The Chicago Center
Digest
Mishna Berura
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סימן פ"ב סעיף א'-סימן פ"ג סעיף א'

Halacha Highlight

Bathroom walls

Shulchan Aruch Siman 83 Seif 1
אסור לקרות כנגד בית הכסא
It is prohibited to read facing a bathroom

Shulchan Aruch (סי' פ"ג סע' א') writes that one may not *daven* if one could see an old bathroom, even if the waste has been removed. He then suggests that this *halacha* is limited to when there are no walls surrounding the bathroom, but if there are walls around the bathroom it is permitted to *daven* as long as one cannot smell the waste. Mishnah Berurah (סק"ה) relates that according to Shulchan Aruch even if the walls are not ten *tefachim* tall one may *daven* facing the bathroom but all other authorities disagree with him. In the event that the walls are ten *tefachim* there are some authorities who agree with his position. Most other authorities disagree and maintain that one may not *daven* facing the wall that surrounds a bathroom. Their reasoning is that since the walls are meant to contain waste they are treated like waste and one must distance himself from those walls as one would distance himself from waste.

Mishnah Berurah (שם) adds that later authorities write that the stringency to consider the walls of a bathroom as one treats waste is limited to walls that were constructed for the sole purpose of surrounding a bathroom (e.g. a port-a-potty). If, however, the wall of one's house also serves as the wall of one's bathroom, it is not considered the wall of the bathroom for this purpose. *Poskim* write that nowadays the application of this *halacha* is limited and there is no hesitation to *daven* facing a wall that surrounds the bathroom in one's home. One reason is that the waste is flushed out of the room right away so it is unnecessary to distance one's self from the walls. Another reason is that the walls of our bathrooms do not become dirty so they are not the same as the walls discussed by the *Poskim*. An additional reason is that our walls are constructed from multiple layers of different materials so that the outside wall is not the same as the wall that one sees from inside the bathroom (ע' פסקי תשובות אות ב' הע' 5).

Stories to Share

Questionable Renovation

ש"ע סי' פ"ג, א': "אסור לקרות כנגד בית הכסא ישן אפילו פינו ממנו הצואה..."

A certain family grew large enough that their original premises became much too small. Although they were able to afford larger premises the only place available was an old bathhouse which required immense renovations. Since they had no choice, they took it and gutted many rooms, making a very cozy home of it. A few months after they moved in the homeowner realized that he may have a problem. After all, the place had been a bathhouse, so maybe it was still forbidden to make berachos or learn in his tidy home! And perhaps worse: much of the house was renovated from an old fashioned bathroom which had contained a lot of waste. Even if renovating a bathhouse is permitted, perhaps a bathroom was worse. After all, the Shulchan Aruch writes quite clearly that even removing the waste from a bathroom does not change its status; it is still forbidden like a lavatory even after it has been cleaned.

When these questions reached the Chessed L'Avraham, he ruled leniently in both instances. "The Panim Meiros permits one to learn or daven in a renovated bathhouse, and concludes his response with the words: 'Look and see what the normative practice is regarding this.' And the same is true when it comes to a renovated bathroom. If it has been wrecked and rebuilt there is no disgrace in saying a blessing or learning there."

חסד לאברהם

Overview

Siman 82 Seif 1:

Waste that is so dry that if one were to throw it it would crumble is treated like dirt and it is permitted to read *shema* in its presence as long as it does not produce a foul odor. Some say that it is not treated like dirt until it crumbles by simply rolling it without throwing it and this opinion is correct.

- The waste must crumble into small pieces and if it breaks into two or three pieces it has not dried sufficiently. (M.B. 1)
- If waste freezes one should be stringent and treat it as waste and *b'dieved* if one *davened* in its vicinity one should repeat *shema* and *shemone esrei* should be repeated as a voluntary *tefila*. (M.B. 1)
- Waste that is covered by snow is considered covered. (M.B. 1)

Siman 82 Seif 2:

One may not read *shema* in the presence of *mei raglayim* that became absorbed in the ground if it could wet one's hand. Some maintain that it must be moist enough that it could wet a surface to the degree that the second surface can make a third surface wet and this opinion may be relied upon.

- The same *halacha* is true of the *mei raglayim* becomes absorbed in a garment. (M.B. 2)
- Later authorities agree with Rema that *mei raglayim* poses an issue only when it is wet enough to moisten a surface to the degree that that surface could moisten a third surface. However, since it is in the ground it is sufficient to pour only a small amount of water on it to nullify it. (M.B. 4)

Siman 83 Seif 1:

It is prohibited to *daven* in front of an old bathroom even if it was cleaned of waste. It appears to me that this applies when there are no walls but if there are walls even if there is waste it is permitted to *daven* nearby without concerns as long as there is no foul odor.

- One may not read *shema* if a bathroom is in one's line vision or if it is within the four *amos* behind him and if there is a foul odor one must be four *amos* from where the smell dissipates. (M.B. 1)
- Since the prohibition is Biblical if one is uncertain whether the bathroom is old or new one must be stringent. (M.B. 2)
- If a foul odor emanates from the walled bathroom one must distance himself four *amos* from where the smell dissipates. (M.B. 5)
- Mechaber would permit *davening* in front of a bathroom even if the walls are not ten *tefachim* but all other authorities disagree with him. If the walls are ten *tefachim* there are some other authorities who agree but many still disagree. Therefore, one must pay attention that he is not facing a bathroom while in his courtyard. Similarly, when constructing one's *sukkah* one should make sure that the doorway does not face a bathroom. One must also avoid *davening* or discussing Torah in front of an open window that faces a bathroom. Closing one's eyes in these circumstances is effective. (M.B. 5)
- The stringency to treat the walls of a bathroom as one treats waste applies only if the wall was constructed to be exclusively the wall of a bathroom. If the wall of one's house also happens to be the wall of a bathroom this stringency does not apply. (M.B. 5)