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

Overview

Siman 79 Seif 1:

One must distance himself four *amos* from where the smell dissipates if there is waste behind him. Even if one is ill and cannot smell he must distance himself from the place that the smell is no longer detectable to one who can smell. Waste may not be within one's line of vision (i.e. in front of him) even if it is night or if he is blind **so that he can't see it and he must distance himself from it so that he would not be able to see it if it were day. Waste that is on one's side is the same as waste that is behind him.** If the *shaliach tzibbur* is *davening* in the *Bais HaKnesses* or is a house and there is waste present, even if it is behind him he must be silent until the waste is removed since he is discharging the obligation of others and it is impossible that someone is not within four *amos* of the waste. See end of *siman* 90.

- One must distance himself four *amos* from waste even if it does not smell. (M.B. 1)
- Pri Megadim asserts that there is a dispute between Rashba and Rosh whether it is permitted to think about Torah if waste is within one's line of vision but further than four *amos*. (M.B. 3)
- It is preferable for one to move so that the waste is four *amos* behind him. This discussion is limited to where it is truly to his side but if it is on his side but close to in front there is a disagreement whether it is categorized as to the side or in front. Chaye Adam writes that what one sees without turning his head is considered in front. (M.B. 5)
- One who is careful not to speak words of Torah in an unclean place merits length of days. (M.B. 5)
- If the *shaliach tzibbur* is saying *pesukei d'zimra* he may continue as long as the smell of the waste is not within his four *amos* since he is not discharging the obligation of another. (M.B. 7)
- If one was reading *shema* or *shemone esrei* and he was forced to pause the amount of time needed to finish that *tefila* because waste was within his four *amos* he must start again and this amount of time is measured according to each person's speed. (M.B. 7)
- In a circumstance in which no one is within four *amos* of the waste the *shaliach tzibbur* may continue. (M.B. 8)
- Rema means that someone will be within the four *amos* from the place from which the smell dissipates. (M.B. 9)

Stories to Share

Subtle Questions

ש"ע ס' ע"ט, א': "ממקום שכלה הריח למי שמריח..."

A certain man discovered a slight odor in one room of his home. The room was next to the bathroom and the odor that was wafting around was similar to what you would find in such a place. Although he knew that learning or davening when there is an odor of excrement is forbidden from the Torah as we find on today's amud, he wondered about his situation. He said to himself, "The odor is so negligible that within around a quarter of a minute one naturally gets used to it. Could this really be a problem?"

When this question reached Rav Chaim Kanievsky, zt"l, he admitted that there was some credence to this argument. But he still suggested that people act stringently. "It is fitting to be wary of relying on this reasoning."

But this man had another question. "What about if someone is in the room where someone else passed gas? Since he was there from the beginning it quickly becomes unnoticeable as it fades. Although it is forbidden to make a brochah while the odor is still present, what about if it is faint and this person no longer notices it? Must he be stringent?"

Regarding this question Rav Chaim was prone to leniency. "I believe this second case is permitted."

This man had another question: "What is the exact strength required of an odor for it to forbid saying a brochah?"

Rav Chaim answered, "We do not find any clear measurement."

"If one passed gas can he learn before the odor is noticeable?" wondered this man.

"Yes," Rav Chaim replied.

שאלת רב, ע' קפ"א-קפ"ב

Halacha Highlight

Davening when there is a foul odor

Shulchan Aruch Siman 79 Seif 1

צריך להרחיק ארבע אמות ממקום שכלה הריח

One must distance himself four *amos* from the place that the smell dissipates

Shulchan Aruch (סע' א') writes that one must distance himself from human waste at least four *amos* from where the smell dissipates before he is permitted to read *shema*. Even someone who cannot smell the waste as a result of illness is required to distance himself four *amos* from the place where the smell dissipates. Mishnah Berurah (סי' פ"ה סק"ז) adds that even a person who is accustomed to the foul odor so that it no longer bothers him is required to distance himself from the place where the smell dissipates. Therefore, someone who works in a garbage dump, a tannery or slaughterhouse cannot use his own sense of smell to determine whether there is a foul odor that prevents him from *davening*. It is measured according to whether average people are distressed by the odor. On the other hand, someone who has a very strong sense of smell or someone who is very sensitive to foul odors must distance himself from the place that he detects or is bothered by the smell to where it no longer bothers him and he may not rely upon the sense of smell of the average person (ע' פסקי תשובות אות א' ושו"ת קרן לדוד סי' י"ז).

These *halachos* apply when there is a tangible source for the foul odor, e.g. human waste. In the event that there is an odor but there is no tangible source for that odor, e.g. the waste was removed but the smell lingers, or if someone passed gas, since the restriction against reading *shema* is only Rabbinic someone who does not smell is permitted to read *shema* (מ"ב ס"ק י"ט). Another option when there is no tangible source for the foul odor is to spray an air freshener in the air to neutralize the smell or even to hold one's nose so that he cannot smell the foul odor (ע' פסקי תשובות אות ב').