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

Overview

Siman 76 Seif 1:

It is permitted to read *shema* if solid waste is behind a lamp even if it is visible through the walls since regarding waste the issue is whether it is covered as it says וכסת את צאתך and if it is behind a lamp it is covered.

- Even though it is *shema* that is mentioned in these *halachos*, nevertheless the same *halachos* apply for all *Devarim she-b'kedusha*. (M.B. 2)
- If the waste produces a foul odor one may not read *shema* but since the waste is behind the lamp one need not distance himself four *amos* from where the smell ends. (M.B. 3)

Siman 76 Seif 2:

If waste is in a hole one may cover the hole with his shoe since it is considered covered and as long as it is does not smell one may read *shema*. One must be certain, however, that his shoe does not touch the waste.

- Anything that covers the hole is effective and it need not be a shoe. (M.B. 4)
- Authorities write that if one read *shema* and then discovered waste on the bottom of his shoe he must reread *shema* without the *berachos*. In the event that the waste folded around to the side of his shoe see *seif* 8 *seif koton* 30. (M.B. 6)

Siman 76 Seif 3:

If waste is transported in front of someone he may not read *shema*. A pig's mouth is categorized as passing human waste. Even if the pig emerges from a river that bathing does not clean the pig since it is considered as though it bathed in a pot with human waste.

- Bais Yosef writes that there is no difference between waste that is at rest and waste that is in motion, therefore, one must make sure that it is nowhere within his line of vision, at least four *amos* from where the smell ends behind him. Others disagree and maintain that when in motion it is sufficient to distance one's self four *amos* from where the smell ends even if it is in front of him. *L'chatchila* one should be stringent but *b'dieved* Pri Megadim writes that one should reread *shema* without the *berachos* and should not repeat *shemone esrei*. (M.B. 8)

Halacha Highlight

Fulfilling a *mitzvah* in a place that is not clean

Mishnah Berurah Siman 76 Seif koton 2

דהואה הדין תורה ותפלה וכל עניני הקדשה

The same *halacha* applies to Torah, *davening* or any sacred matter

Mishnah Berurah (סק"ב) notes that although the topic of many of these *simanim* is the permissibility to read *shema* in various circumstances, nevertheless, the same guidelines apply to *davening* and all matters of *kedusha*. Biur Halacha (סי' תקפ"ח סע' ב' ד"ה שמע) addresses the question of whether there is a restriction against performing a *mitzvah* in a place that is dirty (מקום מטונף). He writes that there is no source that indicates that it is prohibited to fulfill a *mitzvah* if one's body is dirty or in a place that is dirty. Would it be prohibited for one to wear a *talis koton* if his body is dirty or the place he is standing is dirty? He then cites the opinion of Mateh Ephraim who maintains that one may not fulfill a *mitzvah* under such conditions since it should be no different than thinking about matters of Torah that is forbidden in a place that is not clean. Additionally, he contends that one should not serve Hashem in a manner that is disparaging.

Rav Shlomo Zalman Auerbach (הליכות שלמה תפלה פ"כ דבר הלכה אות ל"ו) suggests that Biur Halacha's intent is only that *l'chatchila* one should avoid fulfilling a *mitzvah* in a dirty environment if he will be able to fulfill the *mitzvah* in a clean place. He does not mean that one should refrain from wearing *tzitzis* or from giving *tzedaka* in a place that is not clean if it means that the *mitzvah* will not be fulfilled. Therefore, a person who is bedridden and the environment surrounding him is not clean may fulfill *mitzvos* as long as he does not recite *berachos* or contemplate Torah topics (פסקי תשובות אות א'). Additionally, the *halacha* is more lenient concerning *mitzvos* whose fulfillment may only be done in the present. Thus, for example, one must stand in respect for a Torah scholar of elderly person even if one is in a bathhouse.

Stories to Share

Discharging the Obligation of Another

ש"ע ס' ע"ה, ד': "אסור לקרות כנגד ערוה..."

Some of the easiest berachos to miss are those that we say on thunder and lightning. One who hears one of these phenomena has only a very short time to make the berachah. After that his chance is lost. A certain man went to the mikveh every day, and on one occasion, after showering, immersing, dressing and washing his hands, a majestic roar of thunder bellowed forth. Knowing that some of the men were dressed in the outer room, he made a split-second decision. He cried out, "להוציא" The next moment he recited the blessing. Those who were partially dressed in the outer room answered, "Amen."

But some wondered if any had discharged their obligation. "There were a few people completely undressed when this man made the blessing. Although one may think about Torah while facing ervah, one still may not speak in Torah. So how can a person in front of uncovered ervah discharge his obligation to make a blessing? Perhaps שומע כעונה is the same as speaking?"

Others disagreed. "We didn't say anything forbidden. All we did is have in mind to discharge our obligation!"

When this question was brought before Rav Yosef Shalom Elyashiv, zt"l, he ruled that שומע כעונה is indeed like speaking. He clarified, "Although one may think in learning while he or another is undressed, he may not hear a blessing meant to discharge him of his obligation. This is like speech, no longer in the realm of mere thought, which would be permitted."

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