

## Talmud Brachot Top Ten Teachings, Daf 24:

- 1. Debates between earlier and later generations.** If there is a debate between a Mishna or *beraita* (an earlier rabbinic sage) and an *amora* (from the time of the gemara), who do we follow? Most people think we follow the earlier opinion, because we have a concept that an *amora* is not allowed to disagree with a *tanna* (Mishnaic source), and if they do we try to reconcile it. But in fact, that is usually not the case. We have an opposing concept that the law is like the later generations, particularly the rabbis who close out the Talmud, such as Ravina and Rav Ashi. When these rabbis say something, we consider it authoritative, even if it contradicts a Mishna or a *beraita*. How do we reconcile these two concepts? Generally speaking, we defer to the earlier sources. But if there is a reason not to, like if the custom was never practiced or if something new developed that would change the law, we follow the later authority. We have an example of this at the end of daf 23b and the beginning of 24. In ancient times, security of private objects, such as tefillin, was a major concern. Even inside homes, there were rodents that might nibble on things. Therefore, unless someone had a lockbox or some kind of mouse-proof bag, he would always keep his tefillin close by to make sure they were safe from danger. Shmuel says one is allowed to place his tefillin between his bedpost and his pillow, but not directly underneath his head. There is a *beraita* that says you cannot have your tefillin in that spot when you're with your wife. Shmuel, however, says a man can be intimate with his wife even while his tefillin are wrapped up near (but not underneath) his head. The gemara tries to say that Shmuel's opinion is invalid because he contradicts this *beraita*. But Rava says that nevertheless, the law is like Shmuel. Why? Because in this case, there is a good reason for overruling the *beraita*: the importance of protecting the tefillin from rodents and thieves. We can see similar changes in rulings regarding tefillin from other *beraitot* as well. Certain underlying principles are often more important than the *psak* of earlier generations, and sometimes we adopt later rulings in order to follow those underlying principles. There may be other considerations as well as to why we follow the later rulings. Often it is assumed that the later authorities were aware of the earlier ruling but felt a specific need to rule differently, for a variety of reasons that is too extensive to include here.
- 2. Do we learn from books or from practice?** Some people love going through books and finding *chumras*, and taking on these new practices despite no one in their family ever having done them before. Is that right, or is it more important to follow the minhagim of our parents? The Talmud in Bava Basra 130 discusses the most appropriate way of ascertaining what the halacha is. Do we rely on written principles, or must we look for what rabbis have actually ruled in related cases? There are pros and cons to each method. The advantage of written principles is that a principle can be studied in and of itself. We may not know all the factors involved in a specific ruling, but a theory is something that can be understood. However, when all we have is a theory we can't really know it's application. Therefore, the best ruling is both written and applied in practice. Rav Hamnuna tells a story: "I was with my teacher, Rava, and he told me to go to his house and get his tefillin. I went to his house and I found the tefillin between his pillow and his headboard. I happened to know that his wife had gone to the mikvah the night before." In other words, Rava, who told us the halacha follows Shmuel, was showing his student that he actually followed that ruling. He placed his tefillin between his pillow and his headboard on a night that he was intimate with his wife. This is what we call *halacha lema'aseh*. The debate between theoretical and applied halacha is complex and still ongoing. For the most part, the Mechaber follows written principles and the Rama follows applied principles and customs, but of course this is a vast oversimplification.

3. ***Ishto k'gufo* - your wife is like your body.** If two people are in bed together (and not fully dressed), can they turn away from each other and say the Shema? Shmuel says yes, even if it's a husband and wife. As long as they are not facing each other, they can say the Shema. Rav Yosef asks, what does Shmuel mean by "even a husband and wife"? That implies that one would assume it would not be ok for a husband and wife to face each other while saying the Shema. But it shouldn't be a problem because *ishto k'gufo*, a man's wife is like his own body. Rashi explains that a man is accustomed to his wife, so he wouldn't be thinking about her in an intimate way. Obviously Shmuel disagrees, which is why he says "even a husband and wife" – he believed that a husband never gets used to his wife and can continue to see her in a way that would make him think about her in an intimate way. Rav Alfasi rules like Rav Yosef, that a man can say kriyat Shema under the same blanket as his wife when facing away from her.
4. **Women and extreme modesty.** You cannot say the Shema if you can see or feel someone who is naked. What is considered "naked"? Rabbi Yitzchak says that a *tefach* (handbreadth) of skin showing on a woman is considered nakedness. Is the prohibition against merely looking, or is it referring to a more intense gaze? Rav Sheshet says that in discussing the Midianite women, the Torah talks about their external jewelry together with the jewelry on more intimate parts of their bodies, and this shows that looking at even a woman's pinky with desire is like looking at her most private, concealed parts. If the gemara was talking about another man's wife, why would it specify a *tefach*? Certainly a man can't look with desire at any part of another man's wife while saying the Shema. Rather, it is talking about his own wife. Commentaries explain that we're talking about a *tefach* of skin in a place that is normally covered - not her face or her hands. Rav Chisda adds that the thigh of a woman is nakedness. Shmuel says a woman's voice is nakedness, and almost everyone agrees that he is referring to her singing voice. Some commentators limit this to the time of davening and Shema, while others see it more broadly. Rav Sheshet says a woman's hair is nakedness, and almost all opinions say this only applies to married women, and only for the part of the hair that is normally covered based on common practice. The Chazon Ish comments on Rav Chisda's ruling, saying this can't be referring to the upper leg because that's too obvious. It must mean the calf. This is a minority opinion, but it has become the practice in certain places. More extreme modesty rules followed by certain communities are based on this opinion. This goes back to our discussion of theoretical vs. applied halacha. The majority of authorities disagreed with the Chazon Ish, but in practice some communities follow his ruling. So if you live in one of these communities, do you have to take on their stringencies of modesty? Perhaps. There is also a machloket regarding whether this whole section applies all the time or only in the specific context of saying the Shema. Many authorities rule stringently, and this is where some of our laws of *tzniut* come from.
5. **Hair and singing.** The Aruch Hashulchan says that the idea that a woman's hair is nakedness applies only in places where it is standard for married women to cover their hair. If covered hair is not the standard, hair is not considered nakedness and a man can say the Shema near a married woman with uncovered hair. Can we apply this to singing as well? Some rabbis do, saying that if a man is accustomed to hearing women sing often then he wouldn't be affected by it, similar to the ruling of the Aruch Hashulchan in regards to women's hair.
6. **When halacha is not practical.** Rabbi Chanina says, "I saw Rebbe (Rabbi Yehuda HaNasi), he burped, yawned, sneezed, and spit on the ground, and he used his garment to kill an insect. When his tallis would fall off during Shemonah Esrei he wouldn't put it back on. When he yawned he would put his hand over his chin." Rabbi Chanina saw Rebbe doing all these things that are considered disrespectful during davening. Why? Simply because Rebbe couldn't help himself. Though according to halacha you are not supposed to do any of these things while davening, sometimes it is not practical to avoid them. Sometimes you just can't stop yourself. So

while in theory some of these things are frowned upon during davening, in practice Rebbe wasn't able to maintain that level of control.

7. **The problem with davening out loud.** One who davens Shemonah Esrei out loud has little faith, and one who raises his voice louder is from the false prophets. Rashi explains that davening out loud shows a lack of faith because it means you don't think G-d is able to hear a whispered prayer. Why the comparison to false prophets? In the famous story about Eliyahu Hanavi and the prophets of Baal, it says the prophets of Baal called out in a great voice. So one should always daven silently, unless it is impossible to have the proper intention that way. If you cannot have the proper intention while whispering, you are permitted to daven out loud, but only if you are davening alone. When you are davening in a group, you must daven silently so as not to disturb others. How silently? Is it enough to think the prayers? Do your lips have to move? Or do you actually have to be able to hear the words you are saying? The action of speaking is required, but there is a debate between the Kabbalists and other halachic authorities. The Ari and the Zohar say that for Shemonah Esrei, you should not speak loud enough to hear yourself say the words. Other authorities say that you should be able to hear yourself, but you should not be loud enough for other people to hear you. In practice this can be difficult. Rabbi Soloveitchik's hearing was not great, so when he davened loud enough to hear himself, other people were also able to hear him. In the Ishbitz philosophy, the idea of prayer is that G-d invests in you what you want. You don't necessarily know what you want or need, so you ask G-d to put it into your heart. Speaking out loud is like trying to force G-d's hand or force your own kavanah, and you shouldn't do that during Shemonah Esrei. It should be about letting G-d speak through you more than about speaking to Him.
8. **Rabbi Zeira's favorite teaching: it's ok to have allergies.** Rabbi Hamnuna taught that sneezing during davening is a good sign. Just like you get a good feeling from sneezing, you are creating Divine satisfaction with your davening. Rabbi Zeira said that this was his favorite teaching, equivalent to all the Talmud he'd studied. Why? Because Rabbi Zeira had allergies, so he was sneezing all the time. He would hear other rabbis saying that sneezing during davening was bad, but he couldn't stop himself so he always felt guilty. Then he heard Rabbi Hamnuna's teaching, and he was finally able to feel good about himself and his davening. Sometimes people feel guilty about halachot because they are not aware of other opinions that would make them feel better about themselves. When we educate people, it's important to try to find the opinions that will lift them up rather than bring them down. It depends on the individual, so you need to know the people you're teaching.
9. **Anti-Zionism in the Talmud.** Rabbi Abba was avoiding his teacher, Rabbi Yehuda, because Rabbi Abba wanted to move to Israel but Rabbi Yehuda held that leaving Bavel to go to Israel was prohibited, based on the verse in Jeremiah 27: You are going to Bavel, and you will be there until I come to get you. Of course, this verse refers to the first exile in Bavel, and G-d had already brought the people back from that. In fact, Rabbi Abba understood the verse to be referring to the vessels from the Temple and not to the people at all. But some rabbis, including Rabbi Yehuda, held that since some people were still in Bavel, the verse still applied. They believed that we are in exile for a reason and we have to wait to be redeemed. Perhaps this is why the Rambam does not count living in Israel in his list of the 613 mitzvot. The Ramban says that it is a mitzvah, but the Megillat Esther says that if a mitzvah is not applicable at all times then it can't be counted in the 613. Since, according to these rabbis, living in Israel is actually against the Torah at some points in history, it cannot be counted as a mitzvah.
10. **Learning and saying the Shema in smelly places.** Is it permitted to study Torah or say the Shema in a smelly place? You certainly can't sit in a smelly place to study or say the Shema, but what about if you're walking through? There is a debate between Rabbi Hamnuna and Rav Chisda:

Can you just cover your mouth and keep studying or saying the Shema while you go through the smelly place, or do you actually have to pause until you've passed through? This debate will continue on the next daf.