

1.3.6

23a (שער שער) → 24a (ת"ר הנכנס לבית הכסא)

ז. רבבה קצמח השדה נתתיך ותרבי ותגדלי ותבאי בעדי עדיים שזדים נלנו ושערך צמח ואת ערם וקרנה: יחזקאל טו, ז

I Discussion about use of בית הכסא and guarding תפילין

- a **ברייתא** regarding taking off תפילין in proximity of בית הכסא; must distance himself ד"א and take them off
- i **ששת** ד' only true if it is an already established בית הכסא; else, may remove them just before entering
 - ii **Then:** he must distance himself ד"א before putting them back on as he has made it a קבוע בית הכסא
 - 1 **Question:** may he wear תפילין into קבוע בית הכסא to urinate?
 - (a) **דבינא** permitted
 - (b) **אדא בר מתנא** prohibited (רבא – that is the הלכה) – as he may have more body emissions
- b **ברייתא** regarding where to put תפילין in such a case – associated story
- i **Tangent:** related הלכות associated with using the bathroom
- c **ברייתא** prohibition of saying תפילה (or urinating) while holding תפילין (and a number of other items) –
- i **Challenge (רבא)**: that only follows ב"ב; even allows entering קבוע בית הכסא while holding תפילין
 - ii **Rejection:** fragment “דברים שהתירי לך כאן אסרתי לך כאן” understood as a stringency of urinating over defecation
- d **ברייתא** regarding taking off תפילין when coming to a meal
- e **ברייתות** contradictory as to whether a person may put money into his תפילין-pouch
- i **Resolution:** if he designated it as such, may not put money in; if not – may put coins in
 - 1 **Note:** if הזמנה מילתא (אביי), designation alone sets the status; if not, putting תפילין in sets it
- f **Questions:** asked by רב יהודה of ר' יוסף בריה דר' נחוניא
- i **First:** may someone place תפילין under his head (at night); clearly, may not put under his feet (בזיון)
 - 1 **Answer (בשם שמואל)**: permitted; even if his wife is with him in bed
 - 2 **Challenge:** ברייתא which only allows מראשותי if his wife isn't with him
 - 3 **רבא**: even though שמואל was refuted from ברייתא, we still follow his (lenient) ruling
 - (a) **Reason:** since it guards them better, this is preferable
 - (i) **Follow up story:** confirming that רבא practiced this way
 - ii **Second:** may two men, sleeping (naked) in same bed, turn their backs to each other and recite ק"ש?
 - 1 **Answer:** שמואל permitted even if his wife is with him
 - 2 **Block:** perhaps his wife is an easier situation, as she is כגופו
 - (a) **Support:** contradictory rulings answered as אשתו is permitted and others – אסור
 - (i) **Challenge (for שמואל):** there are rulings that “others” is also permitted
 - (ii) **Rather:** both שמואל and ר' יוסף must agree that the whole issue is subject to dispute
 - (b) **Note:** if he turns his back, the buttocks is still touching – this supports ר' הונא who contends that עגבות aren't considered ערוה (support – ruling about woman making ברכה while naked and crouched down)
 - (c) **Note:** earlier ברייתא permitted “young” family members in same bed for ק"ש – until when?
 - (i) **Version1:** until they have status of ביאה being valid (3/9) –
 - (ii) **Version2:** until one year before majority (11/12)
 1. **Both:** rely on v. 1
 - (d) **Final ruling:** in this case, שמואל was refuted and we do *not* follow his ruling
 - (i) **Note:** hairs protruding from garment aren't considered ערוה for ק"ש