The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן פ"ז סעיף ב'

Overview

Siman 87 Seif 2:

If a pot made from earthenware and wood is turned on its mouth, according to some it is permitted and according to others it is prohibited and *halacha* is in accordance with those who maintain that it is prohibited.

- If the pot is made of metal and is turned upside down it is permitted to read *shema* according to all opinions even if it is not fully rinsed. (M.B. 8)
- If one covered the pot but a foul odor emanates from it one must distance himself four *amos* from where the smell dissipates and if it is made of metal and was washed it is sufficient to distance one's self from where the smell dissipates. (M.B. 8)
- Shelah writes that one should have pots made from metal or glass. The pots should be kept clean and one should pour in a *revi'is* every time it is used. If it is clean and does not have a foul odor it is sufficient to clean it every *erev* Shabbos. (M.B. 8)

Siman 87 Seif 3:

It is permitted to read *shema* in a house that contains waste or *mei raglayim* or a pot used to collect waste as long as one distances himself according to the guidelines spelled out in *siman* 79. Similarly, if one covered it with another utensil it is permitted to *daven* even though it is in the same room since it is considered as though it is buried.

- If a bed ten *tefachim* tall has walls all around or if the legs are less than three *tefachim* and the pot is behind the bed it is permitted to read *shema* in front of the bed as long as one cannot see the pot. There is a disagreement whether the bed must run from wall to wall and Nishmas Adam concludes that if the question involves *mei raglayim* one may be lenient since the prohibition is only Rabbinic. (M.B. 9)
- Utensils that are part of the house, e.g. an oven, do not separate between a person and waste but utensils that are not a part of the house do form a separation. (M.B. 9)
- Even if there is some space between the utensil that is covering the waste or pot as long as it is within three *tefachim* of the ground it is sufficient. (M.B. 10)

Halacha Highlight

Covering a pot of waste

Shulchan Aruch Siman 87 Seif 3

וכן אם כפה עליהם כלי

And similarly, if one covered it with a utensil

Shulchan Aruch (סע' ג') writes in the name of Rambam that if one covers a pot of waste with another vessel it is is permitted to *daven* in its presence. Bais Yosef cites in the name of Ohel Moed that if one placed a pot designated for waste inside of another vessel it is permitted to *daven* nearby. Bais Yosef then comments that the rationale behind this ruling is very logical. Since it is not specified that the outer vessel must completely surround the pot the implication is that as long as the pot is placed in another vessel it is permitted to *daven* in that place. Shulchan Aruch (סע' ג') does not cite this ruling and only quotes Rambam's position that it is acceptable to cover the utensil. Levush (סע' ג') cites this ruling but adds that the outer vessel's walls must extend higher than the pot. Divrei Chamudos (ברכות פרק ג' אות קנ"ט) also wonders why Shulchan Aruch did not codify this ruling and suggests that perhaps Ohel Moed was referring to where one covered the pot with another vessel which is in essence Rambam's ruling as well. He notes, however, that Bais Yosef's presentation of this *halacha* does not seem to support this conclusion and it seems more reasonable that Shulchan Aruch rejected Ohel Moed's ruling.

Divrei Chamudos also addresses Levush's explanation that the walls of the outer utensil must extend above the pot and ruled that this would not be sufficient. What is necessary is for the walls of the outer utensil to be at least ten *tefachim* tall. From Biur Halacha's presentation of this issue (ד"ה וכן אם כפה וכו') it seems that he agrees with Lechem Chamudos that the walls of the outer utensil must be at least ten *tefachim* high.

Stories to Share

The Visitor's Question

"ישו"ע ס' פ"ז, ב': "מתר לקרות קריאת שמע בבית שיש בו צואה ומי רגלים או גרף..."

Little children tend to unknowingly generate interesting halachic questions. A certain man knew that it is forbidden to say a blessing or learn Torah in sight of a toilet. Since his well-appointed salon was adjacent to a small bathroom, he often found himself in a quandary. A child would use the bathroom and rush out, leaving the door wide open. This effectively prohibited berachos or speaking in learning until the door was closed. Although he tried to train the children to always close the door behind them they were small and often forgot.

Once when a friend was visiting it happened again. By the time the father noticed the open door, the young child was already outside with his friends. "Sorry to interrupt our conversation, but we are talking Torah and the open bathroom door is a problem. Just give me a minute and I will take care of it…" the father said, as he rose to close the door himself.

But the visitor disagreed. "Why do you think this is a problem? First of all, our bathrooms are better than those of old and may constitute a Persian bathroom when it is clean. If that is the case, we can even speak Torah in the bathroom. And even if this is not the case, the toilet is in another domain. Do you really think you need to bother closing the door each time if there is no odor?"

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled this is indeed a problem. "Firstly, we cannot say that today's bathrooms are the same as Persian lavatories in which no waste ever remained."

פסקי הלכות, ע' י"א

Rav Elyashiv then clarified the exact problem. "Although our bathrooms do not exude an odor for the most part, it is still problematic to make a blessing in view of the toilet. If it is visible, I lean towards being stringent, since the Rashbah holds that one may not make a blessing in front of a toilet and the like even if it is another domain.

מובא בש"ע, ס' ע"ט, סע' ב'

Nevertheless, if you close your eyes there is room for leniency. Some hold that even in front of excrement in a separate domain, one can be lenient if he closes his eyes.

מובא במ"ב שם, ס"ק י"ד

He concluded, "But this does not apply to a lavatory without a toilet or if the toilet is not visible from the door. One can definitely make a blessing or talk Torah if the door is open to this type of bathroom."

וזאת הברכה, ע' 151