

# III

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## BAVLI BERAKHOT CHAPTER THREE

### FOLIOS 17B-26A

#### 3:1-2

- A. He whose deceased relative is lying before him [before burial of the body] is exempt from [1.] the recitation of the Shema, [2.] from the Prayer, [3.] and from [wearing] phylacteries, and from all religious duties listed in the Torah.
- B. Pallbearers and they who replace them and they who replace their replacements —
- C. as to those who go before the bier and those who go behind the bier —
- D. as to they who go before the bier, they who are necessary for [carrying] the bier are exempt [from the Shema and phylacteries].
- E. As to those who go behind the bier, they who are necessary for the bier are obligated.
- F. Both parties are exempt from the Prayer.

M. 3:1

- A. Once they have buried the deceased and returned [from the grave-site] —
- B. if they have time to begin and complete [the recitation of the Shema] before they reach the line [of those who have come to console the mourners], they should begin.
- C. And if not, they should not begin.
- D. [Concerning] they who are standing in line [to comfort the mourner],
- E. those on the inside [line] are exempt [from the recitation of the Shema],
- F. and those on the outer [line] are obligated [to recite it].

M. 3:2

- I.1 A. [If] the deceased actually lies before [the mourner], then [the laws] do [apply], and if not, they do not.
- B. *An objection then is to be raised from the following:*
- C. As to one whose deceased [actually] lies before him, he eats in a different room. If he does not have another room, he eats in the room of his fellow. If he has no access to the room of his fellow, he makes a partition and eats [separate from the corpse]. If he has nothing with which to make a partition, he turns his face away

and eats. He does not recline and eat, he does not eat meat, he does not drink wine, he does not say a blessing before the meal, he does not serve to form a quorum, [18A] and people do not say a blessing for him or include him in a quorum. He is exempt from the requirement to recite the Shema and from the Prayer and from the requirement of wearing phylacteries and from all of the religious duties that are listed in the Torah. But on the Sabbath he does recline and eat, he does eat meat, he does drink wine, he does say a blessing before the meal, he does serve to form a quorum and people do say a blessing for him and include him in a quorum. And he is liable to carry out all of the religious duties that are listed in the Torah. Rabban Simeon b. Gamaliel says, "Since he is liable for these [religious duties], he is liable to carry out all of them."

- D. *And [in connection with the dispute just now recorded], R. Yohanan said, "What is at issue between [Simeon and the anonymous authority]? At issue is the matter of having sexual relations. [Simeon maintains that the mourner on the Sabbath has the religious obligation to have sexual relations with his wife, and the anonymous authority does not include that requirement, since during the mourning period it does not apply.]"*
- E. *In any event, the cited passage does state that the one whose corpse is lying before him is exempt from the requirement to recite the Shema and say the Prayer and wear phylacteries and from all of the religious duties that are listed in the Torah. [But we noted, A, that if the corpse was not actually present, these obligations would pertain.]*
- F. *Said R. Papa, "Interpret the cited passage [M. 3:1] to apply to the requirement of turning away one's face and eating. [Such a one has no other place in which to eat, and he would be exempt from the various obligations. Anyone else would be liable. The Mishnah-passage at hand speaks only of this narrow case.]"*
- G. *R. Ashi said, "Since the mourner bears the obligation to bury the deceased, it is as if the deceased is [actually] lying before him, for it is said, 'And Abraham rose up from before his dead' (Gen. 23: 3), and it says, 'That I may bury my dead out of my sight' (Gen. 23: 4). [Since at that moment, Abraham was not actually gazing upon the deceased, the implication is that, so long as the responsibility of burying the deceased applies, it is as if the deceased is present, and that makes Papa's explanation impossible. But in fact the implication is that, at M. 3:1, the corpse is not to be understood to be actually present, and the sense of the language of M. 3:1 is simply that the obligation to bury the deceased applies.]"*
- I.2 A.** *[Since the Mishnah refers to a deceased relative, I offer the inference that] if it is one's deceased relative, the law applies, but if one is obligated only to guard the corpse [but it is not one's deceased relative], the law does not apply.*
- B. *And has it not been taught on Tannaite authority:*
- C. *He who watches over a corpse, even though it is not a corpse belonging to one's own family, is exempt from the requirement to recite the Shema and to say the Prayer, to put on phylacteries, and to do any of all of the religious duties that are listed in the Torah.*
- D. *Accordingly, the law applies to one who guards the corpse, even though it is not a relation, or to one who has the obligation to bury a corpse, even though he does not actually have to guard it.*

- E. [Now we may further infer:] the law applies to one who guards the corpse, but not to one who is walking in a cemetery.
- F. *But has it not been taught on Tannaite authority:*
- G. A person should not walk in a cemetery with phylacteries on his head and a scroll of the Torah in his arm and recite the Shema. And if one should do so, he violates the principle, “He who mocks the poor [deceased] blasphemes his maker” (Pro. 17: 5).
- H. The prohibition applies to one standing within four cubits of a corpse, but one who stands outside of the space of four cubits is liable.
- I. For a master has said, “A corpse affects four cubits of space round about for the purposes of recitation of the Shema [which should not be carried out within that space].
- J. In the present case, then, if one is four cubits outside of that space, he also is exempt.

**I.3 A.** [Returning to the] body [of the text just now cited]:

- B. He who watches over a corpse, even though it is not a corpse belonging to one’s own family, is exempt from the requirement to recite the Shema and to say the Prayer, to put on phylacteries, and to do any of all of the religious duties that are listed in the Torah.
- C. If there were two together, one guards the corpse while the other recites the Shema, then the other guards the corpse while the one recites the Shema.
- D. Ben Azzai says, “If they are coming by boat, one may leave the deceased in one corner and the two of them may say their Prayer in another corner.”
- E. *What is at issue between the [anonymous authority and Ben Azzai]?*
- F. *Said Rabina, “At issue is whether we take account of the threat [to the corpse] posed by mice. One authority holds that we take account of that threat [on which account the corpse is never left untended, even while the guard says his Prayer], and the other authority maintains that we do not take account of that concern.”*

## **The Honor Owing to the Deceased**

### **Do the Dead Communicate with the Living?**

**I.4 A.** *It has been taught on Tannaite authority:*

- B. He who brings bones from one place to another, lo, such a one should not put them into saddle-bags and put them on his ass and then ride on them, because one would thereby treat them in a contemptuous manner.
- C. But if he was afraid on account of the threat of gentiles or thugs, it is permitted to do so.
- D. And in the manner in which they have said one must handle bones, so they have said one must handle a scroll of the Torah.
- E. *To which matter [B, C] does that statement refer? If we say it refers to the first clause [B], who would have thought that a scroll of the Torah was to be treated with less respect than bones?*

- F. *Rather, it refers to the latter clause [that one may do so if there is threat from gentiles or thugs].*
- I.5 A.** Said Rahba said R. Judah, “Whoever sees a corpse and does not accompany it violates the principle, ‘He who mocks the poor blasphemes his maker’ (Pro. 17: 5).”
- B. And if one accompanies a corpse, what reward does he get?
- C. Said R. Assi, “In his regard Scripture states, ‘He who is gracious to the poor lends to the Lord’ (Pro. 19:17) and ‘He who is gracious to the needy honors him’ (Pro. 14:31).”
- I.6 A.** *R. Hiyya and R. Jonathan were discoursing while walking in a cemetery. The blue fringes [of the show-fringes] of R. Jonathan were trailing on the ground. Said R. Hiyya to him, “Lift them up, so that [the dead] should not say, ‘Tomorrow they are coming to us, and now they are ridiculing us.’”*
- B. *He said to him, “Do the dead know so much as that? And lo, it is written, ‘But the dead do not know a thing’ (Qoh. 9: 5).”*
- C. He said to him, “If you have studied Scripture, you have not reviewed what you learned, and if you reviewed what you learned, you failed to do it a third time, and if you did it a third time, then people did not explain the meaning to you.
- D. “‘For the living know that they shall die’ (Qoh. 9: 5) refers to the righteous, for, when they have died, they still are called the living.
- E. “‘For it is said, ‘And Benaiah, son of Jehoiada, son of a living man from Kabzeel, who had done mighty deeds, smote the two altar-hearths of Moab; he went down and also slew a lion in the midst of a pit in the time of snow’ (2Sa. 23:20).
- F. “[**18B**] ‘The son of a living man:’ *Then were all other people sons of corpses? Rather, the sense of ‘son of a living man’ is that, even after he had died, he was called ‘living.’*
- G. “‘From Kabzeel, who had done mighty deeds:’ for he did much in collecting works for the Torah.
- H. “‘He smote two altar-hearths of Moab.’ He did not leave behind anyone like himself, either in the time of the first sanctuary or in the time of the second sanctuary.
- I. “‘He went down and also slew a lion in the midst of a pit in the time of snow:’ *some say he broke through blocks of ice and went down and immersed, and some say that he repeated the Sifra of the house of Rab in a single winter day.*
- J. “‘But the dead know nothing:’ This refers to the wicked, who, even while they are alive, are called dead, as it is said, ‘And you, wicked one, who are slain, the prince of Israel’ (Eze. 21:30).
- K. “*If you wish, I shall offer proof from the following verse: ‘At the mouth of two witnesses shall the dead be put to death’ (Deu. 17: 6). Now he is still alive, but the sense is that, since he is wicked, he is regarded as if he were dead.”*
- I.7 A.** *The sons of R. Hiyya went out to their villages, and their learning became difficult for them. They made great efforts to remember. One said to his fellow, “Does father know about this trouble of ours?”*

- B. *The other said to him, "How would he know? And lo, it is written, 'His sons come to honor and he does not know it' (Job. 14:21)."*
- C. *He said to him, "But does he not know? Is it not written, 'But his flesh grieves for him and his soul mourns over him' (Job. 14:22). And [commenting on this passage], R. Isaac said, 'The worm causes pain for the corpse as much as does a needle in the flesh of a living person.'"*
- D. *[The other answered], "They know their own suffering but not the suffering of others."*

## I.8

- A. *And that is not so [that the deceased know the suffering of others]. For has it not been taught on Tannaite authority:*
- B. MCSH B: A certain pious man gave a denar to a poor person on the event of the New Year during a time of failure. His wife scolded him, so he went and spent the night in a cemetery. He heard two spirits talking with one another. One said to her friend, "My friend, come and let us flit through the world and listen behind the veil to learn what sort of punishment is going to come upon the world."
- C. Her friend said to her, "I cannot do so, since I am buried in a mat of reeds [and not in linen]. But you go, and tell me whatever you hear."
- D. She went and flirted about and came back, and [the one who had remained] said to her friend, "My friend, what did you hear from behind the veil?"
- E. She said to her, "I heard that whoever sows his seed in the time of the first rain [will lose out, for] the crop will be ruined by hail."
- F. The man went and sowed at the time of the second rains. The crops of everyone else were smitten but his were not smitten.
- G. The next year he went and spent the night in the cemetery and heard those same two spirits talking with one another. One said to her friend, "Come and let us flit about the world and listen from behind the veil to find out what sort of punishment is coming upon the world."
- H. Her friend said to her, "My friend, did I not tell you that I cannot do so, for I am buried in matting of reeds? But you go and come back and tell me what you hear."
- I. She went and flitted about and came back, and her friend said to her, "My friend, what did you hear from behind the veil?"
- J. She said to her, "I heard that whoever sows his crop in the time of the second rain [will lose out, for] the crop will be smitten with blight."
- K. The man went and sowed his seed in the time of the first rain. The crop of everyone else was smitten with blight, but his was not smitten with blight.
- L. His wife said to him, "How is it the case that last year everyone's crop was smitten and yours was not smitten, and this year too, everyone else's crop was blighted and yours was not blighted?"
- M. He told her this entire story. They say that the days were only a few before there was a quarrel between the wife of that pious man and the mother of that girl [who had died and whose spirit had been heard by the pious man in conversation]. The woman said, "Go, and I shall show you your daughter, buried in matting of reeds!"

- N. The next year the man went and spent the night in the cemetery and heard the spirits talking with one another. One said to the other, "My friend, come and let us flit about the world and listen from behind the veil to find out what sort of punishment is coming upon the world."
- O. She said to her, "My friend, leave me alone. The things that were said between you and me have already been heard among the living."
- P. *What follows from this story is that the dead do know [what goes on].*
- Q. *Perhaps someone else died and went and told them what had happened.*

**I.9 A.** *Come and take note of the following relevant story:*

- B. *Zeiri left some money with his landlady while he went to the school house. She died. He followed after her to the graveyard. He said to her, "Where is my money?"*
- C. *She said to him, "Go and take them from beneath the ground, in the hole of the doorpost, in such and such a place. Tell me mother, also, to send me my comb and my tube of eye-paint, along with Miss Such-and-so, who is coming here tomorrow [when she dies]."*
- D. *Thus it follows that the deceased do know what is going on among the living.*
- E. *Perhaps Dumah [the angel of death] comes along and lets them know [but the deceased do not know it on their own].*

**I.10 A.** *Come and take note of the following:*

- B. *The father of Samuel held some money for an estate. When he died, Samuel was not with him [so he did not know where the money was]. People called him, "The son of someone who robs estates."*
- C. *Samuel came after [his father] to the cemetery. He said to them, "I want father."*
- D. *They said to him, "There are lots of fathers here."*
- E. *He said to them, "I want Father, son of Father."*
- F. *They said to him, "There are lots of fathers, sons of fathers, here too."*
- G. *He said to them, "I want Father, son of Father, the father of Samuel. Where is he?"*
- H. *They said to him, "He has gone up to the academy in the firmament."*
- I. *In the meantime he saw Levi, who was seated outside [away from the rest of the deceased].*
- J. *He said to him, "Why are you seated outside? Why did you not go up?"*
- K. *He said to him, "They told me that for as many years as you did not go up to the session of R. Efes and so you injured his feelings, we are not going to take you up to the academy in the firmament."*
- L. *Meanwhile the father [of Samuel] came along. [Samuel] saw that he was both weeping and smiling. He said, "Why are you weeping?"*
- M. *He said to him, "Because soon you are coming here."*
- N. *"Why are you smiling?"*
- O. *"Because you are highly regarded in this world."*
- P. *He said to him, "If I am highly regarded, then let them take up Levi." So they took Levi up.*



- Q. *He said to him, "As to the money belonging to the estate, where is it?"*
- R. *He said to him, "Go and take it out of the case of the millstones. The money at the top and bottom belongs to us, and what is in the middle belongs to the estate."*
- S. *He said to him, "Why did you do it that way?"*
- T. *He said to him, "If thieves come, they will steal ours. If the earth rots the money, it will rot ours."*
- U. *This story again proves that the deceased know what is going on.*
- V. *But perhaps the case of Samuel is different, since he is highly regarded.*
- W. *Since that was the case, [in heaven] they went ahead and announced, "Make room for him."*

**I.11** A. *Furthermore, R. Jonathan retracted his view [at I.6B]. For R. Samuel bar Nahmani said R. Jonathan [said], "How do we know that the deceased do talk with one another? As it is said, 'And the Lord said to him, This is the land which I swore to Abraham, Isaac, and Jacob, saying...' (Deu. 34: 4). What is the sense of 'saying'?"*

- B. *"Said the Holy One, blessed be he, to Moses, 'Go and tell Abraham, Isaac, and Jacob, "The oath that I took to you have I now carried out for your children."'"*
- C. **[19A]** *Now if you imagine that the deceased do not know, then if Moses did go and inform them, what difference would it make?*
- D. *What follows? It is that the deceased do know [what is going on].*
- E. *[If so,] what reason was there to inform them?*
- F. *It was to make them grateful to Moses.*

**I.12** A. *Said R. Isaac, "Whoever tells [stories] after the deceased [has died] is as if he tells stories about a stone."*

- B. *There are those who say it is because the dead do not know it, and there are those who say that they do know it but it does not matter to them.*
- C. *Is that the case? And lo, R. Papa said, "Someone made nasty remarks after the death of Mar Samuel, and a log fell from the roof and broke his head. [So he heard and avenged himself.]*
- D. *The case of a "twig of the rabbis" is different, for the Holy One, blessed be he, follows up on matters of honor affecting him.*
- E. *Said R. Joshua b. Levi, "Whoever tells [stories] after a deceased disciple of sages [has died] will fall into Gehenna.*
- F. *"For it is said, 'But as for such as turn aside into their crooked ways, the Lord will lead them away with the workers of iniquity. Peace be upon Israel' (Psa. 125: 5).*
- G. *"Even when 'Israel has peace,' 'the Lord will lead them away with the workers of iniquity.'"*
- H. *It was taught on Tannaite authority in the house of R. Ishmael, "If you have seen a disciple of a sage who committed a transgression by night, do not pursue the matter by day, for he might have repented."*
- I. *Do you think he merely "might" have repented? Rather, he assuredly has repented.*
- J. *And that judgment pertains to carnal matters.*

K. *But as to financial matters, [one should pursue the matter] until he returns the money to its owner."*

- I.13** A. And R. Joshua b. Levi said, "In twenty-four passages a court excommunicates [a person] on account of the honor owing to a master. And all of them we repeat in our learning of the Mishnah."
- B. *Said to him R. Eleazar, "Where?"*
- C. *He said to him, "Go, find them."*
- D. *He went and looked with care and found three cases: involving him who treats lightly the washing of the hands, one who tells [stories] after the burial of disciples of sages, and one who acted in a familiar way toward heaven.*
- E. *What is the case involving one who tells [stories] after the burial of disciples of sages?*
- F. *It is as we have learned in the Mishnah:*
- G. **He would say, "They do not administer bitter water [to test the woman accused of adultery] in the case of a proselyte-woman or in the case of a freed-slave girl."**
- H. **And sages say, "They do administer the test."**
- I. **They said to him, M<sup>c</sup>SH B: "Karkemit, a freed slave-girl, was in Jerusalem, and Shemaiah and Abtalion administered the bitter water to her."**
- J. **He said to them, "They administered it to her to make her into an example."**
- K. **They excommunicated him, and he died while he was subject to the excommunication, so the court stoned his bier [M. Ed. 5:6I-M].**
- L. *What is the case of him who treats lightly the washing of the hands?*
- M. *It is as we have learned in the Mishnah:*
- N. **Said R. Judah, "God forbid that <sup>c</sup>Aqabia was excommunicated.**
- O. **"For the courtyard is never locked before any Israelite of the wisdom, purity, and fear of sin of a man like <sup>c</sup>Aqabia b. Mahalalel.**
- P. **"But whom did they excommunicate? It was Eliezer b. Hanokh, who cast doubt on [the sages' ruling about] the cleanness of hands.**
- Q. **"And when he died, the court sent and put a stone on his bier."**
- R. **This teaches that whoever is excommunicated and dies while he is subject to the excommunication — they stone his bier [M. Ed. 5:6N-R].**
- S. *What is the case of one who acted in a familiar way toward heaven?*
- T. *It is as we have learned in the Mishnah:*
- U. **Simeon b. Shatah sent to Honi, the circle-maker, "You ought to be excommunicated. And were you not Honi, I should decree excommunication against you. But what can I do? For you importune the Omnipresent and he does what you want, just as a son importunes his father so that he will do what he wants. And concerning you, Scripture says, 'Let your father and mother be glad, and let her who bore you rejoice' (Pro. 23:25)" [M. Ta. 3:8].**
- V. *And are there no more such instances? And lo, there is the one that R. Joseph stated on Tannaite authority:*



- W. “Todos of Rome led the Roman [Jews] to eat lambs roasted helmet-style on the night of Passover. Simeon b. Shatah sent a message to him, ‘Were you not Todos, I should decree excommunication against you, because you have the Israelites eat Holy Things outside [of the Temple, which is forbidden to do].’”
- X. *What we said was, “in our Mishnah,” [and the cited tale is not found in the Mishnah], but in a Tannaite teaching external to the Mishnah.*
- Y. *And are there no more such cases in the Mishnah? And lo, we have learned in the Mishnah: **If one cut up an oven into circles and put sand between one ring and the next, R. Eliezer declares the construction insusceptible to uncleanness [since it is broken down into useless sherds], and sages declare it susceptible. This is the oven of Aknai [M. Kel. 5:10].***
- Z. *What is the meaning of Akhnai?*
- AA. Said R. Judah said Samuel, “It teaches that they surrounded [that sort of oven] with legal rulings like a snake [Akhnai] and thereby declared it unclean.”
- BB. *And it has been taught on Tannaite authority [concerning the point at issue, excommunication:]*
- CC. On that day they brought all of the things that R. Eliezer had declared insusceptible to uncleanness and burned them in his presence [as though they had been susceptible to uncleanness and then been made unclean], and in the end they even “blessed” [= cursed] him.
- DD. *Even though, as to excommunication in particular, there is no reference in the Mishnah-passage to that matter, [this item counts].*
- EE. *Accordingly, [to revert to the point at which we started,] where in the world do we find so many as twenty-four examples?*
- FF. *R. Joshua b. Levi compares one thing to another [Simon, p. 116, n. 1: He takes count of all the cases where the ruling of the rabbis was disregarded by an individual and excommunication should have been incurred, even if this is not mentioned]. But R. Eleazar does not compare one thing to another.*

## **II.1 A. Pall-bearers and they who replace them [M. 3:1B]:**

- B. *Our rabbis have taught on Tannaite authority:*
- C. They do not bring out the corpse for burial near the time for reciting the Shema, but if they have begun the rite, they do not interrupt it [for the recitation of the Shema].
- D. *Is this the case? And lo, as to R. Joseph, they brought out his corpse near the time for reciting the Shema.*
- E. *An important man is subject to a different rule.*

## **III.1 A. As to those who go before the bier and those who go behind the bier [M. 3:1C]:**

- B. As to those who are occupied with the mourning, when the corpse is lying before them, they take off one by one and recite the Shema.

- C. If, on the other hand, the corpse is not lying before them, they sit down and recite the Shema, and [the mourner] remains seated and silent.
- D. They arise and recite the Prayer, and he stands and [as his prayer] accepts the righteousness of the judgment and says, “Lord of the ages, I have sinned in many things before you, and [the punishment for] not even one in a thousand has been exacted from me. May it be pleasing before you, O Lord our God, that you may heal the breach that has afflicted us and the breaches that have afflicted all of your people, the House of Israel, in mercy.”
- E. *Said Abbaye, “It is not necessary for someone to say such a prayer.*
- F. *“For R. Simeon b. Laqish said, and so it has been taught on Tannaite authority in the name of R. Yosé, ‘A person should never open an entry for Satan.’”*
- G. And R. Joseph said, “What is the proof-text for that proposition? As it is said, ‘We were almost like Sodom’ (Isa. 1: 9). What then does the prophet reply to them? ‘Hear the word of the Lord, you rulers of Sodom’ (Isa. 1:10).”

**IV.1 A. Once they have buried the deceased and returned from the grave-site [M. 3:2A]:**

- B. **If they have time to begin and complete the recitation of the Shema**, then they do so, but if it is only time to recite one paragraph or one verse, they do not do so.
- C. *The following was cited as a contradiction of that statement:*
- D. **Once they have buried the deceased and returned from the grave-site, if they have time to begin and complete [M. 3:2A-B] — even one paragraph or one verse, [they do so].**
- E. *The sense of the passage is to indicate that that indeed is the case, namely: If before they reach the line of mourners, they can begin and complete even one paragraph or one verse, they should do so, and if not, they should not begin.*

**V.1 A. [19B] Concerning those who are standing in line [M. 3:2D]:**

- B. *Our rabbis have taught on Tannaite authority:*
- C. **The row that can see the mourners at the inner circle is exempt [from the obligation to recite the Shema], and those who cannot see the inner area [where the mourners are located] is liable.**
- D. **R. Judah says, “Those who come in order to honor the deceased are exempt, and those who come on their own account are liable” [T. Ber. 2:11A-I].**

**V.2 A. Said R. Judah said Rab, “He who discovers in his garment the presence of mixed kinds [linen and wool] must take it off even if he finds out when he is in the marketplace.**

- B. “What is the scriptural basis for that view? ‘There is no wisdom, nor understanding, nor counsel against the Lord’ (Pro. 21:30).
- C. “In any circumstance in which there is a profanation of the divine Name, people must not pay honor to the master.”
- D. *An objection was raised on the basis of the following passage:*
- E. If people have buried the deceased and are en route back, and before them are two paths, one that is not contaminated by corpse-uncleanness and the other that is contaminated by corpse-uncleanness, if the mourner takes the clean one, the others

may go along with him in a state of cleanness. If he takes the unclean one, the others come along with him in a state of uncleanness, on account of the honor owing to him.

- F. *Now why should this be the case? Should we not invoke the principle, "There is no wisdom, nor understanding, nor counsel against the Lord" (Pro. 21:30)?*
- G. *R. Abba explained the cited rule to speak of a grave-area of dubious status [in which we are not sure whether or not there is corpse-matter in the area], which derives its uncleanness only because of a decree of rabbis."*
- H. For R. Judah said Samuel said, "In a grave-area of dubious status, one puffs away before him as he walks along [to blow the small bones out of the way]."
- I. And R. Judah bar Ashi said in the name of Rab, "A grave-area that has been trodden down is regarded as not affected by corpse-uncleanness."
- J. *Come and hear [another relevant case].*
- K. For R. Eleazar bar Sadoq said, "We used to skip across the biers of corpses in order to greet the kings of Israel, and not only to greet the kings of Israel alone have they made that rule, but even to greet kings of the gentiles, so that if one should have the merit [of witnessing the coming of the Messianic king], he may know how to tell the difference between Israelite and pagan kings."
- L. *Now why should this be the case? Should we not invoke the principle, "There is no wisdom, nor understanding, nor counsel, against the Lord" (Pro. 21:30)?*
- M. *The answer accords with what Raba said.*
- N. For Raba said, "As a matter of law on the authority of the Torah, in the case of a Tent [for purposes of conveying corpse-uncleanness through overshadowing], in the case of any object that has a contained inner space of a handbreadth, such an object interposes against corpse-uncleanness [so that if one overshadows such a container, he will not be affected by the corpse-uncleanness], and in the case of any that does not have a contained space of a handbreadth, the object will not serve to interpose against uncleanness, [and one who overshadows such an object will receive corpse-uncleanness from corpse-matter contained within the object].
- O. "Now most coffins do contain a contained space of a handbreadth, but the sages made a decree concerning those that do contain such a space on account of those that do not [and that is why one who overshadows any coffin, whatever its size, is deemed affected by corpse-uncleanness]."
- P. But in the case of paying the honor owing to kings, rabbis made no such decree [in which case the vast majority of coffins are of sufficient size to contain the corpse-matter's uncleanness and those who skip over them to see kings will not be regarded as unclean].
- Q. [Pursuing the same inquiry] come and take note: So great is the honor owing to people that it overrides a negative commandment that is contained in the Torah.
- R. *Now why should this be the case? Should we not invoke the principle, "There is no wisdom, nor understanding, nor counsel, against the Lord" (Pro. 21:30)?*
- S. *Rab bar Sheba explained the matter before R. Kahana, "It speaks of the negative commandment, 'You shall not turn aside' (Deu. 17:11) [and not to all negative commandments]."*

- T. *The others laughed at him, for the negative commandment, “You shall not turn aside” itself derives from the Torah [so this is no solution to any problem]!*
- U. *Said R. Kahana, “When an eminent person makes a statement, you have no business laughing at him. All matters that derive from the authority of rabbis were made to depend upon the negative commandment of ‘You shall not turn aside,’ and on account of the honor owing to a person, rabbis permitted one to violate that rule.”*
- V. *Come and take note: “And hide yourself from them” (Deu. 22: 1, 4): [stated twice] the sense is that there are occasions on which you may hide yourself from them, and there are occasions on which you may not hide yourself from them. How so? If one was a priest and the ass was in a cemetery, or if one was a sage and it is not in accord with his dignity, or if one has had more work than his fellow, in such a case, it is said, “And you will hide yourself from him” [and not help out, since the one party would lose more than the other would gain if the former dropped his work to help the latter].*
- W. *Now why should this be the case? Should we not invoke the principle, “There is no wisdom nor understanding nor counsel against the Lord” (Pro. 21:30)?*
- X. *The present case is different, since it is explicitly stated, “And you will hide yourself from them” (Deu. 22: 1).*
- Y. *And why not derive the rule applying here from the case of the rule governing mixed kinds [of fabrics in the garment, which one must remove even in the marketplace]?*
- Z. *We do not derive a rule affecting a matter that is prohibited from a rule governing a property-matter.*
- AA. *Come and take note: “Or for his sister” (Num. 6: 7) [that is, a Nazirite may not contract corpse-uncleanness even so as to bury his sister].*
- BB. *Why does Scripture make this point?*
- CC. *Lo, if [a Nazirite, who was also a priest] was going along to slaughter an animal as his Passover-offering, or to circumcise his son, and he got the news that he had suffered a bereavement, is it possible to suppose that he should go back and contract corpse-uncleanness [rather than carrying out the specified acts, which must be done at a specific time and cannot be postponed until he once more regains cleanness from the corpse-uncleanness involved in the burial]?*
- DD. *You must rule that he should not contract corpse-uncleanness.*
- EE. *Is it possible to suppose that, just as he may not contract corpse-uncleanness for them, so he may not contract corpse-uncleanness for a neglected corpse?*
- FF. *Scripture says, “For his sister” (Num. 6: 7).*
- GG. *The meaning, then, is that, while for his sister he may not contract corpse-uncleanness, [20A], he must contract corpse-uncleanness to take care of a neglected corpse.*
- HH. *Now why should this be the case? Should we not invoke the principle, “There is no wisdom, nor understanding, nor counsel, against the Lord” (Pro. 21:30)?*
- II. *That case is distinguished from others, because it is written, “And for his sister” (Num. 6: 7).*
- JJ. *And let us derive the besought principle from that case?*

KK. *It is a case in which one has merely to do nothing at all, and that is different [from the case of wearing mixed kinds, which involves violation of the rule through an affirmative action].*

### **Giving One's Life for the Sanctification of the Divine Name**

**V.3 A.** *Said R. Papa to Abbaye, "What makes the difference that the former authorities have miracles done for them, while miracles are not done for us?"*

B. *"If it is because of the issue of learning Tannaite traditions, in the time of R. Judah, all they learned to repeat was the matter of Damages, while, for our part, we repeat all six divisions [of the Mishnah, and their associated Tannaite traditions].*

C. *"And when R. Judah would come to the passage in tractate Uqsin, 'A woman who presses vegetables in a pot' (M. Uqs. 2: 1), or, some say, 'Olives pressed with their leaves are clean' (M. Uqs. 2: 1), he would say, 'Here I see the issues raised by Rab and Samuel for reflection.' But when we repeat tractate Uqsin, we have thirteen sessions [to devote to the matter].*

D. *"Yet when R. Judah would take off one sandal [in preparation for a fast for rain], it would rain right away, while we torture ourselves and cry out, and no one [in heaven] pays attention to us."*

E. *[Abbaye] said to [Papa], "The former authorities would give their lives for the sanctification of the Divine Name, while we do not give our lives for the sanctification of the Divine Name."*

**V.4 A.** *There was, for example, the case of R. Ada bar Ahba. He saw a Samaritan woman who was wearing a red cloak. Thinking that she was an Israelite woman, he went and tore it off her. It turned out that she was a Samaritan, and he had to pay a fine of four hundred zuz.*

B. *He said to her, "What is your name?"*

C. *She said to him, "Matun."*

D. *He said to her, "Matun? Matun [the letters of which add up to four hundred in numerical value] is worth four hundred zuz."*

**V.5 A.** *R. Giddal had the habit of going and sitting at the gates of the ritual bath. He would say to [the women], "This is how to immerse [for purposes of cleanness], that is how to bathe."*

B. *Rabbis said to him, "Does not the Master fear that his evil impulse will be aroused?"*

C. *He said to them, "To me they look like so many white geese."*

**V.6 A.** *R. Yohanan had the habit of going and sitting at the gates of the ritual bath. He explained, "When the Israelite women go and come up from the immersion [thus preparing for sexual relations after their period of menstruation], they gaze at me, so they will have seed which is as beautiful as I am."*

B. *Rabbis said to him, "Does not the Master fear on account of the evil eye [of envy]?"*

C. *He said to them, "I come from the seed of Joseph, over which the evil eye does not rule."*

- D. “For it is written, ‘Joseph is a fruitful vine, a fruitful vine above the eye’ (Gen. 49:22).”
- E. “And R. Abbahu said, ‘Do not read what is written, but rather, ‘superior to the evil eye.’”
- F. *R. Yosé b. R. Hanina said, “Proof comes from here: ‘And let them multiply like fishes in the midst of the earth’ (Gen. 48:16). Just as the fish of the sea are covered by water so that the evil eye cannot get at them, so the evil eye cannot get at the seed of Joseph.’*
- G. *“And if you wish, I shall say, ‘Over an eye [namely, Joseph’s,] which did not want to feast upon what did not belong to him the evil eye has no power.”*

### 3:3

- A. Women, and slaves, and minors are exempt from the recitation of the Shema [20B] and from [the obligation of wearing] phylacteries,**
- B. but are obligated [to recite] the Prayer,**
- C. and [are obligated to post] the mezuzah and to recite Grace after meals.**

- I.1 A.** *As to [the exemption from reciting the Shema], that is self-evident, since it is a religious duty of commission that has to be done at a particular time, and from the obligations to carry out religious duties of commission that have to be done at a particular time women are exempt.*
- B. *What might you have said? Since in the recitation of the Shema is the act of accepting the dominion of Heaven, [they might be obligated to recite the Shema], even though they are exempt from other religious duties in that classification].*
- C. *So we are informed that that is not the case.*

#### **II.1 A. And from the obligation of wearing phylacteries [M. 3:3A]:**

- B. *That is self-evident [since the Shema is not required].*
- C. *What might you have maintained? Since the matter at hand is comparable to the placing of the mezuzah [on the doorpost], [a woman might be obligated in the present matter].*
- D. *So we are informed that that is not the case.*

#### **III.1 A. But they are obligated to recite the Prayer [M. 3:3B]:**

- B. *It is because the Prayer involves beseeching God’s mercy.*
- C. *What might you have thought [to lead you to the conclusion that a woman is exempt here too]? Since it is written in connection [with the Prayer], “Evening and morning and at noontday” (Psa. 55:18), the matter at hand falls into the classification of a religious duty of commission that has to be done at a particular time.*
- D. *So we are informed that that is not the case.*

#### **IV.1 A. And are obligated to post the mezuzah [M. 3:3C]:**

- B. *That is self-evident.*
- C. *What might you have thought [to lead you to the conclusion that a woman is exempt here too]? Since this matter is comparable to the study of Torah, [which is required only of males, a woman might be thought to be exempt].*



E. *So we are informed that that is not the case.*

**V.1 A. And Grace after Meals [M. 3:3C]:**

B. *That is self-evident.*

C. *What might you have thought [to lead you to the conclusion that a woman is exempt here too]?*

D. *Since it is written, “When the Lord shall give you in the evening meat to eat and in the morning enough bread” (Exo. 16: 8), I might have thought that the present matter falls into the classification of a religious duty that has to be carried out at a particular time.*

E. *Accordingly we are informed that that is not the case.*

**V.2 A. Said R. Ada bar Ahba, “As a matter of Torah-law, women are liable to recite the sanctification of the [Sabbath-] day.”**

B. *Why should that be the case? Is this not a religious duty of commission that has to be done at a particular time, and from all religious duties of commission that have to be done at a particular time women are exempt?*

C. *Said Abbaye, “It is only on the authority of rabbis [and not on the authority of the Torah, and rabbis are the ones who imposed the obligation].”*

D. *Said Raba to him, “But [the prior authority indeed] stated, ‘As a matter of Torah-law’!*

E. *“And furthermore, by authority of the rabbis women are indeed obligated to carry out all religious duties of commission. [So why single out this one item?]”*

F. *Rather, said Raba, “Scripture has said, ‘Remember’ and ‘Observe’ (Exo. 20: 8, Deu. 5:12) [with regard to the Sabbath]. Thus: Whoever is subject to the commandment of ‘keeping’ is subject to the commandment of ‘remembering’ [which is carried out through the prayer of sanctification of the Sabbath day], and, since women are indeed subject to the commandment of keeping the Sabbath, they also are subject to the commandment of remembering it [by reciting the prayer of sanctification of the day].”*

**V.3 A. Said Rabina to Raba, “Is the obligation of women to recite the Grace after Meals upon the authority of the Torah or of the rabbis?”**

B. *What difference does it make?*

C. *It pertains to whether women can fulfill the obligation of the community [to recite the prayer].*

D. *If you maintain that the obligation of women to say Grace after Meals is on the authority of the Torah, then one who is subject to the requirement on the authority of the Torah may come along and carry out the obligation of another whose obligation to recite the prayer is on the authority of the Torah.*

E. *If the woman is subject to the obligation to recite the Grace after Meals only by the authority of the rabbis, then the woman falls into the category of one who is not obligated [by Torah-law] to carry out the matter, and whoever is not obligated to carry out a religious duty is not able to fulfill the obligations of the community in carrying out that same religious deed [not being of the same status as the male community at large].*

F. *What then is the law?*

- G. *Come and hear:*
- H. A son may say the blessing in behalf of his father, a slave in behalf of his master, a woman in behalf of her husband. But sages have said, "May a curse come upon a man whose wife and children say the blessing for him."
- I. *Now, if you maintain that the woman's obligation is on the authority of the Torah, then one who is obligated on the authority of the Torah may come and carry out the obligation for another who is obligated on the authority of the Torah.*
- J. *But if you maintain that the woman's obligation is merely on the authority of rabbis, can someone who is obligated only on the authority of rabbis come and carry out the obligation of another whose obligation is on the authority of the Torah?*
- K. *But in accord with this reasoning, do you maintain that a minor is subject to the stated obligation?*
- L. *But here, with what sort of case do we deal? It is with one who has eaten merely the volume of food defined by the rabbis as subject to the requirement to say Grace after meals, [and that volume of food is much smaller than the volume that one must eat in order to be liable on the authority of the Torah to say Grace after meals].*
- M. *In this case one may come along who is obligated only on the authority of rabbis and carry out the obligation of another person who is obligated [by reason of the small volume of food consumed] only on the authority of rabbis.*

**V.4 A.** *R. Avira gave an exposition, sometimes in the name of R. Ammi and sometimes in the name of R. Assi, "The ministering angels said before the Holy One, blessed be he, 'Lord of the ages'! It is written in your Torah, "Who does not regard persons or take a reward" (Deu. 10:17).*

- B. *"But do you not regard persons in the case of Israel, for it is written, "May the Lord lift up his face to you" (Num. 6:26)?"*
- C. *"He says to them, 'Should I not then have special regard for Israel, for whom I have written in the Torah, "And you will eat and be satisfied and bless the Lord your God" (Deu. 8:10), and they are so careful about what they do that [they recite Grace after meals even if they eat a volume of] only so much as an olive's bulk or an egg's bulk [as at VII L]!"*

### 3:4

- A.** **One who has had a seminal discharge may silently meditate but may not recite the blessings out loud,**
- B.** **either [those blessings] before [the Shema] or [those blessings] after it.**
- C.** **And as to those for the meal, he may recite the blessing after it, but not before.**
- D.** **R. Judah says, "He may say the blessings both before them [i.e., the Shema and the meal] and after them."**

**I.1 A.** *Said Rabina, "That then suggests that meditation is equivalent to speech [since at M. 3:4A, one may say the blessings in his heart but may not say them out loud, yet that suffices for the purpose].*

- B. *“For if you maintain that the meditation does not fall into the classification of actual recitation, then why should one meditate [and say the blessings silently at all]?”*
- C. *“So what conclusion is to be drawn? Meditation falls into the same classification as speech.”*
- D. [But if that is the case, then] let the man say the blessings with his lips [out loud]! For so we find at Sinai [Simon, p. 124, n. 1: Moses ordered the Israelites to keep away from woman before receiving the Torah, but those who were unclean could still accept it mentally].
- E. *And [contrary to A] R. Hisda said, “Meditation is not equivalent to speech. For if you maintain that meditation does fall into the classification of recitation, let someone actually say the blessings with his lips [out loud]!”*
- F. *“So what conclusion is to be drawn? Meditation does not fall into the same classification as speech.”*
- G. Why then should one meditate [on the blessings but not say them]?
- H. Said R. Eleazar, “It is so that, while everyone is engaged in [the blessings at hand], he should not sit and do nothing.”
- I. *But let him study some other teaching?*
- J. Said R. Adda bar Ahba, “He should be engaged with something with which the community also is dealing.”
- K. **[21A]** But there is the matter of the Prayer, which is something with which the community is dealing, *and we have learned in the Mishnah:*
- L. **One who was standing in recitation of the Prayer and remembered that he had had a seminal emission should not interrupt his recitation. Rather he should shorten the prayer [M. 3:5A-D].**
- M. *The operative consideration, then, is that he had begun. Lo, if he had not begun, he should not begin [and that is the case even though everyone else is saying the Prayer. That would appear to contradict Adda bar Ahba’s view].*
- N. *The case of the Prayer is different, because it contains no mention of the dominion of Heaven [on which account it is not essential that a man participate in it when the community says it].*
- O. *But lo, there is the matter of the Grace after Meals, which does not contain a mention of the dominion of Heaven, and yet we have learned in the Mishnah:*
- P. **As to those for the meal, he may recite the blessing after it but not before [M. 3:4C].** [So that applies even to the one who has had a seminal emission.]
- Q. *But the operative distinction is that the recitation of the Shema and the Grace after Meals rests upon the authority of the Torah, while saying the Prayer rests on the authority of rabbis [and that is why, in the latter case, one need not engage in the same matter with which the community at large is occupied].*

### **Sayings of Judah on Grace after Meals and Other Prayers**

- I.2 A.** Said R. Judah, “How do we know on the basis of statements in the Torah that there is a requirement to say the Grace after Meals?”
- B. “It is in line with what is written, ‘And you shall eat and be satisfied and say a blessing’ (Deu. 8:10).”

- C. “And how do we know on the basis of statements in the Torah that there is a requirement to say a blessing before studying Torah-sayings?
- D. “Because it says, ‘When I proclaim the name of the Lord, ascribe greatness to our God’ (Deu. 32: 3).”
- E. R. Yohanan said, “[Rather than a proof-text,] we derive evidence that one must say a blessing after studying the Torah by an argument a fortiori built upon the requirement to say Grace after meals. We furthermore learn that one should say a blessing before eating food from an argument a fortiori based upon the requirement to say a blessing before one studies Torah-sayings.
- F. “Now in the case of food, which does not require the recitation of Grace before hand, there is a requirement of Grace afterward, study of the Torah, which does require the recitation of a blessing before hand, surely should require a blessing afterward.
- G. “And the requirement to say a blessing for food before eating derives on the basis of an argument a fortiori from the case of the blessing said over the Torah:
- H. “Now if in the case of the study of the Torah, which does not require recitation of a blessing afterward, there is the requirement of the recitation of a blessing beforehand, food, which does require the saying of a blessing [Grace after meals] afterward, surely should require the recitation of a blessing before hand.”
- I. One may raise the following objections:
- J. The distinctive trait of food [F] is that one derives physical benefit from it.
- K. The distinctive trait of study of the Torah [G-H] is that it leads to eternal life.
- L. And furthermore, we have learned in the Mishnah: **And as to those for the meal, he may recite the blessing after it but not before [M. 3:4C].**
- M. *This accordingly constitutes a refutation of the proposed argument.*
- N. *It indeed refutes that argument.*
- I.3 A.** Said R. Judah, “If one is in doubt whether or not he has recited the Shema, he should not go back and recite it. If one is in doubt whether or not he has said the prayer, ‘True and established...,’ he should go back and recite it.”
- B. *What is the reason?*
- C. The recitation of the Shema derives from the authority of rabbis, while reciting the prayer, “True and firm” derives from the authority of the Torah.
- D. *R. Joseph objected, “‘And in your lying down and in your rising’ (Deu. 6: 5). [Surely that constitutes the Torah’s requirement to recite the Shema.]”*
- E. *Said Abbaye to him, “That refers to study of words of Torah [and not to recitation of the Shema].”*
- F. *We have learned in the Mishnah: One who has had a seminal discharge may silently meditate but may not recite the blessings out loud, either those blessings before the Shema or those blessings after it. And as to those for the meal, he may recite the blessing after it but not before [M. 3:4A-C].*
- G. *Now if you take the view that the prayer, “True and firm” [and this is the blessing after the Shema] derives from the authority of the Torah, the man [noted at the cited passage of the Mishnah] surely should say the blessing after the Shema. [Just as the Grace after meals is said on the authority of the Torah, so any other*

*prayer that is imposed on the authority of the Torah should be said. Not saying "True and firm" is a sign that that prayer is not imposed on the authority of the Torah.]*

- H. *But what is the reason that he should say that blessing? If it is because the Exodus from Egypt is mentioned in it, lo, the Exodus is mentioned in the body of the recitation of the Shema.*
- I. *If that is the case, then let a person say this one and he need not say the other [that is, let him say "True and firm" aloud and not recite the Shema in his mind].*
- J. *The recitation of the Shema is preferable, because it contains two important matters [specifically, allusions to the dominion of Heaven and the Exodus from Egypt, with the former not included in the prayer, "True and firm."]*
- K. *And [reverting back to A], R. Eleazar said, "If one is in doubt whether or not he has recited the Shema, let him go back and recite the Shema. If he is in doubt as to whether or not he has said the Prayer, he should not go back and say the Prayer."*
- L. *And R. Yohanan said, "Would that a person would say the Prayer for the entire day."*

**I.4** A. *And R. Judah said Samuel said, "If one was standing and reciting the Prayer and then realizes that he has already said the Prayer, he should stop, and even in the middle of a blessing [of the eighteen blessings of which the Prayer is composed]."*

B. *Is this the case? And lo, R. Nahman said, "When we were at the house of Rabbah bar Abbuha, we asked him about the students who, making an error, made mention of the weekday blessings [in the Prayer] on the Sabbath, asking the law as to their completing the Prayer. And he told us, 'They should complete that entire blessing.'"*

C. *But the two cases are hardly parallel. In that case, the person who says the prayer is obligated to say it [that is, the weekday Prayer], and the rabbis did not impose on him the bother of saying it on account of the honor owing to the Sabbath. But in the present case, the man has already said the prayer.*

**I.5** A. *And R. Judah said Samuel said, "If one had said the Prayer and entered a synagogue and found the community saying the Prayer, if he can say something new in the Prayer, he should go and say the Prayer again, and if not, he should not go and say the Prayer again."*

B. *And the two rulings are necessary [the present one, involving a case in which the person has already said the Prayer, and the one in which one recalls in the midst of saying the Prayer that he has already said it].*

C. *For had we learned the law applying in the first case, we might have supposed that that ruling applies only to an individual who had said the Prayer all by himself and now is in a position of repeating it all by himself.*

D. **[21B]** *Or it would apply only where a man had said the Prayer with the community and now is to repeat it with the community.*

E. *But in the case of an individual who then joins the community at Prayer, I might have supposed that he would fall into the category of one who has not said the Prayer at all.*

F. *Accordingly, we are informed that that is not the case.*

G. *And had we learned the present rule, we might have supposed that that applies because the man had not commenced the Prayer, but in the other case, in which he had already commenced reciting the Prayer, I might have supposed that that rule then would not apply.*

H. *Accordingly, it is necessary to have both statements in hand.*

**I.6 A.** Said R. Huna, “He who enters the synagogue and finds the community saying the Prayer, if he can begin and complete the Prayer before the leader of the community in his repetition, reaches the blessing, ‘We acknowledge....,’ should say the Prayer, and if not, he should not say the Prayer.”

B. And R. Joshua b. Levi said, “If he can begin and complete the Prayer before the leader of the community in his repetition reaches the Sanctification, he should say the Prayer, and if not, he should not say the Prayer.”

C. *Concerning what principle do they differ?*

D. *One master [A] takes the view that an individual may say the Sanctification-prayer [by himself].*

E. *The other [B] takes the view that the individual may not say the Sanctification-prayer [by himself].*

F. So too [B] did R. Ada bar Ahba say, “How do we know on the basis of Scripture that an individual [praying by himself] does not say the Sanctification-prayer? As it is said, ‘And I shall be sanctified among the children of Israel’ (Lev. 22:32). Every matter involving sanctification may be conducted among no fewer than ten men.”

G. *How does the besought proof derive from the cited verse?*

H. *It accords with that which Rabbinaï, brother of R. Hiyya bar Abba, taught on Tannaite authority, “An analogy is drawn on the use of the word ‘among.’*

I. “Here it is written, ‘And I shall be sanctified among the children of Israel’ (Lev. 22:32), and elsewhere it is written, ‘Separate yourselves from among this congregation’ (Num. 16:21). Just as, in the latter instance, ‘among’ involves ten men, so here ten are required.”

J. *Both authorities concur, in the end, that one does not interrupt [the Prayer. If a person has begun to recite the Prayer, when the congregation comes to recite the Sanctification, the person does not interrupt his prayer to recite the Sanctification with the congregation.]*

**I.7 A.** *The question was raised:* What is the law on interrupting [the Prayer] to respond [in the Qaddish with] “May his great name be blessed”?

B. When R. Dimi came, he said R. Judah and R. Simeon, disciples of R. Yohanan, said, “For no purpose do people interrupt [the recitation of the Prayer], except for saying, ‘May his great name be blessed.’”

C. “For even if one dealing with the [teachings concerning] the Works of the Chariot, one interrupts [his study to respond, ‘May his great name be blessed.’]”

D. But the law does not accord with his view.



**II.1 A. R. Judah says, “He may say the blessings both before them and after them” [M. 3:4D]:**

- B. Does that position bear the implication that R. Judah takes the view that one who has had a seminal discharge may indeed study Torah?
- C. And has not R. Joshua b. Levi said, “How do we know that one who has had a seminal discharge may not study Torah?
- D. “As it is said, ‘Make them known to your children and your children’s children’ (Deu. 4: 9) and, right afterward, ‘The day that you stood before the Lord your God in Horeb’ (Deu. 4:10).
- E. “Just as, in the latter setting, those who have had a seminal emission are prohibited [from participating], so here, those who have had a seminal emission are prohibited [from participating, that is, in that instance, in ‘making the Torah known’].”
- F. *And if you propose to maintain that R. Judah does not derive lessons from the juxtaposition of verses [as in the above exegesis],*
- G. *has not R. Joseph said, “Even someone who does not derive exegetical lessons from the juxtaposition of verses in the rest of the entire Torah in the setting of the Book of Deuteronomy will derive such lessons,*
- H. *“for lo, [Joseph’s saying continues] R. Judah does not derive exegetical lesson from the juxtaposition of verses in the entire Torah, but in the setting of the Book of Deuteronomy he does do so”?*
- I. *And how do we know that in the rest of the entire Torah, he does not derive exegeses in the stated manner?*
- J. *It accords with what has been taught on Tannaite authority:*
- K. Ben Azzai says, “It is stated, ‘You shall not suffer a sorceress to live’ (Exo. 22:17), and immediately beyond, ‘Whosoever lies with a beast shall surely be put to death’ (Exo. 22:18).
- L. “The juxtaposition of the two topics is to indicate that, just as one who lies with a beast is put to death through stoning, so a sorceress also is put to death through stoning.”
- M. Said to him R. Judah, “And merely because one matter is juxtaposed to the next, shall we take this person out for execution through stoning?! [There must be better proof.]
- N. “Rather, those who divine by a ghost or by a familiar spirit fall into the classification of all sorts of sorcery. Why were they singled out? It was so as to draw an analogy to them, so as to tell you, ‘Just as those who divine by a ghost or by a familiar spirit are put to death through stoning, so a sorceress who is to be executed is put to death through stoning.’ [So Judah clearly rejects the other form of proof for the proposition that, for his part, he accepts.]”
- O. *And how do we know that, when it comes to the book of Deuteronomy he does provide an exegesis through the juxtaposition of verses?*
- P. *For it has been taught on Tannaite authority:*
- Q. R. Eliezer says, “A man may marry a woman whom his father has raped or seduced, or whom his son has raped or seduced.”

- R. R. Judah prohibits in the case of a woman whom one's father has raped or seduced.
- S. *And R. Giddal said Rab said, "What is the scriptural basis for the position of R. Judah? As it is written, 'A man shall not take his father's wife and shall not uncover his father's skirt' (Deu. 23: 1), meaning that he may not uncover a skirt which his father has seen.*
- T. *"And how do we know that the text speaks of a woman whom his father has raped?"*
- U. *"It is written, 'Then the man that lay with her shall give to the father' (Deu. 22:29). [Simon, p. 129, n. 2: This shows that R. Judah derives lessons from juxtaposed texts in Deuteronomy.]"*
- V. *[Accordingly, we revert to the question of how Judah can permit one who has had a seminal emission to study the Torah, as against the exegesis to the contrary deriving from the juxtaposition of Deu. 4:9-10?] One may reply that indeed, in the Book of Deuteronomy he does derive lessons from the juxtaposition of verses, but as to the juxtaposition of verses at hand, he requires that passage [for a different purpose, namely,] to prove the case for yet another teaching assigned to R. Joshua b. Levi.*
- W. For R. Joshua b. Levi has said, "Whoever teaches his son Torah is credited by Scripture as though he had received [Torah] from Mount Horeb.
- X. "For it is said, 'And you shall make them known to your children and your children's children' (Deu. 4: 9), and, juxtaposed next, it is written, 'The day that you stood before the Lord your God in Horeb' (Deu. 4:10)."

### **Topical Appendix on the Status of One Who Has Had a Seminal Emission**

- II.2 A. We have learned in the Mishnah: One who had experienced a flux who also produced semen, a menstruating women who discharged semen, and a woman engaged in intercourse who produced a menstrual discharge require immersion before they may recite the Shema. And R. Judah exempts them from the requirement of immersion [M. 3:6].**
- B. Now when R. Judah declares the man exempt, he does so only in the case of a man who has suffered a flux and who then has had a seminal emission. *For to begin with, such a person is not served by immersion in any event [since he is unclean for seven days by reason of flux]. [So there is no call for immersion.]*
  - C. *But in the case of one who has suffered a seminal emission [but is not in the status of one who has, in addition, suffered a flux], [Judah] imposes the liability [of immersion].*
  - D. *And should you say that the same rule applies, so that even in the case of one who has had a seminal emission [but is not in the status of one who has also suffered a flux], R. Judah also declares the man exempt [from having to immerse],*
  - E. *and the reason that there is a dispute concerning one who has suffered a flux and also had a seminal emission is to tell you how far rabbis are prepared to go [in imposing the requirement of immersion prior to reciting the Shema],*
  - F. *may I point to the concluding part of the same passage: **And a woman engaged in intercourse who produced a menstrual discharge has to immerse.***

- G. *Now on what account would it be necessary to include in the Mishnah's rule the cited detail? If I should say that that detail is needed for the exposition of the principle of rabbis, that fact is self-evident [and hardly needs articulation].*
- H. *For if one who has suffered a flux and has produced a seminal emission, who to begin with is not served by immersion, is required by rabbis to immerse, a woman who has produced a drop of menstrual blood while she is having sexual relations, who to begin with will be served by immersion [on account of the semen that issued prior to the blood], all the more so [should have to take a ritual bath. There is then no need from rabbis' perspective to include the explicit detail that a woman in the stated status has to do so, since that fact is self-evident.]*
- I. *Therefore does it not represent a detail added to deal with the position of R. Judah?*
- J. *And the framing of the Mishnah-passage is such as to speak to the specific case at hand:*
- K. **[22A]** A woman who during sexual relations produced a drop of menstrual blood does not have to immerse, but one who has had a seminal emission alone [but is not suffering from the uncleanness of flux] for his part [is held by Judah to be] liable.
- L. *[In reciting the Mishnah,] do not say, [in Judah's name] **He says the blessing** but rather, "He recites it silently."*
- M. *But does R. Judah take the view that silent recitation [is ever required]?*
- N. *And has it not been taught on Tannaite authority: **He who has had a seminal emission and has no water for immersion recites the Shema but does not say the blessings either before it or after it. He eats his bread and says a blessing after it but he does not say a blessing before it, but only does so in his heart and does not say it aloud,**" the words of R. Meir.*
- O. **R. Judah says, "One way or the other, he says it out loud" [cf. T. [Ber. 2:13](#)].** [So Judah does not require silent recitation.]
- P. Said R. Nahman bar Isaac, "R. Judah treated these matters as equivalent to the laws of proper conduct of lower standing" [as will be seen below, at Z].
- Q. *For it has been taught on Tannaite authority:*
- R. "And you shall make them known to your children and your children's children" (Deu. 4: 9), and immediately afterward, "The day on which you stood before the Lord your God in Horeb" (Deu. 4:10).
- S. Just as in the latter case there are fear, trembling, dread and awe, so in this case [study of Torah] there must be fear, trembling, dread and awe.
- T. On the basis of the exegesis at hand they have said, "Those who have suffered a flux, those who are afflicted with the skin disease [of Lev. 13-14], those who have had sexual relations with menstruating women are permitted to recite the Torah, prophets, and writings, to repeat teachings of the Mishnah and the Gemara and the laws and lore, but those who have had a seminal emission are forbidden to do so. [Sexual relations are not a sign that one has the proper spirit of solemnity such as is required by the cited verses, while those who have suffered the other listed forms of uncleanness are appropriately solemn.]

- U. R. Yosé says, "One may repeat passages he already knows, so long as he does not then lay out and expound upon the Mishnah."
- V. R. Jonathan b. Joseph says, "He expounds upon the Mishnah, but he may not expound upon the Gemara."
- W. R. Nathan Abishalom says, "He may also expound upon the Gemara, so long as he does not make mention of the divine name that may be included in a given passage."
- X. R. Yohanan, the sandal-maker, disciple of R. Aqiba, in the name of R. Aqiba, says, "In no way may he enter into problems of exegesis."
- Y. And some say, "He may not enter the school house under any circumstances."
- Z. R. Judah says, "He may repeat the laws of proper conduct" [which is the position ascribed to him above].
  - AA. There was the case in which R. Judah had a seminal emission, and he was walking by the river. His disciples said to him, "Our master, repeat for us a chapter of the laws of proper conduct."
  - BB. He went down to the river, immersed, and then repeated the chapter for them.
  - CC. They said to him, "Did our master not teach us, 'One may repeat laws of proper conduct [without immersion, even though he has had a seminal emission]'?"
  - DD. He said to them, "Even though I impose a lenient rule upon others, I impose a strict rule upon myself."

**II.3 A.** *It has been taught on Tannaite authority:*

- B. R. Judah b. Batera would say, "Words of Torah do not receive uncleanness [if they are repeated by an unclean person]."
- C. There was the case of a disciple, who was repeating traditions in a stuttering manner toward R. Judah b. Batera. He said to him, "My son, open your mouth and let your words give light, for words of Torah are not susceptible to uncleanness, [and so, even though you have had a seminal emission and are unclean, you still may participate in Torah-study]."

**II.4 A.** A master has said, "He may expound the Mishnah but he may not expound the Gemara."

- B. *That statement supports the view of R. Ilai.*
- C. For R. Ilai said R. Aha bar Jacob said in the name of our rabbi, "The law is that he may expound the Mishnah but he may not expound the Gemara."
- D. *The matter accords with a Tannaite dispute:*
- E. "He may expound the Mishnah but he may not expound the Gemara," the words of R. Meir.
- F. R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel, "Both this and that he is forbidden [to expound]."
- G. And some say, "Both this and that he is permitted [to expound]."
- H. *He who maintains that the ruling is that both this and that he may not expound accords with the view of R. Yohanan, the sandal-maker.*

- I. *The one who says, "This and this it is permitted for him to expound" accords with the position of R. Judah b. Batera.*

**II.5** A. *R. Nahman bar Isaac said, "Everyone is accustomed to accord with these three elders, with R. Ilai in the rule on the first fleece, R. Josiah in the matter of mixed kinds, and R. Judah b. Batera in the matter of words of Torah."*

- B. *With R. Ilai in the matter of the tithe of the first fleece, for it has been taught on Tannaite authority:*
- C. *R. Ilai says, "The law governing the first fleece applies only in the [Holy] Land."*
- D. *With R. Josiah in the matter of mixed kinds, as follows:*
- E. *It is written, "You shall not sow your vineyard with two kinds of seeds" (Deu. 22: 9).*
- F. *R. Josiah says, "One is liable only if he sows wheat, barley, and grape kernels in a single fist."*
- G. *According to R. Judah b. Batera in teachings of Torah.*
- H. *For it has been taught on Tannaite authority:*
- I. *R. Judah b. Batera says, "Words of Torah do not receive uncleanness."*

**II.6** A. *When Zeiri came, he said, "They have abolished immersion."*

- B. *Some say he said, "They have abolished the washing of the hands."*
- C. *He who has said the tradition in the version, "They have abolished immersion" accords with R. Judah b. Batera.*
- D. *He who says that the version is, "They have abolished the washing of the hands" accords with the position of R. Hisda.*
- E. *For he cursed anyone who went looking for water at the time of prayer [maintaining that it is no longer necessary to do so].*

**II.7** A. *Our rabbis have taught on Tannaite authority:*

- B. *One who has had a seminal emission upon whom nine qabs of water are poured is clean.*
- C. *Nahum of Gim Zo whispered this tradition to R. Aqiba, R. Aqiba whispered it to Ben Azzai, Ben Azzai went out and repeated it to his disciples in the market place.*
- D. *Concerning the wording of this passage there was a disagreement between two Amoraic masters in the West, R. Yosé bar Abin and R. Yosé bar Zabeda.*
- E. *One of them stated it as, "He repeated it," and the other stated it as, "He whispered it."*
- F. *The one who maintained that he taught it aloud held that the rule [making the return to cleanness after sexual relations so easy] was on account of avoiding the abrogation of Torah-study and avoiding the cessation of sexual relations [if it were*

made so inconvenient as to require formal immersion in a pool, rather than a mere dousing with water].

- G. *The one who repeated it in the version, "He whispered it," maintained that the rule must be kept quiet so that disciples of the sages should not be always upon their wives like cocks.*
- H. Said R. Yannai, "I heard that they impose a lenient ruling in this matter, and I heard that they impose a strict ruling in this matter.
- I. "And whoever imposes a strict ruling on himself is given lengthened days and years."

**II.8** A. Said R. Joshua b. Levi, "What value is it for those who immerse at dawn?"

- B. *What is the value? Lo, he himself is the one who has said that one has had a seminal emission is forbidden to study Torah [so the obvious value of immersion is to permit the man to study Torah].*
- C. *This is the sense of his statement: "What is the value of those who immerse in forty seahs of water [in a regular immersion pool]. It is possible to accept the same end with nine qabs of water.*
- D. "What is the value of actual immersion, when it is possible to achieve the same end with a mere dousing."
- E. Said R. Hanina, "[By using forty seahs of water in a regular pool, sages have] made a great fence."
- F. *For it has been taught on Tannaite authority:*
- G. There was the case of a man who propositioned a woman. She said to him, "Empty head! Do you have immediate access to a proper immersion pool containing forty seahs of water, in which you can immerse afterward?"
- H. He forthwith gave up.

**II.9** A. Said R. Huna to rabbis, "My masters, on what account do you treat lightly this matter of immersion? Is it because of the cold? It is possible to make use of the baths."

- B. Said R. Hisda to him, "And may one immerse in hot water?"
- C. *He said to him, "R. Ada bar Ahba takes your view."*
- D. *R. Zira would sit in a pool of water in the baths and say to his attendant, "Go and bring nine qabs of water and toss it over me."*
- E. *Said to him R. Hiyya bar Abba, "Why does the master do it this way? Lo, he is sitting right in [that volume of water anyhow]."*
- F. He said to him, "It is in direct contrast to the matter of forty seahs [of proper water in an immersion pool]. Just as, in the case of forty seahs of water, the pool must be entered through immersion and not through tossing, so in the case of the nine qabs, it should be through tossing and not through immersion."

**II.10** A. R. Nahman had a ewer for nine qabs of water prepared. When R. Dimi came, he said, "R. Aqiba and R. Judah, the locksmith, have ruled, 'That law applies [that the dunking in nine qabs of tossed water suffices] only for a sick man who has an involuntary emission. But if it is a sick man who has



it through intercourse, what is required is immersion in forty seahs.”

- B. *Said R. Joseph, “The ewer of R. Nahman has been broken.”*
- C. When Rabin came, he said, “The case came to Usha, to [22B] the anteroom of R. Oshaia. They came and asked R. Assi. He said to them, ‘The rule applies only for a sick man who has an emission through intercourse, but a sick man who has an involuntary emission is exempt from all [necessity to immerse, either in a regular emission pool or in nine qabs of water].’”
- D. *Said R. Joseph, “The ewer of R. Nahman has been fixed.”*

**II.11** A. *Since all of the cited Amoraic and Tannaite masters differ as to the actions of Ezra, let us see precisely what Ezra ordained.*

- B. Said Abbaye, “Ezra ordained that in the case of a healthy person who had a seminal emission through normal intercourse, immersion in forty seahs [of water in a proper immersion pool is required]. And a healthy person who unwittingly had a seminal emission may attain purification by having nine qabs of water doused on him.
- C. *“And the Amoraic authorities then came along and differed as to the case of a sick man.*
- D. *“One authority maintained that a sick man who did matters in the normal way is in the category of a healthy person who did matters in the normal way, and a sick man who had an emission unwittingly is in the category of a healthy person who had one in the same way.*
- E. *“And the other authority takes the view that a sick man who had an emission in the normal way through intercourse is in the status of a healthy man who had an emission unwittingly, while a sick man who had an emission unwittingly is exempt from all rites of purification.”*
- F. Said Raba, “While, to be sure, Ezra did ordain the rite of immersion, did he ordain the rite of dousing water [at all, as the provision of nine qabs requires]?”
- G. “And did not a master state, ‘Ezra ordained immersion for those men who have had a seminal emission.’”
- H. Rather, said Raba, “Ezra ordained immersion in forty seahs of water for a healthy man who had a seminal emission in the normal way, and rabbis were the ones who came along and made the ordinance that a healthy man who had a seminal emission unwittingly may attain purification through having nine qabs of water doused on him. *Then Amoraim came along and had a dispute as to the status of a sick man.*
- I. *“One master maintained the view that a sick man who had an emission in the normal way is in the status of a healthy man who has had a seminal emission in the normal way, and a sick man who had an emission unwittingly is in the category of a healthy man who had the same.*

- J. *“And the other master maintained that in the case of a healthy person who had a seminal emission in the normal way, an immersion in forty seahs of water is required, and a sick person who has had a seminal emission in the normal way is in the status of a healthy person who has had an emission unwittingly and so suffices with nine qabs of water.*
- K. *“But a sick man who had a seminal emission unwittingly is exempt from all modes of purification.”*
- L. Said Raba, *“The decided law is that a healthy man who had a seminal emission in the normal way and a sick man who had an emission in the normal way are to immerse in forty seahs of waters, and a healthy man who had a seminal emission unwittingly purifies himself in nine qabs of water. But a sick man who had a seminal emission unwittingly is exempt from all modes of purification.*

**II.12** A. *Our rabbis have taught on Tannaite authority:*

- B. **One who had a seminal discharge [on account of illness] upon whom one poured nine qabs of water is clean.**
- C. [T. adds:] **behold he recites [cf. M. Ber. 3:4] for what purpose?**
- D. **For himself. But he cannot exempt others from their obligation [to recite the Shema] unless he first immerses himself in [a pool of] forty seahs [of water].**
- E. **R. Judah says, “[He must immerse himself in] forty seahs in all cases [whether to recite the Shema for himself or to exempt others from the recitation]” [T. Ber. 2:12].**
- F. *R. Yohanan and R. Joshua b. Levi, R. Eleazar and R. Yosé b. R. Hanina:*
- G. *One of the former of the two pairs and one of the latter made a statement on the opening clause of the cited passage.*
- H. *One of them said, “The statement that you have made, **For what purpose? For himself. But he cannot exempt others from their obligation to recite the Shema unless he first immerses himself in a pool of forty seahs of water,*** applies only to a case in which there was a sick man who had an emission in the ordinary way. But a sick man who had an emission unwittingly suffices with a dousing of nine qabs of water.”
- I. *The other of them said, “In the case of anyone who proposes to recite the Shema in behalf of others, even if it is a sick man who has had a seminal emission unwillingly, the man may not do so unless he has immersed in forty seahs of water.”*
- J. *And one of the former pair and one of the latter pair made a statement on the latter part of the same passage.*
- K. One said, “As to this statement that **R. Judah says, ‘He must immerse himself in forty seahs in all cases, [whether to recite the Shema for himself or to exempt others from the recitation],’** that statement applies to water in the ground [e.g., in a river or well]. But as to water in a utensil, that may not be used [for the purpose].”
- L. The other said, “That statement applies even to water drawn in a utensil.”

- M. *Now in the view of him who has said, "Even in utensils," that accords with that which has been taught on Tannaite authority: R. Judah says, "Forty seahs in all cases."*
- N. *But in the view of him who has said, "That rule applies to water on the ground, but not to water in utensils," what further datum is encompassed by the language, "in all cases"?*
- O. *It serves to encompass water that has been drawn [and does not come from a spring].*

**II.13** A. *R. Papa, R. Huna, son of R. Joshua, and Raba bar Samuel, broke bread together. Said R. Papa to them, "Give me the honor of saying the blessing, for nine qabs of water have fallen on me."*

B. *Said to them Raba bar Samuel, "We have learned on Tannaite authority: For what purpose? For himself. But he cannot exempt others from their obligation unless he first immerses himself in a pool of forty seahs of water. Rather, give me the honor of saying the blessing, for forty seahs of water have fallen on me."*

C. *Said to them R. Huna, "Give me the honor of saying the blessing. For neither the one nor the other has fallen on me, [since I had no seminal emission to begin with]."*

D. *R. Hama immersed on the eve of the Passover so as to carry out the obligation [of saying grace] in behalf of the community [gathered for the Passover rite].*

E. *But the law does not follow that view.*

### 3:5

- A. **If a man was standing [and reciting] the Prayer**
- B. **and remembered that he had had a seminal emission,**
- C. **he should not interrupt [his recitation].**
- D. **Rather he should abbreviate [the Prayer].**
- E. **If one went down to immerse himself,**
- F. **If he can come up [from the pool] and cover himself and recite [the Shema] before the sun rises,**
- G. **he should come up and cover himself and recite.**
- H. **And if not, he should cover himself in the water and recite.**
- I. **But he should cover himself neither in foul water nor in water used for soaking [flax],**
- J. **unless he has poured [some fresh] water into it.**
- K. **And how far should one distance himself from it [from foul water] and from excrement [before he may recite the Shema]?**
- L. **Four cubits.**

**I.1** A. *Our rabbis have taught on Tannaite authority:*

- B. **If a man was standing [and reciting] the Prayer and remembered that he had had a seminal emission, he should not interrupt his recitation. Rather, he should abbreviate [the Prayer] [M. 3:5A-D].**

- C. If he was reciting the Torah and remembered that he had had a seminal emission, he should not interrupt the reading and go up [from the reader's stand]. Rather, he reads in a halting manner.
- D. R. Meir says, "A man who has had a seminal emission is not permitted to read more than three verses in the Torah. [Beyond that point, he should stop and leave.]"
- E. *A further teaching on Tannaite authority is as follows:*
- F. If a man was standing [and reciting] the Prayer and saw excrement nearby, he should walk forward until it is left four cubits behind him.
- G. And has it not been taught, "He should walk to one side"?
- H. *There is no contradiction. The one version speaks of a case in which it is possible [to walk forward], the other in which it is not possible to do so.*
- I. If a man was saying the Prayer and found excrement where he was standing,
- J. said Rabbah, "Even though he has committed a sin, his recitation of the Prayer is valid.
- K. *Raba objected to him, "Lo, [it is said], 'The sacrifice of the wicked is an abomination' (Pro. 21:27)."*
- L. Rather, said Raba, "Since he has committed a sin, even though he has said the Prayer, his Prayer is an abomination."

### **Topical Appendix on Not Saying the Prayer When One's Bodily Needs Intervene**

#### **I.2 A.** *It has been taught on Tannaite authority:*

- B. If a man was standing [and reciting] the Prayer and urine dripped onto his knees, he should suspend his praying until the urine stops dripping and then goes back and continues reciting the Prayer.
- C. To what point should he return and take up the Prayer?
- D. R. Hisda and R. Hamnuna:
- E. One of them said, "He goes back to the beginning [of the Prayer]."
- F. The other said, "He goes back to the point at which he broke off."
- G. *May we then propose that this is the principle at issue:*
- H. **[23A]** *One authority takes the view that, if he suspended the Prayer for sufficient time to complete reciting the whole of it, he goes back to the beginning.*
- I. *The other party maintains that he goes back to the place at which he suspended [the praying].*
- J. *Said R. Ashi, "[If that is at issue, then] it was necessary for the framer of the passage to specify both, 'If he suspended' [and] 'If he did not suspend [saying the prayer long enough to complete the whole thing].' [So the formulation of the passage does not accord with the specification of what is at issue.]*
- K. *"Rather, all parties concur that, if the man stopped praying long enough to complete saying the whole of the Prayer, he goes back to the beginning of the Prayer.*

- L. *"At issue now is when the man did not suspend praying at all.*
- M. *"One authority takes the view that the man was unfit to say the prayer [since he could not hold his urine] and it would be inappropriate, so that his recitation of the Prayer is invalid.*
- N. *"The other authority maintains that the man is suitable, and his recitation of the Prayer is valid."*

**I.3 A.** *Our rabbis have taught on Tannaite authority:*

- B. He who has to defecate should not say the Prayer. And if, in that condition, he said the Prayer, his Prayer is an abomination.
- C. Said R. Zebid and some say, R. Judah, "That statement applies only to a case of a man who cannot hold himself in. But if he can hold himself in, his recitation of the Prayer is valid."
- D. How much [must he be able to hold himself in]? Said R. Sheshet, "Sufficient time to walk a parasang."
- E. *There are those who repeat the foregoing tradition with reference to a Tannaite teaching, as follows:*
- F. When is it [the case that his Prayer is an abomination]?
- G. When he cannot hold himself in.
- H. But if he can hold himself in, his recitation of the Prayer is valid.
- I. How much [must he be able to hold himself in]?
- J. Said R. Zebid, "For a parasang."

**I.4 A.** Said R. Samuel bar Nahmani said R. Jonathan, **"He who has to defecate, lo, such a one should not recite the Prayer.**

- B. **"For it is said, 'Prepare to meet your God, O Israel' (Amo. 4:12) [T. Ber. 2:18]."**
- C. *And R. Samuel bar Nahmani said R. Jonathan said, "What is the sense of the following verse: 'Guard your foot when you go to the house of God' (Qoh. 4:17)?*
- D. *"Guard yourself that you not sin, but if you do sin, bring an offering before me."*
- E. *"And come near to listen" (Qoh. 4:17):*
- F. Said Raba, "Be sure to draw near to listen to the teachings of sages, for if they sin, they bring an offering and repent."
- G. *"It is better than when fools give" (Qoh. 4:17):*
- H. *Do not be like fools, who when they sin bring an offering but do not repent.*
- I. *"For they do not know to do evil" (Qoh. 4:17).*
- J. *If so, they are righteous!*
- K. *"Rather: Do not be like the fools who sin and then bring an offering but do not know whether it is on account of a good deed that they bring it or on account of a bad deed that they bring it.*
- L. Said the Holy One, blessed be he, "They do not know how to distinguish between good and evil, and yet they bring an offering before me."
- M. [Interpreting the cited verse], R. Ashi, and some say, R. Hanina bar Papa, said, "Guard your bowels when you stand to recite the Prayer before me."

**I.5 A.** *Our rabbis have taught on Tannaite authority:*

- B. He who goes into a privy should first remove his phylacteries at a distance of four cubits and only then go in.
- C. Said R. Aha bar R. Huna said R. Sheshet, "That statement applies only to a permanent privy, but as to one that is temporary, one may take off his phylacteries and relieve himself forthwith."
- D. "Then, when he leaves the place, he goes for cubits before putting them on, because, by using the privy, he has turned it into a permanent one."
- E. *The following question was raised:* What is the law as to a man's wearing his phylacteries in a permanent privy when he goes in only to urinate?
- F. *Rabina permitted doing so.*
- G. *R. Ada bar Mattena forbade doing so.*
- H. *They came and asked Raba.*
- I. He said to them, "It is forbidden to do so, since we take account of the possibility that one may also defecate while wearing them."
- J. And some repeat the statement in this way: "Perhaps he may fart while wearing them."

**I.6 A.** *A further teaching on Tannaite authority:*

- B. "He who enters a permanent privy must remove his phylacteries while at a distance of four cubits and put them on the window at the side of the public road. Then he goes in. And when he comes out, he goes the distance of four cubits and then he puts them on," the words of the House of Shammai.
- C. And the House of Hillel say, "He holds them in his hand and goes in [and does not have to leave them on the window sill.]"
- D. R. Aqiba says, "He holds them in his garment and goes in."
- E. *Do you think one may hold them in his garment? But there may be times in which they may slip out and fall!*
- F. Rather, "He holds them in his garment with his hand and enters."
- G. And he puts them in a hole at the side of the privy, but he should not put them in a hole at the side of the public road, lest passers-by take them and he become suspect.
- H. There was the case of a disciple who left his phylacteries in a hole at the side of the public way, and a whore came along and took them and came to the study-house and said, "See what So-and-so paid me."
- I. When the disciple heard this, he went up to the top of the roof and threw himself off and died.
- J. On that occasion sages ordained that one should hold the phylacteries in his garment with his hand and then go into the privy.

**I.7 A.** *Our rabbis have taught on Tannaite authority:*

- B. At first people would leave phylacteries in a hole at the side of the privy. But mice came and took them.
- C. They ordained that people should leave them in the windows nearest the public road. But passers-by came along and took them.



- D. They then ordained that a person should hold them in his hand and then enter the privy.
- E. Said R. Miasha, son of R. Joshua b. Levi, “The decided law is that one should roll them up like a scroll and hold them in his right hand next to his heart.”
- F. Said R. Joseph bar Minyomi said R. Nahman, “That is on condition that a strap of the phylactery not protrude below his hand by so much as a handbreadth.”
- G. Said R. Jacob bar Aha said R. Zira, “That rule has been taught if there is yet daylight for the man to put them back on. But if there is no daylight for the man to put them back on, then he makes for them a kind of pocket the size of a handbreadth and puts them away.”
- H. Said Rabbah bar bar Hana said R. Yohanan, “By day one rolls them up like a scroll and puts them against his heart, and by night he makes for them a kind of pocket the size of a handbreadth and puts them away.”
- I. Said Abbaye, “The rule applies only to a case that is meant to serve to hold them, but in the case of something not meant to hold them, even if it is less than a handbreadth [that suffices].”
- J. Mar Zutra, and some say, R. Ashi, said, “You may know that that is the case, for lo, small utensils afford protection from the entry of corpse-uncleanness in a tent that overshadows a corpse [if they are tightly sealed, and that is so even though they are less than a handbreadth in volume].”

**I.8 A.** *And Rabbah bar bar Hana said, “When we followed after R. Yohanan, when he wanted to go into a privy, if he had a scroll containing lore, he would give it to us. When he had in hand phylacteries, he would not give them to us.*

- B. *“He said, ‘Since rabbis have permitted [holding them in hand], [23B] [the phylacteries] will guard us [in the privy].’”*
- C. *Said Raba, “When we went after R. Nahman, if he had a scroll containing lore, he would give it to us. When he hand in hand phylacteries, he would not give them to us.*
- D. *“He said, ‘Since rabbis have permitted [holding them in hand], they will guard us [in the privy].’”*

**I.9 A.** *Our rabbis have taught on Tannaite authority:*

- B. A man should not hold phylacteries in his hand and a scroll of the Torah in his arm and say the Prayer.
- C. Nor should he urinate while holding them or sleep with them either for a regular nap or for a brief snooze.
- D. Said Samuel, “One’s knife, money, dish, or a loaf of bread — lo, they fall into the same category.”
- E. *Said Raba said R. Sheshet, “The law does not accord with the cited teaching on Tannaite authority, for it represents the principle of the House of Shammai.*
- F. *“For, from the viewpoint of the House of Hillel, if in their view it is permitted [to take some of these objects] into a permanent privy, is there any issue as to taking them into a temporary one [e.g., urinating while holding them? Surely the House of Hillel would permit such an act. So an argument a fortiori requires us to assign the law at hand to the Shammaites.]”*

- G. *An objection was raised as follows:*
- H. [A teaching on Tannaite authority is phrased as follows:] “Things that I have permitted to you in one setting I have forbidden in another.”
- I. *Does the cited statement not refer to phylacteries? [Surely it does.]*
- J. *Now from the viewpoint of the House of Hillel, the cited statement may be interpreted in the following way: I have permitted to you here, in a permanent privy, what I have forbidden to you there, in a random privy [namely, use of phylacteries].*
- K. *But if it should follow the position of the House of Shammai, [it would make no sense,] for they permit nothing [under either circumstance].*
- L. *The cited statement [H] was taught on Tannaite authority with reference to the baring of a handbreadth and two handbreadths.*
- M. *For it has been taught on Tannaite authority as follows:*
- N. When a person defecates, he bares a handbreadth behind and two in front.
- O. *And a further teaching on Tannaite authority has a handbreadth behind and nothing in front.*
- P. *Now is it not the case that both statements refer to a man, and do not contradict one another, for the one statement refers to defecating and the other urinating.*
- Q. *But does that stand to reason? For if reference is made only to urinating, then what sense is there in referring to “a handbreadth behind”?*
- R. *Rather, both statements refer to defecation, and there still is no contradiction between them, for one refers to a man, the other to a woman.*
- S. *If it is so [that the statement, “Things permitted... prohibited...” refers to a man and a woman], then note what has been taught on Tannaite authority in this connection:*
- T. “This is an argument a fortiori that cannot be refuted.”
- U. *What sense is there in claiming that that statement cannot be refuted? It is the way things are!*
- V. *Rather does this not refer to phylacteries and constitute a refutation of what Raba said R. Sheshet said?*
- W. *It does indeed refute what he said.*
- X. *In any event there is this problem:*
- Y. Now if a permanent privy is a forbidden place for use of phylacteries, will not a temporary privy all the more so be a place forbidden for use of phylacteries?
- Z. *This is the sense of the matter: In a permanent privy, in which there is no splashing, it is permitted [to carry phylacteries].*
- AA. In a temporary one, in which there is splashing, it is forbidden [to carry phylacteries].
- BB. *If that is the case, then what sort of claim is it that there is no refutation? There is a perfectly valid refutation for such a statement.*
- CC. *This is the sense of the passage:*
- DD. This matter [permitting phylacteries in a permanent privy and prohibiting them in a temporary one] is founded upon a reason [namely, the issue of splashing], and not on an argument a fortiori.

EE. For if it rested on an argument a fortiori, this is an argument a fortiori which could not be refuted [that is, an argument constructed on the regular privy and the temporary one].

**I.10** A. *Our rabbis have taught on Tannaite authority:*

- B. He who wants to join in a regular meal [but has to relieve himself first] should walk four cubits ten times or ten cubits four times, and defecate, and afterward join the meal.
- C. Said R. Isaac, "He who joins in a regular meal should remove his phylacteries and then go in to the meal."
- D. *And this differs from the view of R. Hiyya.*
- E. For R. Hiyya said, "He may leave them on his table, and they serve as an ornament for him."
- F. How long?
- G. Said R. Nahman bar Isaac, "To the time of the blessing [of the food in the Grace after Meals]."

**I.11** A. *One Tannaite teaching states:* One may tie up his phylacteries with his money in his undergarment."

- B. *Another Tannaite teaching says,* "One may not do so."
- C. *There is no contradiction. In the one case [in which one may do so], it is because he has designated the place for that purpose, and in the other instance, he did not designate it for that purpose.*
- D. *For R. Hisda said, "As to a scarf which one designated for tying up his phylacteries, when he has tied up his phylacteries in it, it is forbidden then to tie up his money in it.*
- E. *"If he designated it, but did not tie up his phylacteries in it, or tied them up but did not designate the cloth for that purpose, it is permitted to tie up money in that cloth."*
- F. *And in the view of Abbaye, who has said, "Designation by itself [without actual use of the thing for the designated purpose] is of consequence," if he designated the cloth even though he did not tie up his phylacteries in it, it is forbidden to tie up money in it. If he did not designate it for phylacteries, it is not forbidden to tie up money in it.*

**I.12** A. R. Joseph, son of R. Nehunia, asked R. Judah, "What is the law on a man's leaving his phylacteries under his pillow?"

- B. "As to leaving them under one's feet, *that poses no question to me*, for doing so would be to treat them contemptuously.
- C. *"What interests me as to the law about putting them under one's pillow."*
- D. *He said to him, "This is what Samuel said, 'It is permitted, and that is the case even if his wife is with him in bed.'"*
- E. *An objection was raised from the following formulation:* A man should not leave his phylacteries under his feet, because doing so is to treat them contemptuously, but he may leave them under his pillow, though if his wife was in bed with him, it is forbidden. If there is a place [projecting from the bed] three handbreadths higher or lower, it is permitted [to put the phylacteries in that place].

- F. *Is this not a refutation of the ruling of Samuel?*
- G. *It indeed is a refutation.*
- H. *Said Raba, "Even though it has been taught on Tannaite authority in refutation of the position of Samuel, nonetheless the law accords with his position.*
- I. *"What is the reason?*
- J. *"[24A] Whatever serves to guard [the phylacteries] to a greater degree is to be preferred [without reference to the issue of disrespect]."*
- K. *And where does one leave them?*
- L. *Said R. Jeremiah, "Between the blanket and the pillow, but not directly beneath one's head."*
- M. *And lo, R. Hiyya taught on Tannaite authority, "One leaves them in a cover under his pillow. [That would indicate one puts the bag under his head.]"*
- N. *The sense is that one makes the top of the cover [at which the phylacteries are located] project outside [the area of the pillow].*
  - O. *Bar Qappara would [Simon:] tie them in the bed-curtain and make them project outside.*
  - P. *R. Shisha, son of R. Idi, left them on a stool and spread a cloth over them.*
  - Q. *R. Hamnuna, son of R. Joseph, said, "Once I was standing before Raba, and he said to me, 'Go and bring me my phylacteries.' I found them between the blankets and the pillow, but not directly beneath the head. So I realized that it was the day on which his wife was to immerse [having had sexual relations with him], and he had sent me so as to learn how the law is actually practiced."*

- I.13 A.** *R. Joseph, son of R. Nehunia, asked R. Judah, "In the case of two people who slept in a single bed, what is the law as to having this one turn away and recite the Shema, and that one do the same?"*
- B. *He said to him, "This is what Samuel said, "Even if one's wife is with him [it is permitted to do so]."*
  - C. *R. Joseph objected, "'His wife' and one need not ask about someone else? [That is, if his wife may be present, anyone else likewise would fall under the same rule.] To the contrary, his wife is in the status of himself, while another is not in the status of himself, [and hence Samuel's view of the rule governing the presence of the wife does not reply to the question]."*
  - D. *An objection was raised from the following formulation of the law:*
  - E. **In the case of two who were sleeping in one bed, this one turns his face away and recites the Shema, and so does the other [T. Ber. 2:15C-D].**
  - F. *Another Tannaite teaching states: He who is sleeping in bed, with his children and members of his household by his side — lo, this one should not recite the Shema unless there was a cloak intervening between them. But if his children and dependents were minors, it is permitted [to do so without a partition].*
  - G. *Now from the perspective of R. Joseph, there is no contradiction between these two formulations of the rule [at E, F]. One would speak of the presence of his wife, the other of the presence of some other party.*

- H. *But from the perspective of Samuel, there surely is a contradiction [between the two statements].*
- I. *Samuel may reply to you, "And do things really work out for R. Joseph? Has it not been taught on Tannaite authority: 'If he was sleeping in bed, with his children and dependents in bed, he should not recite the Shema unless a cloak intervened between them. [That statement surely would encompass the presence of his wife, so from Joseph's viewpoint, the contradiction is still blatant, as much as it is from Samuel's.]*
- J. *"Rather, what can you say? It is a dispute among Tannaite authorities, and, from my perspective too, we have a dispute among Tannaite authorities."*

**I.14** A. A master has said, "This one turns his face away and recites the Shema...."

- B. *And lo, there is contact at the buttocks!*
- C. *That supports the view of R. Huna, for R. Huna said, "Contact at the buttocks is not subject to the consideration of sexuality."*
- D. *May I say that the following supports the view of R. Huna:*
- E. **A woman may sit naked and cut off her dough-offering, because she can cover up her 'face' [sexual parts] on the ground, but a man may not [do so] [M. Hal. 2:3].**
- F. *R. Nahman bar Isaac explained, "The case would involve one in which her 'face' [including the buttocks] was covered by the ground, [and the passage then would not necessarily support Huna's position]."*

**I.15** A. A master said, "If his children and dependents were minors, it is permitted."

- B. *Up to what age?*
- C. *Said R. Hisda, "In the case of girls, up to three years and on one day, and in the case of boys, up to nine years and one day."*
- D. *There are those who say, "In the case of girls up to eleven years and one day, and in the case of boys up to twelve years and one day."*
- E. *And with both of them it is up to the time that "Your breasts were fashioned and your hair was grown" (Eze. 16: 7).*
  - F. *Said R. Kahana to R. Ashi, "In the other case Raba has said that even though there is a refutation of the position of Samuel, the law follows Samuel. Here what is the law?"*
  - G. *He said to him, "Are all of them spun of a single web? But where such a statement has been made it has been made and applies. And where such a statement has not been made it has not been made."*
  - H. *Said R. Mari to R. Papa, "If a hair protrudes through a garment, what is the law [as to regarding it as indecent exposure (Simon)]?"*
  - I. *He called it "a hair, a hair." [We do not take account of it.]*

**I.16** A. Said R. Isaac, "An exposed handbreadth [of flesh] in the case of a woman is regarded as a matter of sexuality [and not to be permitted]."

- B. *For what purpose?*

- C. *If I say that the rule treats the matter of gazing upon such a thing, lo, said R. Sheshet, “Why did Scripture list ornaments worn outside clothing along with those worn inside [at Num. 31:5]? It was to tell you that whoever looks even at the little finger of a woman is as if he stared at her sexual parts.”*
- D. Rather, the rule relates to one’s own wife, and it pertains to the recitation of the Shema [so that if one’s wife exposes so much as a handbreadth of flesh, one may not recite the Shema in her presence].
  - E. Said R. Hisda, “A woman’s leg is a matter of sexuality, as it is said, ‘Uncover the leg, pass through the rivers’ (Isa. 47: 2), and thereafter, ‘Your nakedness shall be uncovered, yes, your shame shall be seen’ (Isa. 47:43).”
  - F. Said Samuel, “A woman’s voice is a matter of sexuality, as it is said, ‘For your voice is sweet and your face pretty’ (Son. 2:14).”
  - G. R. Sheshet said, “A woman’s hair is a matter of sexuality, as it is said, ‘Your hair is as a flock of goats’ (Son. 2:14).”

**I.17** A. Said R. Hanina, “I saw Rabbi [Judah the Patriarch] hang up his phylacteries [on a peg].”

- B. *It was objected:* He who hangs up his phylacteries will have his life suspended.
- C. Those who expound the main point stated, “‘And your life will hang in doubt before you’ (Deu. 28:66) refers to those who hang up their phylacteries.”
- D. *There is no contradiction.* The one [Hanina] refers to hanging them up by the strap, the other [B, C] refers to hanging them up by the box.
- E. *And if you wish, I shall propose that there is no difference between hanging them up by the strap and by the box. In both cases it is forbidden.*
- F. But when Rabbi hung up his, it was by the case [in which he kept them].
- G. *If that is so, then what do we learn from that fact?*
- H. *What might you have maintained? That phylacteries must be carefully laid away, like a scroll of the Torah? So we are informed that that is not the rule.*

**I.18** A. And R. Hanina said, “I saw Rabbi [while reciting the Prayer] belch, yawn, sneeze, spit, **[24B]** and shift his clothes. But he did not cloak himself [pulling the cloak over his head].

- B. “And when he burped, he put his hand to his chin [Simon].”
- C. *An objection was raised on the basis of the following rule:* One who makes his voice heard when he recites the Prayer — lo, he is one of those of little faith. He who raises his voice while saying his Prayer, lo, he is one of the false prophets. He who belches and yawns is one of the arrogant people. He who sneezes during the recitation of his Prayer is under a bad omen. And some say, It is a sign that he is a vile person. One who spits while reciting his Prayer is as if he spit before the King.



- D. *Now with reference to belching and yawning, there is no contradiction [between what Rabbi did and the cited rule], for the one did so perforce and the other speaks of doing so deliberately.*
- E. *But surely there is a contradiction between the two statements in regard to sneezing.*
- F. *No, there is no contradiction with regard to sneezing. The one [Rabbi's case] speaks of doing so above [through the nose], the other below [as a fart].*
- G. *For R. Zira said, "The following teaching was tangentially reported to me in the house of R. Hamnuna, and is worth everything else I have ever learned:*
- H. *"He who sneezes while he is reciting his Prayer is subject to a good omen. Just as here below that gives him relief, so up above he will be given relief."*
- I. *But the two statements as regards spitting do present a contradiction.*
- J. *The two statements concerning spitting pose no contradiction at all.*
- K. *For it is in accord with R. Judah, since R. Judah said, "If one was standing and reciting his Prayer and spit came to his mouth, he absorbs it in his cloak, or, if it is a good cloak, in his scarf."*
- L. *Rabina was standing before R. Ashi.. Spit collected. He spat behind himself. R. Ashi said to him, "Does the Master not concur with what R. Judah said, that he covers it up with his scarf?"*
- M. *He said to him, "I am squeamish [Simon]."*

**I.19** A. One who makes his voice heard when he recites the Prayer — lo, he is one of those of little faith.

- B. Said R. Huna, "That statement applies only to one who can properly direct his heart if he says the prayer in a whisper. But if he cannot direct his heart if he says the Prayer in a whisper, it is permitted.
- C. "But that ruling applies when an individual is by himself. In the case of the community, he may [not] disturb the other people."

**I.20** A. *R. Abba was avoiding R. Judah, for [the former] wanted to go up to the Land of Israel, while R. Judah held, "Whoever goes up from Babylonia to the Land of Israel violates a positive commandment, for it is said, 'They shall be brought to Babylonia and there they shall be until the day that I remember them, says the Lord' (Jer. 27:22)."*

- B. *He said, "I shall go and hear what he is saying in the meeting house."*
- C. *He went and found the Tannaite authority reciting before R. Judah, "If a person was standing and reciting the Prayer and he farted, he should wait until the stink passes and then go back and say the Prayer."*
- D. *"There are those who say, 'If one was standing and reciting the Prayer and he wanted to fart, he steps four cubits back and farts and then he waits until the stink passes and returns and says the Prayer.'*
- E. *"And he says, 'Lord of the universe, You have formed us with various holes and vents. You know full well our shame and humiliation, in our lives and in our destinies, in worms and maggots.'*

- F. "Then he begins from the place at which he had interrupted the prayer."  
G. He said, "Had I come only to hear this, it would have been enough for me."

**I.21** A. *Our rabbis have taught on Tannaite authority:*

- B. If who was sleeping in his cloak and cannot put his head out because of the cold makes a partition with his cloak around his neck and then recites the Shema.  
C. And some say, "Around his heart."  
D. *Now from the viewpoint of the version of the first of the two Tannaite authorities,* lo, his heart is in sight of his sexual parts.  
E. *He takes the view that* if his heart is in sight of his sexual parts, it is still permitted.

- I.22** A. Said R. Huna said R. Yohanan, "If one was walking in dirty alleys, he puts his hand over his mouth and recites the Shema."  
B. *Said to him R. Hisda, "By God! Were R. Hisda to make that statement to me with his own mouth, I should pay no attention to him."*  
C. *There are those who say,* Said Rabbah bar bar Hana said R. Joshua b. Levi, "If someone was walking in dirty alleyways, he puts his hand over his mouth and recites the Shema."  
D. *Said to him R. Hisda, "By God! If R. Joshua b. Levi made that statement to me with his own mouth, I would not pay any attention to him."*  
E. *But did R. Huna make that statement?*  
F. And did R. Huna not say, "It is forbidden for a disciple of sages to stand in a dirty place, because he cannot stand without meditation on Torah teachings."  
G. *There is no contradiction. The one statement speaks of merely standing, the other of walking [and the latter is permitted].*  
H. *And did R. Yohanan make such a statement?*  
I. And has not Rabbah bar bar Hana said R. Yohanan said, "In every place it is permitted to meditate on Torah-teachings, except for the bath-house and privy"?  
J. *And if you should say here too, the one statement speaks of standing there, the other of merely walking,*  
K. *can this be so?*  
L. *For lo, R. Abbahu followed after R. Yohanan, and [Abbahu] was reciting the Shema. When he came to dirty alleyways, he fell silent.*  
M. *He said to R. Yohanan, "Where do I pick up the recitation?"*  
N. *He said to him, "If you suspended the recitation for long enough to complete reciting the whole thing, you go back to the beginning."*  
O. *This is the sense of his statement: "In my view, I do not agree [that you had to cease reciting the Shema at all], but in your view, holding as you do that you must cease the recitation, then if you suspended the recitation for long enough to complete reciting the entire passage, you must go back to the beginning."*  
P. *There is a Tannaite teaching according to the view of R. Huna and another according to the view of R. Hisda.*  
Q. *The Tannaite teaching according to the view of R. Huna is as follows:*  
R. He who is walking through dirty alleyways puts his hand over his mouth and recites the Shema.

- S. *The Tannaite formulation in accord with R. Hisda is as follows:*
- T. He who is walking through dirty alleyways should not recite the Shema.
- U. And not only so, but if he was reciting the Shema and came to such a place, he should stop reciting.
- V. *If he did not stop, what is the law?*
- W. Said Miasha, son of the son of R. Joshua b. Levi, "Concerning such a person Scripture says, 'Wherefore I gave them also statutes that were not good and ordinances whereby they should not live' (Eze. 20:25)."
- X. R. Assi said, "'Woe to them who draw iniquity with cords of vanity' (Isa. 5:18)."
- Y. R. Adda b. Ahba said, "'Because he has despised the word of the Lord' (Num. 15:31)."
- Z. *And if he does stop reciting, what is his reward?*
- AA. R. Abbahu said, "In his regard Scripture states, 'Through this word you prolong your days' (Deu. 32:47)."

**I.23** A. Said R. Huna, "If one's cloak was tied around his waist [leaving his upper body naked], it is permitted to recite the Shema."

- B. *It has been taught on Tannaite authority along these same lines:*
- C. **If one's garment, whether of cloth, leather, or sacking, is tied around his waist, it is permitted to recite the Shema.**
- D. **[25A] But as to the recitation of the Prayer, one may do so only if he covers his heart [T. 2:14H-I].**

**I.24** A. And R. Huna said, "If one forgot and went into the privy while wearing his phylacteries, he puts his hand over them until he completes [his defecation]."

- B. "Until he completes it" what do you think?!
- C. Rather said R. Nahman bar Isaac, "Until he finishes his first discharge."
- D. But let the man stop immediately and hold it in?
- E. *It is on account of what R. Simeon b. Gamaliel said, For it has been taught on Tannaite authority:*
- F. Rabban Simeon b. Gamaliel says, "Holding in the faeces causes dropsy, holding in urine causes jaundice."

**I.25** A. *It has been stated on Amoraic authority:*

- B. [If there is] excrement on one's body, or one's hand was [poked through a window] into a privy,
- C. R. Huna said, "It is permitted to recite the Shema."
- D. R. Hisda said, "It is forbidden to recite the Shema."
- E. *Said Raba, "What is the scriptural basis for the position of R. Huna? It is written, 'Let everything that has breath praise the Lord' (Psa. 150: 6)."*
- F. And R. Hisda said, "It is forbidden to recite the Shema."
- G. *What is the scriptural basis for the view of R. Hisda? It is written, 'All my bones shall say, Lord, who is like you' (Psa. 35:10)."*

**I.26** A. *It has been stated on Amoraic authority:*

- B. As to a stench coming from some tangible source [Simon],
- C. R. Huna said, "One gets four cubits away from it and recites the Shema."
- D. And R. Hisda said, "One gets four cubits away from the place at which the stench ceases and recites the Shema."
- E. *There is a teaching on Tannaite authority in accord with the view of R. Hisda:*
- F. A person should not recite the Shema in the presence of excrement of man, dogs, pigs, chickens, or of a garbage dump that stinks.
- G. And if it was a place ten handbreadths high or ten handbreadths deep, one may sit beside it and recite the Shema.
- H. If not, he should get out of sight of it.
- I. And so is the rule for reciting the Prayer.
- J. As to a stench that comes from some tangible source, one gets four cubits away from the place of the stench and recites the Shema.
- K. *Said Raba, "The law does not accord with the foregoing statement on Tannaite authority but rather in accord with that which follows:*
- L. *"A person should not recite the Shema in the presence of excrement of man, dogs, or pigs when he puts skins in them [for tanning]."*
- M. *People asked R. Sheshet, "What about a stench that comes from no tangible source [that is, a fart]?"*
- N. *He said to them, "Take a look at the mats in the school house. Some are sleeping [and farting], while others are studying.*
- O. *"And that ruling applies to words of Torah [which one may continue to recite]. But as to the recitation of the Shema, one may not [go ahead in the presence of such a stench].*
- P. *"And as to studying the Torah, the rule that one may continue studying in the presence of a stench applies only to the fart of one's fellow, but as to one's own fart, he may not [continue studying but must wait until the stench passes]."*

**I.27** A. *It has been stated on Amoraic authority:*

- B. As to excrement that is passing by [in a dung-cart].
- C. Abbayye said, "It is permitted to recite the Shema [while the stench is going by]."
- D. Raba said, "It is forbidden to recite the Shema."
- E. *Said Abbayye, "On what basis do I make this statement? As it we have learned in the Mishnah:*
- F. **"If an unclean [bit of corpse-matter] is located still under a tree and a clean person is passing by, the latter becomes unclean. If the clean person is standing still under a tree and [a bit of corpse-matter, which is] unclean [and transmits uncleanness through overshadowing] is carried by, the clean person remains clean. But if the corpse-matter was left to stand still [under the same tree], the clean person becomes**

**unclean. So too is the rule for a stone afflicted with a nega [M. Neg. 13:7].”**

- G. *And Raba may reply to you, “The rule in that case is such because the matter depends upon what is permanently set in place, for it is written, ‘He shall dwell alone, outside of the camp shall his dwelling be’ (Lev. 13:46). But in this case, the All-Merciful has said, ‘Therefore your camp shall be holy’ (Deu. 23:15), and that stipulation has not been met.”*

### **I.28**

- A. Said R. Papa, “A pig’s snout is in the category of excrement that is being carried by.”
- B. *That is self-evident.*
- C. *No, it was necessary to make that point explicit. [Why? It pertains] even though the pig is coming up out of the river.*

- I.29** A. Said R. Judah, “In a case of doubt concerning the presence of excrement, the doubt is resolved in favor of prohibition [of recitation of the Shema]. In a case of doubt concerning the presence of urine, the doubt is resolved in favor of permission [to recite the Shema].”
- B. *There are those who report the saying as follows:*
- C. Said R. Judah, “In a case of doubt concerning the presence of excrement, if it is in the house, it is resolved in favor of permission, and if it is on the dung heap, it is resolved in favor of prohibition. In a case of doubt concerning the presence of urine, even if it is on the dung heap, it is resolved in favor of permission.”
- D. *The foregoing principle accords with the teaching of R. Hamnuna.*
- E. For R. Hamnuna said, “[The Torah] has prohibited [reciting the Shema] only in the very presence of an actual stream [of urine].”
- F. *And it accords with what R. Jonathan said, for R. Jonathan contrasted verses, “It is written, ‘You shall have a place also outside of the camp, to which you shall go out’ (Deu. 23:13), and it also is written, ‘And you shall have a paddle.. and you shall cover what excretes from you’ (Deu. 23:14). [Thus in the one case one has to leave the camp, in the other he has merely to bury excretions].*
- G. “How so? The one speaks of defecation, the other of urine.”
- H. “Therefore in the case of urine the Torah has prohibited [reciting the Shema] only in the very presence of the actual stream of urine.
- I. “But as to what falls to the ground, that is permitted [as a location in which one may recite the Shema], *and it is rabbis who have made a decree against reciting the Shema in that case. But the decree pertains only to where such urine is assuredly present. Where it is merely a matter of doubt, rabbis made no such decree.*”
- J. And in the case in which urine is assuredly present, to what extent [must urine be present for the recitation of the Shema to be prohibited]?
- K. Said R. Judah said Samuel, “So long as the urine remains moist.”
- L. And so said Rabbah bar bar Hana said R. Yohanan, “So long as the urine remains moist.”
- M. And so said Ulla, “So long as the urine remains moist.”

- N. Geniba said in the name of Rab, "So long as the mark of the urine can be made out."
- O. *Said R. Joseph, "May the master of Geniba forgive him. If in the case of excrement, R. Judah said Rab said, 'Once the surface of the excrement has dried up, it is permitted [to recite the Shema,] is there any question about the matter of urine?'"*
- P. *Said Abbaye to him, "Why rely on that version of his view? Rely on this version:*
- Q. "For Rabbah bar R. Huna said Rab said, 'In the case of excrement, even if it is as hard as a potsherd, it is still forbidden [to recite the Shema in its vicinity].' [Hence the criticism of Joseph need not stand at all.]"
- R. *And what is the definition of excrement as hard as a potsherd?*
- S. Said Rabbah bar R. Hana said R. Yohanan, "[If] it does not break even when one throws it [onto the ground], [it is not as hard as a potsherd]."
- T. And there are those who say, "[If] one rolls it along the ground and it does not break, [it is not as hard as a potsherd]."
- U. *Said Rabina, "I was standing before R. Judah of Difti and saw a piece of excrement. He said to me, 'Examine it to see whether or not the surface has hardened.'"*
- V. *Some say he said to him, "See if it has formed cracks."*
- W. *What is the upshot of the matter?*
- X. *It has been stated on Amoraic authority:*
- Y. Excrement like potsherd:
- Z. Amemar said, "It is forbidden [to recite the Shema in its presence]."
- AA. And Mar Zutra said, "It is permitted."
- BB. Said Raba, "The decided law is that it is forbidden to recite the Shema in the presence of excrement as hard as potsherd, and as to urine, so long as the urine is yet moist, [it is forbidden to recite the Shema in its presence]."
- CC. *People objected by citing the following:* "As to urine, so long as it is moist, it is forbidden [to recite the Shema in its vicinity]. Once it is absorbed by the ground or dried up, it is permitted to do so."
- DD. *Now is it not the case that we draw an analogy between the urine's being absorbed and its drying up?* Just as, in the case of urine's drying up, it is no longer to be discerned, so, if it is absorbed, it no longer can be discerned. In that case, if it still can be discerned, it is prohibited to recite the Shema in its vicinity, and that is the case even though the urine is not moist any more! [So the rule at hand bears the implication contrary to the decision cited by Raba].
- EE. *But by your own reasoning, I may call attention to the opening clause:* So long as it is moist is the time that it is



forbidden to recite the Shema. Lo, if the mark of the urine yet is to be discerned, it is permitted to recite the Shema.

FF. *Accordingly, from the cited passage no inferences may be drawn..*

GG. *May I propose that we have at hand a dispute among Tannaite authorities:*

HH. As to a utensil from which urine has been poured out, it is forbidden to recite the Shema in its vicinity. But as to the urine itself which has been poured out, once the urine has been absorbed by the ground, it is permitted to recite the Shema. But while the urine has not yet been absorbed into the ground, it is forbidden to recite the Shema.

II. R. Yosé says, “So long as the urine is moist [it is forbidden to recite the Shema].”

JJ. *What is the sense of “absorbed” and what is the sense of “not absorbed” to which the former of the two authorities makes reference?*

KK. *If I should say, it is “absorbed” in the sense that the urine is not any longer moist and “not absorbed” in the sense that the urine is yet moist, and R. Yosé takes the view that so long as the urine is moist is the time at which it is forbidden to recite the Shema in the vicinity of the urine, while if the presence of the urine is to be discerned [but it is not moist], it is permitted to recite the Shema, then, well, that is the position of the first of the two authorities in any event!*

LL. Rather, the sense of “absorbed” must be that the presence of the urine is not to be discerned, and “not absorbed” means that the presence of the urine is to be discerned.

MM. *Then R. Yosé’s contribution is to make the point that so long as the urine is moist it is forbidden to recite the Shema, but if the urine is to be discerned [but it is not moist], it is permitted to recite the Shema.*

NN. *No [that interpretation of the cited passage is not correct]. All parties concur that, so long as the urine is moist, it is forbidden to recite the Shema. If the presence of urine is to be discerned, it is permitted to recite the Shema.*

OO. **[25B]** *But here at issue between the two authorities is a case in which the urine must be wet enough to wet down something else. [Simon, p. 152, n. 3:*

Only in this case does the first Tannaite authority forbid, but R. Yosé is more stringent].

**II.1 A. If one went down to immerse himself, [if he can come up from the pool and cover himself and recite the Shema before the sun rises, he should come up and cover himself and recite it] [M. 3:5E-G]:**

- B. *May one propose that the Tannaite authority who is anonymous accords with the view of R. Eliezer, who said, "[One recites the Shema] until sunrise" [M. Ber. 1:2]?*
- C. *You may even hold that it is in accord with the view of R. Joshua but framed in terms of the practice of the oldtimers.*
- D. For R. Yohanan said, "The oldtimers would complete the recitation of the Shema prior to sunrise."

**III.1 A. And if not, he should cover himself in the water and recite [the Shema] [M. 3:5H]:**

- B. But lo, his heart is in sight of his sexual parts!
- C. *Said R. Eleazar, or, some say, R. Aha bar Abba bar Aha in the name of Our Rabbi, "The authorities have taught the passage with reference to cloudy water, which is in the category of solid earth,*
- D. *"so that his heart should not be in sight of his sexual parts."*

**III.2 A. Our rabbis have taught on Tannaite authority:**

- B. In the case of clear water one may crouch down up to his neck and recite the Shema.
- C. And some say, "He stirs them up with his foot."
- D. *But in the view of the first Tannaite authority, lo, his heart will be in sight of his sexual parts!*
- E. *He takes the view that if his heart is in sight of his sexual parts, it is nonetheless permitted to recite the Shema.*
- F. But lo, his heel is in sight of his sexual parts.
- G. *He takes the view that if his heel is in sight of his sexual parts, it is permitted to recite the Shema.*
- H. *It has been stated on Amoraic authority:*
- I. If one's heel is in sight of his sexual parts, it is permitted to recite the Shema.
- J. If it is actually touching,
- K. Abbaye said, "It is forbidden to recite the Shema.
- L. And Raba said, "It is permitted to do so."
- M. *That is how R. Zebid repeated this passage.*
- N. *By contrast, this is the version of R. Hinena, son of R. Iqa:*
- O. If the heel is touching, all parties concur that it is forbidden to recite the Shema.
- P. If it is within sight.
- Q. Abbaye said, "It is forbidden to recite the Shema."

- R. Raba said, "It is permitted. The Torah was not given over to [disembodied] angels."
- S. The decided law is that if it touches it is forbidden, but if it is within sight, it is permitted.

**III.3 A.** Said Raba, "As to excrement seen through a mirror, it is permitted to recite the Shema in its presence.

- B. "If he sees sexual parts in that way, he must not recite the Shema in its presence."
- C. "If one sees excrement through a mirror, it is permitted to recite the Shema in its presence," *because the issue of excrement depends on the matter's being covered up, and lo, this is covered up.*
- D. "If one sees sexual parts in that way, he must not recite the Shema in its presence," because "That he see no unseemly thing in you" (Deu. 23:15) is what the All-Merciful has said, and here it is seen.

**III.4 A.** Said Abbaye, "Excrement in any volume at all one may annul with a bit of spit."

- B. Said Raba, "It must be thick spit."
- C. Said Raba, "If there is a bit of excrement in a hole, one puts his sandal over it and recites the Shema."
- D. Mar, son of Rabina, asked, "If there is excrement clinging to one's sandal, *what is the rule?*"
- E. *The question stands.*

**III:5 A.** Said R. Judah, "It is forbidden to recite the Shema in the presence of a naked gentile."

- B. Why specify a naked gentile? It is also forbidden to do so in the presence of a naked Israelite.
- C. *It is self-evident to him that it is forbidden to do so before a naked Israelite. The question was pressing only with regard to a gentile. What might you have maintained? Since it is written in their regard, "Whose flesh is as the flesh of asses and whose issue is as the issue of horses" (Eze. 23:20), I might have supposed that the gentile is in the status of a mere ass. So we are informed that they too fall into the category of sexuality. For it is written, "And the sexual parts of their father they did not see" (Gen. 9:23).*

**IV.1 A.** But he should cover himself neither in foul water nor in water used for soaking flax unless he has poured some fresh water in it [M. 3:5I-J]:

- B. *How much water does a person have to keep pouring in?!*
- C. *Rather, this is the sense of the passage:*
- D. One should under no circumstances cover himself either in foul water or in water used for soaking flax.
- E. And as to urine, one may do so only if he pours fresh water in; then he may recite the Shema.

**IV.2 A.** Our rabbis have taught on Tannaite authority:

- B. How much water should one pour in? Any volume whatsoever.
- C. R. Zakkai says, "A quarter-log of water."

- D. Said R. Nahman, "There is a dispute in a case in which the water is poured in at the end [after the urine is there], but if the water is there first [before urine], then any amount of water will do."
- E. R. Joseph said, "The dispute concerns the volume of water that must be present to begin with. But if the urine is there first and then the water is put in, all parties concur that it must be quarter-log."
- F. *Said R. Joseph to his servant, "Bring me a quarter-log of water, in accord with the view of R. Zakkai."*

**IV.3** *A. Our rabbis have taught on Tannaite authority:*

- B. **As to a chamber pot for excrement and a piss-pot, it is forbidden to recite the Shema in their presence, and that is the case even though there is nothing in them.**
- C. **As to urine itself, one may recite the Shema in its presence only if one will put water in.**
- D. **And how much water must he put in?**
- E. **Any amount of water.**
- F. **R. Zakkai says, "A quarter log of water."**
- G. **The foregoing rule applies whether the chamber-pot or piss-pot is located in front of the bed or behind the bed.**
- H. **Rabban Simeon b. Gamaliel says, "If it is behind the bed, one may recite the Shema, If it is in front of the bed, one may not recite the Shema, unless he goes four cubits away from the pot, and he may then recite the Shema.**
- I. **R. Simeon b. Eleazar says, "Even in a room a hundred cubits wide, one may recite the Shema only if he removes the pots or if he puts them under the bed" [cf. T. [Ber. 2:16E-L](#)].**
- J. *The following question was raised:*
- K. *What is the sense of [Simeon b. Gamaliel's] statement?*
- L. Did he mean that if it is behind the bed, one may recite the Shema forthwith, while if it is in front of the bed, he has to go a distance of four cubits and then he may recite the Shema?
- M. *Or perhaps this is the sense of his statement:* If it is behind the bed, he must go a distance of four cubits before reciting the Shema. If it is before the bed, he may not recite the Shema at all.
- N. *Come and take note, for it has been taught on Tannaite authority:*
- O. R. Simeon b. Eleazar says, "If it is behind the bed one may recite the Shema forthwith. If it is in front of the bed, one has to go a distance of four cubits [before reciting the Shema]."
- P. Rabban Simeon b. Gamaliel says, "Even if the room is a hundred cubits, one should not recite the Shema unless he removes them or leaves them under the bed."
- Q. *That answers our questions, but the Tannaite traditions contradict one another.*
- R. *Reverse the [names] in the latter of the two statements.*
- S. *Why reverse the names in the latter version, rather reverse the names in the former of the two versions!*

- T. *In whose opinion have you heard it said that the whole of a room may be constituted by four cubits [which accounts for the instruction to go four cubits away from the piss-pot]?*
- U. *It is R. Simeon b. Eleazar.*

**IV.4** A. Said R. Joseph, "I asked R. Huna as follows:

- B. *"In the case of a bed lower than three handbreadths in height it is self-evident to me that it is as if it were attached to the ground. [Whatever is located underneath it is as if it were buried in the ground.] In the case of one that is three, four, five, six, seven, eight, or nine high, what is the law?*
- C. *He said to him, "I do not know. But there is no question in my mind as to the status of one that is ten handbreadths high."*
- D. *Said Abbaye, "You did well not to ask about one ten handbreadths high, for any domain that is ten handbreadths above the ground constitutes a distinct domain."*
- E. *Said Raba, "The decided law is that a bed three handbreadths high is regarded as attached to the ground. One that is ten handbreadths high constitutes a distinct domain. As to a bed that is from three to ten handbreadths high, this is the question that R. Joseph addressed to R. Huna, and he did not know the answer."*

**IV.5** A. Said Rab, "The law is in accord with the view of R. Simeon b. Eleazar, and so did Bali say."

- B. Said R. Jacob, son of the daughter of Samuel, "The law is in accord with R. Simeon b. Eleazar."
- C. And Raba said, "The law is not in accord with R. Simeon b. Eleazar."

**IV.6** A. *R. Ahai made a match for his son with a daughter of the household of R. Isaac bar Samuel bar Marta. He went into the marriage canopy but nothing came of it. [The father] went in to see what was going on and spied a scroll of the Torah lying there.*

- B. *He said to the people, "How now! Had I not come in you would have endangered my son's life."*
- C. *For it has been taught on Tannaite authority:*
- D. *"As to a room in which a scroll of the Torah or phylacteries are located, it is forbidden to have sexual relations in such a room unless one removes them or places them so that one utensil is put away inside another utensil."*
- E. Said Abbaye, "That rule applies only in the case of a utensil that is not meant to serve for those objects in particular.
- F. *"But in the case of a utensil that is meant to serve for those objects in particular, even ten utensils are deemed a single utensil [and no better than one]."*
- G. Said Raba, "A covering [26A] over a chest is in the status of a receptacle within a receptacle."

**IV.7** A. Said R. Joshua b. Levi, "For a scroll of the Torah it is necessary to make a partition ten handbreadths high."

- B. *Mar Zutra happened to come to the house of R. Ashi. He saw that in the place in which Mar, son of R. Ashi, slept, there was a scroll of the Torah, for which a partition ten handbreadths high had been made.*
- C. *He said to them, "In accord with whom have you acted? Is it in accord with R. Joshua b. Levi?"*
- D. *"Granted that the rule applies as R. Joshua b. Levi stated it in a case in which one has no other room. But the master has another room [for the scroll of the Torah, so it should not be kept here anyhow]."*
- E. *He said to him, "It never entered my mind."*

**V.1 A. And how far should one distance himself from them and from excrement? Four cubits [M. 3:5K-L].**

- B. Said Raba said R. Sehorah said R. Huna, "The law has been taught only if one leaves the water behind. But if [the water] is in front of him, he has to go such a distance that it is out of sight."

**V.2 A. The same rule [as at M. 3:5K-L] applies to reciting the Prayer.**

- B. Is that the case? And lo, Rafram bar Papa said R. Hisda said, "A man may stand facing a privy [within four cubits] and say his prayer."
- C. *With what circumstance do we deal [in that saying]?*
- D. With a privy in which there is no excrement.
- E. Can that be so? And has not R. Joseph bar Hanina said, "A privy of which they spoke is one even though it has no excrement, and a bathhouse of which they spoke is one even though no one is in it."
- F. *Rather, with what circumstance do we deal here? It is with a new one. [In such a case, one may recite the Prayer nearby.]*
- G. *But that is exactly what was troubling Rabina: "If one has designated a place for a privy, what is the law? Does the matter of designation apply or not?"*
- H. *When Rabina raised that question, it concerned standing nearby to say the Prayer. But as to saying the Prayer while facing it, he did not raise the question, [since he knew that one might do so if he stood four cubits away].*
- I. *Said Raba, "The privies built by the Persians, even though they contain excrement, are as if they were sealed up [since the excrement rolled down into a hole]."*

**3:6**

- A. **A man who has produced a flux [in line with Lev. 15] who then had a seminal emission,**
- B. **a menstruating woman who discharged semen,**
- C. **and a woman who during sexual relations produced menstrual blood [all of whom by definition are unclean without respect to the presence of semen,**
- D. **must immerse [in a proper ritual pool].**
- E. **R. Judah exempts [them from having to do so, since they are in any event cultically unclean].**



- I.1 A.** *The following question was raised:* If one who had a seminal emission produced flux [to indicate uncleanness in the classification of Lev. 15], what is the rule so far as R. Judah is concerned? [That is, the opposite of A's entry].
- B. When R. Judah declared the man [unclean by reason of flux who had a seminal emission] to be exempt from the requirement of immersing, *it was because to begin with he was not subject to immersion in any event.* [He would remain unclean even after the immersion so there would be no reason to require immersion on account of the uncleanness of the semen.]
- C. But one who has had a seminal emission who then produced flux, who to begin with is subject to immersion [which can remove the uncleanness produced by the seminal emission], would [in Judah's view] be liable.
- D. *Or perhaps in his view there is no distinction to be drawn.*
- E. *Come and take note of the following:* **A woman who during sexual relations produced menstrual blood must immerse. R. Judah exempts [M. 3:6A-B].**
- F. Now a woman who during sexual relations produced a drop of menstrual blood is in the category of one who has produced a seminal emission and then produced flux, and R. Judah exempts one in that category. [Accordingly, the answer is as specified at B.]
- G. *That proves it.*
- H. *R. Hiyya explicitly repeated the matter on Tannaite authority in exactly that manner:* "One who has had a seminal emission who then produced flux has to immerse, but R. Judah exempts [him from having to do so]."