The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן מ"ג סעיף א'-ד'

Overview

Siman 43 Seif 1:

It is prohibited to enter a permanent bathroom to urinate while wearing one's *shel rosh* out of concern that he will need to defecate. If he holds his *tefillin* in his hands it is permitted to urinate in a permanent bathroom. This allowance applies if he will urinate while sitting so that this is no concern for drops falling on his body but it is prohibited to urinate while standing since in this regard it is no different than a temporary bathroom. It is also permitted in a temporary bathroom to urinate while sitting or into soft dirt so that there is no concern for drops. In this regard there is no difference between a permanent and temporary bathroom except that in a permanent bathroom it is common to urinate while sitting whereas in a temporary bathroom it is common for one to urinate while standing since he does not intend to defecate. **One is permitted to urinate in a temporary bathroom while wearing a *shel rosh* but while he is holding his *tefillin* he may not urinate standing even if he is holding his *tefillin* in a cloth since he will have to wipe the urine droplets from his leg; rather he should remove them four *amos* away and give them to a friend. It seems from the Rambam that it is prohibited to urinate while wearing *tefillin* whether he is in a permanent or temporary bathroom and one should be concerned with his position.**

- The *tefillin* should be held in one's right hand near his heart as will be discussed in *seif* 5. (M.B. 3)
- Urinating while standing is prohibited out of concern that he will wipe off urine droplets. (M.B. 4)
- A slope is the same as soft dirt. (M.B. 5)
- In a permanent bathroom one must hold his *tefillin* in a garment in his hand but in a temporary bathroom it is sufficient to hold them in his hand. (M.B. 6)
- There is a concern that one may wipe of urine drops with the hand that holds his *tefillin*. (M.B. 8)
- Magen Avrohom explains that the prohibition against urinating while wearing *tefillin* applies in all circumstances but the obligation to remove one's *tefillin* four *amos* away is limited to a permanent bathroom. (M.B. 9)
- According to Rambam one may not even urinate while he is wearing his *shel yad*. (M.B. 11)
- In pressing circumstances one may rely upon the lenient position. (M.B. 12)

Siman 43 Seif 2:

A permanent bathroom is one that contains solid waste that rests on the field without it entering a ditch.

- When there is no ditch one must remove his *tefllin* four *amos* away but if there is a ditch it is unnecessary to remove them four *amos* away and one may even enter the structure built around the ditch while wearing his *tefillin* but he must remove them before urinating. (M.B. 13)
- This leniency is limited to one who will urinate but one who will defecate must remove his *tefillin* four amos away from the place he will relieve himself even if he will defecate in a place that is not a bathroom altogether. (M.B. 13)

Siman 43 Seif 3:

A temporary "bathroom" refers to a place a person goes to urinate which does not necessitate going to a bathroom and this time is the first time it is being used as a 'bathroom."

- Pri Megadim writes that even if the place is used often for urinating it remains a temporary bathroom. (M.B. 15)

Siman 43 Seif 4:

If one's *tefillin* are in his garment and he is wearing a belt or they are in a cloth in his hand it is permitted to urinate or defecate.

- Gr"a explains that this *seif* represents an opinion different from the one in the first *seif* and is not concerned that one will wipe urine droplets. All opinions agree that if one's *tefillin* are tied to his garment it is permitted. (M.B. 17)

Halacha Highlight

Entering a bathroom while wearing tefillin

Shulchan Aruch Siman 43 Seif 1

אסור ליכנס לבית הכסא קבוע להשתין בתפילין שבראשו

It is prohibited for one to enter a permanent bathroom to urinate while wearing his *shel rosh*

Rosh (הל' תפילין סי' כ' וברכות פ"ג סי' כ"ו) writes in the name of Rabbeinu Hai Gaon that one may not enter a bathroom while wearing *tefillin* even if he does not intend to relieve himself. Rosh and many other Rishonim disagree and assert that since the Gemara (ברכות כ"ג.) asked whether one is allowed to enter a bathroom to urinate, the implication is that if he does not intend to urinate it is permitted. Shulchan Aruch (סע' א') writes that it is prohibited for one to enter a permanent bathroom in order to urinate. This wording implies that if one does not intend to urinate there is no prohibition against entering a bathroom while wearing *tefillin*. Magen Avrohom (סק"ט) asks why it should be permitted to enter a bathroom while wearing *tefillin* when it is prohibited to enter even a bathhouse while wearing *tefillin*. He asserts that it is prohibited to enter a bathroom while wearing *tefillin* even if he does not intend to urinate and the reason Shulchan Aruch emphasizes that it is prohibited to enter a bathroom to urinate is that one may have thought that since urinating represents an urgent need of a person it should be permitted. For this reason Shulchan Aruch emphasizes that it is prohibited. This explanation is cited by Mishnah Berurah (סק"א) as well.

Later on Mishnah Berurah (ס"ק י"ט) records this dispute and references the Pri Megadim. Pri Megadim attempts to answer Magen Avrohom's question. It is possible that the prohibition against wearing *tefillin* in the bathhouse is limited to the *shel rosh* that is exposed but it is permitted to enter the bathhouse while wearing the *shel yad*. When the Gemara asks about entering a bathroom to urinate the intent of the question was whether it is permitted to enter the bathroom while wearing the *shel yad*. He admits, however, that this explanation does not fit well into the wording of Tur or Shulchan Aruch.

Stories to Share

An Original Solution

מ"ב, ס מ"ג, ס"ק י"ב: "אך יזהר הרבה שלא יבוא לידי הפחה..."

A certain man had an upset stomach but did not wish to miss the zeman tefilah. As it got later he felt a bit better but not enough to be sure he would not pass gas. As we see on today's amud, it is essential to avoid this while wearing tefillin.

At first, this man was afraid to put on tefillin but after a bit of thought he came up with a brilliant idea. Even if he needed to pass gas that should not present a problem. All he had to do was lift up the head and hand tefillin so that they would not be resting on his skin and it would be no problem. After all, the entire problem is only when he is wearing the tefillin, not while they are off him, even for an instant. He immediately put on tefillin and began to daven. Sure enough, he did have a brief episode during his prayers but he applied his brilliant solution and sailed through the davening, making the zeman tefilah with ease.

But then another question hit him. The Mishnah Berurah rules that one should make a new blessing if he removes his tefillin and goes into the bathroom even if he plans to immediately put them back on. Since he is not allowed to wear tefillin in the bathroom, the moment he enters the bathroom he loses his original brochah. Perhaps removing tefillin for an instant to pass gas requires a new brochah as well?

When Rav Yosef Shalom Eliyashiv, zt"l, was consulted regarding this question, he ruled that a new brochah was indeed required every single time. "This is just like entering a bathroom. Since he was incapable of doing the mitzvah in a permitted manner, he must make a new blessing. The same is true regarding one who separated the tefillin from his body by placing his hand under his tefillin. He must also make a new brochah."

שו"ת אבני ישפה, ח"א, ס' ה', ענפים ב' וג'