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

Overview

Siman 73 Seif 1:

If two people were sleeping under a blanket and their skin was touching one another they may not read *shema* unless they use a cloth to separate from one another from the waist down.

- If they are facing one another it is prohibited to read *shema* without a cloth in between even if they are not touching one another as long as they are close to one another. (M.B. 1)
- Once there is a cloth separating them they may even read *shema* while facing one another. (M.B. 3)
- One must also be sure that his head is outside of the blanket and he must use the blanket to separate between his heart and his *ervah*. (M.B. 4)
- There is a dispute whether, *b'dieved*, one fulfills the *mitzvah* if he did not turn his head and did not separate with a cloth. (M.B. 4)

Siman 73 Seif 2:

If someone was lying next to his wife he may read *shema* by turning his body away from her even without a cloth separating their skin since she is considered the same as his body. Some maintain that this is prohibited and it is appropriate to be concerned with such a position.

- If a man turns away from his wife but she is facing him, he may read *shema* as long as he is not in contact with her *ervah*. If she also wants to read *shema* she must turn away and then they may both read *shema* even if they are in contact with one another. (M.B. 5)
- According to the stringent opinion one must be cautious when reading *krias shema al hamitah* and *hamapil* to have a cloth separating between them and then these paragraphs could be read even while facing one another. (M.B. 6)

Siman 73 Seif 3:

If one was sleeping next to his small children it is permitted to read *shema* by turning away even without a cloth separating between them. If they are older, a cloth separating between them is necessary.

- When facing one another one should not read *shema* if there is contact between one person's skin and the other's *ervah*. (M.B. 7)
- If one's child is facing his back he must be cautious that he is not in physical contact with the *ervah* of his son. (M.B. 8)
- Other people's children have the same status as one's adult children but according to some opinions there is room for leniency as long as the boy is younger than 9 and the girl is younger than 3. (M.B. 9)

Siman 73 Seif 4:

Until when are they considered small? For a boy it is until he is 12 and for a girl it is until she is 11 even if they already have two body hairs. In a boy's 13th year [meaning the year before his *bar-mitzvah*] or a girl's 12th year if they have two body hairs a separation is necessary but if not a separation is not needed. From the time a boy is 13 and a girl is 12 it is prohibited to read without a separation even if they do not possess two body hairs.

- Magen Avrohom writes based on Tur in Even HaEzer that nowadays once a boy is 12 and a girl is 11 it is prohibited to read *shema* even if they do not have two body hairs and it is prohibited to sleep next to them while naked. (M.B. 11)

Halacha Highlight

Shema in the presence of an ervah

Shulchan Aruch Siman 73 Seif 2
אם היה ישן עם אשתו וכו'
If one was lying next to his wife etc.

Sefer Piskei Teshuvos (אות א') writes that one who wants to be stringent about these matters should be careful not to pronounce any word of Torah or davening or any other davar she-b'kedusha without clothing from the waist down even if he is covered by a blanket. Additionally, one must be cautious not to speak words of Torah or daven if there is another person who is not wearing something that covers them from the waist down. This restriction applies even if the other person is one's child up until the age of nine for a boy or three for a girl. In the event that one finds himself in such a circumstance he has two options. One option is for one to cover himself or have the other person cover themselves. The second option is to turn away from the person who is uncovered and to assure that they are not touching one another. Additionally, one must make sure that his head is outside of the blanket and if necessary must take the necessary steps to assure that there is a proper separation between one's heart and his ervah.

Biur Halacha (ד"ה ממתניהם ולמטה) quotes Sefer Avodas HaYom who notes that the discussion in the entire siman relates to reading shema, davening and discussing Torah matters. If, however, one wants to only think about matters of Torah it is permitted even if an ervah is exposed. Even though one is permitted to contemplate Torah matters when an ervah is exposed, Biur Halacha (סי' ע"ד בהקדמה לסימנים עד-עה) writes that one may not listen to a beracha with the intent to discharge his obligation since in that regard thought is comparable to speech (הרהור כדיבור דמי').