in the next Prayer). A private individual, however, such as R' Chiya bar Abba, must repeat the *Shemoneh Esrei*.

Having stated that there are times when one must repeat *Shemoneh Esrei*, the Gemara inquires:

במה ישהה בין תפלה לתפלה – How long must one wait between one Prayer and the next?^[12]

The Gemara answers:

Rav Huna and Rav Chisda both replied to this question. חר אמר – One said: כדי שתתחונן דעתו עליו – Until he is in a supplicatory frame of mind; i.e. until he can arrange his words in a supplicatory manner. וחר אמר – And the other one said: כדי שתתחולל דעתו עליו – Until he is in an entreating frame of mind.^[13]

The Gemara cites a source for each of these forms of expression: מאן דאמר כדי שתתחונן דעתו עליו – The one who said until he is in a supplicatory frame of mind has a precedent for his expression, דכתיב – as it is written: "וַיִּתְחַנֵּן אֶל־ה'." – And I supplicated Hashem.^[14] ומאן דאמר כדי שתתחולל דעתו עליו – And the one who said until he is in an entreating frame of mind has a precedent for his expression, דכתיב – as it is written: "וַיִּתְחַלֵּל מֹשֶׁה." – And Moses entreated.^[15]

The Gemara returns to the topic of one who forgot *Yaaleh*

VeYavo on Rosh Chodesh:

אמר רב ענן אמר רב – Rav Anan said in the name of Rav: טעה ולא הזכיר של ראש חודש ערבית – If one erred and did not mention Rosh Chodesh in the Maariv Prayer, אין מחזירין אותו – we do not make him return and repeat the Prayer, לפי שאין – because the court sanctifies the new month only by day.^[16]

Another Amora qualifies this ruling:

אמר אמימר – Said Ameimar: מסתברא מילתא דרב בחודש מלא – It is logical to assume that the statement of Rav applies where the previous month was a full month, אבל בחודש חסר – but where the previous month was deficient, מחזירין אותו – we make him return.^[17]

The Gemara refutes this assumption:

אמר רב אשי ליה רב אמימר – Rav Ashi said to Ameimar: מכדי – Now, let us see. רב טעמא קאמר – Rav stated a reason for his ruling, viz. because the court sanctifies the new month only by day. Accordingly, מה לי חסר ומה לי מלא – what difference does it make whether the previous month was deficient or full? אלא לא שניא – Rather, there is no difference.^[18]

הדרן עלך תפילת השחר

WE SHALL RETURN TO YOU, TEFILLAS HASHACHAR

NOTES

12. This inquiry applies both to a case in which one must repeat the *Shemoneh Esrei* because he erred in the first recital and to where the person wishes to pray Mussaf immediately after Shacharis (*Rashi*).

13. There is no practical difference between these two explanations. They differ only with regard to the term used (*Rashi*; cf. *Aruch* חל [7]). See also *HaBoneh* in *Ein Yaakov*.

Tosafos cite *Yerushalmi* as explaining that this is the amount of time it takes to walk four amos.

14. *Deuteronomy* 3:23. Moses here recounts how he pleaded with God to allow him to enter the Land of Israel.

15. *Exodus* 32:11. This verse begins the narration of how Moses beseeched God to spare the Jews after the sin of the Golden Calf.

16. In former times, the day on which Rosh Chodesh fell was not predetermined by the calendar but was decided on a month-to-month basis by the central Sanhedrin. Briefly, this involved *beis din* hearing testimony from witnesses as to their sighting of the new moon. Upon cross-examining the witnesses and determining their testimony to be correct, the court would declare that day to be Rosh Chodesh by publicly sanctifying it, i.e. announcing הודיע החדש, the month is sanctified. This sanctification was never performed at night (see *Rosh Hashanah* 25b for the reason for this). Accordingly, since the day does not yet have the sanctity of Rosh Chodesh until morning, one who forgot to recite *Yaaleh VeYavo* at night need not repeat the *Shemoneh Esrei* (*Mishnah Berurah* 422:3).

17. Months in the Jewish calendar are of two durations – twenty-nine days and thirty days. In brief, the reason for this is because the moon, upon whose waxing and waning the months are based, completes one

full cycle in approximately twenty-nine and a half days. Since Rosh Chodesh cannot begin in the middle of a day, months generally alternate between twenty-nine and thirty days, so that in two months fifty-nine days have elapsed ($29\frac{1}{2} + 29\frac{1}{2} = 59$).

Day 30 is always Rosh Chodesh. If the previous month was a 29-day month ("deficient" month), day 30 is the first day (Rosh Chodesh) of the following month. If the previous month was a 30-day month ("full" month), day 30 is Rosh Chodesh, since part of it falls after the new moon, but that day is still considered the last day of the previous month. Day 31 is then also Rosh Chodesh, and is counted as the first day of the new month (see *Rambam*, *Hil. Kiddush HaChodesh* 8:4).

Ameimar reasons that Rav's ruling allowing one not to repeat the Maariv *Shemoneh Esrei* if *Yaaleh VeYavo* was forgotten in it applies only to the first day of a two-day Rosh Chodesh, since in that case the person will recite *Yaaleh VeYavo* the next night, which is the true Rosh Chodesh (the first day of the new month). On a one-day Rosh Chodesh (or on the second night of a two-day Rosh Chodesh), however, he must repeat the *Shemoneh Esrei* (*Rashi*).

18. According to this conclusion one need not repeat the *Shemoneh Esrei* even if he forgot *Yaaleh VeYavo* on the second night (see *Tosafos*). Although the second night is fully Rosh Chodesh, nevertheless since night is not a time of sanctification, the evening is not significant enough to necessitate a repetition of its prayer (see *Ritva*; see *Pnei Yehoshua* and *Mishnah Berurah* 422:3 for a different explanation).

In light of this final Gemara, *Tosafos* ד"ה והחתי suggest deleting the phrase in the Baraisa above which states that one who forgot *Yaaleh VeYavo* in Maariv need not repeat *Shemoneh Esrei* because he will mention Rosh Chodesh at Shacharis. See also *Hagahos HaGra* §1.