The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Jan 14, 2026 ■ כ"ה טבת, תשפ"ו
סימן מ"ה סעיף א'-ב'

Overview

Siman 45 Seif 1:

It is prohibited for one to enter a cemetery or within four *amos* of a corpse while wearing his *shel rosh* so that he should not "mock the impoverished" but if they are covered it is permitted.

- One may not wear his *tefillin* even within four *amos* of where graves begin if there is no wall. (M.B. 1)
- Biur Halacha writes that in the middle of a cemetery where there are graves all around one should be stringent even if he is four *amos* away but if one is at the edge of the cemetery he is not required to be stringent if he is four *amos* away but it is preferable not to walk into a cemetery altogether while wearing *tefillin*. (M.B. 1)
- There is a disagreement whether the room in which a corpse rests is considered within four *amos* of the corpse. (M.B. 2)
- One may not even approach the corpse or grave of a child while wearing *tefillin*. (M.B. 2)
- One's *retzuos* must also remain covered, even the part that wraps around one's finger. (M.B. 3)

Siman 45 Seif 2:

Regarding a bathhouse, in the outer room where people are dressed one may put on his *tefillin* even *l'chatchila*. In the middle room where some people are dressed and some are not, one should not, *l'chatchila*, don his *tefillin* but if they are already on one is not required to remove them. In the inner room where people are naked one must even remove his *shel rosh* that is already in place.

- There is a disagreement whether one may don his *tefillin* in the middle room if no one is there naked. (M.B. 5)

Stories to Share

Proper Respect

ש"ע ס' מ"ה , ב': "ובבית האמצעי ש מקצת בני אדם עומדים שם לבושים..."

We find on today's amud that at certain times it is permitted to enter a bathhouse wearing tefillin. A certain person wondered if this was permitted even in the mikvaos of today. Could he enter with tefillin? How about if the tefillin were in one bag without a second covering? Was this permitted to bring into a bathhouse? What is the halachah regarding bringing a sefer into the mikveh? Could one bring a sefer if it is in his vest and he was also wearing a jacket?

When these questions reached Rav Yosef Shalom Eliyashiv, zt"l, he ruled stringently. "It is forbidden to enter a mikveh—even of today—while wearing tefillin. Even bringing tefillin in a bag is prohibited unless there are two covers, just as we find regarding bringing them into a bathroom. But bringing them in a tallis bag which contains a tefillin bag with tefillin inside is permitted.

"As far as a sefer is concerned, two coverings are required. If the sefer is in an inner pocket which is covered by another garment, like in a vest pocket with a jacket on top, this is permitted since it counts like one vessel within another vessel. One must be very careful not to uncover the vest, however. It is forbidden to bring a sefer into a mikveh or bathroom with two coverings if one cover is removed even for an instant."

גנזי הקודש, פ"ד, ס"א בהערה

When someone else wondered if he could wrap tefillin or a sefer twice in a pillowcase or a long garment, Rav Eliyashiv ruled that this is forbidden. "Since both coverings are attached, it counts as only one covering regarding the bathroom and the like. It is only permitted to bring a sefer or something similar into a mikveh or bathroom if it is covered with two covers that are not attached to one another."

פסקי הלכות, ע' מ"ח

קונטרס הלכות תפילין, סס"ח

Halacha Highlight

Wearing *tefillin* in the presence of the deceased

Shulchan Aruch Siman 45 Seif 1

אסור לכנס בבית הקברות ... ותפלין בראשו

It is prohibited to enter a cemetery wearing one's *shel rosh*

Shulchan Aruch (סע' א') writes that one may not wear *tefillin* in the vicinity of the deceased. The reason is that the *pasuk* in Mishlei (17:5) states, "One who mocks a pauper insults his Maker." *Chazal* understand this as a warning against mocking the deceased. One who is alive is capable of doing *mitzvos* as opposed to one who is deceased and unable to fulfill *mitzvos*. To fulfill *mitzvos* in the presence of the deceased is considered as though one is mocking his inability to fulfill *mitzvos*.

Maharit Tzahalon (חידושיו לפרק איזהו נשך דף י"ב:) asserts that the issue of mocking the deceased applies even to a child. One may think that the issue should not apply since the child never wore *tefillin* during his lifetime so it is not considered as though one is mocking what he can no longer do. He gives a number of reasons why it applies. The first reason is that the very fact that the child did not reach the age of putting on *tefillin* is a form of mocking the deceased. Similarly, it is possible that the child possessed the soul of someone who had reached the age of putting on *tefillin* and that soul feels the pain of being mocked.

Another explanation is that when *Chazal* institute injunctions they apply in all circumstances – לא פלוג. Therefore, when *Chazal* instituted the prohibition against wearing *tefillin* in the presence of a corpse since it mocks him, it applies to a deceased woman and child as well. Proof to this is the Gemara in Berachos (18a) which relates that R' Yonason was walking and his *tzitzis* were dragging over graves, whereupon R' Chiya brought this to his attention. Even though it is possible that the bodies in the graves belonged to women and children, nevertheless, R' Chiya was critical because the prohibition applies even to those who were not obligated in that *mitzvah*. Mishnah Berurah (סק"ב) records this opinion and writes that one may not wear *tefillin* in the presence of a child who passed away.