The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קנ"א סעיף ז'-י'

Overview

Siman 151 Seif 7:

It is permitted to spit as long as one rubs it out with one's feet or if there is reed into which one can spit so it will not be visible.

- One may not spit during *shemone esrei* and one must also be cautious not to spit in the presence of a friend who will be disgusted by the spitting. Arizal was careful not to spit. (M.B. 24)

Siman 151 Seif 8:

If one has mud on his feet it is appropriate to wipe it off before entering to *daven*. It is also appropriate that one does not have on himself or his clothing any dirt.

Siman 151 Seif 9:

We treat them with respect to clean them, לכבדן and to sprinkle water to settle the dirt, ולרבצן and there is a custom to kindle lights to give honor.

- The candles should be lit before people arrive to *daven*. (M.B. 27)

Siman 151 Seif 10:

Even after it is destroyed it retains its sanctity and just as we treat it with respect while it stands so too it must be treated with respect after it is destroyed. If grass grows it is pulled out of the ground and left there to cause people distress so that when they see the grass they will become inspired and make an effort to rebuild it.

Stories to Share

A Question of Compensation

ש"ע, ס' קנ"א, י': "אפי' לאחר שחרבו עדיין הן בקדושתן..."

Today's amud discusses the halachos of the holiness of a shul.

It is hard to imagine the impossible conditions of the Holocaust. First, the Nazis ימ"ש would make decrees; next, they would isolate the Jewish community; finally, the communities were destroyed altogether.

After the war, many of the broken survivors returned home to try and rebuild their shattered lives. To their great sorrow and anger, all too often their undisputed assets that had been expropriated by others were not returned. Sometimes the Jews were targets for Nazi sympathizers. What better way to deal with a Jew's claim to property than to kill him? Even in more moderate states where much of the stolen properties were returned, there were often insurmountable difficulties. In one town, the magnificent shul had been turned into a public assembly hall. All efforts of the Jews to reclaim the shul were met with complete indifference. Finally, the few survivors were offered monetary compensation for the lost shul. But could they accept it? It is of course forbidden to sell a shul except in the most unusual circumstances, which in this instance did not exist. On the other hand, could they take the money anyway since they were not exactly selling the shul and they would not be permitted to take possession of it anyway?

This question was raised to the B'tzel Hachochmah, zt"l. He permitted the community to accept compensation for the stolen shul. "In Gittin 44, we find that although it is forbidden to sell property in Eretz Yisrael to a non-Jew, if the non-Jew stole a Jew's house and the Jew cannot recover it, the owner may accept payment for it. He can force the non-Jew to pay for it in civil courts since this merely recoups the Jew's loss.

"If one may take recompense from a non-Jew for a house he stole in Eretz Yisrael where there is an actual Torah prohibition to sell to him, clearly one may accept compensation in your case as well. In your case, selling a shul is only a rabbinic prohibition."

שו"ת בצל החכמה, חלק א' סימן כ"ט

Halacha Highlight

Spitting in the *Bais HaKnesses*

Shulchan Aruch Siman 151 Seif 7

יכול לרק בו

It is permitted to spit there

Shulchan Aruch (סע' ז') in the name of Gemara in Berachos (63a) rules that it is permitted for one to spit in a *Bais HaKnesses* or *Bais HaMidrash* as long as one rubs it out with his foot. Mishnah Berurah (ס"ק כ"ד) reports that Arizal was careful not to spit in a *Bais HaKnesses*. Sha'ar HaTzion (ס"ק ט"ו) asserts that Arizal's practice was an act of piety – מדת חסידות, but technically it is permitted since the Gemara equates the *Bais HaKnesses* to one's home and just like in one's home one is not particular so too in the *Bais HaKnesses* one is not required to be particular. This raises the question regarding those people who do not spit in their home. Seemingly, they are not permitted to spit in the *Bais HaKnesses* as well and Sha'ar HaTzion does not issue a final ruling about this matter. Mishnas Yosef (סי' כ"ו) rules that nowadays that the floors are tiled or carpeted and people do not spit on the floor of their home it is, in fact, prohibited for one to spit in a *Bais HaKnesses* nowadays.

Pri Megadim (א"א אות ט') suggests that the parallel the Gemara draws between one's home and a *Bais HaKnesses* refers to the allowance for guests to spit in one's home. Accordingly, the allowance to spit in the *Bais HaKnesses* is limited to spitting out of necessity, for example, it is distracting one from concentrating during *davening* but it does not permit spitting when it is not necessary. For this reason, Arizal avoided spitting in a *Bais HaKnesses* out of concern that it was not truly necessary for him to spit.

Poskim note that the *halacha* regarding spitting is a model for the type of attitude one must display towards a *Bais HaKnesses*. One example that is mentioned is that just like one is careful to clean his shoes if they are dirty before entering one's home, so too one must make sure to clean his shoes before he enters a *Bais HaKnesses* (פסקי תשובות אות ט"ז).