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

Overview

Siman 74 Seif 5:

Other limbs may see one's ervah but if a limb touches one's ervah or another person's ervah it is prohibited to read shema or daven. One must have a cloth separate between the part of thigh where the ervah rests and the ervah.

- There is a disagreement whether one must be careful that his כיס does not touch his leg but b'dieved one fulfilled the mitzvah even if his גיד was touching his leg. (M.B. 20)

Siman 74 Seif 6:

If one is wrapped in a garment around one's waist which covers the person from the waist down but the upper part of his body is uncovered he may read shema but he is not allowed to recite shemone esrei until his heart is covered.

- For davening one's entire body must be covered. (M.B. 21)
- L'chatchila one should have his body covered when reciting a beracha and certainly when reading shema. (M.B. 22)
- The reference to the heart means one's entire body. The reason davening is more stringent is that while davening one stands and is talking to the King as opposed to krias shema. (M.B. 24)

Siman 75 Seif 1:

It is prohibited for a man to read shema in the presence of a tefach that is exposed on a woman that is normally covered. According to some authorities this halacha is limited to one's wife but when it comes to another woman even less than a tefach is considered an ervah. It seems from the Rosh that an exposed tefach of a woman is an ervah even for another woman; it is just that to herself it is not considered an ervah.

- Since an exposed tefach could lead one to improper thought it is categorized as an ervah and therefore it is prohibited to daven or recite a davar sheb'kedusha in its presence and there is a disagreement whether closing one's eyes is sufficient and when there is no alternative one may rely on the lenient opinion. (M.B. 1)
- Parts of the body that are normally exposed by religious women are not an ervah. (M.B. 2)
- Pri Megadim cites a disagreement whether b'dieved one fulfills the mitzvah of krias shema in the presence of an exposed tefach and if a person did not intend to gaze he need not be stringent and read shema a second time. (M.B. 4)
- Nishmas Adam asserts that all opinions agree that closing one's eyes is effective when less than a tefach is exposed. (M.B. 5)
- If the shok is exposed there are opinions who maintain that it is prohibited to read shema even if it is one's wife and it is less than a tefach. (M.B. 7)
- This discussion relates to reading shema in the presence of an ervah but all opinions agree that it is prohibited to gaze at a woman with the intention to derive pleasure. (M.B. 7)
- Rashba disagrees with Rosh and later authorities agree with Rashba that an exposed tefach is not an ervah to another woman. (M.B. 8)

Stories to Share

The Commuter's Conundrum

מ"ב ס' ע"ה, ס"ק א': "ואסור לקרות או להזכיר שום דבר שבקדשה נגד זה..."

Two friends who had once learned in the same kollel would commute to work together. They did so to ensure that they spent the long journey talking in learning, especially about various practical questions in halachah. Once, one was reviewing the Mishnah Berurah on today's amud and realized that there was a problem. The Mishnah Berurah writes that one may not say any divrei kedusha—including words of Torah—within eyesight of immodesty. He brings that some permit if one closes his eyes. In light of this, could they continue their Torah conversations while traveling on public transportation? Obviously, at times there were no immodestly dressed women around. But at times—especially during the summer—this was a serious problem.

But when he brought this question up with his friend, he wondered if it was really a problem. "After all, we have no intention to look at these women. And frankly, most often the conversation is so absorbing I don't even notice them. Do we really have to put a stop to our seder because of a problem that we hardly notice?

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled that it was indeed a problem. "A person who is walking on the street in the presence of immodestly dressed women may not speak in learning. This is true even if he doesn't notice them. Although when one doesn't notice such women he does not transgress the prohibition against gazing at women, it is still forbidden to say words of Torah or prayer in front of such women. Although thinking in learning is permitted in front of ervah, speaking is not."

Rav Eliyashiv did provide a way to work around this problem, though. "One can speak in learning if he turns his head to another side, however. And b'dieved, one can rely on merely closing his eyes."

Halacha Highlight

Davening on an airplane

Shulchan Aruch Siman 75 Seif 1

טפח מגולה באשה

An exposed tefach of a woman

Shulchan Aruch (סי' ע"ד סע' א') rules that one may not read shema in the presence of an exposed tefach of a woman. Shulchan Aruch (סי' ע"ה סע' ו') later writes that if one is in the presence of an ervah but one looks away, closes his eyes or if it is night and it cannot be seen, it is permitted to read shema, since the restriction is framed in terms of what one sees and if one cannot see the ervah there is no issue. Mishnah Berurah (ס"ק כ"ט) writes that other authorities disagree and maintain that the only solution is to look away and even then it is necessary for a person to turn his entire body away from the ervah and it is not sufficient to merely turn one's head in a different direction. In the case of an exposed tefach, Mishnah Berurah (סק"א) initially writes that one should turn away and closing one's eyes is not sufficient. He then cites authorities who maintain that it is sufficient to close one's eyes when in the presence of an exposed tefach and he concludes that when one has no choice he may rely upon the lenient position.

Teshuvas Az Nidbaru (חי"ב סי' כ"ז) discussed the question of a person flying on a plane when there is an issue of an exposed tefach nearby and he has two choices. He could stand and daven but from that position the tefach will be in his line of vision and he will have to close his eyes. The other option is to sit while davening and from that position the tefach will not be in his line of vision. He ruled that it is better to stand with closed eyes since Poskim write that one may rely on the opinion who maintains that closed eyes are effective for an exposed tefach whereas one who davens sitting down is required to daven again while standing if the opportunity presents itself. In the event that one is distracted while davening while standing on a plane see Igros Moshe (או"ח ח"ד סי' כ').