The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן רי"ז סעיף ד'-ח'

Overview

Siman 217 Seif 4:

Regarding spices of an ervah, for example, a box of spices worn around her neck or held in her hand or mouth, one does not recite a beracha since it is prohibited to smell it because it could lead to kissing or physical contact with her.

- Meaning that they are used by a woman who is an ervah to him. Although one could argue that if the woman is unmarried it is permitted, many authorities rule that one may not even smell the spices of an unmarried woman. Nowadays that unmarried women have the status of a niddah it is prohibited to smell her spices according to all opinions. Sha'arei Teshuvah and Birkei Yosef rule that one may not smell his wife's spices while she is a niddah. (M.B. 16)
- The spices she carries around her neck may not be smelled even if currently they are on the table. (M.B. 17)

Siman 217 Seif 5:

One does not recite the beracha on spices used for idolatry since it is prohibited to smell them.

- Meaning, they were burned for the sake of idolatry. (M.B. 18)

Siman 217 Seif 6:

One does not recite the beracha on spices used at a festive meal of idolaters since their festive meals are generally a celebration of their idolatry.

- If it is not from a festive meal it is permitted to smell them. (M.B. 21)

Siman 217 Seif 7:

If one was walking outside of a city and smelled spices and the majority of residents are idolaters one does not recite a beracha but if the majority of residents are Jews one does recite a beracha.

- If the percentage was 50/50 one recites the beracha. (M.B. 23)
- There is a disagreement whether it is necessary to have intent to smell the spices and most Poskim maintain that it is unnecessary. (M.B. 24)

Siman 217 Seif 8:

If a spice upon which one recites a beracha becomes intermingled with a spice upon which one does not recite a beracha the majority ingredient determines whether a beracha is recited.

Halacha Highlight

Nullifying a prohibited smell

Shulchan Aruch Siman 217 Seif 8

נתערב ריח שמברכין וכו'

If a permitted smell becomes intermingled etc.

Shulchan Aruch (סע' ח') addresses the case of permitted spices mixing together with prohibited spices. He rules that the majority ingredient will determine whether a beracha is recited. If the majority of the mixture warrants a beracha one recites the appropriate beracha but if not, one does not recite a beracha. Biur Halacha (ד"ה נתערב ריח) in the name of Sefer Shemen Rokeach asserts *that Rambam who is the source for this ruling refers to where the mixture also contains spices upon which one would not recite a beracha since it is not made for smelling, e.g. spices used for a corpse, and spices that are designated for smell. Regarding such a mixture, the halacha is that the majority ingredient will determine whether one recites a beracha. However, if the mixture is comprised of spices that belong to a Jew and spices used for idolatry one does not recite a beracha on the mixture, even if the idolatrous spices constitute only a small proportion of the mixture. The reason is that idolatrous items do not become nullified in a majority of other items and one does not recite a beracha on spices used for idolatry.

Biur Halacha then notes that seemingly this ruling is refuted by another ruling of Shulchan Aruch. Shulchan Aruch (סע' ז') teaches that one who walks outside of a city and smells spices recites a beracha if the majority of residents are Jews but does not recite a beracha if the majority of residents are idolaters. Seemingly in that case the halacha is determined by the majority. Biur Halacha explains that the use of the principle of majority in that case is fundamentally different than in our case. In the previous seif a beracha is recited not because the majority of the smell comes from Jews; rather since the majority of residents are Jews it is assumed that the entire smell emanates from the Jewish homes. As such one is not reciting the beracha on idolatrous spices. In our case there is a mixture that contains idolatrous spices which cannot be nullified and thus it is prohibited to recite a beracha.